

202100203007: INDEX OF ENCLOSURES

No.	Description	Date	Explanation of redactions	Clause
1	Email: Letter from John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills	19 November 2020 09:26	Personal information	s38(1)(b)
1.1	Attachment: PDF		-	-
2	Email: Letter from the Deputy First Minister	07 December 2020 20:25	Personal information	s38(1)(b)
2.1	Attachment: PDF		-	-
3	Email: Letter from Fiona Robertson, Chief Executive, SQA	08 December 2020 12:29	Personal information	s38(1)(b)
3.1	Attachment: SQA letter to DFM		Personal information	s38(1)(b)
3.2	Attachment: ACM paper		Free and frank exchange of views	s30(b)(ii)
4	Email: Letter from Fiona Robertson, SQA	21 January 2021 17:49	Personal information	s38(1)(b)
4.1	Attachment: Letter from SQA to DFM		Personal information Free and frank exchange of views	s38(1)(b) s30(b)(ii)
5	Email: Letter from the Deputy First Minister - 27 January 2021	27 January 2021 09:47	Personal information	s38(1)(b)
5.1	Attachment: Letter from the Deputy First Minister - 27 January 2021		-	-
6	Email: Alternative Certification Model for National Qualifications in 2021 - Letter for the attention of the Deputy First Minister	16 February 2021 12:23	Personal information	s38(1)(b)
6.1	Letter from SQA to DFM		Personal information	s38(1)(b)
7	Email: Letter from John Swinney MSP	16 February 2021 17:35	Personal information	s38(1)(b)
7.1	Attachment: Letter from DFM to SQA		-	-
8	Email: RE: IMMEDIATE: Draft message from NQ21 Group	13 May 2021 08:20	Personal information Free and frank exchange of views	s38(1)(b) s30(b)(ii)
9	Email: RE: IMMEDIATE: Draft message from NQ21 Group	13 May 2021 10:03	Personal information Free and frank exchange of views	s38(1)(b) s30(b)(ii)

10	Email: Letter from Fiona Robertson - National Qualifications in 2021: Appeals	14 May 2021 15:57	Personal information	s38(1)(b)
10.1	Attachment: Appeals model paper		Free and frank exchange of views	s30(b)(ii)
10.2	Attachment: Letter from SQA to DFM		Personal information	s38(1)(b)

Enclosure 1 – Email: Letter from John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills

From: [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 19 November 2020 09:26
To: david.middleton@sqa.org.uk
Cc: [Redacted s38(1)(b)]@sqa.org.uk>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Subject: Letter from John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills

Good morning

Please find attached a letter from the Deputy First Minister.

Kind Regards

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot |

☎ 0300 24 [Redacted s38(1)(b)] | Mobile: 0044 (0)7 [Redacted s38(1)(b)] | Email:

DFMCSE@gov.scot | [Redacted s38(1)(b)]@gov.scot

5N.07 St Andrew's House | Regent Road | Edinburgh | EH1 3DG

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Enclosure 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

David Middleton
Chair
Scottish Qualifications Authority

By email: david.middleton@sqa.org.uk

19 November 2020

Dear David

Thank you for your letter of 6 November setting out SQA's response to the Priestley Review. As I have highlighted previously, I am very grateful for the hard work of all at SQA under what have been, and continue to be, very difficult and challenging circumstances.

I recognise that staff at the SQA may feel a sense of disappointment in some of the reaction that there has been to their hard work and I would ask you to reiterate my message to staff that I remain grateful to them for their professional approach in undertaking the task that I set them.

As you acknowledge, however, it was crucial to learn the lessons from this year and this is why I commissioned Professor Mark Priestley and his team to undertake a rapid review of assessment and awarding this year. I appreciate your point that this was by necessity done at pace, however, as I have set out to Parliament we have to learn and act on the lessons from the awarding process and this review helps with that.

I welcome SQA's current and ongoing work to deliver the diet for Higher and Advanced Higher courses next year, and to develop an alternative approach to assessment for National 5 courses in the absence of exams next year. It is important that these plans are developed in partnership with the wider education system, and I am pleased that the SQA has established the National Qualifications 2021 Group to do so. I also welcome the development of a learner panel to ensure the voices of learners can also contribute to this work.

More widely I welcome the additional steps SQA are taking to engage with the wider education system. It is vitally important that there is confidence in the approach taken to awarding in 2021, and full and transparent engagement with stakeholders is a key step in engendering that confidence.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

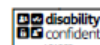
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1
3DG
St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

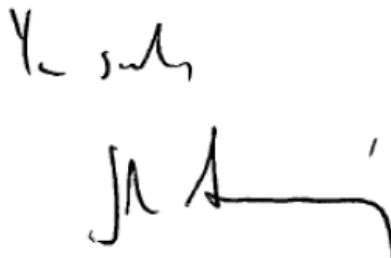
Accredited
Until 2020



It is also important to ensure that equalities considerations are central to the development of plans for next year. That the process this year led to some learners feeling that, despite their best efforts, their educational achievements may not be recognised was a significant failure of the approach, and taking steps to avoid such a situation next year is of vital importance. I welcome SQA having already conducted and published an EQIA and CRWIA to support its consultation on modifications to courses, and I note that you are working with my officials to consider an EQIA and CRWIA for the overall approach to awarding next year as the proposals develop.

I also welcome your commitment to reviewing your appeals processes. This government remains committed to implementing the UNCRC, and it is important that the SQA's appeals process is compatible with this. I understand that my officials are assisting SQA with understanding the likely implications of the UNCRC. In undertaking your review I also hope that learner voices are central to this work. I recognise the points you make about the potential for significant change from this process, and as always I will give due regard to the advice you provide me with on a recommended approach.

These remain difficult times and, despite the work done to date, there is still more to do and I wish you well with that. It would be useful to discuss your plans for implementing the recommendations of the review and my office will be in touch to arrange a time when you, Fiona and I can meet.

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

JOHN SWINNEY

Enclosure 2 – 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: 07 December 2020 20:25
To: fiona.robertson@sqa.org.uk
Cc: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Subject: Letter from the Deputy First Minister

Good evening Fiona

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 244 [Redacted s38(1)(b)]/07 [Redacted s38(1)(b)] | E: DFMCSE@gov.scot

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Enclosure 2.1 – 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

Fiona Robertson
Chief Examining Officer
Scottish Qualifications Authority

By email: Fiona.robertson@sqa.org.uk

7 December 2020

Dear Fiona

As you know, I have been keeping my decision to proceed with the Higher and Advanced Higher examination diet in 2021 under close review and I am grateful to you for your input on the issue. After careful consideration of the latest position, and the varying views of key partners and stakeholders, I have now reached the conclusion that we should no longer proceed with the Higher and Advanced Higher exam diet. I am, therefore, asking you to cancel the exams at these levels in 2021.

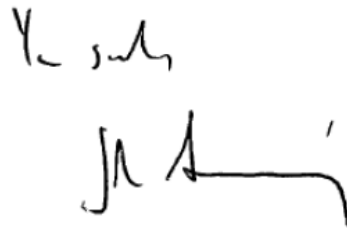
When I took the decision to cancel the National 5 exams in 2021, there was a sound case for prioritising exams for Higher and Advanced Higher courses as exit qualifications for the majority of candidates. However, I have been clear that this decision was subject to it being both safe and fair for learners to sit Higher and Advanced Higher exams.

While the prospects for public health have been improved due to the development of a vaccine, we know that it will unavoidably take time to be rolled out. In the meantime, some learners have lost, and will continue to lose, significant amounts of teaching time. I have paid close attention to what the data tells us about this and it is clear that the level of disruption to learners has not been equal. Young people in our most deprived communities are being disproportionately impacted in terms of the level of teaching time they have had to miss.

Cancelling the exams now will provide a level of certainty to the education system and to our young people. It also allows more time for the development and implementation of an alternative certification model for Higher and Advanced Higher than would be the case if a decision had to be made at a later date.

I am, therefore, asking that the SQA builds on its excellent collaborative work in developing the alternative certification model for National 5 and considers how this is used as the basis for a model for Highers and Advanced Highers this year. In addition, I would be grateful for confirmation that consideration is being given as to how the current exceptional circumstances process can be adapted for use to support those learners who have suffered the greatest degree of disruption to their learning.

I am very aware of how hard you and colleagues at SQA have been working. I remain very grateful to you and your staff for your endeavour and commitment on these matters.

A handwritten signature in black ink, appearing to read 'John Swinney', with a stylized flourish at the end.

JOHN SWINNEY

Enclosure 3 – Email: Letter from Fiona Robertson, Chief Executive, SQA

From: [Redacted s38(1)(b)] On Behalf Of Fiona Robertson
Sent: 08 December 2020 12:29
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: Director of Learning
Subject: Letter from Fiona Robertson, Chief Executive, SQA

PS/DFM

In response to the Deputy First Minister's letter of 7 December, please see attached letter and paper from Fiona Robertson.

Kind regards,

[Redacted s38(1)(b)] [Redacted s38(1)(b)] Fiona Robertson, Chief Executive
Scottish Qualifications Authority
w: <http://www.sqa.org.uk>

Enclosure 3.1 – SQA letter to DFM



John Swinney MSP/BPA
Deputy First Minister
and Cabinet Secretary for Education and Skills

By email: DFMCS@gov.scot

8 December 2020

Dear Deputy First Minister

Thank you for your letter of 7 December outlining your decision to cancel Higher and Advanced Higher exams next year.

Your decision brings into sharp focus the work we have done to develop an alternative certification model (ACM) for National 5. Following your decision to cancel National 5 exams on 7 October, I established the National Qualifications 2021 Group, with membership drawn from across the education system including Scottish Government and Education Scotland colleagues. This Group, supported by a Working Group, has overseen the co-creation and development of the ACM. More recently, this work has been supported by the establishment of a Learner Panel. SQA has also published guidance on evidence gathering and assessment resources for each course at National 5, in line with your October statement.

