

## ANNEX A

### INDEX OF ENCLOSURES

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01	RE: Updated Agenda for Thursday 3/6 re SQA & Scottish Government meeting	3 June 2021	Personal information	s38(1)(b)
02	For awareness: SQA equalities duty and Section 23 agreement	21 June 2021	Personal information	s38(1)(b)
03	SQA/SG Finance meeting Friday 6 August: summary	6 August 2021		
04	FW: SQA Equalities Agreement with EHRC	24 September 2021 12:17	Personal information  Free and frank provision of advice	s38(1)(b)  s30(b)(i)
05	RE: SQA Equalities Agreement with EHRC	23 September 2021 14:56	Personal information	s38(1)(b)
06	RE: SQA Equalities Agreement with EHRC	23 September 2021 15:06	Personal information	s38(1)(b)
07	FW: SpAds views: SQA Equalities Agreement with EHRC	29 September 2021 16:57	Personal information  Free and frank provision of advice	s38(1)(b)  s30(b)(i)
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09	FW: SpAds views: SQA Equalities Agreement with EHRC	29 September 2021 17:13	Personal information  Free and frank provision of advice	s38(1)(b)  s30(b)(i)
10	FW: FOR CLEARANCE: SQA Equalities Agreement with EHRC - holding lines	29 September 2021 17:52	Personal information	s38(1)(b)
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12	FW: FMQ - SQA Exams FMQ brief - for review by 9.30am pls	30 September 2021 09:12	Personal information Free and frank provision of advice	s38(1)(b) s30(b)(i)
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17	SQA note provided to support Muir Review	September 2021		

**Enclosure 01 – RE: Updated Agenda for Thursday 3/6 re SQA & Scottish Government meeting**

**From:** Michael Baxter <Michael.Baxter@sqa.org.uk>  
**Sent:** 03 June 2021 16:30  
**To:** [Redacted s38(1)(b)] @gov.scot; [Redacted s38(1)(b)] @sqa.org.uk>; sqa.org.uk>; [Redacted s38(1)(b)] @sqa.org.uk>; [Redacted s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)] @gov.scot>  
**Subject:** RE: Updated Agenda for Thursday 3/6 re SQA & Scottish Government meeting

[Redacted s38(1)(b)]

Thanks and amends made below

Kind Regards

Mike Baxter  
Director of Finance and Corporate Services  
Scottish Qualifications Authority  
[Redacted s38(1)(b)] e: michael.baxter@sqa.org.uk| w: <http://www.sqa.org.uk>  
Scottish Qualifications Authority  
24 Wester Shawfair, Lowden, Dalkeith, Midlothian EH22 1FD

**From:** [Redacted s38(1)(b)] @gov.scot>  
**Sent:** 03 June 2021 14:41  
**To:** [Redacted s38(1)(b)] @sqa.org.uk>; Michael Baxter <Michael.Baxter@sqa.org.uk>; [Redacted s38(1)(b)] @sqa.org.uk>; [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)] @sqa.org.uk>  
**Subject:** RE: Updated Agenda for Thursday 3/6 re SQA & Scottish Government meeting

Here's a quick read out from today's catch-up – let me know if you have any additions / suggested changes

Thanks [Redacted s38(1)(b)]

Out of scope

AOB

- Following discussion with EHRC, exploring proposal for section 23 agreement – this would require SQA to prepare an action plan on completion of EQIAs
- Out of scope

**Enclosure 02 – For awareness: SQA equalities duty and Section 23 agreement**

**From:** [Redacted s38(1)(b)]

**Sent:** 21 June 2021 16:41

**To:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>

**Cc:** [Redacted s38(1)(b)] @gov.scot; [Redacted s38(1)(b)] gov.scot; [Redacted s38(1)(b)] @gov.scot

**Subject:** For awareness: SQA equalities duty and Section 23 agreement

Malcolm

To update you on an equality concern that the Equalities and Human Rights Commission (EHRC) has raised with SQA, and SQA's plans to rectify this.

**Issue:** EHRC consider that SQA has not complied with its obligations under Regulation 5 of the Equality Act and are seeking to commence enforcement activity by means of a Section 23 Agreement.

Essentially EHRC has highlighted that SQA policies have not been reviewed, to ensure that in exercising its functions it complies with the general equality duty, within the timescales original set out for review. SQA in the past 18 months has made a concerted effort to address this.

**Next Steps:**

- EHRC will prepare a draft s.23 agreement for SQA's consideration, and SQA will develop an Action Plan setting out the steps they will take to achieve compliance, including timescales
- EHRC has requested SQA produce comprehensive information on the full portfolio of policies and practices currently operated by SQA.
- The action plan will be presented to SQA Board before any formal agreement is entered into.

