

## **Enclosure 21.1 – Attachment: Appeals 2020 – How to Submit an Appeal Request**

### **Appeals 2020 – How to Submit an Appeal Request**

Further to the Deputy First Minister's direction to SQA on Tuesday 11 August and our email to centres of Friday 14 August confirming the new centre appeals process for 2020, we are now able to provide further details.

In line with this direction, SQA will award candidate results based on the estimates submitted by centres with the exception that upgrades awarded during SQA's moderation will remain.

As a result of this change in approach to awarding qualifications, and as advised by the Deputy First Minister in his statement to Parliament on 11 August, there is no longer the need for exactly the same appeals process that was planned to consider cases where awarded grades were lower than teacher estimates.

This means that SQA's plan to operate a Post Certification Review Process (appeals) as part of the Alternative Certification Model for 2020 has been replaced by a revised appeals process.

As stated on Friday, there are now three grounds upon which a centre can submit an appeal:

- 1 The Head of Centre believes that there has been an error within SQA's internal processes for reinstating the original centre estimate
- 2 The Head of Centre believes that there has been an administrative error within the centre leading to provision of estimate information to SQA which did not accurately reflect the centre's intention at the time of submission, and/or
- 3 The Head of Centre believes that there has been discrimination or other conduct contrary to the Equality Act 2010 identified within the centre relating to protected characteristics, leading to the provision of estimate information to SQA which does not accurately reflect the centre's view following investigation of the circumstances carried out by the centre.

We anticipate that these grounds will arise only exceptionally. It is only the Head of Centre, or their nominated representative, using their professional judgement and discretion, who can submit an appeal.

Ground 2 above does not permit an appeal where the centre seeks to revise the original estimate on the basis that it considers that its judgement as to the estimate in May was wrong.

Centres are asked to ensure the following in progressing an appeal:

- The request must be submitted using SQA's "request for consideration by exception" form.
- This form can be requested from, and submitted to, [appeals2020@sqa.org.uk](mailto:appeals2020@sqa.org.uk)
- The request must come from the head of centre, or their nominated representative, and include justification for the request.
- Candidate consent must be obtained by the centre before submitting a request.
- Correction of an administrative error made by the centre may result in a change of grade – up or down. Any downward grade change will be as requested by the centre.
- The centre must confirm that the new estimate or entry now sought can be supported by evidence held by the centre and can be provided if requested
- Centres are asked to submit priority requests for university or college admission as soon as possible and no later than **25 August**. Details of the conditional offer must be provided when making the request. Outcomes will be advised to UCAS by 4 September.
- All other requests must be submitted by **7 September**

## **The appeal process**

Following receipt of a completed *“request for consideration by exception” form*, the request will be considered by a panel of senior SQA officers, with the final outcome signed off by an SQA Director and centres will be notified of the outcome in writing. The outcome will be either that the appeal is unsuccessful for which SQA will provide reasoning or the appeal is successful and the estimate provided by the centre will be awarded.

In line with other appeals services operated by SQA, a centre can use the escalated appeals process if the centre believes that there has been a procedural irregularity when SQA has carried out this appeals process which has affected the outcome of the appeal. However, due to the tight timelines involved, it will not be possible to conclude escalated appeals ahead of the deadline for Universities and College Admissions System or Higher Education Institution deadlines for admission to courses for 2020–21.

Further information on the escalated appeal process will be published on SQA Connect in due course.

**Enclosure 22 – SQA results FM Q brief, 31 August 2020**

[Redacted – not in scope]

- The appeals process is a matter for the SQA.
- Where any pupils have issues with their grades, we would urge them to talk to their schools.

[Redacted – not in scope]

**As a result of the change in approach to awarding qualifications, there will no longer be the need for the appeals process that was planned for where grades had been adjusted.**

- The SQA has set out an updated process which will consider incidences of centre administrative error; possible discrimination; and SQA error in the process.
- Priority appeals will still be concluded by the UCAS 4 September deadline.
- The deadline for other appeal requests to be submitted to SQA is Monday 7 September.

[Redacted – not in scope]

**ANNEX B - SQA PUBLIC STATEMENTS**

The following public statements have been issued:

[Redacted – not in scope]

Fri 14 Aug	Update from SQA	Update on appeals process for 2020 following Ministerial Direction to SQA to provide an appeals process to centres.
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[Redacted – not in scope]

[Redacted – not in scope]

**Enclosure 23 – Email: RE: Letter to E&S committee**

**From:** [Redacted s38(1)(b)]@sqa.org.uk> **On Behalf Of** Fiona Robertson  
**Sent:** 01 September 2020 22:10  
**To:** [Redacted s38(1)(b)]@gov.scot>; Fiona Robertson <fiona.robertson@sqa.org.uk>;  
Director of Learning <DirectorofLearning@gov.scot>  
**Cc:** CEO Office <ceooffice@sqa.org.uk>; [Redacted s38(1)(b)]@gov.scot>; Director of  
Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>;  
[Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: Letter to E&S committee

With apologies [Redacted s38(1)(b)],

It has only issued late this evening. Please find our response attached.

Regards, [Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 01 September 2020 21:52  
**To:** Fiona Robertson <fiona.robertson@sqa.org.uk>; DirectorofLearning@gov.scot  
**Cc:** CEO Office <ceooffice@sqa.org.uk>; [Redacted s38(1)(b)]@gov.scot>;  
DirectorofAdvancedLearningandScience@gov.scot  
**Subject:** Letter to E&S committee  
**Importance:** High

Hi Fiona,

This morning, you said you would send me a copy of your letter to the Education and Skills Committee, ahead of Mr Lochhead's appearance tomorrow.

Can you please forward it asap?

Graeme – if you have it, can you send on?

Thanks,

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] | College Policy | Scottish Government | M: 07 [Redacted s38(1)(b)]

[Redacted s38(1)(b)]

**Enclosure 23.1 – Attachment: PDF**



1 September 2020

Clare Adamson MSP  
Convenor  
Education and Skills Committee  
Scottish Parliament

**SQA response to Education & Skills Committee letter of 20 August 2020**

Dear Ms Adamson

Thank you for your letter of Thursday 20 August requesting further information following SQA's appearance before the Committee on 12 August.

I will provide a response to each of the issues and related questions you raise in your letter.

**Revised appeals process**

SQA introduced a revised appeals process to comply with the Ministerial direction and this new process has been agreed with the Scottish Government. Your letter highlights the new grounds for appeals. This replaces the planned appeals process which would have involved a review of individual candidate evidence if the estimate had been moderated by SQA as part of the alternative certification approach. In keeping with the Ministerial direction – and the decision to accept teacher estimates – the revised appeal service does not include any review of candidate evidence and there is no further moderation of these academic judgements by SQA.

Schools and colleges were responsible for determining the estimates that were submitted and upon which grades have now been awarded, and so it is only the school or college that can request a change to that estimate. This aligns with our post results services every year. As in every year, we would of course encourage learners to speak to their school or college if they have a concern about the grades awarded.

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T: 0345 278 1000 F: 0345 213 5000  
E: [customers@sqa.org.uk](mailto:customers@sqa.org.uk) W: [www.sqa.org.uk](http://www.sqa.org.uk)

Lowden, 24 Wester Shawfair, Dalkeith, EH22 1FD  
Registered Office: 24 Wester Shawfair, Dalkeith, EH22 1FD

Chair: David Middleton CBE  
Chief Executive: Fiona Rybentson

01 September 2020

Considering exceptional circumstances, such as illness or family bereavement, forms part of the normal awarding process every year. This year was no different. On page 5 of our [Information on Producing Estimates](#) document, we were clear that circumstances such as these that could have affected learner performance during the course of the year, in for example a prelim exam, should be taken into account by teachers and lecturers as part of the estimating process.

In terms of communications, an overview of the grounds for appeal was published on our website and issued to schools, colleges, and stakeholders, including those stakeholders representing young people and their parents/carers, on Friday 14 August. Further guidance on how to submit a request, timelines and the appeals process were sent to schools and colleges on Tuesday 18 August and communicated on our website on Wednesday 19 August, along with frequently asked questions aimed at schools, colleges, learners and parents/carers. We have also shared the information across our social media channels.

#### **Communication**

You have expressed concerns about communication. As I highlighted to the Committee on 1 May, the scale and complexity of the changes required this year, were simply unprecedented. As an organisation, we have worked very hard to provide as much information and support to the system, and across the breadth of our activities, as quickly and effectively as possible.

The focus of attention by the Committee has been on National Qualifications at National 5, Higher and Advanced Higher. However, it is important to highlight that our communications and engagement have also been delivering information and support to our audiences on the full range of SQA qualifications and services – from National 2, National 3 and National 4 courses, National Certificates, National Progression Awards, Skills for Work courses, Awards, free-standing units at a range of SCQF levels, Higher National Certificates, Higher National Diplomas, Professional Development Awards, Foundation Apprenticeships – that are offered across a wide range of subjects in schools, colleges, employers and training providers in Scotland and beyond.

Appendix 1 to this letter provides an overview of all the announcements we have made on our website and communicated directly to schools, colleges, and stakeholders, since the beginning of March. We have issued 31 separate communications and 22 newsletters during Awarding 2020. I think this represents a significant volume of communications activity.