Discussions have been very productive and, following your statement to Parliament today, the Group will communicate the ACM model for National 5 to the wider system. This work has also been presented to the Education Recovery Group, the National Qualifications Contingency Group, and SQA Advisory Council, Qualifications Committee and Board.

We hope this announcement, alongside your announcement in relation to Highers and Advanced Highers, delivers a degree of certainty to schools and colleges across the country, as well as for the tens of thousands of young people and their families who are continuing to prepare for these important qualifications despite the very real difficulties they have faced over the past year. Ongoing, collective communications will be key.

The Optima Building, 58 Robertson Street, Glasgow, G2 8DQ
An Tògalach Optima, 58 Sràid Mhic Dhonnachaidh, Glaschu, G2 8DQ

T: 0345 279 1000 F: 0345 213 5000
E: customer@sqa.org.uk W: www.sqa.org.uk

Lowden, 24 Wester Shawfair, Dalkeith, EH22 1FD
Lowden, 24 Shawfair an Iar, Dal Chè, EH22 1FD

Chairman: David Middleton CBE
Chief Executive: Fiona Robertson

08 December 2020

The development and delivery of this approach represents a big cultural shift for Scottish education, in a short timeframe and in a very demanding set of circumstances. The attached paper, from the NQ2021 Working Group, sets out both the terms of the National 5 ACM in more detail and associated risks.

As Chief Examining Officer, I want to ensure arrangements for this year deliver for learners across Scotland and maintain the integrity and credibility of qualifications. However, I am very clear that successful delivery of the National 5 ACM – and any ACM put in place for Higher and Advanced Highers - depends on all parts of our education system playing their full role in ensuring an understanding of national assessment standards and applying robust quality assurance of teacher and lecturer judgements of assessment evidence. The support of schools, colleges, local authorities, ADES, Regional Improvement Collaboratives and Education Scotland will therefore be key, alongside the work and support of SQA. This is a collective endeavour, in principle and in practice.

Concerns have been raised by the professional associations about teacher/lecturer workload and these concerns may increase with the decision being taken today. I know your officials are considering some immediate actions that might be taken by the Scottish Government in response.

Quality assurance activities after the provisional results' submission date of 28 May will be limited. In 2020, we were clear that a fair and consistent dialogue could not be undertaken following the receipt of estimates. To mitigate this risk, all parts of the system will need to carry out their quality assurance responsibilities diligently at each stage, and to the national standard. SQA is working on a sampling methodology for quality assurance purposes, to be deployed from early 2021, but it can only be a sample. Teachers and lecturers should have continuous dialogue with learners, ensuring that they are informed of their progress at all stages. In parallel, we are working to develop and test a new system of remote quality assurance and to ensure our legacy systems deliver. We are in ongoing discussions with your officials on any additional resourcing implications arising from this work in 2020/21 and 2021/22.

SQA staff and appointees will remain critical to this process, working remotely and outside of normal working hours, in response to concerns raised by school and college leaders about the release of appointees during teaching and learning time. The work undertaken in preparation for the planned Post Certification Review process has been revisited to help support arrangements for remote meetings. The challenges of appointee recruitment are understood, and there has been dialogue and communications to local authorities and others advising on our commitment to minimise our request for appointees, but making clear that limited release will be necessary.

08 December 2020

Both NQ 2021 Groups have discussed contingency arrangements for Highers and Advanced Highers, which will now need to be invoked. In principle, they have agreed that the same ACM could be applied, with the same timescales, with more flexibility in relation to assessment evidence given the timing of the decision and proximity to prelims in many schools. I understand you may outline this in your Parliamentary Statement later today. The NQ2021 Group will work at pace to provide further communications, guidance and support now the decision has been made. I must highlight to you that the issues I have raised with respect to the ACM for National 5 become more acute at Higher and Advanced Higher levels, in both volume terms and given the importance of these qualifications for progression beyond school/college.

Our current Exceptional Circumstances Service applies to the examinations system where a candidate is unable to sit an exam or where their performance in an exam is affected. It does not allow for loss or significant disruption to teaching and learning and results are based on demonstrated attainment. The ACM is based on evidence of demonstrated attainment. We will look at arrangements further.

Finally, Mark Priestley included a recommendation in his report that SQA undertake review of our appeals systems, including consideration of the rights and roles of young people in the context of the incorporation of the UNCRC into Scottish law. We have commenced this work and will progress with stakeholders shortly.

Everyone at SQA remains fully committed to working with the system to deliver a secure and credible set of National Qualifications results next August.

I will ensure you remain fully updated on our progress.

Your sincerely

[Redacted s38(1)(b)]

Fiona Robertson

Chief Executive/Chief Examining Officer

Enclosure 3.2 – Attachment: ACM paper

SCOTTISH QUALIFICATIONS AUTHORITY

QUALITY ASSURANCE OF THE N5 ALTERNATIVE CERTIFICATION MODEL FOR SESSION 2020-2021

1. Co-creation of the model for quality assurance

The Alternative Certification Model (ACM) for N5 was outlined by the Deputy First Minister on 7 October 2020:

“Those recommendations are suspension of the National 5 examinations diet in 2021, with qualifications awarded on the basis of centre estimation based upon validated assessments and, secondly, the development of a nationally recognised, fully transparent and proportionate system for moderation of centre-based assessment. Therefore, the alternative approach will be based on teacher judgment, supported by assessment resources, and quality assurance.”

“Obviously, we must seek to maintain standards. The SQA will therefore work with schools and colleges during the year on the quality assurance of their pupils’ work. That will include the SQA looking at a sample of work from each school and college and feeding back to teachers and lecturers to ensure that standards are maintained. The SQA will build that system of quality assurance in collaboration with the education system, drawing on its existing expertise.
(from John Swinney’s statement to Parliament 7 October 2020).

Following this announcement and in line with the recommendations from the Priestley Review “National Qualifications 2020: rapid review”, a working group was established with representatives of key stakeholders to collaborate and co-create the quality assurance and associated operational aspects of the alternative certification model (ACM) for National 5 Courses in 2020-21. The working group is chaired by SQA’s Operations Director.

The representatives were identified from the same stakeholder groups as represented on the National Qualifications 2021 chaired by SQA’s Chief Executive. These are:

- Association of Directors of Education in Scotland (ADES), also representing the Regional Improvement Collaboratives (RICs)
- Colleges Scotland
- Educational Institute of Scotland (EIS)
- Education Scotland
- Scottish Council of Independent Schools (SCIS)
- Scottish Government
- School Leaders Scotland (SLS)
- Scottish Qualifications Authority (SQA)

To date (3 December 2020), nine meetings of the group have been held and one further scheduled. The output of these meetings is encompassed within this paper.

In addition, since the end of October four customer engagement groups, with representatives from Head Teachers and SQA Co-ordinators from both local authority and independent schools and Quality Managers from colleges, have been convened seeking feedback from centres delivering N5. This feedback has helped to inform the thinking of the practicalities of implementing a model of quality assurance for N5.

There has also been engagement with representatives from four separate local authorities to inform thinking around best practice for local models of quality assurance.

Furthermore, and acting upon a recommendation from the Priestley Review, a learner engagement forum took place on 26 November 2020, with a focus on quality assurance.

1.1 Co-creation Principles:

From the outset, the members of the working group agreed a common set of principles to ensure that the approach to developing the ACM was collaborative and with collective responsibility to co-create the model. These principles included all engaging to build partnership, trust and confidence within the group, working collaboratively in the co-creation and decision making process to develop the model, ensuring that the quality assurance model developed is straightforward and understood by all, co-constructing the plan for the communication of the quality assurance model and taking responsibility for sharing it more widely, and providing guidance and information about the quality assurance model at key points.

2. The Quality Assurance Model for N5

All users of the National 5 qualifications in 2021 (including learners, parents and carers, end users of the qualifications and the wider public) must have confidence and trust that there is consistency across Scotland: that a National 5 awarded to a learner in Annan is the same standard as that awarded to a learner in Aberdeen and has the same currency as that awarded in previous years and in the future. Therefore, the model of quality assurance must be fair, transparent, and robust.

Being mindful of this, the working group has developed a quality assurance model based upon a set of underpinning principles designed to provide confidence and trust that the results awarded in August 2021 are based on quality assured evidence.

A key difference between 2021 and 2020, is that the results are not estimates of how a learner would have performed in an exam, instead they are based on actual assessment evidence, with the process of gathering that evidence planned and carried out throughout the academic session. Therefore, terminology for 2021 refers to “provisional results” rather than estimates.

2.1 Quality Assurance Principles

From the beginning of the co-creation of the QA model, the working group agreed the QA principles upon which the model would be based. These QA principles are used by SQA to underpin all its QA activities. These are in place to protect the integrity of SQA’s qualifications and the interests of its learners, statutory responsibilities of SQA.

The principles upon which the model is based state that quality assurance:

- Is a collaborative process, based on the principles of partnership, responsibility, confidence and trust
- Involves a range of QA activities, at all stages in the assessment and process for production of provisional results
- Takes place before, during and after assessment
- Should not be end-loaded
- Includes ensuring in advance that assessments to be used as valid, reliable, practicable and fair
- Includes developing a shared understanding of national standards before assessment
- Supports teachers/lecturers/assessors to apply standards consistently in judgements
- Increases confidence in assessment decisions
- Helps to protect teachers/lecturers/assessors from challenges to their professional judgement
- Includes standardisation activities to support teachers/lecturers/assessors in making consistent and reliable assessment judgements against the national standard.
- Includes sampling to check that all teachers/lecturers/assessors are making consistent and reliable assessment judgements against the national standard.
- Includes ensuring that assessment judgements are free from bias and that learners are treated fairly and equitably.