**Publicity:** SQA expect the compliance agreement to be published, but this is likely to take the form of a joint statement outlining what has been agreed, the work done between SQA and the Commission and the duration of the agreement.

**Background:**

On 23 March 2021 the EHRC wrote to SQA expressing the view that SQA was in breach of Regulation 5 of The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 ("the Regulations") Regulations and it intended to use its enforcement powers under the 2006 Act to remedy this situation.

SQA responded on 6 April 2021, having taken legal advice, setting out the actions being taken to address our compliance and a schedule of current and planned activity for the review of policies and practices. On 21 April 2021 the Commission wrote to SQA and offered to enter into negotiations with a view to reaching an agreement under section 23 of the 2006 Act.

We'll keep you updated on progress, and when the action plan will be published (including any draft lines to take). [Redacted s38(1)(b)]

**Enclosure 03 – SQA/SG Finance meeting Friday 6 August: summary**

SQA/SG Finance meeting Friday 6 August: summary

## Out of scope

AOB

- SQA is working with EHRC on the s23 legal agreement which will include an policy and practice schedule, action plan and media statement. Details are scheduled to go to the Board on 1 September.
  - Out of scope

***Enclosure 04 – FW: SQA Equalities Agreement with EHRC***

**From:** [Redacted s38(1)(b)]@gov.scot > **On Behalf Of Cabinet Secretary for Education and Skills**  
**Sent:** 24 September 2021 12:17  
**To:** [Redacted s38(1)(b)]@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@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>;Communications Education&Skills<CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>  
**Subject:** RE: SQA Equalities Agreement with EHRC

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

Ms Somerville has noted.

[Redacted 30(b)(i)]

Ms Somerville notes that this is coming out on a Thursday before FMQs. It'll need an FMQ note prepared, I have copied in FM policy team for their info.

## Thanks

[Redacted s38(1)(b)]

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

Sent: 24 September 2021 09:12

To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>

Cc: DG Education & Justice <[dgej@gov.scot](mailto:dgej@gov.scot)>; Director of Learning

<DirectorofLearning@gov.scot>; Pentland MK (Malcolm)

<Malcolm.Pentland@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>; Communications Education & Skills

<CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>  
Subject: RE: SQA Equalities Agreement with EHRC

[Redacted s38(1)(b)]

We now have a publication date - SQA has just notified us that publication will be on Thursday 30 Sept

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 23 September 2021 14:23  
**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>  
**Subject:** SQA Equalities Agreement with EHRC

PS/Cabinet Secretary for Education and Skills

Copy: as above

### **Urgent – SQA Equalities Agreement with EHRC**

**Purpose:** To notify the Cabinet Secretary of the publication of SQA's agreement with Equality and Human Rights Commission (EHRC) to improve its equality practices. A publication date is still be agreed, but the announcement and agreement may be released on Monday 27 September and it is expected that this may attract media interest.

**Issue:** The EHRC had called upon the SQA to produce copies of Equality Impact Assessments for all policies and practices across its functions. The SQA had confirmed that it had 150 policies and practices across their functions and that it had published only 19 Equality Impact Assessments.

**Summary:** SQA entered into the section 23 agreement with the equality body following discussions on how it was meeting its obligations under the Public Sector Equality Duty (PSED). The EHRC established that SQA was not routinely assessing the impact of its policies and practices against the three needs of the PSED, which requires public authorities to give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different groups. The issues raised by EHRC relate to policies from over a year ago and their

insufficient formal documentation and publication. The agreement commits SQA to complete outstanding Equality Impact Assessments for its current policies and practices. SQA will also improve its approach to carrying out assessments for any new policies it may develop. SQA has agreed an action plan over the next two years with the EHRC to review its existing policies and processes, which will be monitored by EHRC periodically.

All required EQIAs have been carried out and published in relation to decisions around the cancellation of exams (by SG) and the resultant alternative approaches to qualifications in 2020 and 2021, including appeals (by SQA).

**Background:** Initial engagement between EHRC and SQA began in April this year, with SQA presenting a paper to their Board of Management on 16 June on the principles and agreement to explore. This was followed with exchanges on legal drafting, development of action plan, development of supporting schedule of policy and practice reviews and press statement over July and August. A final paper was presented to the Board of Management on 1st September for approval, with EHRC and SQA signing the agreement on 21st September.

**Section 23 Agreement:** Section 23 of the Equality Act (2006) allows the Commission to enter into an agreement where they believe an unlawful act or a failure to comply with the public sector equality duty has taken place. In return for a commitment to progress an action plan and meet the public sector duty, the Commission agrees not to use their powers under Section 32 of the Equality Act 2006 to issue a compliance notice. The EHRC believe that SQA have not fully complied with their obligations under Regulation 5 of The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, which requires them to document equality impact assessments of their reviewed policies and practices and to publish these equality impact assessments.