These messages have been broadcast through our social media channels, supported by interactive and informative content, such as digital frequently asked questions and a chatbot, that was used 20,000 times over the week of results, and were directed at learners, to provide information and drive traffic to our website. These have been widely shared by schools, colleges, and stakeholders, including national bodies representing parents, carers, and young people.

01 September 2020

Since the beginning of March through to 31 August, activity on SQA's Facebook page, and MySQA Facebook page has generated some 333,000 impressions, which have been seen by over 131,000 people, with over 26,000 users reacting to content on our page. Our Twitter activity through @SQAnews, and @MySQA-sam has reached 7.2 million users. Our website has also seen increased activity, with over 1.5 million pageviews of Covid-19 content. For schools and colleges, our dedicated teacher and lecturer webpages, available since March, have information, support, and frequently asked questions. We have also provided resources that were ready for schools and colleges to use in communications to their parents, carers, and learners, as well as graphics to use on their social media channels.

In the context of National Qualifications, schools and colleges work with SQA staff hand in hand on a daily basis throughout the year. We have also updated and engaged with school and college management, local authorities, and representative bodies and professional associations.

Since March, our Liaison Team who engage directly with schools and colleges has been available for dialogue with schools, colleges and local authorities and have handled more than 1,000 enquiries about the implications of the alternative arrangements.

For learners and their parents/carers, we have provided support and resources on our dedicated learner and parent and carer web pages since March. We have worked, and continue to work and engage, with national bodies, such as the National Parent Forum of Scotland, Connect, Young Scot, the Scottish Youth Parliament, the Children and Young People's Commissioner Scotland, and the Scottish Government's parental engagement network, to share information on what is happening and when, as well as ensure our messaging is clear for them.

Two young people have joined and participate in our Qualifications Committee, which gives technical, strategic and policy advice regarding our qualifications to our Board. We have taken part in online question and answer panels with UCAS, Colleges Scotland, Developing the Young Workforce and Connect. We have recorded question and answers for Young Scot to use through their social media channels. We have liaised with the National Parent Forum of Scotland to ensure they had accurate answers to the questions they were being asked. We worked with Capital Scotland FM to record a podcast addressing many of the questions regularly asked by learners about results and next steps, including appeals.

We will, of course, continue to keep the effectiveness of communications and engagement under close review. We regularly seek feedback from our customers – the schools, colleges, employers, and training providers that deliver our qualifications – on what they think of our products and services, and we use the insight to help us make improvements. There is always room for improvement, but I hope the Committee can see the considerable work that was done. We are considering further work to seek feedback on 2020, including from learners, to improve our communications offer. I am happy to keep the Committee updated on this work.

01 September 2020

#### Appeals (post-certification review) Service

You ask specifically about communications in relation to our post-certification review process. We announced that we would offer a free appeals process on 19 March, to ensure that results could be questioned. Since then, we have communicated regularly with schools, colleges, young people, parents/carers, and their representative organisations across a variety of channels. We have clearly and repeatedly communicated that the Alternative Certification Model had four steps and that the fourth step was the free appeals service.

On 4 August, posts about appeals generated over 260,000 impressions on Twitter, and we had over 23,000 views of the appeals webpage. I also provided details of our appeals process as part of media interviews and communications on Results Day, as did Ministers. As I said to the Committee on 12 August, there was significant misreporting of our ability to handle the significant volume of appeals, following a press release issued by the Scottish Labour Party on Friday 7 August. I understand that we were not contacted in advance to check the facts, but we did issue a clarification to media outlets.

We were prepared for appeal requests and were committed to processing all appeals very quickly, giving priority, as in any other year, to those with conditional offers for college or university.

#### **2021 Exam Diet**

We are working hard to ensure there are appropriate arrangements in place for this session and we have been guided by The Strategic Framework 'Excellence and Equity during the COVID-19 Pandemic' published by the Scottish Government in May, drawing on advice from the COVID-19 Education Recovery Group chaired by the Deputy First Minister. I am also a member of this Group. Planning for Diet 2021 is underway, supported by a range of contingencies given the uncertainties of the year ahead due to COVID-19.

We have consulted on modifications to course assessment and changes to exam timetabling. The principles agreed to support any modifications, and in some cases, enhanced guidance to National 5, Higher and Advanced Higher course assessments, were:

- the delivery and assessment of subjects that are constrained by current social distancing measures, for example, in practical and performance-based components;
- increased learning and teaching opportunities, where possible; and
- a more flexible approach to assessment for learners, whilst retaining the validity of the qualifications.

We have also taken feedback from SQA's Advisory Council that includes a wide range of stakeholders including teachers, lecturers, headteachers, college principals, local authorities, professional associations, employer representatives, and parents/carers.

01 September 2020

We thank everyone who responded to these consultations. In total, we received a very significant volume of responses - over 23,000 - from learners, parents, carers, teachers, lecturers, and stakeholders - including professional associations. A full analysis of responses is being progressed with pace. We fully appreciate that teachers and lecturers are seeking clarity now that the new session has started.

I will now answer your detailed questions on 2021, as far as that is possible at this stage.

***Why was the consultation of contingency models for the timing of the diet sent only to the Examination Timetable Advisory Group, rather than opened up to all candidates, parents/carers and teachers as was the case with the other consultation launched on the same date?***

***The SQA says it will consult with SQA appointees who are involved in examining and marking procedures and young people on the timing of the diet. How will this consultation be carried out, and how will the SQA ensure that this consultation is with a representative sample of young people?***

We have an established Examination Timetable Advisory Group that we work with every year to consult on the timetable. The group is made up of a range of stakeholders, including representatives from schools, colleges, teaching unions, local authorities, and parent groups. This group has the required technical timetabling knowledge to advise us on the practicability of the timetable contingencies.

A separate survey was issued to our appointees who undertake marking of National Qualifications, to understand if they would be prepared to mark if exams were moved later in the year.

We have met with young people and their representative organisations, Young Scot, the Scottish Youth Parliament and the Children and Young People's Commissioner Scotland, to talk through and discuss the proposals. They welcomed the opportunity to hear information directly from us and shared their views on the consultations. As a result, we will be extending our learner engagement over the coming weeks and months and will include them in future exam timetable consultations.

***What contingency models have been proposed, and what are the timescales for putting these contingency models in place should they be needed?***

There are several different contingency models being investigated, including those suggested by some national organisations:

- At an individual subject level (for example, modifications to specific subject assessment).
- The timing of all exams and deadlines for coursework submissions in the 2020-21 session.
- Changes to existing processes and procedures (for example our Exceptional Circumstances service).
- Changes in the approach to assessment of level(s) of qualifications.

01 September 2020

***What, if any, alternative approaches towards assessing pupils' grades has the SQA considered?***

As I have summarised above, we have consulted on detailed modifications to course assessment and have received a very significant volume of responses. We are currently working through the analysis of these responses and will publish the outcomes as quickly as possible.

***What contingency plans will be in place for subjects where teaching cannot be delivered in the usual way, or where social/physical distancing would impact classes?***

***What further details of considerations for subjects whose delivery and assessment may be constrained by current social/physical distancing can you provide?***

We have proposed a range of modifications to the assessment of subjects where teaching and assessment may be constrained by current social/physical distancing. All the consultation responses we have received are helping us to make appropriate amendments to these proposed modifications in this very challenging year.

***To what degree will the proposals support certification if there were significant disruptions due to national or local lockdowns?***

We are considering how the contingencies, outlined above, will work in a range of circumstances, such as:

- **Full national lockdown** – this would necessitate an alternative model of certification.
- **Local lockdowns impacting on schools and colleges** – happening at a range of different times throughout the academic year and throughout the country requiring SQA to offer and agree extensions to coursework deadlines or alternative certification arrangements.
- **Individual learner issues leading to disruption up to or on the day of an exam** – for such learners, alternative evidence is provided by their school or college and grades are awarded through SQA's established exceptional circumstances consideration service in time for results day in August.

***What scenario planning is the SQA undertaking to, if necessary, deliver alternatives to a traditional 2021 exam diet, and what are the timescales for consulting on these plans, finalising these plans, and thereafter ensuring these plans are effectively communicated to schools, teachers and learners?***

We are undertaking detailed scenario planning based on the contingencies that I outlined above. However, they cannot be fully developed and implemented in isolation and we are discussing these further with the Scottish Government and with stakeholders.

Scottish Ministers will make decisions on the Exam Diet. Professor Priestley's review has been asked to consider arrangements for 2021 in the absence of an exam diet and we are fully co-operating with this review.

01 September 2020

*If there is a need to estimate grades next year, how does the SQA plan to address the equalities issues which clearly emerged in the initial set of results communicated to learners this year?*

*Will the SQA commit to undertaking an Equalities Impact Assessment at an early juncture which will allow the wider learning community to highlight any concerns?*

I highlighted the outcomes of the Equalities Impact Assessment to the Committee on 12 August and have previously outlined in correspondence our approach to this work.

SQA remains committed to ensuring we meet our obligations to the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. This will of course include, where appropriate, completion of an Equalities Impact Assessment and Child Rights and Wellbeing Impact Assessment.

#### **Further questions**

A timeline of our awarding decisions and related meetings is outlined in Appendix 2.

Minutes of SQA's Board of Management meetings during this time have been [published](#). Further information on the steps of the awarding process can also be found on pages 47 and 48 of the [National Qualifications 2020 Awarding - Methodology Report](#), published on 4 August.