2.2 N5 ACM underpinning elements

The underpinning elements of the N5 quality assurance model are outlined below:

- Everyone involved in the delivery of N5 qualifications has responsibility for producing provisional results based on quality assured evidence. Those with responsibility include teachers, lecturers, assessors and senior leaders in centres (local authority and independent schools, colleges, employer and training providers) delivering N5 qualifications, local authorities, regional improvement collaboratives, Education Scotland and SQA.
- There are layers of local quality assurance involving centres, PT networks, local authorities, regional improvement collaboratives, college networks, independent sector networks and related support by Education Scotland
- High quality evidence is produced in centres making best use of SQA's subject specific guidance and assessment resources provided by SQA or suitable centre-devised equivalent
- All assessment evidence generated is subject to local quality assurance in accordance with individual local plans
- All centres delivering N5 qualifications are externally quality assured by SQA
- A proportionate sample of subjects delivered by each centre is externally quality assured by SQA
- Assessment evidence is sampled to ensure that it is consistent with the national standard and SQA provides feedback to centres, with the expectation that centres act upon it
- External quality assurance carried out by SQA is undertaken by SQA appointees drawn from the pool of teachers and lecturers with experience of delivering N5 courses
- SQA continues to support centres and have dialogue with centres and/or local authorities where required or where requested to provide assurance that national standards are being met

- All quality assurance, whether conducted locally or nationally, is front loaded and iterative. It must be completed before provisional results are submitted to SQA.
- Teaching, learning and evidence gathering is expected to continue into May. Ongoing assessment should be informed by feedback from local and national quality assurance.
- Centres draw on the guidance and SQA Academy course provided by SQA when generating provisional results using the quality assured evidence they have gathered
- While provisional results are based on individual candidate evidence, centres make appropriate use of statistical reports previously provided by SQA showing trends and patterns over past years to sense check the provisional results. Any provisional results which do not appear to follow an expected trend or pattern may be justifiable though where this is not the case, centres and/or local authorities should resolve before entering provisional results in May, engaging with SQA where required
- There is minimal need for further quality assurance by SQA post provisional result submission. However, by exception, SQA will investigate where there appears to be unexpected provisional results. In instances where SQA subject experts determine that assessment evidence is found not to support the standard, certification will not progress for these results. Following any such exceptional quality assurance activity, centres have the opportunity to resubmit provisional results that reflect the standard of the evidence and certification will then proceed
- Learners are at the centre of the assessment and quality assurance model and are kept fully informed of their progress. Such ongoing dialogue with learners means that all learners are aware of the provisional result submitted by their centre at the end of May, that it may be subject to further quality assurance by SQA, and any change will be based on individual candidate evidence and certificated in August.

2.3 Assumptions and Dependencies

The assumptions and dependencies underpinning the quality assurance of the N5 ACM:

- There will buy in from all key stakeholders, including teachers and lecturers, to support the implementation of the QA model for N5
- All stakeholders will take responsibility for their role in the quality assurance model
- External quality assurance will be carried out by teachers and lecturers appointed by SQA
- Teachers and lecturers who are approached by SQA to undertake quality assurance activity on behalf of SQA will consent to undertake this activity
- Appointees will be willing to undertake external QA, recognising that some will take place in their own time (for which they will be paid by SQA)
- Centres will support appointees who undertake QA activity, recognising that there may be some requirement for release
- SQA will seek to balance QA activity during working day versus evening/weekend
- Schools and colleges will have processes and procedures in place to undertake internal quality assurance
- Schools, colleges, local authorities will have the resource and capacity to develop and implement local QA plans
- Existing subject specific and other support networks such as those already set up by Local Authorities, Regional Improvement Collaboratives and Education Scotland will be used to support teachers and lecturers

- Centres will be able to provide assessment material to be quality assured when requested to do so by SQA
- SQA will accept digital evidence when it has been created at source
- Some schools do not have capacity or resource to produce digital evidence at source or to digitise paper evidence, so paper-based evidence will be accepted by SQA
- Provisional results will be based on individual learner evidence and when finalising the provisional results, centres will make appropriate use statistical information to sense check them by reviewing patterns and trends and to identify and explain variances
- All stakeholders will be involved in and take responsibility for the effective communication of the N5 QA model
- Centres will have continuous discussion with learners and make use of existing arrangements to have ongoing dialogue with parents/carers (where required) in relation to learning and assessment
- Learners will be aware of the provisional result which has been submitted to SQA in May

3.0 Stages and timelines of the N5 Alternative Certification Model Process

3.1 End of November 2020 – December 2020

The N5 ACM requires sign off through appropriate governance channels and communicated to all stakeholders in a coordinated way. It is essential that this communication comes from all stakeholders who have been involved in co-creating the N5 ACM to ensure buy in from the wider system and to build public confidence in the model for 2021.

For the safe delivery of N5 in 2021, all key stakeholders need to be fully aware of their roles and responsibilities, the impact that may have on their resources and the time that they have to get processes and procedures in place, if not already there. For key stakeholders this means they may need to create time and capacity to produce plans to enable quality assurance to be undertaken at both local and national level, so that provisional results submitted are based on quality assured evidence.

3.2 November 2020 – March 2021

At the time the working group was established in October 2020, the initial support stage of the N5 ACM was already underway. This was the package of support for centres on assessment of N5 in 2020-21. Clarifying standards is considered an important first part of the QA process.

A generic guide to estimates and an SQA Academy course on centre level QA (updated from previous versions and reflecting good practice from last year) have been published.

Subject-specific guidance has been published on a rolling basis, providing clarification of requirements. While assessment standards are the same and course specifications are live, there is a change to assessment being conducted internally. The guidance specifies the assessment components and requirements, including modifications for this session.

Assessment resources are also being released on a rolling basis. This resource is intended to be used flexibly - as it stands, segmented, supplementing existing assessments, to help staff to devise their own assessments or not at all.

Additional support is planned with Understanding Standards activities, working with appointees to produce additional support materials (including webinars, audio, exemplars with commentaries).

A further webinar will be developed to support centres in analysing and making best use of their statistical reports.

3.3 Mid-January – Beginning of April 2021

Quality Assurance review at local level and by SQA of the application of assessment standards in centres. This timeframe will be used to confirm that centres are assessing to the national standard, that internal quality assurance is effective and to resolve any issues. Centres will be expected to use feedback from SQA sampling to inform any further understanding standards or internal quality assurance activity

3.4 Beginning April – End May 2021

This timeframe will allow for the completion of learning, teaching and assessment in centres. Provisional results will be produced by teachers and lecturers and these will be reviewed internally by centres and then more widely by local networks, including comparison with prior attainment statistics and exploration of rationales for variances. This could also include further dialogue with SQA where there are apparent significant variances.

This should end with finalisation of provisional results within centres.

3.5 28 May 2021

Submission of provisional results by centres to SQA

3.6 June 2021

The expectation is that the front-loaded quality assurance activities undertaken by centres, local authorities and SQA prior to submission of provisional results have produced reliable results.

SQA will review provisional results and follow-up on variances, by exception, through engagement with centres (and local authorities where appropriate) about the reasoning behind the results where there are identified variances. SQA reserves the right to sample assessment evidence from the centres in these cases to confirm the appropriateness of the grades submitted and provide feedback to the centre. In these exceptional cases, certification will be withheld until the standard of evidence is confirmed. Where necessary and where supported by evidence, the centre will have the opportunity to resubmit provisional results that are consistent with the standard of the evidence.

3.7 10 August 2021

Certification of N5 candidates

4.0 Appeals

SQA has set up an internal group to consider a review of appeals policy, taking into account the United Nations Convention on the Rights of Children bill. The output of this review group will inform any appeal post August certification in relation to N5 ACM.

5.0 Communication plan

The working group are currently progressing a communication plan and a high-level communication with FAQs will be published near the beginning of December (tbc). It has been agreed that all key stakeholders have a responsibility to ensure that the quality assurance model is clearly and effectively communicated to ensure trust and confidence in learners, their parents and carers, end users of the qualifications and the wider public in general.

[Redacted s30(b)(ii)]

7.0 Delivering the N5 model

All stakeholders will have to consider what plans and resources they will need to stand up to deliver the N5. A support plan will be published to help centres with this.

For SQA, there are some immediate actions required to begin operationalising the model including considering the sampling and selection strategy, evidence and appointees, and system requirements. Internal SQA working groups have been set up for this purpose.

7.1 Sampling and selection

The N5 ACM is based on evidence that has been quality assured and a commitment has been made by the Depute First Minister that all centres will be subject to external quality assurance by SQA. A sampling regime is required to determine the appropriate number of selections to be made so that the wider system has confidence that standards are being met nationally while taking into account the number of course/centre combinations (in the region of 9500), the tight timeframe in which to carry out quality assurance activity, and being mindful of availability of subject specific resources. Such a strategy needs to ensure that all centres are involved, that the sample is proportionate to the number of courses each centre delivers, and that SQA selects the candidate sample. The strategy needs to balance random and intelligence-led selections, to ensure that the national picture is obtained. Intelligence-led sampling could include centre self-referral. An SQA internal working group has been set up drawing on expertise from colleagues in Operations, Qualifications and from the RPSS statistics team.

7.2 Support Plan

- **Resources provided by SQA**
 - Generic guidance on gathering evidence and determining estimates (published)
 - SQA Academy course on quality assuring estimates (available)
 - SQA Academy course on how to make best use of statistical data

- Subject specific guidance for N5
 - Additional assessment resource (being rolled out)
- **Webinars provided by SQA**
 - Understanding Standards
- **Roles and responsibilities of key stakeholders**
- **N5 ACM process and key dates**
- **Joint communications**

Enclosure 4 – Email: Letter from Fiona Robertson, SQA

From: [Redacted s38(1)(b)]@sqa.org.uk> **On Behalf Of** Fiona Robertson

Sent: 21 January 2021 17:49

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

Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Director of Learning

<DirectorofLearning@gov.scot>

Subject: Letter from Fiona Robertson, SQA

Dear PS/DFM

Please find attached letter from Fiona Robertson, for the attention of the Deputy First Minister.