## Media

The release is expected to generate media interest. SQA has prepared lines to take (below) and we will work with communications to develop additional lines.

“SQA is committed to positively contributing to and promoting equality, diversity and inclusion in all aspects of its work and has equalities at the heart of its thinking and decision making. Like other public bodies, SQA regularly reports on its progress against its agreed equality outcomes.”

“SQA has developed and published many equality review summaries, equality impact assessments and child rights and wellbeing impact assessments to inform its approaches and decisions in the development of qualifications, the recent alternative certification models, and to demonstrate compliance with its statutory obligations.

“However, SQA recognise there is work to do to improve its processes and practice from years gone by. Working with the Equalities and Human Rights Commission, SQA has already started to review and further embed equalities into those existing policies and processes that have been identified across all its activities.”

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

***Enclosure 05 – RE: SQA Equalities Agreement with EHRC***

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 23 September 2021 14:56  
**To:** [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: SQA Equalities Agreement with EHRC

I'll put this is an issue to watch on the grid (although not sure what it all means TBH)

[Redacted s38(1)(b)] Scottish Government | [news.gov.scot](#)

***Enclosure 06: RE: SQA Equalities Agreement with EHRC***

**From:** [Redacted s38(1)(b)] @gov.scot>  
**Sent:** 23 September 2021 15:06  
**To:** [Redacted s38(1)(b)] @gov.scot>  
**Subject:** RE: SQA Equalities Agreement with EHRC

Thanks [Redacted s38(1)(b)]. I'll give you a call on Teams just after 9am.

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]  
Communications Education & Skills  
Desk: 0131 244 [Redacted s38(1)(b)]  
Scottish Government | [news.gov.scot](#)

**From:** [Redacted s38(1)(b)] @gov.scot>  
**Sent:** 23 September 2021 15:05  
**To:** [Redacted s38(1)(b)]@gov.scot>  
**Cc:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)] @gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)] @gov.scot>  
**Subject:** RE: SQA Equalities Agreement with EHRC

[Redacted s38(1)(b)]

I'm free tomorrow morning until 10:30 am

[Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)] @gov.scot>  
**Sent:** 23 September 2021 15:02

**To:** [Redacted s38(1)(b)]@gov.scot>  
**Cc:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)] @gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)] @gov.scot>  
**Subject:** RE: SQA Equalities Agreement with EHRC

Hi [Redacted s38(1)(b)]

Thanks for making us aware of this.  
Are you or one of the team available for a quick call on this tomorrow?  
[Redacted s38(1)(b)]

Communications Education & Skills

Scottish Government | [news.gov.scot](http://news.gov.scot)

***Enclosure 07 – FW: SpAds views: SQA Equalities Agreement with EHRC***

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 29 September 2021 16:57  
**To:** [Redacted s38(1)(b)]@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: SpAds views: SQA Equalities Agreement with EHRC

Thanks [Redacted s38(1)(b)]. I'll see if this is what David is getting at.

A Scottish Government spokesperson said:

[Redacted 30(b)(i)]

[Redacted s38(1)(b)]  
[Redacted s38(1)(b)]  
Communications Education & Skills Desk: 0131 244 [Redacted s38(1)(b)] [Redacted s38(1)(b)]  
Scottish Government | [news.gov.scot](http://news.gov.scot)

From: [Redacted s38(1)(b)]@gov.scot>  
Sent: 29 September 2021 15:34  
To: [Redacted s38(1)(b)]@gov.scot>  
Cc: [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: SpAds views: SQA Equalities Agreement with EHRC

[Redacted s38(1)(b)] – we are adding the two lines below into the FMQ brief

[Redacted 30(b)(i)]

What about

A Scottish Government spokesperson said:

[Redacted 30(b)(i)]

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 29 September 2021 13:06  
**To:** [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: SpAds views: SQA Equalities Agreement with EHRC

Hi [Redacted s38(1)(b)]

[Redacted 30(b)(i)]

[Redacted s38(1)(b)]

Communications Education & Skills  
Desk: 0131 244 [Redacted s38(1)(b)]; 07[Redacted s38(1)(b)]  
Scottish Government | [news.gov.scot](http://news.gov.scot)

**From:** Livey D (David) <David.Livey@gov.scot>  
**Sent:** 29 September 2021 12:16  
**To:** [Redacted s38(1)(b)]@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Logan G (Graeme) <Graeme.Logan@gov.scot>  
**Subject:** RE: SpAds views: SQA Equalities Agreement with EHRC

[Redacted 30(b)(i)] Copying Graeme.

