

List of enclosures for which new material has been released following review

Numbers relate to those used in the original response.

The material originally released in these enclosures has been provided again here to provide context for the newly released material.

No.	Description	Explanation of redactions which continue to apply to these enclosures	Clause
04.1	Attachment: Draft notes of NQ21 WG meeting on 21 April 2021	Personal information Information not in scope	38(1)(b) -
04.2	Attachment: Draft notes of NQ21 WG meeting on 28 April 2021	Personal information Information not in scope	38(1)(b) -
06.1	Attachment: Appeals model	Information not in scope	-
06.2	Attachment: Letter	Information not in scope	-
11.1	Attachment: PDF	Free and frank provision of advice	30(b)(i)
13	Email: Urgent - National Qualifications 2021 - Appeals	Personal information Free and frank provision of advice	38(1)(b) 30(b)(i)
15.1	Attachment: PDF	Free and frank provision of advice	30(b)(i)
17.1	Attachment: Word document	Free and frank provision of advice Information not in scope	30(b)(i) -
30.1	Attachment: Word document	Personal information Information not in scope	38(1)(b) -

Enclosure 04.1 – Attachment: Draft notes of NQ21 WG meeting on 21 April 2021

Notes of NQ 2021 Stakeholder Working Group Meeting 21 April 2021

[Redacted – not in scope]

Appeals (SQA)

[Redacted – not in scope]

Comments

[Redacted – not in scope]

[Released as part of original response]

- If an appeal was lodged on the grounds of disagreement with the original evidence used to make the academic judgement, what would happen if no other evidence exists? This may be due to lack of time to gather the evidence and it was suggested that having a second certification date may help to reduce the number of these appeals.

[Redacted – not in scope]

[Newly released upon review]

- Concern was expressed the first and third grounds for appeal. There must be clear criteria for both. If learners were aware that they could appeal on the grounds of disagreement with the original academic judgement with no risk of the grade going down, it could lead to a large number of appeals. If the grounds are disagreement with the original evidence used to make the academic judgement, this should only be in extreme circumstances and no new evidence should be considered. [originally redacted s.30(b)(ii)]

Enclosure 04.2 – Attachment: Draft notes of NQ21 WG meeting on 28 April 2021

Notes of NQ 2021 Stakeholder Working Group Meeting 28 April 2021

[Redacted – not in scope]

Appeals (SQA)

[Redacted – not in scope]

Discussion

[Redacted – not in scope]

Priority appeals service

[Redacted – not in scope]

[Released as part of original response]

- The numbers may be high for the second prioritisation criterion related to mental health and well-being issues – a member volunteered that 10% of their cohort identified as having some form of mental health issue.
- [Newly released upon review] Members expressed a view that it would be very difficult to decide who should or should not have the right to a priority appeal on the basis of ground two. They suggested that this would not be manageable for inclusion in the priority service given the much higher volume of priority appeals that this would result in. It would probably not be feasible or practicable to ask centres to submit evidence for this volume of appeals prior to the summer holidays. The volume of priority appeals we normally get with category one may be manageable given that this is normally under 500 cases per year.

NQ 2021 Appeals Model

Introduction

[Released as part of original response]

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.

[Redacted – not in scope]

Key issues in detail

[Redacted – not in scope]

Appeals on grounds of discrimination contrary to the Equality Act 2010

[Redacted – not in scope]

[Released as part of original response]

92. SQA does not take the view that there are likely to be large numbers of unwarranted appeals but wants to ensure that there is a route for equality related appeals that fit with SQA's statutory functions and the limits of those functions in terms of its ability to investigate and adjudicate on equality breach claims.

[Redacted – not in scope]

Demonstrated attainment and symmetric appeals

[Redacted – not in scope]

[Newly released upon review]

103. The operational impact of a system of no detriment appeals also must be considered. Higher appeal volumes would require more resources to handle them, leading to a greater demand on the whole education system. This is because SQA would need more appointees to spend more time reviewing appeals. This would place a high level of demand on teachers' and lecturers' time being made available to SQA. This in turn would be highly disruptive to the crucial first few weeks of the 2021/22 academic year.

[Newly released upon review]

104. Higher volumes of appeals would also increase the demand on schools and colleges as the steps required in centres — not least the collation of evidence to pass to SQA — would risk becoming problematic, noting this would be at the beginning of the 2021/22 academic

year where centres' priority will undoubtedly be on making a good positive start to the new academic year for everyone's benefit.