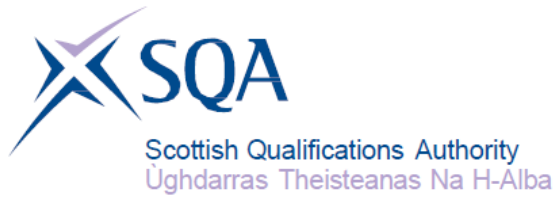
Kind regards,

[Redacted s38(1)(b)][Redacted s38(1)(b)]Fiona Robertson, Chief Executive

Scottish Qualifications Authority

w: <http://www.sqa.org.uk>

Enclosure 4.1 – Letter from SQA to DFM



21 January 2021

John Swinney MSP/BPA
Deputy First Minister and
Cabinet Secretary for Education and Skills

By email: DFMCS@gov.scot

Dear Deputy First Minister

DELIVERING NATIONAL QUALIFICATIONS IN 2021

My letter of 8 December set out the work being undertaken to develop the Alternative Certification Model (ACM) for National 5, co-created with the National Qualifications 2021 Group (NQ Group). It was designed to have front-loaded quality assurance, both at national and local/regional level, in order to provide confidence that the provisional results submitted by centres are based on learner evidence that meets the national standard. We have intimated, following discussion at the NQ Group, that the ACM for Higher and Advanced Higher will be broadly similar to that for National 5 and further communications were issued on 16 December.

Given the move to remote learning, it is the view of the NQ Group that there are elements of the model which are not feasible, now or going forward. Continued remote learning beyond mid-February will have an increasingly significant impact on the deliverability of the published ACM and raises a number of issues which require to be considered.

In short, The NQ Group is concerned that the longer the period of remote learning continues, the greater the impact there will be on teaching, learning and assessment, and associated local and national quality assurance. The timing of the return to face-to-face teaching may mean there is insufficient time to consolidate learning before assessment takes place and this may impact on the capacity across the system to undertake any meaningful quality assurance at local or national level.

The Optima Building, 58 Robertson Street, Glasgow, G2 8DQ
An Togalach Optima, 58 Sràid MhicDhonnachaidh, Glaschu, G2 8DQ

T: 0345 279 1000 F: 0345 213 5000
E: customer@sqa.org.uk W: www.sqa.org.uk

Lowden, 24 Wester Shawfair, Dalkeith, EH22 1FD
Lowden, 24 Shawfair an Iar, Dal Chè, EH22 1FD

Chair: David Middleton CBE
Chief Executive: Fiona Robertson

2
21 January 2021

The NQ Group is currently working at pace through a range of scenarios and options and is considering potential contingencies for the ACM, should they be needed. The focus is clearly on ensuring we retain the core principles of the approach as far as possible, to maintain the integrity and credibility of awards.

The first stage of the model committed SQA to providing an extensive programme of guidance and support on understanding standards, which we have started to deliver. We have also published national guidance and assessment materials for National 5, and during January, we will provide additional material for Highers and Advanced Highers. This is in addition to the modifications to course assessment requirements that have been made in recognition of learning disruption and with a view to maximising learning and teaching following an extensive consultation in late summer of 2020.

The current approach is built on candidate evidence of demonstrated attainment. Centres working remotely may not be able to support remote assessment and the collection of sufficient valid and reliable candidate evidence ahead of submission of provisional results. In effect, this means that the model may come under pressure to permit inferred candidate attainment, rather than demonstrated attainment, to be used as the basis of results. In light of the experience in 2020, inferred attainment has the potential to create (real or perceived) unfairness for learners and could increase the probability of challenge to results following certification. A model based on inferred attainment would also present very significant challenges for any subsequent appeals process.

All members of the NQ Group are agreed that the priority for schools and colleges during January is a focus on learning and teaching and that the assessment of learner evidence cannot be undertaken unless young people have the foundation of teaching and learning of the course content. This was communicated to the system on 12 January. There is also consensus that the return of face-to-face teaching and learning should become a priority for senior phase pupils and assessment will need to happen in the later stages of the 2020/21 session to allow consolidation of learning as well as to support the collection and assessment of evidence. I know this is one of the options you are considering in the return to school and that is very helpful.

The NQ Group has also been clear that, as quality assurance is embedded throughout the co-created ACM, the later stage involving a review of centre evidence by SQA can only be carried out at the most appropriate time when the outcomes of assessment are available, which could potentially be during April or May.

[Redacted s30(b)(ii)]

Detailed work and dialogue continue at pace within SQA and the NQ Group and I will keep you fully apprised of this.

I am happy to discuss further.

Yours sincerely

[Redacted s38(1)(b)]

Fiona Robertson

Chief Executive and Scotland's Chief Examining Officer

Enclosure 5 – Email: Letter from the Deputy First Minister - 27 January 2021

From: [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 27 January 2021 09:47

To: fiona.robertson@sqa.org.uk

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

Subject: Letter from the Deputy First Minister - 27 January 2021

Good Morning,

Please find a letter attached from the Deputy First Minister.

Many thanks

[Redacted s38(1)(b)]

[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: 07[Redacted s38(1)(b)] | E: DFMCSE@gov.scot

Enclosure 5.1 – Attachment: Letter from the Deputy First Minister - 27 January 2021

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

Fiona Robertson
Chief Examiner
Scottish Qualifications Authority

By email: fiona.robertson@sqa.org.uk

27 January 2021

Dear Fiona

DELIVERING NATIONAL QUALIFICATIONS IN 2021

Thank you for your letter of 21 January setting out the considerations of the National Qualifications 2021 Group and your views in relation to the delivery of qualifications this year. I appreciated the opportunity we had to discuss this in more detail today.

I recognise that the necessity to move to remote learning for most learners has had an impact on the planned Alternative Certification Model (ACM). I remain clear, however, that it is imperative that learners are treated fairly and receive the national qualifications that their hard work merits this year. I am, therefore, very grateful for the ongoing work that you, your colleagues and other members of the NQ21 Group are doing to support this.

As you know, I am in full agreement with the Group's view about the importance of ensuring a return to face-to-face learning for senior phase pupils as soon as circumstances allow and I am looking to deliver this as soon as it is possible. I also agree that, during the period of remote learning, the focus for senior phase pupils needs to be on learning and teaching and not on summative assessment.

I understand, and accept, that elements of the ACM as planned in December are no longer feasible and I can confirm that, on the basis of current circumstances and best assessments of likely future circumstances, I am content with the alternative approach you have set out in your letter as Option 1. On the specific proposal that the date for submitting evidence should move to close to the end of the summer term (around 18 June), I note the views of the Group and your support for this step and am satisfied that this change be made.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1
3DG
St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



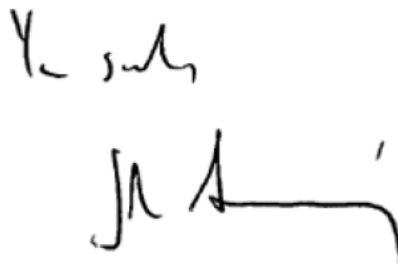
INVESTORS
IN PEOPLE

Accredited
Until 2020



Given the implications of this in terms of the SQA being unable to undertake post-submission checking of results as had been published as part of the original ACM, it is crucial that the quality assurance measures put in place by schools, local authorities and the SQA for the period up to the submission of evidence are as robust as possible. On the basis that the SQA works with partners in the system to ensure sufficient quality assurance activity takes place in advance of the submission of provisional results, I am content for the submission date to be delayed. I am also content that these changes are communicated to the system without delay.

I appreciate the continued commitment of the SQA and partners on the NQ21 Group in these matters, and the work being done to consider further contingencies should they be required. I look forward to hearing future updates regarding progress made.

A handwritten signature in black ink, appearing to read 'John Swinney', with a stylized flourish at the end.

JOHN SWINNEY

Enclosure 6 – Email: Alternative Certification Model for National Qualifications in 2021 - Letter for the attention of the Deputy First Minister

From: Fiona Robertson <fiona.robertson@sqa.org.uk>
Sent: 16 February 2021 12:23
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>
Subject: Alternative Certification Model for National Qualifications in 2021 - Letter for the attention of the Deputy First Minister
Importance: High

[Redacted s38(1)(b)]

Please see the attached letter for the DFM's immediate attention.

Many thanks and best wishes.

Fiona

Fiona Robertson
Chief Executive
Scottish Qualifications Authority
w: <http://www.sqa.org.uk>
The Optima Building, 58 Robertson Street, GLASGOW G2 8DQ | 24 Wester
Shawfair, Lowden, Dalkeith, Midlothian EH22 1FD

Enclosure 6.1 – Letter from SQA to DFM



16 February 2021

John Swinney MSP
Deputy First Minister and Cabinet Secretary for Education and Skills

by email: DFMCSE@gov.scot

Contact: Fiona Robertson fiona.robertson@sqa.org.uk

Dear Deputy First Minister

DELIVERING NATIONAL QUALIFICATIONS IN 2021

Since my letter of 21 January, the NQ 2021 Groups have been meeting to work through the changes to the model which was published on 8 December 2020. I am pleased to advise you that we have now secured agreement from the NQ Group to a revised Alternative Certification Model (ACM). This includes a programme of support from SQA and national and local quality assurance, which we agreed was critical to delivering a credible model in 2021.