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 29 September 2021 12:09  
**To:** Livey D (David) <David.Livey@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Subject:** RE: SpAds views: SQA Equalities Agreement with EHRC

Thanks [Redacted s38(1)(b)]. I've tweaked slightly.

David, are you content with these lines?

Thanks

[Redacted s38(1)(b)]

A Scottish Government spokesperson said:

[Redacted 30(b)(i)]

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

Desk: 0131 244 [Redacted s38(1)(b)]; 07 [Redacted s38(1)(b)]

Scottish Government | [news.gov.scot](http://news.gov.scot)

**From:** [Redacted s38(1)(b)]@gov.scot>

**Sent:** 28 September 2021 17:18

**To:** Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>;

Livey D (David) <David.Livey@gov.scot>

**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills

<CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>;

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

(Ross) <Ross.Ingebrigtsen@gov.scot>; Pentland MK (Malcolm)

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

**Subject:** RE: SpAds views: SQA Equalities Agreement with EHRC

I have a small suggestion for the first line

[Redacted 30(b)(i)]

[Redacted s38(1)(b)]

**From:** Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>

**Sent:** 28 September 2021 17:16

**To:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Livey D (David)

<David.Livey@gov.scot>

**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills

<CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>;

[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Pentland MK (Malcolm)

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

**Subject:** RE: SpAds views: SQA Equalities Agreement with EHRC

Happy with this if David is.

S

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 28 September 2021 15:37  
**To:** [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Livey D (David) <David.Livey@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** SpAds views: SQA Equalities Agreement with EHRC

Thanks [Redacted s38(1)(b)]

David, as mentioned on the comms call, SQA will be publishing their equalities agreement with EHRC on Thursday (09:00). Grateful for your views on the suggested lines to take.

Thanks

[Redacted s38(1)(b)]

A Scottish Government spokesperson said:

[Redacted 30(b)(i)]

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

Communications Education & Skills

Desk: 0131 244 [Redacted s38(1)(b)]; [Redacted s38(1)(b)]

Scottish Government | [news.gov.scot](http://news.gov.scot)

**From:** [Redacted s38(1)(b)]@gov.scot>

**Sent:** 27 September 2021 13:54

**To:** [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>

**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** RE: SQA Equalities Agreement with EHRC

[Redacted s38(1)(b)]

[Redacted 30(b)(i)]

I've made some suggestions below

A Scottish Government spokesperson said:

[Redacted 30(b)(i)]

For information here's the lines we've drafted for the FMQ note

[Redacted 30(b)(i)]

[Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)]@gov.scot>

**Sent:** 27 September 2021 13:09

**To:** [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>

**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** RE: SQA Equalities Agreement with EHRC

Hi [Redacted s38(1)(b)]

Thanks for the call about this the other day. I'm keen to get our reactive lines together (taking into account Ms Somerville's comments below). Starter lines below. Grateful for feedback. [Redacted 30(b)(i)]

Thanks

[Redacted s38(1)(b)]

A Scottish Government spokesperson said:

[Redacted 30(b)(i)].

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

Communications Education & Skills

Desk: 0131 244[Redacted s38(1)(b)]; [Redacted s38(1)(b)]

Scottish Government | [news.gov.scot](http://news.gov.scot)

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

**Sent:** 24 September 2021 12:17

**To:** [Redacted s38(1)(b)]@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>  
**Subject:** RE: SQA Equalities Agreement with EHRC

Hi [Redacted s38(1)(b)]

Ms Somerville has noted.

[Redacted 30(b)(i)].

Ms Somerville notes that this is coming out on a Thursday before FMQs. It'll need an FMQ note prepared, I have copied in FM policy team for their info.

Thanks

[Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 24 September 2021 09:12  
**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>  
**Subject:** RE: SQA Equalities Agreement with EHRC

Stuart

We now have a publication date - SQA has just notified us that publication will be on Thursday 30 Sept

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

***Enclosure 8: RE: SPADs views: SQA Equalities Agreement with EHRC***

**From:** [Redacted s38(1)(b)] @gov.scot>  
**Sent:** 29 September 2021 13:08  
**To:** [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: SpAds views: SQA Equalities Agreement with EHRC

I'm drafting lines just now for the FMQ note that I'll send to you for the press lines too (essentially Cab Sec planning to raise this with SQA Chief Executive)

**From:** [Redacted s38(1)(b)] @gov.scot>  
**Sent:** 29 September 2021 13:06  
**To:** [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: SpAds views: SQA Equalities Agreement with EHRC

Hi [Redacted s38(1)(b)]

[Redacted 30(b)(i)].