SQA had regular ongoing discussions with the Scottish Government on alternative certification for 2020 and the Deputy First Minister received oral updates on the process.

#### **Equalities and Human Rights Commission**

We have been in discussions with the Equality and Human Rights Commission (EHRC) since the beginning of April, concerning the development of the Alternative Certification Model that we had been commissioned to deliver by the Scottish Government, following the cancellation of the 2020 exams. The discussions related to our work on the Equality Impact Assessment (EQIA) of the model, and the importance of ensuring we considered the needs and disadvantages facing people with different protected characteristics.

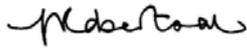
We took on board advice from the EHRC during this work and they have not highlighted any issues with the EQIA that we published on 4 August, as demonstrated in their recent [submission to the Committee](#). They have since asked for some points of clarification following the Ministerial direction on 11 August, to which we are currently responding.

01 September 2020

I hope this provides helpful clarification on the additional issues you have raised, and we will continue to keep you updated on developments, as the 2020-21 session unfolds.

Please be assured that everyone at SQA continues to work extremely hard, in challenging circumstances, to deliver for learners.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Fiona Robertson', written in a cursive style.

Fiona Robertson  
SQA Chief Executive and Scotland's Chief Examining Officer

## Enclosure 23.2 – Attachment: PDF



### March 2020

**1**

**Announcements**

- 1st – coronavirus confirmed in Scotland
- 3rd – SQA's first public statement
- 12th – SQA's second statement advising that SQA is working through a range of scenarios
- 18th – Scot Gov / SQA statement issued following National Qualifications Contingency Group
- 19th – DfM announces schools to close from 23 March and 2020 exams are cancelled
- 19th – SQA releases statement following cancellation of 2020 exams
- 22nd – First Minister says young people should not attend school to complete coursework
- 24th – SQA unable to uplift Higher, Advanced Higher and some National 5 coursework
- 26th – arrangements for college-based qualifications

**Direct Communications**

- 18th – Scottish Government and SQA joint statement on the Coronavirus, and impact on August 2020 certification
- 19th – Statement by the Chief Executive of the Scottish Qualifications Authority and Scotland's Chief Examining Officer
- 20th – NQ 2020 update
- 24th – NQ 2020 coursework update
- 25th – NQ 2020 update for Employers and Training Providers
- 26th – SQA News - weekly newsletter
- 31st – SQA Co-ordinator - monthly update

### April 2020

**2**

**Announcements**

- 2nd – SQA announces estimate model and unable to consider any National 5 coursework
- 3rd – second joint statement with Colleges Scotland on further detail for certifying HND, HNCs
- 20th – SQA issues detailed guidance for teachers on estimate model and outline timeline for further guidance
- 27th – SQA launches online course supporting teachers/lecturers with estimates

**Direct Communications**

- 2nd – NQ 2020 quality assurance and certification update
- 2nd – SQA News - weekly newsletter - Quality assurance
- 8th – Advanced Higher Music Technology update
- 9th – SQA News - weekly newsletter - Keep informed; Entry data; Visiting Assessment; Your Questions Answered; Support
- 16th – SQA News - weekly newsletter - Estimates, Young Carers, Parents & Carers information
- 23rd – SQA News - weekly newsletter - NQ update; Estimate support & Certificates
- 27th – New online course on how to determine estimate grades
- 30th – SQA News - weekly newsletter: MySQA & Learner information
- 30th – SQA Co-ordinator - monthly update: 2020 Key Dates; Estimates & Entry information

### May 2020

**3**

**Announcements**

- 1st – Opening Statement from SQA Chief Executive to Scottish Parliament Education and Skills Committee
- 13th – Qualifications 2020 - Message to College Heads of Centre, and SQA Co-ordinators
- 21st – SQA Coronavirus Update – SQA response to Scottish Parliament Education and Skills Committee
- 22nd – Joint statement from SQA and Skills Development Scotland on Foundation Apprenticeships

**Direct Communications**

- 4th – Release of historical estimate and results data to schools, colleges and local authorities
- 6th – Update on arrangements for non-National Qualification certificates
- 7th – SQA News - weekly newsletter: Estimates & Unit results information
- 11th – 2020 Refined Estimate Submission service available for schools and colleges
- 14th – SQA News - weekly newsletter: Key Dates; Estimates; Unit results & Research
- 21st – SQA News - weekly newsletter: Estimates; Partnership arrangements for learners
- 25th – 2020 Refined Estimate deadline information
- 28th – SQA News - weekly newsletter: Estimates; Internal assessment & Unit results update
- 29th – SQA Co-ordinator - monthly update: 2020 Key Dates; Estimates & Unit results

June 2020

#### Announcements

- 1st – Awarding 2020 – Thank you from Fiona Robertson
- 3rd – National Qualifications 2020 Awarding - an update for schools and colleges
- 12th – Joint statement from Colleges Scotland, SQA, Skills Development Scotland and Universities Scotland on Foundation Apprenticeships
- 19th – Awarding 2020 - Post-Certification Review (Appeals) Service - Information for centres
- 26th – SQA qualifications 2021 – a message for SQA centres
- 30th – SQA response to Scottish Parliament Education & Skills Committee letter of 15 June 2020

#### Direct Communications

- 1st – Refined estimates message from the Chief Executive
- 3rd – Awarding 2020 message from the Chief Executive
- 4th – SQA News - weekly newsletter: Awarding 2020; Estimates; Entries; Unit results
- 5th – Unit results 2019-20 information to centres
- 11th – SQA News - weekly newsletter: Group awards & Unit results information
- 18th – SQA News - weekly newsletter: Appeals (post-certification review) information
- 19th – 2020 Awarding update to schools and colleges from Operations Director
- 22nd – SQA Co-ordinator - monthly update : 2020 Awarding & NQ Approval 2020-21
- 25th – SQA News - weekly newsletter: Appeals (post-certification review) process & dates
- 30th – Release of Appointees - message from Director of Operations

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July 2020

#### Direct Communications

- 9th – System availability in July and August 2020 - message to centres
- 9th – 2020 Post-certification review (appeals) process: reminder for colleges
- 21st – SQA 2020 Awarding – school estimates message for local authorities
- 23rd – message to schools and colleges: candidate results issued to them under strict embargo on 30 July
- 28th – 2020 Awarding update – message from Director of Operations regarding appeals (post-certification review) process
- 30th – Embargoed reports for 2020 National Courses and Awards: message for schools, colleges and local authorities
- 30th – SQA News - weekly newsletter: Appeals (post-certification review); Media toolkit process & dates

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August 2020

#### Announcements

- 4th – Scottish Qualifications Authority publishes 2020 Attainment Statistics
- 4th – SQA go digital to congratulate care-experienced candidates' results
- 11th – Statement by the Chief Executive of the Scottish Qualifications Authority and Scotland's Chief Examining Officer
- 14th – Update on appeals process for 2020
- 14th – Arrangements for 2020-21 National 5 to Advanced Higher courses – joint statement from Scottish Government and SQA

#### Direct Communications

- 4th – Results approach message to Local Authorities from Chief Executive
- 7th – SQA News - weekly newsletter: 2020 Results & Appeals (post-certification review)
- 13th – SQA News - weekly newsletter: 2020 Results reminder
- 14th – SG and SQA joint announcement on the arrangements for National 5, Higher and Advanced Higher in session 2020-21
- 14th – Update on appeals (post-certification review) process information
- 18th – 2020 Appeals (post-certification review) information on how to submit a review
- 19th – NQ 2020 - confirmation of result reports issued to schools & colleges
- 19th – NQ 2020 - confirmation of result reports issued to Local Authorities
- 20th – SQA News - weekly newsletter: 2020 Appeals
- 31st – Revised Attainment Statistics published

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**Enclosure 23.3 – Attachment: PDF**

**Appendix 2 – SOA NQ 2020 Awarding Decision Timeline**

Date	Topic or Meeting	Decision or activity summary
17 March 2020	Qualifications Contingency Group meeting, chaired by Scottish Government	<a href="#">Minutes available</a>
18 March 2020	Deputy First Minister commissioned SOA to develop an alternative certification model	The Deputy First Minister commissioned SOA to develop an alternative certification model to maintain standards, in the absence of the exam diet.
19 March 2020	SOA accepted the commission to develop an alternative certification model	SOA's Chief Executive wrote to the Deputy First Minister to accept the commission.
27 March 2020	Qualifications Contingency Group meeting, chaired by Scottish Government	<a href="#">Minutes available</a>
2 April 2020	Marking of National 5 Coursework	The Board agreed that SOA should not proceed with marking the National 5 Coursework materials received to date.
2 April 2020	Estimates approach	The Board agreed to use an extended estimate scale and rank order by grade.
7 April 2020	Qualifications Contingency Group meeting, chaired by Scottish Government	<a href="#">Minutes available</a>
9 April 2020	ACM Assurance approach	The Board endorsed the three lines of defence approach to assurance of the ACM.
16 April 2020	Estimates guidance	The Board agreed the guidance was clear, concise and practicable.
22 April 2020	Qualifications Contingency Group meeting, chaired by Scottish Government	<a href="#">Minutes available</a>
14 May 2020	Alternative Certification Model	The Board endorsed the three-stage approach to the ACM. (Note: this was approved by the SOA Qualifications Committee on 6 May 2020.)
14 May 2020	Post Certification Review service	The Board approved the policy approach for the new Post Certification Review service for 2020. (Note: this was approved by the SOA Qualifications Committee on 6 May 2020.)
14 May 2020	Publication of Post Certification Review process	The Board agreed to publication of the Post Certification Review process after the deadline for estimates.