The proposed model consists of five stages which are:

Stage 1: from now until April 2021 - *Teachers and lecturers access subject-specific guidance, assessment resources and Understanding Standards materials and webinars from SQA.*

Stage 2: April – May 2021 – *School, college, training provider and local authority quality assurance continues. During May SQA requests, reviews and provides feedback on assessment evidence from each school, college and training provider.*

Stage 3: end May to 25 June 2021 - *Schools, colleges, training providers, local authorities and SQA work through final stages of local and national quality assurance and feedback to reach provisional results that are consistent, equitable and fair.*

Stage 4: by 25 June 2021 – *Schools, colleges and training providers submit quality assured provisional results to SQA.*

Stage 5: Appeals process for 2020-21 - *to be advised following consultation.*

The Optima Building, 58 Robertson Street, Glasgow, G2 8DQ
An Togalach Optima, 58 Sràid MhicDhonnachaidh, Glaschu, G2 8DQ

Lowden, 24 Wester Shawfair, Dalkeith, EH22 1FD
Lowden, 24 Shawfair an Iar, Dal Chè, EH22 1FD

T: 0345 279 1000 F: 0345 213 5000
E: customer@sqa.org.uk W: www.sqa.org.uk

Chair: David Middleton CBE
Chief Executive: Fiona Robertson

2
16 February 2021

You previously agreed to support the majority view within the NQ 2021 Group that the date for submission of evidence should move close to the end of the summer term and a revised date of 18 June was then communicated to stakeholders on 27 January. This movement was to allow maximum time for learning and teaching and consolidation of learning before assessment and quality assurance take place. Given the further work undertaken by the Group, and recognising that a significant return to face-to-face learning may now be later in March, the Group is now recommending a further delay of one week for the submission of results to 25 June.

I highlighted in my letter of 21 January that the revised date of 18 June for the submission of provisional results would mean that SQA would be unable to undertake further quality assurance or provide further feedback to centres on provisional results after this date. I also indicated the associated risks particularly around fairness and equity. This remains the case with a move to 25 June. The risks can, at least in part, be mitigated by all parts of the system working together, with support from SQA, to deliver this year's National 5, Higher and Advanced Higher results. The NQ 2021 Group has agreed a detailed roles and responsibilities document to ensure these are clear and understood.

SQA is working hard to provide support to schools, colleges and training providers. We have published 116 subject-specific guidance documents and 134 assessment materials, providing support for every course across National 5, Higher and Advanced Higher. We are reviewing, at pace, further modified guidance for the practical subjects, given the real constraints to learning and teaching following the move to remote learning.

Crucially, SQA continues to promote, deliver and further develop our Understanding Standards programme to support teachers and lecturers in centres this year. The programme provides an extensive range of quality resources demonstrating the application of national standards and supporting the implementation of subject-specific modifications. As the ACM model develops and is shared with centres and practitioners, SQA will use the existing wealth of resources available in the programme as the basis for enabling consistent application of national standards to the assessment of learner evidence by teachers and lecturers.

Detailed work is also underway to finalise the strategy for selecting subjects from each centre, and timelines for quality assurance by SQA which will be communicated to stakeholders shortly. We will rely heavily on the availability of senior appointees to do this, and the support of their employers.

The NQ 2021 Group agreed that providing clarity to the system on additional in-service days and payment to teachers and lecturers would be very helpful in communicating and commending the model to the system and I know you are considering this further.

I will provide further details to you on our proposed consultation on the appeals process very shortly and following discussion with your officials.

3

16 February 2021

In terms of immediate next steps, and subject to your agreement that we have delivered on your commission of 7 October, we would propose to issue an update to the education system, to learners and parents/carers later today, following the First Minister's statement to Parliament. This will outline the five stages of the ACM and provide an agreed set of roles and responsibilities. We will also publish an Equality Impact Assessment and Child Rights and Wellbeing Impact Assessment on the work to date.

To conclude, I am very grateful for all the work that has been undertaken to date to reach agreement, and the input of partners from across Scottish education in the development of the alternative certification model. Their continued support and efforts will be crucial to its delivery, to the benefit of learners across Scotland.

I will continue to keep you fully updated on progress and any emerging issues as we move forward.

Yours sincerely

[Redacted s38(1)(b)]

Fiona Robertson
Chief Executive and Scotland's Chief Examining Officer

Enclosure 7 – Email: Letter from John Swinney MSP

From: [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** zzzDeputy First Minister and Cabinet Secretary for Education and Skills
Sent: 16 February 2021 17:35
To: fiona.robertson@sqa.org.uk
Cc: Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Fiona Robertson <fiona.robertson@sqa.org.uk>; zzzDeputy First Minister and Cabinet Secretary for Education and Skills <zzzDFMCSE@gov.scot>
Subject: Letter from John Swinney MSP

Dear Fiona,

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

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

[See Enclosure 6 for remainder of email chain]

Enclosure 7.1 – Attachment: Letter from DFM to SQA

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

Fiona Robertson
Chief Executive and Scotland's Chief Examining
Officer
Scottish Qualifications Authority

By email: fiona.robertson@sqa.org.uk

16 February 2021

Dear Fiona

Thank you for your letter of today outlining the revised Alternative Certification Model (ACM) for the National 5, Higher and Advanced Higher qualifications. I am pleased that the National Qualifications 2021 Group has reached agreement on this, and I note the plan to issue an update today, including a further extension of the submission date for provisional results to 25 June.

The credibility of the model for awarding the qualifications this year is critical, and I appreciate the effort that SQA and partners have put in to co-creating this approach. The COVID pandemic has necessitated a much closer collaboration across partners, and it will be important that these relationships continue to ensure that our young people can be supported and given the maximum opportunity to have their learning fairly assessed and certificated.

You will have noted the First Minister's announcement today confirming the additional payment for teachers and assessment support days that members of the National Qualifications 2021 Group have called for. She also confirmed the return to school for a limited number of senior phase learners to allow them to complete essential practical coursework for the qualifications. It is too early at this point to set out details of when other senior phase learners will return, but I would hope that we will be able to set out the second phase of school re-opening in two weeks' time.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1
3DG
St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



I look forward to receiving further updates on how the model is being implemented and how planning for appeals this year is being developed to complement the ACM.

Yc swin

A handwritten signature in black ink, appearing to read "John Swinney". The signature is stylized, with the first name "John" written in a cursive-like font and the last name "Swinney" written in a more blocky, slightly cursive font. The signature is positioned centrally below the first line of handwriting.

JOHN SWINNEY

Enclosure 8 – Email: RE: IMMEDIATE: Draft message from NQ21 Group

From: Fiona Robertson <fiona.robertson@sqa.org.uk>
Sent: 13 May 2021 08:20
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: [Redacted s38(1)(b)]@sqa.org.uk>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>
Subject: RE: IMMEDIATE: Draft message from NQ21 Group

Thanks Malcolm

We spoke.

[Redacted s30(b)(ii)]

Fiona Robertson
Chief Executive
Scottish Qualifications Authority
w: <http://www.sqa.org.uk>
The Optima Building, 58 Robertson Street, GLASGOW G2 8DQ | 24 Wester Shawfair, Lowden, Dalkeith, Midlothian EH22 1FD

From: Malcolm.Pentland@gov.scot <Malcolm.Pentland@gov.scot>
Sent: 13 May 2021 08:12
To: DirectorofLearning@gov.scot; Fiona Robertson <fiona.robertson@sqa.org.uk>; Colin.McAllister@gov.scot
Cc: [Redacted s38(1)(b)]@sqa.org.uk>; CommunicationsDFM&Education@gov.scot; [Redacted s38(1)(b)]@gov.scot; [Redacted s38(1)(b)]@gov.scot; [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: IMMEDIATE: Draft message from NQ21 Group

Apologies, minor change made in text within highlighted section.

From: Pentland MK (Malcolm)
Sent: 13 May 2021 07:48
To: Director of Learning <DirectorofLearning@gov.scot>; Fiona Robertson <fiona.robertson@sqa.org.uk>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: [Redacted s38(1)(b)]@sqa.org.uk>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot <[Redacted s38(1)(b)]@gov.scot>; [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: IMMEDIATE: Draft message from NQ21 Group
Importance: High

Fiona, Colin

Please see further revision below with a change highlighted based on the EIS comms. Previous changes are highlighted in red and blue text in the version further down the chain. I'd be grateful for any comments/clearance asap in order to put this round the NQ Group members for sign off today.

Adding SG Comms and some of my team to the distribution.

Thanks
Malcolm

[Redacted s30(b)(ii)]

From: Director of Learning <DirectorofLearning@gov.scot>
Sent: 12 May 2021 19:24
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Fiona Robertson <fiona.robertson@sqa.org.uk>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: [Redacted s38(1)(b)] @sqa.org.uk>
Subject: RE: DRAFT message

Thanks [Redacted s38(1)(b)] and Malcolm. Please find below a few further changes (in blue) and one additional line offering learners a key overall message.

When you issue this to NQ members Malcolm please explain the that this was an action from CERG this afternoon, agreed by members following discussion with DFM. If the draft message is circulated first thing in the morning I'd be tempted to ask for feedback and sign off by 3pm, as well as agreement to use the badges of the organisations represented when the message goes out. This gives us time to share this with Ministers before (hopefully) issuing the message on Friday morning.

Can we bring SG comms in to this chain too please. Copying to Colin too for awareness and any comment at this stage.

Graeme.

From: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Sent: 12 May 2021 18:20
To: Fiona Robertson <fiona.robertson@sqa.org.uk>; Director of Learning <DirectorofLearning@gov.scot>
Cc: [Redacted s38(1)(b)] @sqa.org.uk>
Subject: RE: DRAFT message

Fiona, Graeme, [Redacted s38(1)(b)] (and adding [Redacted s38(1)(b)])

Please see below some suggested amendments that I think would be helpful.

Given the ask I understand DFM made at CERG, I am happy to put the draft text, once agreed, round the NQ Group for agreement/comment....should we seek this by close tomorrow (with Friday morning's NQ meeting as a fall back for finalising if needed) and then issuing by midday, Friday?

Thanks
Malcolm

[Redacted s30(b)(ii)]

From: Fiona Robertson <fiona.robertson@sqa.org.uk>
Sent: 12 May 2021 17:30
To: Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Cc: [Redacted s38(1)(b)] @sqa.org.uk>
Subject: RE: DRAFT message
Importance: High

Graeme and Malcolm

With thanks to [Redacted s38(1)(b)], here is a first draft. I have made a couple of minor tweaks.
I think there is merit in this being specifically directed at learners, so the language could change as a result (more 'you' and less 'learner', 'they/them'). That might work better?