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]  
Communications Education & Skills  
Desk: 0131 244 [Redacted s38(1)(b)]  
Scottish Government | [news.gov.scot](http://news.gov.scot)

***Enclosure 09 – FW: SpAds views: SQA Equalities Agreement with EHRC***

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 29 September 2021 17:13  
**To:** Livey D (David) <David.Livey@gov.scot>  
**Subject:** RE: SpAds views: SQA Equalities Agreement with EHRC

Many thanks David

[Redacted s38(1)(b)]

A Scottish Government spokesperson said:

[Redacted 30(b)(i)].

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

Desk: 0131 244 [Redacted s38(1)(b)]; [Redacted s38(1)(b)]  
Scottish Government | [news.gov.scot](http://news.gov.scot)

**From:** Livey D (David) <David.Livey@gov.scot>

**Sent:** 29 September 2021 17:12

**To:** [Redacted s38(1)(b)]@gov.scot>

**Cc:** [Redacted s38(1)(b)]@gov.scot; [Redacted s38(1)(b)]@gov.scot; [Redacted s38(1)(b)]@gov.scot; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot; [Redacted s38(1)(b)]@gov.scot; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot; [Redacted s38(1)(b)]@gov.scot; Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Logan G (Graeme) <Graeme.Logan@gov.scot>  
**Subject:** RE: SpAds views: SQA Equalities Agreement with EHRC

Addition below from me.

**From:** [Redacted s38(1)(b)]@gov.scot  
**Sent:** 29 September 2021 16:59  
**To:** Livey D (David) <David.Livey@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot; [Redacted s38(1)(b)]@gov.scot; [Redacted s38(1)(b)]@gov.scot; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot; [Redacted s38(1)(b)]@gov.scot; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot; [Redacted s38(1)(b)]@gov.scot; Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Logan G (Graeme) <Graeme.Logan@gov.scot>  
**Subject:** RE: SpAds views: SQA Equalities Agreement with EHRC

Hi David  
Are you content with these amended lines?  
Thanks  
[Redacted s38(1)(b)]

A Scottish Government spokesperson said:

[Redacted 30(b)(i)].

[Redacted s38(1)(b)]  
[Redacted s38(1)(b)]  
Desk: 0131 244 [Redacted s38(1)(b)]; [Redacted s38(1)(b)]  
Scottish Government | [news.gov.scot](http://news.gov.scot)

**Enclosure 010 – FW: FOR CLEARANCE: SQA Equalities Agreement with EHRC - holding lines**

**From:** [Redacted s38(1)(b)]@gov.scot  
**Sent:** 29 September 2021 17:52  
**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Subject:** RE: FOR CLEARANCE: SQA Equalities Agreement with EHRC - holding lines

Thanks [Redacted s38(1)(b)]  
[Redacted s38(1)(b)]

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

Communications Education & Skills

Desk: 0131 244[Redacted s38(1)(b)]; [Redacted s38(1)(b)]  
Scottish Government | [news.gov.scot](http://news.gov.scot)

**From:** [Redacted s38(1)(b)]@gov.scot > **On Behalf Of** Cabinet Secretary for Education and Skills  
**Sent:** 29 September 2021 17:38  
**To:** [Redacted s38(1)(b)]@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Logan G (Graeme) <Graeme.Logan@gov.scot>; Livey D (David) <David.Livey@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Minister for Children & Young People <MinisterCYP@gov.scot>; Minister for HE, FE, Youth Employment and Training <MinisterHEFEYET@gov.scot>  
**Subject:** RE: FOR CLEARANCE: SQA Equalities Agreement with EHRC - holding lines

Hi [Redacted s38(1)(b)]

Ms Somerville is content.

Thanks  
[Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 29 September 2021 17:20  
**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Logan G (Graeme) <Graeme.Logan@gov.scot>;

Livey D (David) <David.Livey@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Minister for Children & Young People <MinisterCYP@gov.scot>; Minister for HE, FE, Youth Employment and Training <MinisterHEFEYET@gov.scot>  
**Subject:** FOR CLEARANCE: SQA Equalities Agreement with EHRC - holding lines

### **PO/Cabinet Secretary for Education and Skills**

The following lines have been drafted in anticipation of media approaches tomorrow following EHRC's publication of their agreement with SQA on equalities obligations. Grateful for clearance.

Many thanks

[Redacted s38(1)(b)]

A Scottish Government spokesperson said:

"We expect all public bodies to comply with their equality requirements and we are clear that the EHRC's findings must be fully addressed."

"We note that SQA has published all required Equality Impact Assessments in relation to the delivery of national qualifications in 2020 and 2021, including appeals, and welcome its action plan to further embed equality across its activities, improving its processes and practice."

"The Scottish Government is in ongoing discussion with the SQA on this issue, and will be monitoring progress closely."