29 May 2020	Qualifications Contingency Group meeting, chaired by Scottish Government	Minutes not yet published.
11 June 2020	Moderation	The Board endorsed the seven key decision points in the moderation and validation process.
11 June 2020	Moderation / Dialogue	The Board agreed that it was not possible to include dialogue with centres as part of our moderation process.
11 June 2020	SOA staff meeting with Deputy First Minister	SOA staff provided the Deputy First Minister and an official with an overview of the awarding model for 2020. The oral updates covered: Higher National and Vocational Qualifications; National 5, Higher and Advanced Higher estimates; awarding; results and certification; post-certification review (appeals); communications; and business systems. This was a general discussion about preparations being made by SOA in relation to developing new processes.
9 July 2020	Delivery of ACM	The Board received a detailed presentation on current position of the ACM including the final outcomes of moderation, and work on completion of the 7 key decisions points. The Board was content that SOA had delivered an ACM that ensured learners' work had been rightly and fairly recognised.
29 July 2020	Attainment Statistics	SOA issued the Attainment Statistics to the Scottish Government, in line with pre-release arrangements.
30 July 2020	Methodology Report	The Board approved the SOA National Qualifications 2020 Awarding – Methodology Report.
30 July 2020	EQIA	The Board considered and duly noted the draft EQIA that provided assurance on compliance with legal obligations. The final report was published on Results Day, 4 August 2020.
30 July 2020	CRIA	The Board considered and duly noted the draft Child Rights and Wellbeing Impact Assessment and that SOA had fulfilled their obligations. The final report was published on Results Day, 4 August 2020.
30 July 2020	Deputy First Minister results briefing	Verbal briefing on results, including moderation, given to Deputy First Minister by SOA's Chief Executive.
3 August 2020	EQIA and CRIA	SOA's Chief Executive issued the EQIA and CRIA to the Scottish Government
4 August 2020	Methodology Report	SOA writes to the Deputy First Minister, with the full Methodology Report
4 August 2020	Results Day	SOA publishes Results, with supporting documentation.

**Enclosure 24 – Email: RE: Urgent - CYPCS and SQA Appeals Process**

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 02 September 2020 17:27  
**To:** Jean Blair <Jean.Blair@sqa.org.uk>; [Redacted s38(1)(b)]@educationscotland.gov.scot>; [Redacted s38(1)(b)]@sqa.org.uk>; Fiona Robertson <fiona.robertson@sqa.org.uk>; Michael Baxter <Michael.Baxter@sqa.org.uk>  
**Cc:** Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Subject:** RE: Urgent - CYPCS and SQA Appeals Process

Thanks for setting out your position Jean.

If any more issues come up I'll get back in touch.

[Redacted s38(1)(b)]

**From:** Jean Blair <Jean.Blair@sqa.org.uk>  
**Sent:** 02 September 2020 16:29  
**To:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@educationscotland.gov.scot>; [Redacted s38(1)(b)]@sqa.org.uk>; Fiona Robertson <fiona.robertson@sqa.org.uk>; Michael Baxter <Michael.Baxter@sqa.org.uk>  
**Cc:** Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Subject:** RE: Urgent - CYPCS and SQA Appeals Process

Good afternoon [Redacted s38(1)(b)],

The revised appeals process was approved by Ministers and communicated to centres on 14 August. This has been discussed with you and we agreed that administrative error would not include errors of academic judgement. Any proposal to broaden administrative error to include "evidence not considered" would increase the risk of appeals becoming more general in nature, raises questions about authenticity, undermines the academic judgements of teachers, and could result in more appeals.

Furthermore, as I have advised the deadline for priority requests closed on 25 August. To now change the grounds of appeals after this published deadline date appears unfair to other centres and learners who have not submitted appeals and have worked within the grounds of appeal. The communication also provided clarity about academic judgement not being included as a ground for appeal and supported teachers in exercising their professional judgement as we were asked to do. Awarding in 2020 has been made using teachers' estimates.

If you continue to have questions about the appeals process, perhaps we could discuss further.

Regards

Jean

**Jean Blair**  
Director of Operations

**t:** [Redacted s38(1)(b)] | **e:** jean.blair@sqa.org.uk | **w:** <http://www.sqa.org.uk>  
Scottish Qualifications Authority  
24 Wester Shawfair, Lowden, Dalkeith, Midlothian EH22 1FD

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 02 September 2020 14:57  
**To:** Jean Blair <Jean.Blair@sqa.org.uk>; [Redacted s38(1)(b)]@educationscotland.gov.scot;  
[Redacted s38(1)(b)]@sqa.org.uk; Fiona Robertson <fiona.robertson@sqa.org.uk>;  
Michael Baxter <Michael.Baxter@sqa.org.uk>  
**Cc:** DirectorofLearning@gov.scot; Malcolm.Pentland@gov.scot  
**Subject:** RE: Urgent - CYPCS and SQA Appeals Process

Thanks for your response Jean

This issue also came up at FMQ's and subsequently Daniel Johnson has written to the FM about it and we're working on a response to that which we'll look to share with you. We've now also had the letter from the CYPC, which I've attached. There has also been a second letter from the SQA Your Say group specifically on the third case below.

On the three scenarios set out below that's good that we're in agreement on the first and third ones, but if possible I'd explore the second one a little further (and so have moved it up here).

Evidence not considered would equally be considered an administrative error. **This is not the case. It was a matter for schools and colleges to ensure that their judgements were based on available evidence to infer attainment. Evidence not considered is not an administrative error and revisiting evidence would open up the academic judgement of the centre. The Ministerial Direction was clear, there will be no external quality assurance, involving review of candidate evidence by SQA subject specialists, of the internally devised estimates provided by centres to SQA. Administrative errors include data input errors, such as transposition errors between learners, incorrect transfer of data, wrong addition of marks, and missing and withdrawn entries.**

I appreciate the point you are making and the consistency of that with the discussions which took place with the DFM as an approach to the appeals process was agreed. However, what the CYPC shared with me were cases where there appears to have been some internal issues at some schools with regards to evidence considered. I appreciate the potential impact of reopening academic judgement, and I was very open with the CYPC about the potential scale of appeals this may lead to, but there does appear to be a risk that some schools for some learners may have made some form of error, are willing to be open about it and seek resolution, but that error may not fall into the acceptable criteria for an appeal. Under those circumstances (which hopefully would be small in number) there is a difficult situation where an error has been accepted, but there is no ability to correct for it. In these instances you can see why the CYPC is concerned as the learner is paying a price for an error by the school and has no right to appeal. Is there any way that such a situation could be incorporated into an administrative error process? If a reasonably high bar was set such that there had to be clear evidence that a significant piece of evidence produced before schools had closed had in error not been considered when an estimate was being made then where the school feels the inclusion of that evidence would have the effect of changing a grade then this could be considered? The consideration wouldn't be one of academic judgement by the SQA, it would be judging whether there was a genuine case and as such

whether the updated grade could be accepted or not. Or would it be your view that this would be unworkable?

Whilst we believe the process has been consistent with UNCRs as you have noted there was engagement with the SYP and Young Scot, the CYPC has doubts that it is consistent as individual children and YP do not have the right of appeal, nor do they have a choice over their grades as learners in England do (and the option to sit an autumn exam). As above we're all content that we can point to administrative error for some cases and so an appeal could proceed, the question is whether that can be potentially stretched a little further to cover the other cases.

I'd be happy to talk any of this through if that would be more helpful.

Thanks

[Redacted s38(1)(b)]

**From:** Jean Blair <Jean.Blair@sqa.org.uk>  
**Sent:** 02 September 2020 14:05  
**To:** [Redacted s38(1)(b)]@educationscotland.gov.scot>; [Redacted s38(1)(b)]@sqa.org.uk>; Fiona Robertson <fiona.robertson@sqa.org.uk>; Michael Baxter <Michael.Baxter@sqa.org.uk>  
**Cc:** Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: Urgent - CYPCS and SQA Appeals Process

Good afternoon [Redacted s38(1)(b)],

Please see points below in response to your email.

Thanks

Jean

**Jean Blair**  
Director of Operations

**t:** [Redacted s38(1)(b)] | **e:** jean.blair@sqa.org.uk | **w:** <http://www.sqa.org.uk>  
Scottish Qualifications Authority  
24 Wester Shawfair, Lowden, Dalkeith, Midlothian EH22 1FD

**From:** [Redacted s38(1)(b)]@educationscotland.gov.scot>  
**Sent:** 02 September 2020 12:28  
**To:** [Redacted s38(1)(b)]@sqa.org.uk>; Fiona Robertson <fiona.robertson@sqa.org.uk>; Michael Baxter <Michael.Baxter@sqa.org.uk>; Jean Blair <Jean.Blair@sqa.org.uk>  
**Cc:** DirectorofLearning@gov.scot; Malcolm.Pentland@gov.scot; [Redacted s38(1)(b)]@gov.scot  
**Subject:** Urgent - CYPCS and SQA Appeals Process

SQA colleagues

You may be aware of ongoing communications between Scottish Government and a group of pupils called SQA Have Your Say who are supported by the Children and Young People's Commissioner and Dr Tracy Kirk of Glasgow Caledonian University. They are attracting some media interest. We are also receiving a substantial level of correspondence on the topic of disputed grade estimates and the impact on the young person.