[Newly released upon review]

105. So, no detriment appeals risk a very high volume of appeals, meaning longer fulfilment times for appeals in 2021, a strain on the education system at the start of the new academic year. [originally redacted s.30(b)(i)]

[Redacted – not in scope]

Colleges and schools: different levels of experience with internal appeal processes

[Redacted – not in scope]

Conclusion

[Redacted – not in scope]

[Newly released upon review]

◆ An internal appeal process that is part of the ACM stage can be anticipated to help reduce the number of appeals received by SQA from centres that operate them. However, the existence of an internal appeals process in a centre does not fetter any learner's ability to access the SQA appeals process in the same way as all other learners. [originally redacted s.30(b)(i)]

[Redacted – not in scope]

Enclosure 06.2 – Attachment: Letter

14 May 2021

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

Dear Deputy First Minister

NATIONAL QUALIFICATIONS in 2021: APPEALS

[Released as part of original response]

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.

[Redacted – not in scope]

[Newly released upon review]

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.

[Redacted – not in scope]

[Released as part of original response]

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

Fiona Robertson
Chief Executive and Chief Examining Officer

Enclosure 11.1 – Attachment: PDF

SQA Appeals Service 2021 : Likely Demand

Purpose

[Released as part of original response]

1. To provide some initial advice on the likely demand for appeals in 2021, which could be affected by final decisions on the parameters of the service.

Background

[Released as part of original response]

2. Fiona Robertson wrote to Scottish Ministers to outline the proposed approach to the appeals service on 14 May 2021. At the request of the Scottish Government, this note provides some further information in relation to likely demand for the service. 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 reflects standard practice every year both here in Scotland and in the UK. It is also the approach proposed by RUK this year. However, some learners, parents and their representative groups here in Scotland have expressed a very strong preference for asymmetric appeals that can either move grades up or stay the same – a ‘no detriment’ approach.

[Newly released upon review]

This could lead to a potentially significant increase in the volume of appeals.

[Released as part of original response]

3. The NQ 2021 Group has developed the ACM to provide fairness and credibility to learners, with the right grade awarded first time. An appeals process is an important part of the ACM, but we want to ensure, as far as possible, that this service is used appropriately and effectively for the benefit of learners.

Discussion

[Newly released upon review]

4. The volume of appeals is very difficult to predict, whatever decisions are taken. Many countries limit the grounds of appeal or operate a chargeable service, either through schools or for individuals which reduces speculative behaviour. There is no appetite for direct charging here in Scotland on the grounds of equity of access.

[Newly released upon review]

5. The appeals service will crucially depend on the availability of our appointees, who are working teachers and lecturers, including release from their employer. The number of appointees required will depend on the shape of appeals across subjects and qualification level. Appeals this year will also be on the basis of non-standard evidence which we need to receive from centres, often on paper, and will take longer to review than a standard exam script. This will impact on throughput.

[redacted s.30(b)(i)]

[Newly released upon review]

8. SQA’s ability to manage high levels of demand can be informed by previous appeals services. The pre-2013 service was based on alternative evidence and used established eligibility criteria to manage the volume of requests. Centres could only appeal for learners who had not achieved their estimated results in their exams. When SQA ran such a service

the maximum number received was in the year 2000 (when there were problems with certification) when, exceptionally, there were around 90,000 appeals and these took over 3 months to process.

[Newly released upon review]

9. More recently, in 2020 SQA proposed to run a Post Certification Review service based on evidence submitted by the centre on behalf of the candidate. This was a service similar to a symmetric appeals outcome model

[redacted s.30(b)(i)]

[Remainder released as part of original response]

11. We will be providing a service for candidates to signal their intent to appeal, and that service will open on 25 June. This service will give us an early indication of the likely volumes of appeals that we will receive after 10 August.

Conclusion

12. In recent years, SQA's post-results services have dealt with volumes of around 12,000 appeals per annum.

13. Whichever model is chosen, it remains possible that only a relatively small proportion of appeals will result in a grade change.

14. SQA will continue to work on more detailed operational requirements, pending final decisions.

Scottish Qualifications Authority

May 2021

Enclosure 13 – Email: Urgent - National Qualifications 2021 - Appeals

Cabinet Secretary for Education and Skills

Copy: as above

National Qualifications 2021 - Appeals

[Released as part of original response]

The Chief Examiner wrote to the Deputy First Minister on 14 May outlining the SQA's proposed appeals service for National Qualifications in 2021 and seeking support for it.

[Remainder newly released upon review]

The advice you received on 20 May highlighted that, while some elements of the proposed service, and in particular the direct right of appeal, will be welcomed, other elements would not be well received by some. One such aspect is the symmetry approach which would allow for grades to go down as well as up or to stay the same. Some stakeholders want to see a 'no detriment' approach taken.