### **Urgent – SQA Equalities Agreement with EHRC**

**Purpose:** To notify the Cabinet Secretary of the publication of SQA's agreement with Equality and Human Rights Commission (EHRC) to improve its equality practices. A publication date is still be agreed, but the announcement and agreement may be released on Monday 27 September and it is expected that this may attract media interest.

**Issue:** The EHRC had called upon the SQA to produce copies of Equality Impact Assessments for all policies and practices across its functions. The SQA had confirmed that it had 150 policies and practices across their functions and that it had published only 19 Equality Impact Assessments.

**Summary:** SQA entered into the section 23 agreement with the equality body following discussions on how it was meeting its obligations under the Public Sector Equality Duty (PSED). The EHRC established that SQA was not routinely assessing the impact of its policies and practices against the three needs of the PSED, which requires public authorities to give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different groups. The issues raised by EHRC relate to policies from over a year ago and their insufficient formal documentation and publication. The agreement commits SQA to complete outstanding Equality Impact Assessments for its current policies and practices. SQA will also improve its approach to carrying out assessments for any

new policies it may develop. SQA has agreed an action plan over the next two years with the EHRC to review its existing policies and processes, which will be monitored by EHRC periodically.

All required EQIAs have been carried out and published in relation to decisions around the cancellation of exams (by SG) and the resultant alternative approaches to qualifications in 2020 and 2021, including appeals (by SQA).

**Background:** Initial engagement between EHRC and SQA began in April this year, with SQA presenting a paper to their Board of Management on 16 June on the principles and agreement to explore. This was followed with exchanges on legal drafting, development of action plan, development of supporting schedule of policy and practice reviews and press statement over July and August. A final paper was presented to the Board of Management on 1st September for approval, with EHRC and SQA signing the agreement on 21st September.

**Section 23 Agreement:** Section 23 of the Equality Act (2006) allows the Commission to enter into an agreement where they believe an unlawful act or a failure to comply with the public sector equality duty has taken place. In return for a commitment to progress an action plan and meet the public sector duty, the Commission agrees not to use their powers under Section 32 of the Equality Act 2006 to issue a compliance notice. The EHRC believe that SQA have not fully complied with their obligations under Regulation 5 of The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, which requires them to document equality impact assessments of their reviewed policies and practices and to publish these equality impact assessments.

## Media

The release is expected to generate media interest. SQA has prepared lines to take (below) and we will work with communications to develop additional lines.

“SQA is committed to positively contributing to and promoting equality, diversity and inclusion in all aspects of its work and has equalities at the heart of its thinking and decision making. Like other public bodies, SQA regularly reports on its progress against its agreed equality outcomes.”

“SQA has developed and published many equality review summaries, equality impact assessments and child rights and wellbeing impact assessments to inform its approaches and decisions in the development of qualifications, the recent alternative certification models, and to demonstrate compliance with its statutory obligations.

“However, SQA recognise there is work to do to improve its processes and practice from years gone by. Working with the Equalities and Human Rights Commission, SQA has already started to review and further embed equalities into those existing policies and processes that have been identified across all its activities.”

[Redacted s38(1)(b)]

Communications Education & Skills

**Enclosure 011 – FW: FMQ - SQA Exams - supplementary annex - 27 Sep 21 -**

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 30 September 2021 08:31  
**To:** Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Cc:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@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>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 -

David

[Redacted s30(b)(i)]

[Redacted s38(1)(b)]

**From:** Livey D (David) <David.Livey@gov.scot>  
**Sent:** 29 September 2021 18:24  
**To:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Cc:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@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>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 -

Thanks, all.

Apologies for the late request. [Redacted 30(b)(i)].

Thanks,

David

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 29 September 2021 18:18  
**To:** [Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Cc:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs

<FirstMinisterFMQs@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>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 -

Many thx [Redacted s38(1)(b)]

I mentioned this at FMQ to prep and the First Minister was content to get the FMQ brief first thing when she comes in in the morning.

I will probably look to merge this with the main SQA-ACM brief – cutting that part back a bit. I will work on it this evening, but I'm not looking for anything else tonight. However, I would welcome an early review of my amended brief, so ideally if I can circulate tonight or by about 7am, I'd want feedback by 8 am – and could seek that from the ooh duty contact if preferable.

Thx again,

[Redacted s38(1)(b)]

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

----- Find out more on [Preparing First Minister's Questions \(FMQs\)](#) -----

**From:** [Redacted s38(1)(b)]@gov.scot>

**Sent:** 29 September 2021 17:37

**To:** Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Cc:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@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>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for update by 11am

Revised EHRC /SQA FMQ briefing with additional line added on timescales

Please note I'm waiting on confirmation of the meeting between Cab Sec and SQA and hope to have an update by tomorrow morning

[Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)]

**Sent:** 29 September 2021 16:56

**To:** Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Cc:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs

<FirstMinisterFMQs@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>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for update by 11am

Please find attached revised FMQ brief – with Quote moved up

I'm still waiting on further advice from SQA on the timescales, and confirmation of the Cabinet Secretary meeting with Fiona Robertson

Thanks [Redacted s38(1)(b)]

**From:** Livey D (David) <David.Livey@gov.scot>

**Sent:** 29 September 2021 16:23

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

**Cc:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@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>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for update by 11am

[Redacted 30(b)(i)].