The group met with DFM 10 days ago and have now written to the First Minister. [Redacted s38(1)(b)] has been in touch with CYPCS this morning, who think that the current SQA appeals process is not compliant with the UNCRC which Scottish Government announced this morning will be incorporated into domestic law.

The group/CYPCS's points are:

During the Daily Briefing on Wednesday 5th August you said that where students felt they had been disadvantaged by the SQA due to personal circumstances, they could appeal. However, the grounds of appeal do not allow for this and the current guidance prevents appeals on this basis... We have the support of CYPCS and we would ask that you make the following urgent change to ensure those students who feel left behind know that you and the Scottish Government keep promises made to young people.

Our suggestion is that young people should have a right to appeal (where the centre declines to submit one) where:

1. Evidence is available that did not form part of the centre's assessment (for example returned coursework, or failure to take account of exceptional personal circumstance)
2. There is evidence that the centre's estimated grade was a downgrade from previous attainment and/or teacher's estimate to UCAS in support of the young person's personal statement

We have lots of examples of universities keeping places open until the end of this week in the hope that the SQA will relook at the grading of students. The universities are asking for these reviews as teacher estimates are lower than UCAS predictions - also completed by teachers.

... we ask that you consider the long term impact upon these students and ask the SQA to make this change so the Scottish Government has done all it can to uphold children's rights. While we know that not all young people will be helped by the above additions to the SQA appeals process, it will be children's rights compliant and consistent with the promise you made and we cannot ask more than that. We appreciate that the Priestly review will help going forward but unfortunately it will be too late for these students.

We are also expecting a letter from CYPCS requesting an urgent Direction is given to SQA to rectify the remaining gap in this year's system to ensure compliance with the UNCRC.

It has been our understanding that the points/requests above were already addressed by the latest appeals process, in that:

Personal circumstances should already have been considered by the school in making the estimates and if they were not, there are grounds for an appeal under administrative error, or discrimination if relevant. **Agree, this is the case. Please note the deadline for priority appeals was 25 August.**

Evidence not considered would equally be considered an administrative error. **This is not the case. It was a matter for schools and colleges to ensure that their judgements were based on available evidence to infer attainment. Evidence not considered is not an administrative error and revisiting evidence would open up the academic judgement of the centre. The Ministerial Direction was clear, there will be no external quality assurance, involving review of candidate evidence by SQA subject specialists, of the internally devised estimates provided by centres to SQA. Administrative errors include data input errors, such**

as transposition errors between learners, incorrect transfer of data, wrong addition of marks, and missing and withdrawn entries.

Discrepancies in UCAS predictions compared to the final award estimates are an issue for the school who will be aware of the reasons for any changes. **Agreed, this is a matter for the school or college.**

We are urgently preparing advice for DFM and would appreciate your reflections on these points, not least our interpretation of the current appeals guidance.

If a call would be easier I am happy to arrange.

Best regards,

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

Curriculum, Qualifications and Gaelic Division | email: [Redacted s38(1)(b)]@gov.scot | tel: +44(0) 131 244 [Redacted s38(1)(b)] 07 [Redacted s38(1)(b)]

Learning Directorate | Area 2B North | Victoria Quay | Edinburgh | EH6 6QQ  
Buidheann-Stiùiridh an Ionnsachaidh | Raon 2B Tuath | Cidhe Bhictòria | Dùn Èideann | EH6 6QQ

**Enclosure 24.1 – Attachment: PDF**

Mr John Swinney MSP  
Deputy First Minister and Cabinet Secretary for Education  
Via email: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

2 September 2020

Dear Deputy First Minister

I am delighted to be writing to you on the day that the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill is introduced to the Parliament. I wholeheartedly welcome your commitment to “build children’s rights into the fabric of decision making in Scotland”.

In my last letter to you of 17<sup>th</sup> August 2020 I noted the SQA had set out the grounds for appealing a grade, that appeals could only be undertaken by a centre and only covered the following situations:

- Where an administrative error was made when the estimate was submitted
- Where the centre is of the view that a candidate's estimate was affected by discrimination or other conduct by the centre that is unacceptable under the Equality Act 2010
- Where the Head of Centre believes that there has been an error within SQA's internal processes for confirming results to centres following the 11<sup>th</sup> August announcement

I understand you have since met with the SQA Where's Our Say group who made you aware that a number of young people remain disadvantaged, notwithstanding your very welcome instruction to SQA to revert to estimated grades, and that these grounds do not provide them with a route to redress.

I believe our office is aligned with the Government in terms of what we wish to achieve and we are seeking to be constructive and solutions-focused. We have therefore worked with the SQA Where's Our Say group to draft an addition to the appeal grounds that would capture all the cases of which we are aware, while keeping the numbers manageable. We believe this

would enable the Scottish Government to say with confidence that yours and the First Minister's commitment to achieve fairness for young people has been delivered. We discussed this proposal with your officials yesterday (1<sup>st</sup> September) and were advised to write to you with the details. I have therefore set it out below.

We suggest that two additional grounds for appeal be added as follows:

1. Evidence is available that did not form part of the centre's assessment (for example returned unmarked coursework, or failure to take account of exceptional personal circumstances eg bereavement)
2. There is evidence that the centre's estimated grade was a downgrade from previous attainment and/or the teacher's estimate to UCAS in support of the young person's personal statement

These are limited grounds, which would require the provision of supporting evidence and would therefore not open up the prospect of large numbers of appeals. Rather they would close a loophole and secure fairness in the system. We suggest that these grounds would only be directly accessible to young people where the centre declined to submit an appeal.

In addition, we are also aware of situations where universities are holding places for students pending an appeal or further action from SQA. Given the tight timescales for acceptance of these places it would be enormously helpful if you were to publicly encourage universities to consider awarding these places on the basis of the UCAS predicted grades. I understand that you cannot direct them to do so, but recognising it as rights-based good practice would be of assistance to a number of young people who face missing out on places in the next few days.

I look forward to hearing from you.

Your sincerely

[Redacted s38(1)(b)]

**Children and Young People's Commissioner Scotland**

**Enclosure 25 – Email: RE: Directing SQA**

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 07 September 2020 12:32  
**To:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>  
**Subject:** RE: Directing SQA

Thanks Malcolm, I'll make those changes and send on.

[Redacted s38(1)(b)]

**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Sent:** 07 September 2020 10:51  
**To:** [Redacted s38(1)(b)]@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>  
**Subject:** RE: Directing SQA

Thanks [Redacted s38(1)(b)], I've made a couple of relatively minor amendments just to be very clear this advice is being sought to inform consideration of various options.  
M

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 07 September 2020 10:42  
**To:** Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Subject:** RE: Directing SQA

To see a proposed short note cleared by SGLD.

Happy for any comments.

Thanks

[Redacted s38(1)(b)]

**From:** Logan G (Graeme) <Graeme.Logan@gov.scot> **On Behalf Of** Director of Learning  
**Sent:** 07 September 2020 08:10  
**To:** [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Subject:** RE: Directing SQA

Thanks [Redacted s38(1)(b)]. DFM keen to get advice on this – so I would be grateful if you could turn this response in to a short note for him.  
Graeme.

[Redacted s36(1)]

**Enclosure 25.1 – Attachment: Word document**

From:

[Redacted s38(1)(b)]  
Curriculum, Qualifications & Gaelic Division

7 September 2020

Deputy First Minister

**SCOTTISH MINISTERS' ABILITY TO DIRECT THE SCOTTISH QUALIFICATIONS AUTHORITY**

**Purpose**

1. To provide advice concerning Scottish Ministers' ability to direct the SQA.

**Priority**

2. Urgent – you are currently engaging with the SQA with regards to an approach to assessing the national qualifications for this academic year.

**Background**

3. The initial approach to assessing the national qualifications for the academic year 2019/20, following the cancellation of the exam diet, was undertaken in partnership with the SQA. Once a decision to change this approach following the initial publication of results was made a direction was issued to the SQA as to what changes to make. This direction was made following SG engagement with the SQA and no legal challenge was made to it.

**Discussion**

4. In advance of confirming an approach to assessing the national qualifications for the current academic year, you have asked for further advice as to Scottish Ministers' legal power of direction with regards to the duties which the SQA are responsible for carrying out.
5. The powers under the Education (Scotland) Act 1996 set out that Scottish Ministers have a power to direct the SQA. This power sits in section 9(1) of the 1996 Act –  
*"The Secretary of State may after consultation with SQA, give SQA directions of a general or specific character with regard to the discharge of its functions and it shall be the duty of SQA to comply with such directions."*
6. The SQA is a non-departmental public body and, as such, the expectation is that it is operationally independent of the Scottish Ministers, except for any lawful direction given by Ministers. So, generally, Ministers would want to be cautious in exercising their powers of direction, and this is consistent with the approach taken to supporting the SQA with regards to the assessment model in 2020.
7. Considering the terms of the ministerial power to direct the SQA in section 9 of the Education (Scotland) Act 1996, it is quite broad: Ministers may "give SQA directions of a general or specific character with regard to the discharge of its functions". There is no express restriction as to the SQA functions that are in scope of the power, albeit there is an implicit limitation in the separate power to direct the Accreditation Committee (section 9(2)), which is otherwise in identical terms. There is an express duty on Ministers to consult with the SQA before giving any direction.
8. Overall, Scottish Ministers have a broad power to direct the SQA, as long as there is consultation with the SQA first. The likelihood of legal challenge by the SQA, or others, would likely be reduced

by undertaking this consultation and by ensuring that any approach is gradual compared to existing policy where possible. More broadly the risk of legal challenge can be reduced by observing the usual constraints on executive power by Judicial Review i.e. not acting irrationally or arbitrarily; taking into account all relevant considerations in making a decision, and leaving out of account any irrelevant considerations; procedural fairness; etc.