Fiona

Fiona Robertson
Chief Executive
Scottish Qualifications Authority
w: <http://www.sqa.org.uk>
The Optima Building, 58 Robertson Street, GLASGOW G2 8DQ | 24 Wester Shawfair, Lowden, Dalkeith, Midlothian EH22 1FD

From: [Redacted s38(1)(b)] @sqa.org.uk>
Sent: 12 May 2021 17:05
To: Fiona Robertson <fiona.robertson@sqa.org.uk>
Subject: DRAFT message

Hi Fiona

As requested, here is a suggested message:

[Redacted s30(b)(ii)]

-ends-

Enclosure 9 – Email: RE: IMMEDIATE: Draft message from NQ21 Group

From: Fiona Robertson <fiona.robertson@sqa.org.uk>
Sent: 13 May 2021 10:03
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: [Redacted s38(1)(b)]@sqa.org.uk>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>
Subject: RE: IMMEDIATE: Draft message from NQ21 Group

[Redacted s38(1)(b)], I made a similar point last night. On the point about quality assurance, would prefer this is not included (the discussion with Graeme was in relation to a question asked by Ministers). Happy to speak about this. I am just out of a call with Universities Scotland and they are happy to consider being co-signatories.

Fiona

Fiona Robertson
Chief Executive
Scottish Qualifications Authority
w: <http://www.sqa.org.uk>
The Optima Building, 58 Robertson Street, GLASGOW G2 8DQ | 24 Wester Shawfair, Lowden, Dalkeith, Midlothian EH22 1FD

From: Malcolm.Pentland@gov.scot <Malcolm.Pentland@gov.scot>
Sent: 13 May 2021 09:24
To: [Redacted s38(1)(b)]@gov.scot>; DirectorofLearning@gov.scot>; Fiona Robertson <fiona.robertson@sqa.org.uk>; Colin.McAllister@gov.scot
Cc: [Redacted s38(1)(b)]@sqa.org.uk>; CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>
Subject: RE: IMMEDIATE: Draft message from NQ21 Group

[Redacted s38(1)(b)]– I will call you.

All – following discussion with Graeme and Graeme’s discussion with Fiona, here is a suggested additional bullet for the list of facts. It would fit third from the end (after support on standards). Ok?

- the SQA will not change any learners’ grades (judged by their teachers or lecturers) as a result of the moderation process in May and June, however, the SQA

is engaging with schools, colleges and local authorities to offer feedback on local quality assurance of provisional results, while ensuring that these are firmly based on current candidate evidence

From: [Redacted s38(1)(b)]@gov.scot>
Sent: 13 May 2021 09:16
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Fiona Robertson <fiona.robertson@sqa.org.uk>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: [Redacted s38(1)(b)]@sqa.org.uk>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>
Subject: RE: IMMEDIATE: Draft message from NQ21 Group

Thanks for sight.

Who is the primary audience for this? It looks like it is learners, but switches between the third person and speaking directly to learners

[Redacted s30(b)(ii)]

The attribution should be a person, such as X on behalf of the NQ21 group.

How is it being issued? How will it get to learners?

[Redacted s30(b)(ii)]

[Redacted s38(1)(b)] and I happy to discuss.

[Redacted s38(1)(b)]

From: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Sent: 13 May 2021 08:54
To: Director of Learning <DirectorofLearning@gov.scot>; Fiona Robertson <fiona.robertson@sqa.org.uk>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: [Redacted s38(1)(b)]@sqa.org.uk>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>
Subject: RE: IMMEDIATE: Draft message from NQ21 Group

Clean version now attached with those changes made. Grateful for any final comments by 9.30am before sending on to NQ Group.

Thanks
Malcolm

[Redacted s30(b)(ii)]

From: Director of Learning <DirectorofLearning@gov.scot>

Sent: 13 May 2021 08:27

To: Fiona Robertson <fiona.robertson@sqa.org.uk>; Pentland MK (Malcolm)
<Malcolm.Pentland@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

Cc: [Redacted s38(1)(b)] @sqa.org.uk>; Communications DFM & Education
<CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)] @gov.scot>;

[Redacted s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)] @gov.scot>; [Redacted
s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)]

@gov.scot>; Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart
<Gill.Stewart@sqa.org.uk>

Subject: RE: IMMEDIATE: Draft message from NQ21 Group

Two slight further tweaks suggested below, having re-read it this morning. Thanks,
Graeme.

[See Enclosure 8 for remainder of email chain]

Enclosure 10 – Email: Letter from Fiona Robertson - National Qualifications in 2021: Appeals

From: [Redacted s38(1)(b)]@sqa.org.uk> On Behalf Of Fiona Robertson
Sent: 14 May 2021 15:57
To: Deputy First Minister and Cabinet Secretary for Education and Skills
<DFMCSE@gov.scot>
Cc: Director of Learning <DirectorofLearning@gov.scot>
Subject: Letter from Fiona Robertson - National Qualifications in 2021: Appeals

PS/DFM

Please find attached letter and paper from Fiona Robertson

Kind regards

[Redacted s38(1)(b)][Redacted s38(1)(b)]Fiona Robertson, Chief Executive
Scottish Qualifications Authority
w: <http://www.sqa.org.uk>

NQ 2021 Appeals Model

Introduction

1. The aim of this paper is to outline the various considerations and perspectives that SQA has attempted to balance when developing the appeals model for National Qualifications in 2021.

2. This paper sets the proposal for appeals in the context of SQA's role and the 2021 Alternative Certification Model (ACM). It describes regulatory factors, outlines details of the consultation and feedback received before looking in detail at the key issues and decisions required.

Context

About SQA — our functions and responsibilities

3. Under the Education (Scotland) Act 1996 SQA has statutory functions for National Qualifications other than degrees in Scotland, as outlined in the Education (Scotland) Act 1996. Qualifications offer a standard and consistent way of demonstrating that someone has a level of competence in a particular subject or skill set.

4. SQA sets, maintains, and monitors standards as part of our role as Scotland's National Qualifications body. This includes defining the level of knowledge and skills needed to achieve a qualification and how those standards are to be demonstrated, then applying these standards to each learner's assessment to determine whether they have reached the national standards for that qualification. Our approach to this is explained in our Code of Practice.

5. This is important as it means that employers and universities, for example, can have confidence that the people they employ or enrol have the knowledge, skills and understanding they need them to have. This is also good for individuals — it means they too can have confidence that the qualifications they have earned have been earned by everyone else in the same way. Consistent standards over time provide flexibility for learners to access immediate opportunities today, and different opportunities later in their career. They also support geographic mobility, both within Scotland and beyond.

6. When assessment is carried out by a mixture of coursework and exams, National Qualifications are awarded based on the professional academic judgement of a subject specialist teacher or lecturer who is engaged by SQA as a marker. They consider the knowledge, skills and understanding demonstrated by a learner in relation to the national standards for that qualification. The judgements of the teachers and lecturers are also subject to quality assurance checks.

7. SQA also takes steps to ensure that all learners can show that they have reached the national standards for their qualification, and that no one is unfairly disadvantaged. For example, SQA oversees arrangements for reasonable adjustments to be made for learners with additional support needs. These adjustments that aim to mirror support for learning are based on the individual assessment needs of the learner and can include such things as providing additional time or a scribe in an exam. In making decisions about reasonable adjustments in the assessment of its qualifications, SQA takes account of:

- the need to give disabled learners as full an opportunity as possible to show they have the knowledge, skills and understanding required for the qualification they are sitting
- the need to ensure that the qualification is a reliable indicator of the knowledge, skills and understanding of a successful learner
- the need to maintain public confidence in the qualification

8. In years where there has been less disruption and we have had exams, SQA has an appeals process, called Post Results Services (PRS). This is a service that allows centres to ask for a clerical check of the marks and/or for a subject specialist teacher or lecturer working for SQA to review the marks awarded to both coursework and exams and consider if the result should move up, down or stay the same.

9. In previous years, SQA also had a process called 'exceptional circumstances'. This is open to National Qualifications learners who have been unable to sit an exam or whose performance in an exam has been affected by something serious that happened on or close to the day of the exam, such as a close family bereavement or a sudden, serious illness. In such cases, there is scope for a review of alternative assessment evidence to determine whether the learner achieved the national standards.

10. At all times, a learner's grade is awarded based on the knowledge, skills and understanding they have demonstrated, otherwise known as demonstrated attainment, relative to the national standard for the qualification.

11. In 2020, SQA outlined a service called Post Certification Review, whereby any grades that had been moderated by SQA could be reconsidered. Centres would send SQA evidence that demonstrated learners' attainment and, again, a subject specialist teacher or lecturer working for SQA would review that evidence and consider if the result should move up, down or stay the same.

12. This process was not put into practice as, following the Ministerial direction on 11 August 2020, SQA was asked to create an appeal process consistent with the direction that learners (whose grade had not already been moderated upwards by SQA) should be certificated as per the centre estimates supplied to SQA in May 2020.

2021 approach to awarding

13. This has been a challenging year for learners and their schools, colleges, and training providers. The COVID-19 pandemic has meant that exams have been cancelled for a second year and teaching and learning have been disrupted. An ACM has been developed by the National Qualifications 2021 Group (NQ 2021 Group). On 16 February 2021, the NQ 2021 Group published information about the revised ACM for delivering National 5, Higher and Advanced Higher results in 2021. The approach has professional judgement of teachers and lecturers at its heart, supported by local and national quality assurance.

14. While the awarding of grades for National Qualifications will be different this year in the absence of an exam diet, grades will nevertheless be based on evidence of knowledge,

skills and understanding of individual learners. Teachers and lecturers will determine results based on the evidence generated by individual learners and the level of attainment they demonstrate when compared against national standards — demonstrated attainment.

15. Having anticipated significant disruption to learning this session, actions have been taken across the Scottish education system to ensure learner evidence that demonstrates attainment can be gathered:

- SQA has reduced the evidence requirements for each National Course to a minimum to preserve the validity and public confidence in the qualifications.
- SQA has also published 116 subject-specific guidance documents across National 5, Higher and Advanced Higher courses.