**From:** [Redacted s38(1)(b)]@gov.scot>

**Sent:** 29 September 2021 15:45

**To:** [Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Cc:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@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>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for update by 11am

Please find attached a revised SQA /EHRC FMQ brief.

I'm still checking if the meeting with the Cab Sec and Fiona is now in diaries,  
[Redacted s30(b)(i)]

[Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 29 September 2021 15:35  
**To:** Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Cc:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@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>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for update by 11am

Hi David/[Redacted s38(1)(b)]

Out of scope

[Redacted s38(1)(b)] will forward on the SQA/EHRC brief separately.

Best regards  
[Redacted s38(1)(b)]

**From:** Livey D (David) <David.Livey@gov.scot>  
**Sent:** 29 September 2021 15:07  
**To:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Cc:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@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>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Subject:** RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for update by 11am

Hi all,

Out of scope

David

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 29 September 2021 11:56  
**To:** Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Cc:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@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>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Subject:** RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for update by 11am

Thx all,

Out of scope

Thx again,

[Redacted s38(1)(b)]

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

----- Find out more on [Preparing First Minister's Questions \(FMQs\)](#) -----

**From:** Livey D (David) <David.Livey@gov.scot>  
**Sent:** 29 September 2021 11:50  
**To:** [Redacted s38(1)(b)]@gov.scot; [Redacted s38(1)(b)]@gov.scot  
**Cc:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@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; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Subject:** RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for update by 11am

[Redacted 30(b)(i)].

Out of scope

**From:** [Redacted s38(1)(b)]@gov.scot  
**Sent:** 29 September 2021 11:17  
**To:** [Redacted s38(1)(b)]@gov.scot; Livey D (David) <David.Livey@gov.scot>  
**Cc:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@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; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Subject:** RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for update by 11am

Please find attached a draft FMQ note on the SQA section 23 agreement (SPDAs to clear)

[Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)]@gov.scot  
**Sent:** 29 September 2021 08:19  
**To:** [Redacted s38(1)(b)]@gov.scot; [Redacted s38(1)(b)]@gov.scot  
**Cc:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@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: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for update by 11am

**Importance:** High

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

Thanks for the update

[Redacted 30(b)(i)].

Grateful for an update to this, reflecting the above and, if possible, cleared w  
(or otherwise also copied to) Spad David Livey, by 11am.

Thx,

[Redacted s38(1)(b)]

---

[Redacted s38(1)(b)] | [Redacted s38(1)(b)] | [Redacted s38(1)(b)]