9. Where a specific approach is being considered and it is likely that issuing a direction may be necessary then we would seek to engage with SGLD colleagues on the details of the approach.

#### **Conclusion**

10. You are invited to consider the contents of this note.
11. Officials are happy to discuss any issues regarding the potential need of a legal direction to the SQA

[Redacted s38(1)(b)]

Curriculum, Qualifications and Gaelic Division

**Enclosure 26 – SQA results FM Q brief, 8 September 2020**

**ISSUE 2 September:** Letters from Children and Young People's Commissioner Scotland and the 'SQA Where's Our Say' group call for an appeals route for some learners unhappy with their grade estimates.

**ISSUE 1 September:** Scotsman article quoting Dr Tracy Kirk stating that SQA appeals process is unfit for purpose as it doesn't allow a direct right of appeal for learners.

[Redacted – not in scope]

**ISSUE 28 August:** Lewis Macdonald MSP (Labour) call for "action to support pupils who are unhappy with their final exam grades, many of whom may have lost out on a university place because of their results".

[Redacted – not in scope]

[Redacted – not in scope]

- The appeals process is a matter for the SQA.
- Where any pupils have issues with their grades, we would urge them to talk to their schools.

[Redacted – not in scope]

**The SQA put in place an appeals process which allows for issues of administrative errors and potential discrimination to be challenged.**

- The DFM has set out that the argument for further expansion of the appeal system does not seem to be strongly borne out by the changes that were made in the grading approach that was taken by listening very carefully to the feedback from individual teachers.
- No right of appeal has been restricted, learners have the same rights this year as before.
- The DFM has discussed these concerns with the SQA Where's Our Say group.
- I acknowledge that there have been testing circumstances this year in awarding qualifications, and that we have not got everything right. I am aware of the debate around appeals and we continue to listen carefully.

[Redacted – not in scope]

**As a result of the change in approach to awarding qualifications, there was no longer the need for the appeals process that was planned for where grades had been adjusted.**

- The SQA set out an updated process which will consider incidences of centre administrative error; possible discrimination; and SQA error in the process.
- Priority appeals were concluded by the UCAS 4 September deadline.
- The deadline for other appeal requests to be submitted to SQA was Monday 7 September.

[Redacted – not in scope]

**ANNEX B - SQA PUBLIC STATEMENTS**

The following public statements have been issued:

[Redacted – not in scope]

Fri 14 Aug	Update from SQA	Update on appeals process for 2020 following Ministerial Direction to SQA to provide an appeals process to centres.
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[Redacted – not in scope]

[Redacted – not in scope]

**Enclosure 27 – SQA results FM Q brief, 20 September 2020**

[Redacted – not in scope]

**ISSUE 2 September:** Letters from Children and Young People’s Commissioner Scotland and the ‘SQA Where’s Our Say’ group call for an appeals route for some learners unhappy with their grade estimates.

**ISSUE 1 September:** Scotsman article quoting Dr Tracy Kirk stating that SQA appeals process is unfit for purpose as it doesn’t allow a direct right of appeal for learners.

[Redacted – not in scope]

[Redacted – not in scope]

**The SQA put in place an appeals process which allows for issues of administrative errors and potential discrimination to be challenged.**

- The Deputy First Minister has set out that the argument for further expansion of the appeal system does not seem to be strongly borne out by the changes that were made in the grading approach that was taken by listening very carefully to the feedback from individual teachers.
- No right of appeal has been restricted, learners have the same rights this year as before.
- The Deputy First Minister has discussed these concerns with the SQA Where’s Our Say group [21 August].
- I acknowledge that there have been testing circumstances this year in awarding qualifications, and that we have not got everything right. I am aware of the debate around appeals and we continue to listen carefully.

[Redacted – not in scope]

**As a result of the change in approach to awarding qualifications, there was no longer the need for the appeals process that was planned for where grades had been adjusted.**

- The SQA set out an updated process which will consider incidences of centre administrative error; possible discrimination; and SQA error in the process.
- Priority appeals were concluded by the UCAS 4 September deadline.
- The deadline for other appeal requests to be submitted to SQA was Monday 7 September.

[Redacted – not in scope]

**ANNEX B - SQA PUBLIC STATEMENTS**

The following public statements have been issued:

[Redacted – not in scope]

Fri 14 Aug	Update from SQA	Update on appeals process for 2020 following Ministerial Direction to SQA to provide an appeals process to centres.
------------	-----------------	---

[Redacted – not in scope]

[Redacted – not in scope]

**Enclosure 28 – Email: RE: For review and issue: letters re SQA appeals process**

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills  
**Sent:** 28 September 2020 15:05  
**To:** [Redacted s38(1)(b)]@educationscotland.gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: For review and issue: letters re SQA appeals process

Hi [Redacted s38(1)(b)],

Please find attached the issued letter to [Redacted s38(1)(b)].

Thanks

[Redacted s38(1)(b)]

<< Message: Letter from John Swinney MSP >>

---

**From:** [Redacted s38(1)(b)]@educationscotland.gov.scot>  
**Sent:** 23 September 2020 17:02  
**To:** Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** For review and issue: letters re SQA appeals process

PO

I would appreciate DFM's review and issue of two MRs related to his discussions about the SQA appeals process. The recipients are [Redacted s38(1)(b)] of CYPCS and Daniel Johnson MSP.

The letter, which has been developed with the input of the SQA, will also be used as a campaign response to number of pieces of correspondence, and the draft response is also attached for information.

Best wishes

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

Curriculum, Qualifications and Gaelic Division | email: [Redacted s38(1)(b)]@gov.scot | tel: +44(0) 131 244 [Redacted s38(1)(b)] | 07 [Redacted s38(1)(b)]

Learning Directorate | Area 2B North | Victoria Quay | Edinburgh | EH6 6QQ  
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<< File: DFM Letter - appeals - campaign response final sqa approved.docx >> << File: DFM letter - appeals - for CYPCS - final SQA approved.docx >> << File: DFM letter - appeals - for Daniel Johnson MSP.docx >>

**Enclosure 28.1 – Attachment: Email: Letter from John Swinney MSP**

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills  
**Sent:** 28 September 2020 15:00  
**To:** [Redacted s38(1)(b)]@cypcs.org.uk  
**Cc:** Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>  
**Subject:** Letter from John Swinney MSP

Dear [Redacted s38(1)(b)],

Please find attached a letter from the Deputy First Minister and Cabinet Secretary for Education and Skills.

Thanks

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] | Interim Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: [www.gov.scot](http://www.gov.scot) | Tel: 0131 244 [Redacted s38(1)(b)] | Mob: 07[Redacted s38(1)(b)] | Email: [DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)

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**Enclosure 28.1.1 – Attachment: PDF**

Leas Phrìomh Mhinistear agus Rùnaire a'  
Chaibineit airson Foghlam agus Sgilean  
Deputy First Minister and Cabinet Secretary  
for Education and Skills



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

John Swinney BPA/MSP  
F/T: 0300 244 4000  
E: dfmcse@gov.scot

[Redacted s38(1)(b)]  
Children and Young People's Commissioner Scotland  
By email: nickhobbs@cypcs.org.uk

28 September 2020

Dear [Redacted s38(1)(b)]

Thank you for your letter regarding the Scottish Qualifications Authority's post results appeals process and the points raised by the SQA Where's Our Say group.

In this unprecedented year, with its unique and difficult circumstances, teachers and lecturers were asked to provide estimated grades based on their experience and that accurately reflected the evidence of attainment available. The Scottish Qualifications Authority (SQA) provided guidance and advice to centres to support this process which was clear that this should be done on a holistic basis, and should have included taking account of any personal circumstances which could have been detrimental to attainment.

To support the awarding of results the decision was taken to ensure that the post results appeals service would incur no charge. The appeals process is similar to that of previous years and allows an appeal by the examination centre on the grounds of administrative error, discrimination under the Equality Act 2010, or where the centre believes the SQA has made an error when issuing the revised grades.

Concerns about any aspect of the estimation process, or a school's decision on whether or not to appeal, should first have been raised with the school. Anyone dissatisfied with the school's response has recourse to the formal complaints procedures that all schools and local authorities have in place and thereafter to the Scottish Public Services Ombudsman (SPSO).