— These documents summarise the key pieces of evidence required as the basis for provisional results.

— They also highlight the option of separating and adapting assessments which have been made available so that teachers and lecturers have the flexibility to assess learners at times and in ways that are appropriate to their needs.

— In many subjects, assessment components have been removed and content and contexts have been reduced to enable a narrower focus for this session.

— Planned National Qualification verification activity has also been reduced to allow more time to support learning and teaching.

16. When provisional results are communicated to SQA by schools and colleges at the end of June, they will have already been subject to sample-based quality assurance and approval processes within the school or college. There will also have been other activities to support quality assurance, for example, by local authorities.

17. Teachers and lecturers will provide ongoing feedback to learners regarding their progress and assessments, including, at the conclusion of the course, provisional grades based on evidence of demonstrated attainment.

18. Steps being taken to assure quality by both centres and local authorities are further supported by national quality assurance and Understanding Standards materials.

19. A key element of the ACM is that it requires centres to discuss how they arrived at a learner's provisional result with them. Outlined in the agreed roles and responsibilities document, there is a specific responsibility for centres to ensure learners have an opportunity to discuss the rationale behind their provisional results with their teachers or lecturers, the evidence that was used to make the awarding judgement, and also to ensure the learner understands all the layers of quality assurance that have been applied. Combined, these steps are a key element of ensuring that results are fair and in line with national standards.

Appeals — the final stage of the ACM

20. All stakeholders are committed to ensuring learners receive accurate and fair results. The ACM has been carefully designed to ensure this is the case, with SQA and centres both playing a part in making this happen.

21. However, in any process there can be errors or other manifestations of unfairness. It is in these circumstances that it is important — for learners, their parents and all others involved to have confidence in the qualifications awarded — that there is a well-functioning appeals process.

22. In developing the appeals model, SQA has aimed to balance three key aspects:

- That the principles of awarding qualifications that underpin the ACM also underpin the appeals process.
- That the appeals process is compliant with the law and that it respects the rights contained in the United Nations Convention on the Rights of the Child.
- That the appeals process can be delivered; that it is operationally viable for SQA and all stakeholders that play a part in its delivery.

23. Throughout the development of the appeals model, SQA has tried to ensure that the needs and considerations of learners have been kept central to our thinking.

Carrying forward principles from the ACM

24. The appeals process is the final stage of the ACM. As such, it is important that it is consistent and that the principles underpinning the ACM are carried through into the appeals model.

25. A key consideration here is the principle of demonstrated attainment and, as it manifests in the appeals stage, the related principle of appeals which can see a grade go up, down or stay the same. This is discussed in more detail in the Key Issues section.

Regulatory and legal considerations

SQA's equality duties

26. SQA has a responsibility to assess the impact of new or modified policies and practices against our need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not

27. The equality duty covers the nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

28. Accordingly, an Equality Impact Assessment (EIA) of the appeals model for graded National Courses in session 2020–21 will be published alongside the model and has been considered while making decisions about the appeals model itself.

29. This EIA considers the potential impact of the 2021 Appeals Model on candidates who share protected characteristics and how any potential negative impacts that are identified could be mitigated. Other groups of candidates, such as those who are socio-economically disadvantaged, or who experience other circumstances that present barriers to accessing qualifications, have also been considered wherever possible. Although such groups are not covered specifically by the Equality Act 2010, the NQ 2021 Group recognises that a wide range of factors can have an impact on a candidate's ability to achieve qualifications.

30. Furthermore, SQA has a specific Corporate Parenting commitment to ensure its EIA process considers the needs of care experienced young people, by treating care experience as if it were a protected characteristic covered by the Equality Act.

31. SQA has met with and been in correspondence with the Equality and Human Rights Commission (EHRC). The EHRC has outlined several views. Firstly, they believe that creating a route for appeal on grounds of discrimination falls within the scope of SQA's legislative powers.

[Redacted s30(b)(ii)]

33. SQA cannot make a judgement on the fact of discrimination; it is beyond SQA's powers to adjudicate on such an issue.

34. In communication with SQA, the EHRC relies on the public sector equality duty, which is a duty to have regard for certain needs, but it does not prescribe any particular actions that a public body must take, or outcomes that must be achieved. How SQA 'has regard' to needs is a matter for itself, acting reasonably. Indeed, the public sector equality duty itself does not require SQA to have any kind of appeal mechanism.

[Redacted s30(b)(ii)]

SQA and children's rights

36. SQA has developed a Children's Rights and Wellbeing Impact Assessment that summarises the evidence reviewed by SQA to inform development of the appeals model for graded National Courses in 2021 in relation to impacts on children's rights and wellbeing.

37. While SQA supports lifelong learning and awards qualifications to learners across the age spectrum, it is clear that many learners taking SQA graded National Courses are aged 16 or 17 and would identify as children or young people.

38. In developing this appeals model, SQA extended the principles of the ACM and drew on the Children's Rights and Wellbeing Impact Assessment of the ACM published on behalf of the NQ 2021 Group in February 2021. As with its EIA, SQA reviewed the range of available evidence to inform its decisions in the context of its duties as the statutory national awarding body in Scotland for qualifications other than degrees. These duties are set out in the Education (Scotland) Act 1996, as amended.

United Nations Convention of the Rights of the Child

39. Scotland is set to directly incorporate the United Nations Convention on the Rights of the Child (UNCRC) into domestic law. The UNCRC (Incorporation) (Scotland) Bill was introduced to the Scottish Parliament on 1 September 2020. Once enacted, it will be unlawful for public authorities to act in any way that is incompatible with the incorporated UNCRC requirements. This will give children, young people, and their representatives the power to go to court to enforce their rights.

40. More recently, in response to the Priestley Review, the Scottish Government stated that it fully recognises '*that young people are rights-holders and key stakeholders with the education system. We will ask the SQA to review the appeals system for National Qualifications, working closely with education partners, including young people, to ensure it best meets the needs of young people in line with the principles of the UNCRC*'. We agreed to implement the recommendation, so this is a key consideration in the design of the appeals process.

41. SQA has carried out a research exercise to look for international practice in implementing the UNCRC in relation to qualifications.

42. We have found that there is a variety of approaches taken by different countries, both in terms of UNCRC implementation and regarding appeals against academic judgements.

43. SQA believes the appeals process that has been developed advances the realisation of children's rights as it places the decision on whether to appeal (or not) in the hands of the learner, while ensuring that learners are appropriately supported with the information they need to make decisions that are in their best interests.

Operational deliverability

44. When delivering a public service, it is important that the service operates effectively. It is of no benefit to Scotland's young people nor any other stakeholder to outline an appeals process that cannot be operationalised.

45. As such, throughout the engagement process, both SQA and stakeholders have considered the complex issues through a delivery lens, including the dependencies SQA has on all schools and colleges and their staff (both in-centre and also as the population from where SQA appointees are drawn), local authorities and other, national stakeholders. In addition, SQA's own capacity and resources are both key enablers and there are some manageable risks associated with this.

46. Furthermore, SQA also has to consider its own staff and resources when considering operational delivery, being mindful of the layering of processes and activity in crucial periods; ensuring — as a good employer — that it is fully aware of the strains any decisions made place on staff and their wellbeing.

47. Taken together, there is an interplay between all parts of the education system that makes decisions on the operational viability of any solution complex, requiring not only SQA's confidence in its own ability to deliver, but in the ability and support of all parts of the system to do likewise.

48. Unlike previous years when the diet of examinations has meant that SQA has had immediate access to the examination scripts and externally assessed coursework to review during the PRS, there will be a need for SQA and centres to work together to ensure that learner assessment evidence can be secured from centres for this year's appeals process.

49. Overall, it would be operationally feasible for SQA to deliver an earlier priority appeals service, but this would be on the assumption that appointees and evidence would be available, and this would need the support of the wider system.

50. It would also be operationally feasible for SQA to provide a service which would enable learners and centres to signal an intent to appeal from 25 June on the understanding that the full end to end appeals service would be available from 10 August.

Gathering views

51. SQA has used several approaches to gather a wide range of views on the appeals model.

Public consultation

52. Feedback on SQA's draft proposals was gathered via a consultation questionnaire with nine substantive questions, which focused on:

- How learners can be supported in deciding whether or not to make an appeal
- How the appeals process should best be managed between centres and SQA
- The parameters of the appeals process and the grounds for appeal
- SQA's public sector equality duty

53. The consultation was published on SQA's website and most responses were directly submitted this way, with a small number submitted via email. It was open for responses from 12 March 2021 and closed on 26 March 2021. The full analysis is available in Appendix 1.

Stakeholder engagement

NQ Working and Steering Groups

54. SQA established a National Qualifications Steering Group supported by a working group, to enable co-creation and development of the ACM. It naturally followed that these groups were used to discuss and help shape the development of the appeals model.

Insights from these groups are described in the sections below.

SQA Learner Panel

55. Similarly, SQA established a Learner Panel to help develop the ACM. Again, the panel was used to discuss and help shape the appeals model.

56. The SQA Learner Panel gives young people the opportunity to share their views on key SQA activities which will help with decision making. SQA also looks to the Learner Panel to advise on specific methods of engagement and style of communication.

Insights from the panel are described in the sections below.

Equality and Inclusion Key Partners Group

57. The Equality and Inclusion Key Partners Group was established to bring together representatives from SQA's Inclusion Group and from a range of equality groups. The Group focuses on the potential impact of SQA's policies and practices on candidates from different

equality groups. The remit of the Group is to explore, discuss and identify solutions and strategies designed to tackle identified barriers to inclusion and equality for candidates.

SQA Groups

58. SQA worked with its own committee and council structure throughout the development of the appeals model.

59. SQA's Board provides leadership, direction, support and guidance to ensure the SQA delivers and is committed to delivering its functions effectively and efficiently.