[redacted s.30(b)(i)]

Enclosure 15.1 – Attachment: PDF

Confidential – Advice to Ministers

SQA Appeals 2021: Further Advice

Purpose

[Released as part of original response]

1. At the request of the Cabinet Secretary, to provide further urgent advice in relation to final decisions on an appeals service, for consideration at Cabinet on 25 May. In particular, this note looks at how we might handle the prospect of very large volumes of appeals from learners, which may occur if Ministers take the decision to ask SQA to implement a no detriment approach.

Background

[Newly released upon review]

2. This advice follows Fiona Robertson's letter to Scottish Ministers on 14 May, with attachments, and further SQA advice on the evening of Friday 21 May. The wider issues covered in these papers are not covered again in any detail here, but these remain important considerations in taking any final decisions.

[Newly released upon review]

3. The potential capacity in the system is determined by the subject and level mix of appeals and the availability of appointees and staff. The availability of appointees is based on appointee experience, availability by subject, willingness to work with us at any one time and employer willingness for release. [redacted s.30(b)(i)]

[Remainder released as part of original response]

From 25 June

9. Learners will be able to signal their intention to appeal on the basis of provisional grades. This is a further opportunity to relay the above messages.

10. Learners have until 12 August to consider whether they wish to signal an appeal. Centres will confirm appeals, by 16 August for priority appeals, and 27 August for the remainder. By 27 August we will know the true scale of appeals.

11. We will encourage digital uploading of evidence by centres, but the packaging of evidence may be time consuming for school and colleges at the start of term. Some acceleration of evidence reviews may be possible within class cohorts (similar evidence and consistent judgements) but we are currently working on the basis of a National 5 appeal taking 45 minutes of appointee time, a Higher 1 hour and an Advanced Higher 1 hour 30 minutes for high uptake subjects.

Conclusion

14. Demand for appeals is uncertain this year, but we think a no detriment approach will increase demand.

22 May 2021

Enclosure 17.1 – Attachment: Word document

[Released as part of original response]

Volume of appeals

The volume of appeals is difficult to quantify, given a direct right of appeals from learners is in place for the first time and with the exceptional circumstances of this year.

[redacted s.30(b)(i)]

[Newly released upon review]

The availability of appointees is based on appointee experience, availability by subject, willingness to work with SQA at any one time and employer willingness for release. [redacted s.30(b)(i)]

Enclosure 30.1 – Attachment: Word document

[Released as part of original response]

CABINET SECRETARY FOR EDUCATION AND SKILLS Briefing for Ministerial Statement on 2021 National Qualifications

What	2021 National Qualifications
When	Wednesday 2 June 2021 14:00 – 14:30
Why	To reinforce and highlight messages in relation to the 2021 National Qualifications assessment approach.
Key messages	Key messages in the speaking note will be: <ul style="list-style-type: none">• Highlight the role of teacher judgement in exercising flexibility over the form and timing of learner assessments;• Set out the support available to learners now and over the summer period;• Announce the approach to the appeals process;• Lay out the on-going work with the FE and HE sectors for 2022 entries; and• Update on the forthcoming OECD report.
Official support	Malcolm Pentland Curriculum, Qualifications and Gaelic Division

[Redacted – not in scope]

Q&A

APPEALS

[Redacted – not in scope]

[Released as part of original response]

Will SQA have the capacity to deal with the number of appeals likely this year?

- We are determined to ensure that young people get the right grade first time.
- Teachers will be discussing the provisional results with learners so there will be no surprises.
- The SQA has given careful consideration to operational requirements required to support appeals this year.
- Learners will be able to indicate any intent to appeal these results following the deadline for submission of the provisional results, which will allow an early indication of the level of appeals and whether existing capacity is sufficient.

[Redacted – not in scope]

2021 Appeals Process

[Redacted – not in scope]

Symmetry

Issue: [Redacted – not in scope]

A 'no detriment' system could also result in significantly increased volumes of appeals, with low chance of success, placing greater burden on the education system at the start of the new academic year.

[Redacted – not in scope]

Summary of main risks with each option – symmetry or no detriment

[Redacted – not in scope]

[Newly released upon review]

2) No detriment

Pursuing a 'no detriment' approach to appeals would remove the link to the principle of demonstrated attainment of learners that underpins the ACM. Qualifications are awarded based on a consideration of the evidence that shows an individual learner's knowledge, skills and understanding. Weakening or removing that link risks devaluing qualifications for all holders, past, present and future.

[redacted s.30(b)(ii)]

[Redacted – not in scope]