As I acknowledged to the Scottish Parliament's Education and Skills Committee when I appeared before them on 16 September, the Scottish Government attaches the highest importance to ensuring that all our measures are undertaken on a basis that is compliant with our human rights obligations. I am immensely proud that Scotland is set to become the first country in the UK to directly incorporate the UNCRC into domestic law, and I firmly believe that there is the potential for the bill to revolutionise the way in which we listen to children and take their rights into account. However, we all recognise that any appeals process must be able to draw on the appropriate evidence and as this evidence rests with schools and colleges, we have taken the view that an approach to appeals is most effectively undertaken when young people can act in partnership with their school and colleges in advancing their appeals.

You will also be aware that I commissioned a review led by Professor Mark Priestley, of Stirling University, to consider the events leading to the awarding of SQA grades on 4 August, so that we can learn from this year's approach and best inform future actions. His remit can be found on the Scottish Government website at: <https://www.gov.scot/groups/rapid-review-of-national-qualifications-experience-2020/>. Professor Priestley will report to the Scottish Government shortly and his findings will help to shape the approach to awarding in 2021.

I acknowledge that there have been testing circumstances this year in awarding qualifications, and that we have not got everything right. I have met several groups of learners in recent weeks including as you note the SQA Where's Our Say group, and have put measures in place to ensure there is a greater place for the views of our young people. We will learn from this experience and will ensure that we continue to listen and learn from our young people.

I trust that you will find this reply helpful. You have my assurance that respecting the rights of children and young people will continue to have a place at the centre of our decision making.

**JOHN SWINNEY**

**Enclosure 29 – Email: Letter from the Deputy First Minister**

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills  
**Sent:** 28 September 2020 16:50  
**To:** Daniel.Johnson.msp@parliament.scot  
**Cc:** Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>  
**Subject:** Letter from the Deputy First Minister

Good Afternoon,

Please find attached a letter from the Deputy First Minister and Cabinet Secretary for Education and Skills.

Kind Regards,

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Tel: 0131[Redacted s38(1)(b)] | E: DFMCSE@gov.scot

## Enclosure 29.1 – Attachment: PDF

Leas Phrìomh Mhinistear agus Rùnaire a' Chaibineit  
airson Foghlam agus Sgilean  
Deputy First Minister and Cabinet Secretary for  
Education and Skills



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

John Swinney BPA/MSP  
F/T: 0300 244 4000  
E: dfmcse@gov.scot

Daniel Johnson MSP

By email: [Daniel.Johnson.msp@parliament.scot](mailto:Daniel.Johnson.msp@parliament.scot)

28 September 2020

Dear Daniel

I am writing in response to your question to the First Minister at the First Ministers' Question Time on 3 September, and in connection with the points raised by the SQA Where's Our Say group.

In this unprecedented year, with its unique and difficult circumstances, teachers and lecturers were asked to provide estimated grades based on their experience and that accurately reflected the evidence of attainment available. The Scottish Qualifications Authority (SQA) provided guidance and advice to centres to support this process which was clear that this should be done on a holistic basis, and should have included taking account of any personal circumstances which could have been detrimental to attainment.

To support the awarding of results the decision was taken to ensure that the post results appeals service would incur no charge. The appeals process is similar to that of previous years and allows an appeal by the examination centre on the grounds of administrative error, discrimination under the Equality Act 2010, or where the centre believes the SQA has made an error when issuing the revised grades.

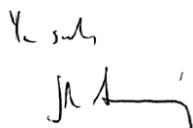
Concerns about any aspect of the estimation process, or a school's decision on whether or not to appeal, should first have been raised with the school. Anyone dissatisfied with the school's response has recourse to the formal complaints procedures that all schools and local authorities have in place and thereafter to the Scottish Public Services Ombudsman (SPSO).

As I acknowledged to the Scottish Parliament's Education and Skills Committee when I appeared before them on 16 September, the Scottish Government attaches the highest importance to ensuring that all our measures are undertaken on a basis that is compliant with our human rights obligations. I am immensely proud that Scotland is set to become the first country in the UK to directly incorporate the UNCRC into domestic law, and I firmly believe that there is the potential for the bill to revolutionise the way in which we listen to children and take their rights into account. However, we all recognise that any appeals process must be able to draw on the appropriate evidence and as this evidence rests with schools and colleges, we have taken the view that an approach to appeals is most effectively undertaken when young people can act in partnership with their school and colleges in advancing their appeals.

You will also be aware that I commissioned a review led by Professor Mark Priestley, of Stirling University, to consider the events leading to the awarding of SQA grades on 4 August, so that we can learn from this year's approach and best inform future actions. His remit can be found on the Scottish Government website at: <https://www.gov.scot/groups/rapid-review-of-national-qualifications-experience-2020/>. Professor Priestley will report to the Scottish Government shortly and his findings will help to shape the approach to awarding in 2021.

I acknowledge that there have been testing circumstances this year in awarding qualifications, and that we have not got everything right. I have met several groups of learners in recent weeks including as you note the SQA Where's Our Say group, and have put measures in place to ensure there is a greater place for the views of our young people. We will learn from this experience and will ensure that we continue to listen and learn from our young people.

I trust that you will find this reply helpful. You have my assurance that respecting the rights of children and young people will continue to have a place at the centre of our decision making.



JOHN SWINNEY

**Enclosure 30 – Briefing for Ministerial statement, 7 October 2020**

**BRIEFING: DEPUTY FIRST MINISTER AND CABINET SECRETARY FOR EDUCATION AND SKILLS – MINISTERIAL STATEMENT: ASSESSMENT OF SQA NATIONAL QUALIFICATIONS IN 2020-21**

<b>Date and Time</b>	Wednesday 7 October – 15:50-16:20
<b>Opening statement and supporting briefing material</b>	<b>Annexes</b> [Redacted – not in scope] Annex B – Q&A [Redacted – not in scope] Annex E – Scottish Government response to Rapid Review of National Qualifications Experience 2020 Report [Redacted – not in scope] Annex J – Copy of Stirling University news release [Redacted – not in scope]

[Redacted – not in scope]

**Annex B**

**Q&A**

[Redacted – not in scope]

Appeals

**Will you allow a change in the current SQA appeals process to ensure that young people have a direct right of appeal as advocated by the ‘SQA Where’s Our Say’ group?**

- The SQA provided guidance and advice to centres to support the appeals process which was clear that this should be done on a holistic basis, and should have included taking account of any personal circumstances which could have been detrimental to attainment.
- We recognise that any appeals process must be able to draw on the appropriate evidence and as such evidence rests with schools and colleges, we have taken the view that an approach to appeals is most effectively undertaken when young people can act in partnership with their school and colleges in advancing their appeals.
- I fully acknowledge that there have been testing circumstances this year in awarding qualifications. I have met several groups of learners in recent weeks including the SQA Where’s Our Say group, and have put measures in place to ensure there is a greater place for the views of our young people.
- The Priestley review recommends that the appeals process is reviewed, and I have asked the SQA to work with stakeholders on this issue to inform the appeals process for 2021.

[Redacted – not in scope]

Priestley review

[Redacted – not in scope]

**There has been a lot of concern about the appropriateness of the appeals system and whether it really respects children’s and young people’s rights. The review calls for a**

**review of the appeals system. You have said that you have asked the SQA to conduct such a review – do you really believe that is a credible approach and will be accepted by young people who feel that the SQA is not on their side?**

- This is a very important topic, with in many cases so much riding on the results of an appeal, and I am confident that the SQA will conduct a review of the appeals system in a fair and transparent way.
- I have been clear that the SQA will conduct this review working closely with key stakeholders which will include the Children and Young Persons Commissioner for Scotland, and learners and their representative groups.
- There will be every chance for voices to be heard, and I will be taking a key interest in the findings of the review.

[Redacted – not in scope]

**Annex E**

**DRAFT SCOTTISH GOVERNMENT RESPONSE TO RAPID REVIEW OF NATIONAL QUALIFICATIONS EXPERIENCE 2020**

**TO BE ADDED** – below is a summary as a placeholder

Recommendation	Decision
[Redacted – not in scope]	
9. Development by SQA and partners of digital materials and systems for producing, assessing and moderating assessment evidence, to ensure that operational processes for gathering candidate evidence for appeals is less reliant on paper-based systems.	ACCEPT

[Redacted – not in scope]

**Annex J**

**COPY OF STIRLING UNIVERSITY NEWS RELEASE**



**Media release: Do not issue until further notice**

**DRAFT: 5<sup>th</sup> October 2020**

**\*STRICTLY EMBARGOED UNTIL Tuesday 6<sup>th</sup> October, 2:30pm\***

**University of Stirling education experts complete exam review**

A team of Stirling researchers led by education expert Professor Mark Priestley has completed an independent review into the handling of this year's Scottish National Qualifications.

The review investigated the process through which National Qualifications were awarded in 2020, after exams were cancelled by Scottish Education Minister John Swinney, due to the coronavirus pandemic.

The review, which makes nine recommendations, advises that next year's National 5 examinations should be cancelled to create additional space for Higher exams, and calls for the development of a nationally recognised system for moderation of centre-based assessment.

Professor Priestley, University of Stirling, said: "This year presented an unprecedented challenge and the SQA, the government, local authorities and schools, faced an extremely difficult set of circumstances, with no easy solutions. While, with hindsight, we acknowledge that it would have been a near impossible task to adopt a perfectly working system that would have pleased everyone, it is vitally important we look back and learn so we can be prepared for the future, and avoid a similar predicament in 2021."