60. The Advisory Council's role, as set out in the Scottish Qualifications Authority Act 2002, is to consider and provide advice to SQA and/or Ministers on matters relating to qualifications devised or awarded by SQA, and the functions and procedure of SQA.

61. SQA's Qualifications Committee provides strategic, policy and technical advice to the SQA Board and senior officers on SQA's qualifications and their assessment, quality assurance and awarding systems. It also oversees the work of SQA in developing qualifications that meet the needs of learners, centres and employers, now and into the future.

62. All three groups were involved in discussions through the process of developing the appeals model. This enabled SQA to access a wide range of experience and perspectives that added to the depth of understanding of the range of issues the appeals model is required to balance.

Key issues in detail

Fundamental aspects of the appeal process

What is an appeal?

63. An appeal is a request for a reconsideration of a learner's provisional result. The provisional result is the result schools and colleges will communicate to learners and submit to SQA by 25 June.

[Redacted s30(b)(ii)]

Supporting learners over the seven weeks between provisional results and certification day

107. The window between learners being advised of their provisional results and formal certification is a matter of concern for many stakeholders, especially SQA's Advisory Council. This period — of around seven weeks, though longer for some learners — is an unintended consequence of one of the lessons learned from 2020, where disquiet was due to learners not being aware of their provisional results until they were formalised at certification. This led to a mismatch in expectations and a widespread belief that a disappointing result must have been caused by SQA's moderation process, fuelling public unease.

108. During the development of the ACM, the decision was made to ensure a 'no surprises' approach in 2021 to avoid any gap between learners' expectations and the provisional result. We anticipate that many learners will understand and accept their result at this point, and that many will be pleased with the outcome. There will of course be a number of learners who find themselves disappointed with the provisional result communicated to them by their centre at the conclusion of the course.

109. SQA investigated steps that could be taken to support these disappointed learners. However, a key constraint on activity during July and early August is the standard academic year. As described in contractual terms and conditions for staff in many centres delivering SQA National Qualifications, centres are effectively closed. Indeed, stakeholders have consistently explained that it is not reasonable for SQA to require centres to be open and able to carry out any actions over the summer break as staff availability and access to required information will be limited.

110. This leaves a period where centres are closed and little awarding or appeal related activity can take place; evidence will be physically located in (closed) centres and centre staff will, largely, be unavailable to handle queries. To many stakeholders and to SQA, this seemed to introduce a further risk to learners' health and wellbeing. If learners are already concerned about their results, and the opportunities available to them in light of those results, having a ~seven-week window in which they are unable to act seemed like an unacceptable pressure to place on young people.

[Redacted s30(b)(ii)]

Conclusion

- SQA recognises the challenge some learners will face over the summer break.
- SQA has approached the Scottish Government and will work with stakeholders and others to develop a package of supportive measures that can be implemented over the summer.

[Redacted s30(b)(ii)]

Conclusion

- Priority appeals should be available for those candidates with an immediate progression opportunity to HE, FE or employment dependent on a grade (or in some specific instances, a band).
- Including employment in this definition is an extension of SQA's previous position.

[Redacted s30(b)(ii)]

Enclosure 10.2 – Attachment: Letter from SQA to DFM



14 May 2021

John Swinney MSP
Deputy First Minister and Cabinet Secretary for Education and Skills
By email: DFMCSE@gov.scot

Dear Deputy First Minister

NATIONAL QUALIFICATIONS in 2021: APPEALS

As you know, work has been undertaken to develop a service to enable appeals to be made against National 5, Higher and Advanced Higher certifications in 2021 as part of the alternative certification model (ACM). Following a discussion at SQA's Board of Management on 12 May 2021, I am writing to outline the key elements of this service, explain the steps taken by SQA to inform the service design, and seek your support. This process has not been straightforward and there are some important issues to consider.

The appeals service has been developed to align and be consistent with the agreed ACM for 2021. It is consistent with SQA's statutory functions under the Education (Scotland) Act 1996 and has been developed in line with the recommendations of the Priestley Review, taking a co-creation approach to all aspects of the ACM where at all possible. This co-creation included several discussions with the NQ2021 Groups and with SQA's Learner Panel.

The service design has also been informed by responses to SQA's public consultation on appeals, carried out in March 2021. Equality and Children's Rights and Wellbeing Impact Assessments have of course informed and evolved alongside the appeals model development, to ensure that young people's interests have been a key focus throughout. The attached paper, presented to the Board this week, sets out the issues in more detail. The Consultation Report and Impact Assessments will be made available to your officials and can be provided if you wish to review them directly.

The Optima Building, 58 Robertson Street, Glasgow, G2 8DQ
An Togalach Optima, 58 Sràid MhicDhonnachaidh, Glaschu, G2 8DQ

T: 0345 279 1000 F: 0345 213 5000
E: customer@sqa.org.uk W: www.sqa.org.uk

Lowden, 24 Wester Shawfair, Dalkeith, EH22 1FD
Lowden, 24 Shawfair an Iar, Dal Chè, EH22 1FD

Chair: David Middleton CBE
Chief Executive: Fiona Robertson

The key elements of the appeals service are as follows:

- An appeal will be a request to reconsider the provisional result provided to SQA by centres by 25 June. This will consider changes to grade only, except in one specific exceptional context (at Upper A Band for University entry, where required).
- All learners will be able to appeal directly or through their centre. It is their decision whether to do so or not, and the service will be free of charge.
- Some centres, in particular colleges, may choose to implement an internal appeal process ahead of the submission of provisional results to SQA. This will in no way prejudice learner's ability to access SQA's appeals service should they wish to do so.
- There are three grounds for appeal:
 - Disagreement with the centre's quality assured academic judgement;
 - Contested administrative or procedural error within SQA or the centre; or
 - Appeals related to the Equality Act, including assessment arrangements.
- Except in appeals relating to the Equality Act, learners will not be able to appeal against the centre's approach to planning or selecting the evidence on which the provisional result was based.
- Appeal decisions will be evidence-based and symmetric, meaning grades can move up, move down, or stay the same.
- The appeals service will open to allow learners to intimate their intent to appeal from late June.
- From 10 August, centres will be able to provide the necessary information to SQA to enable appeal requests to be progressed.
- Priority appeals will be concluded in time to meet UCAS requirements.
- Appeals eligible for the priority appeal service will continue to be for those learners with an immediate progression opportunity dependent on the outcome, with the definition widened slightly to explicitly include learners where the progression opportunity is into the workplace.
- SQA and stakeholders recognise the unique pressures that may be felt by learners who are advised of their provisional result in June but will not be certificated until August. Stakeholders will therefore work together to ensure support is available over the summer period to support and signpost learners, and we would seek your support in co-ordinating the system wide response.

We expect core elements of the appeals service will be welcomed. Learners will be able to appeal directly for the first time and it is right in these exceptional times that there is a broad mechanism to appeal for those who feel they have not received the right result, to question it, and which is free at the point of use. However, young people's rights must be balanced by the responsibility of their school or college to explain the basis of their grade and provide advice, to discourage purely speculative appeals. Building broader confidence in the alternative certification model is important here too and, as discussed at CERG this week, further steps are being taken here.

We have been mindful of the impact the ACM and appeals may have on learners and are enabling learners to intimate their intent to appeal from the provisional result deadline on 25 June, meaning we will be able to identify and communicate with these learners during the summer break. Indeed, the development of the appeals process highlighted the potential risk to the wellbeing of some young people across the lengthy summer break and has prompted SQA and Scottish Government officials to work with other stakeholders to develop support for young people who, without a school or college to attend for this period, may otherwise feel unsupported. Some may see this opportunity to signal an opportunity to appeals as largely cosmetic. We considered carefully whether an appeals process could go live over the summer and this was not supported by key stakeholders, given the workload implications for teachers over the summer break.

However, I must highlight to you that the views of stakeholders have been difficult to reconcile in setting out some elements of the final model, in particular around symmetry and the impact of disruption to learning.

In relation to symmetry, SQA is proposing that the outcome of an appeal can see a grade move up, move down, or stay the same on the basis of the evidence presented. This evidence-based appeals model is generally supported by education system stakeholders; it is consistent with SQA's approach in previous years, and with comparable appeals services in other parts of the UK and internationally. However, some learners, parents and their representative groups have expressed a very strong preference for asymmetric appeals that can either move grades up or stay the same but not move down – a 'no detriment' approach. This is a view also shared by the Children's Commissioner.

A 'no detriment' approach would break the relationship between demonstrated attainment and the awarding of a qualification and may lead to an increase the volume of appeals, which could impact on academic year 2021/22. However, we are very aware that this position may be criticised and perceived as placing the needs of the education system above the interests of learners and is very likely to be unfavourably received by some learners, parents, and their representative organisations. Your consideration of this element of the appeals process in particular is therefore important.

Learners and their parents/carers are also concerned about the impact of disruption to learning or exceptional individual circumstances on their awards and want to be able to appeal on these broad grounds. We do not consider that to be possible on the basis that an appeal must be evidence-based. We have taken steps to take account of disruption to learning in the development of the ACM and are developing a limited contingency service for learners who have been unduly disadvantaged by severe disruption to learning and teaching, to submit provisional results by 3 September 2021. This can be offered to learners who have completed the learning and teaching of their course but who have not been able to complete their assessment evidence in time for the 25 June submission date.

4
14 May 2021

Finally, we wish to highlight that learners will not, save for some instances where discrimination has been established through an acknowledgement by the centre or a judgement by an appropriate authority, be able to appeal against the approach taken by their centre to planning and selecting the evidence used to determine their provisional result. The ACM is reliant on the professional judgement of teachers and a clearly expressed rationale for the approach taken by individual schools and colleges between teachers and learners. However, this could also lead to some challenge.

To conclude, the appeals service is an important final element in establishing a fair and credible alternative certification model, but it is one area where we have not been able to secure full agreement. I would be grateful for your views before the service is announced.

Yours sincerely

[Redacted s38(1)(b)]

Fiona Robertson

Chief Executive and Chief Examining Officer