Working with Professor Priestley were Stirling academics Dr Marina Shapira and Dr Andrea Priestley, and Research Assistants, Michelle Ritchie and Dr Camilla Barnett, who undertook the research and completed the report within 6 weeks. Titled: *Rapid Review of National Qualifications Experience 2020*, it draws upon a range of evidence, including stakeholder testimony, generated in panel and individual interviews, and analysis of relevant documentation.

During a statement to Parliament today (**Tuesday 6 October**), Mr Swinney extended his gratitude to Professor Priestley and the Stirling team for carrying out such a large task in a short time frame.

**Quote from John Swinney – To be taken from his statement to parliament (advised this will take place at 2:20pm-2:30pm on Tuesday)**

The full recommendations of the report are:

1. Suspension of the National 5 examinations diet in 2021, with qualifications awarded on the basis of centre estimation based upon validated assessments.
2. The development of a nationally recognised, fully transparent and proportionate system for moderation of centre-based assessment.
3. The development of more extensive approaches to collaborative decision making and co-construction by professional stakeholders of assessment practices related to National Qualifications.
4. A commitment to embedding equalities in all aspects of the development of qualifications systems.
5. The development of more systematic processes for working with and engaging young people, as stakeholders and rights holders in education.
6. The development of a clear communications strategy, co-constructed with stakeholders, to ensure that the extraordinary arrangements for 2021 are as fully as possible understood by all parties.
7. A review of qualification appeals systems, including consideration of the rights and roles of young people, in the context of the incorporation of the UNCRC into Scottish law.
8. The commissioning of independent research into the development and application of the 2020 ACM, involving full access to anonymised attainment data and the statistical algorithms used to moderate grades.
9. The development by SQA and partners of digital materials and systems for producing, assessing and moderating assessment evidence, to ensure that operational processes for gathering candidate evidence for appeals is less reliant on paper-based systems.

## Ends

Media enquiries to Sarah Manning, Communications Officer, on [\[Redacted s38\(1\)\(b\)\]](#) or [sarah.manning@stir.ac.uk](mailto:sarah.manning@stir.ac.uk)

## Notes to editors

### **University of Stirling**

The University of Stirling is ranked fifth in Scotland and 40th in the UK for research intensity in the 2014 Research Excellence Framework. Stirling is committed to providing education with a purpose and carrying out research which has a positive impact on communities across the globe – addressing real issues, providing solutions and helping to shape society. Interdisciplinary in its approach, Stirling's research informs its teaching curriculum and facilitates opportunities for knowledge exchange and collaboration between staff, students, industry partners and the wider community.

The University's scenic central Scotland campus – complete with a loch, castle and golf course – is home to more than 14,000 students and 1500 staff representing around 120 nationalities. This includes an ever-expanding base for postgraduate study.

The University received a Queen's Anniversary Prize in the latest round of awards, in recognition of the quality and innovation exhibited by its Institute of Aquaculture. The University is the UK Sports University of the Year 2020, as conferred by The Times / Sunday Times Good University Guide.

[www.stir.ac.uk](http://www.stir.ac.uk) @stiruni

[Redacted – not in scope]

**Enclosure 31 – Campaign response letter (before publication of the Priestley Review)**

Thank you for your letter regarding the estimation and appeals processes for 2020 qualifications. As an official in the Learning Directorate I have been asked to reply.

Please accept my apologies for the delay in responding to your enquiry.

In this unprecedented year, with its unique and difficult circumstances, teachers and lecturers were asked to provide estimated grades based on their experience and that accurately reflected the evidence of attainment available. The Scottish Qualifications Authority (SQA) provided guidance and advice to centres to support this process. The guidance was clear that this should be done on a holistic basis, and should have included taking account of any personal circumstances that could have been detrimental to attainment.

To support the awarding of results the decision was taken to ensure that the post results appeals service would incur no charge. The appeals process was similar to that of previous years and allowed an appeal by the examination centre on the grounds of administrative error, discrimination under the Equality Act 2010, or where the centre believed the SQA had made an error when issuing the revised grades.

The Deputy First Minister recognises that any appeals process must be able to draw on the appropriate evidence. As this evidence rests with schools and colleges, an approach to appeals is most effectively undertaken when young people can act in partnership with their schools and colleges.

Concerns about any aspect of the estimation process, or a school's decision on whether or not to appeal, should first have been raised with the school. Anyone dissatisfied with the school's response has recourse to the formal complaints procedures that all schools and local authorities have in place and thereafter to the Scottish Public Services Ombudsman (SPSO).

Going forward, you may be aware that the Deputy First Minister commissioned a review led by Professor Mark Priestley, of Stirling University, to consider the events leading to the awarding of SQA grades on 4 August, so that we can learn from this year's approach and best inform future actions. The remit for this review can be found on the Scottish Government website at: <https://www.gov.scot/groups/rapid-review-of-national-qualifications-experience-2020/>. Professor Priestley's report will be published shortly and his findings will help to shape the approach to awarding in 2021.

Mr Swinney has acknowledged that there have been testing circumstances this year in awarding qualifications, and that we have not got everything right. He has met several groups of learners in recent weeks, and has put measures in place to ensure there is a greater place for the views of our young people. We will learn from this experience and will ensure that we continue to listen and learn from our young people.

I trust that you will find this reply helpful.

**Enclosure 32 – Campaign response letter (following publication of the Priestley Review)**

Thank you for your letter regarding the estimation and appeals processes for 2020 qualifications. As an official in the Learning Directorate I have been asked to reply.

Please accept my apologies for the delay in responding to your enquiry.

In this unprecedented year, with its unique and difficult circumstances, teachers and lecturers were asked to provide estimated grades based on their experience and that accurately reflected the evidence of attainment available. The Scottish Qualifications Authority (SQA) provided guidance and advice to centres to support this process. The guidance was clear that this should be done on a holistic basis, and should have included taking account of any personal circumstances that could have been detrimental to attainment.

To support the awarding of results the decision was taken to ensure that the post results appeals service would incur no charge. The appeals process was similar to that of previous years and allowed an appeal by the examination centre on the grounds of administrative error, discrimination under the Equality Act 2010, or where the centre believed the SQA had made an error when issuing the revised grades.

The Deputy First Minister recognises that any appeals process must be able to draw on the appropriate evidence. As this evidence rests with schools and colleges, an approach to appeals is most effectively undertaken when young people can act in partnership with their schools and colleges.

Concerns about any aspect of the estimation process, or a school's decision on whether or not to appeal, should first have been raised with the school. Anyone dissatisfied with the school's response has recourse to the formal complaints procedures that all schools and local authorities have in place and thereafter to the Scottish Public Services Ombudsman (SPSO).

Going forward, you may wish to note that the Deputy First Minister has outlined the assessment arrangements for national qualifications in 2021. It is important to learn from the national qualifications experience in 2020 and to act on the recommendations made in Professor Priestley's review. In line with these recommendations, Mr Swinney has asked SQA to take an alternative approach to National 5 accreditation in 2021. Higher and Advanced Higher exams will go ahead as planned, albeit beginning later than normal, allowing pupils two weeks of learning time they lost this year.

For your information, a copy of the Deputy First Minister's 7 October statement to Parliament can be found at: <https://news.gov.scot/speeches-and-briefings/deputy-first-ministers-speech-on-sqa-awards-2021>.

The National Qualifications experience 2020 rapid review report can be found at: <https://www.gov.scot/publications/rapid-review-national-qualifications-experience-2020/>.

The Scottish Government's response to the report's recommendations can be found at: <https://www.gov.scot/publications/rapid-review-of-national-qualifications-experience-2020-our-response/>.

The SQA statement on arrangements for the assessment of National 5, Higher and Advanced Higher courses in the 2020-21 session can be found on the SQA website, at: <https://www.sqa.org.uk/sqa/95281.html>.

Information on modifications for individual subjects can be found on each National Qualification subject page, through: <https://www.sqa.org.uk/sqa/95157.html>.

The Deputy First Minister has recognised that there is no way of knowing what circumstances we will face in the spring of 2021 – when pupils would normally be sitting exams. To avoid decisions being made in extremis, a clear contingency plan is being developed against the possibility of disruption.

Mr Swinney also acknowledges that there have been testing circumstances this year in awarding qualifications, and that we have not got everything right. He has met several groups of learners in recent weeks, and has put measures in place to ensure there is a greater place for the views of our young people. We will learn from this experience and will ensure that we continue to listen and learn from our young people.

I trust that you will find this reply helpful.

**Enclosure 33 – Draft Scottish Government response to Priestley review**

**DRAFT SCOTTISH GOVERNMENT RESPONSE TO RAPID REVIEW OF NATIONAL QUALIFICATIONS EXPERIENCE 2020**

Recommendation	Decision	SG Response
[Redacted – not in scope]		
6. Review qualification appeals systems, including consideration of the rights and roles of young people, in the context of the incorporation of the UNCRC into Scottish law.	ACCEPT	We have asked that SQA work closely with the Commissioner to further embed best practice.
[Redacted – not in scope]		

**Commented [MH(2R1):** I'm assuming this should be considered through the Child Rights and Wellbeing Impact Assessment – which SQA currently undertakes for any change in policy. Do you need something more than this here?

**Commented [MC(3R1):** I think my previous comments on the equalities recommendation might also apply here.