----- Find out more on [Preparing First Minister's Questions \(FMQs\)](#) -----

**From:** [Redacted s38(1)(b)]@gov.scot>

**Sent:** 28 September 2021 15:06

**To:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>

**Cc:** [Redacted s38(1)(b)]@gov.scot>

**Subject:** FMQ - SQA Exams - supplementary annex - 27 Sep 21

Please find attached an updated FMQ note on SQA and EHRC section 23 agreement

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

**Enclosure 11.1 – Attachment: Schedule of EqIA Requirements**

<b>Title:</b>	[Redacted s30(b)(i)]	<b>Type</b>	
		<b>Policy</b>	<b>Practice</b>
Stand By and Call out	[Redacted s30(b)(i)]	x	
Complaints Handling Procedure	[Redacted s30(b)(i)]		x
Qualification Design Principles	[Redacted s30(b)(i)]	x	
Anti Bullying and Harassment policy	[Redacted s30(b)(i)]	x	
Attendance Management policy	[Redacted s30(b)(i)]	x	
Childcare Voucher Scheme policy	[Redacted s30(b)(i)]	x	
Discipline	[Redacted s30(b)(i)]	x	
Grievance	[Redacted s30(b)(i)]	x	
Secondment (external) policy	[Redacted s30(b)(i)]	x	
Conflict of Interest Policy - Appointees	[Redacted s30(b)(i)]	x	
Driving for Work policy	[Redacted s30(b)(i)]	x	
Driving Office Vehicles policy	[Redacted s30(b)(i)]	x	
Environmental Management policy	[Redacted s30(b)(i)]	x	
Expenses Policy - Appointees	[Redacted s30(b)(i)]	x	
Health & Safety policy	[Redacted s30(b)(i)]	x	
Discipline Policy and Grievance Policy	[Redacted s30(b)(i)]	x	
Equalities	[Redacted s30(b)(i)]	x	
Fixed Term contracts policy	[Redacted s30(b)(i)]	x	
Performance Capability policy	[Redacted s30(b)(i)]	x	
Improving Performance	[Redacted s30(b)(i)]	x	
Recruitment & Selection policy	[Redacted s30(b)(i)]	x	
Probation	[Redacted s30(b)(i)]	x	
Secondment (internal) policy	[Redacted s30(b)(i)]	x	
Time Recording policy	[Redacted s30(b)(i)]	x	
Whistleblowing policy	[Redacted s30(b)(i)]	x	
Smarter Working Programme	[Redacted s30(b)(i)]		x
Reopening of our offices	[Redacted s30(b)(i)]		x
Qualifications Committee role in the development process for National Courses	[Redacted s30(b)(i)]	x	
Recognition of Prior Learning in the Internal Assessment and Quality Assurance of SQA Units	[Redacted s30(b)(i)]	x	
Retention of Candidate Assessment Evidence for SQA Centres	[Redacted s30(b)(i)]	x	
Retention of Candidate Assessment Records for SQA Centres	[Redacted s30(b)(i)]	x	
Rewrites to National Units and Courses and Coding	[Redacted s30(b)(i)]	x	
Sanctions for non compliance with centre approval criteria (NVQ)	[Redacted s30(b)(i)]	x	
Scottish Credit and Qualifications Framework	[Redacted s30(b)(i)]	x	
Transition from old to new qualifications	[Redacted s30(b)(i)]	x	
L&D Policy	[Redacted s30(b)(i)]	x	
Mentoring programme	[Redacted s30(b)(i)]		x

Succession Planning	[Redacted s30(b)(i)]		x
Induction & Onboarding Process	[Redacted s30(b)(i)]		x
Organisational Design Process	[Redacted s30(b)(i)]		x
Programme and Project Management Methodology	[Redacted s30(b)(i)]		x
Policy Development Process & Template Guidelines	[Redacted s30(b)(i)]		x
Social Media for Personal Use policy	[Redacted s30(b)(i)]	x	
Flexitime policy	[Redacted s30(b)(i)]	x	
Retention & Redeployment policy	[Redacted s30(b)(i)]	x	
Car Parking policy	[Redacted s30(b)(i)]	x	
Flexible Working policy	[Redacted s30(b)(i)]	x	
Mental Health and Well Being policy	[Redacted s30(b)(i)]	x	
Pay policy	[Redacted s30(b)(i)]	x	
Restructure policy	[Redacted s30(b)(i)]	x	
External Assessment: Examination Scripts policy	[Redacted s30(b)(i)]	x	
Awarding meetings for National Courses	[Redacted s30(b)(i)]	x	
Core Skills and other generic skills for learning, life and work across qualifications	[Redacted s30(b)(i)]	x	
Core Skills Credit Transfer	[Redacted s30(b)(i)]	x	
Core Skills Framework	[Redacted s30(b)(i)]	x	
Equality of Access to SQA Qualifications	[Redacted s30(b)(i)]	x	
Governing Principles	[Redacted s30(b)(i)]	x	
Grading for National Courses	[Redacted s30(b)(i)]	x	
Lifespan and Currency of Qualifications	[Redacted s30(b)(i)]	x	
Low Uptake National Courses	[Redacted s30(b)(i)]	x	
Revisions to the Core Skills Framework	[Redacted s30(b)(i)]	x	
Malpractice: information for centres	[Redacted s30(b)(i)]		x
SQA Investigation Procedure	[Redacted s30(b)(i)]		x
Code of Conduct	[Redacted s30(b)(i)]		x
Employees undertaking non SQA employment policy	[Redacted s30(b)(i)]	x	
Pensions Discretions policy	[Redacted s30(b)(i)]	x	
Redundancy policy	[Redacted s30(b)(i)]	x	
Relocation Scheme policy	[Redacted s30(b)(i)]	x	
Retirement policy	[Redacted s30(b)(i)]	x	
Staff Leave policy	[Redacted s30(b)(i)]	x	
Candidates with incompatible components	[Redacted s30(b)(i)]	x	
Recognition of Prior Learning Policy for Regulated Qualifications	[Redacted s30(b)(i)]	x	
Skills for Learning, Skills for Life and Skills for Work across Qualifications supporting Curriculum for Excellence	[Redacted s30(b)(i)]	x	
SQA Skills Framework: Skills for Learning, Skills for Life and Skills for Work	[Redacted s30(b)(i)]	x	
SVQs: Awarding Policy	[Redacted s30(b)(i)]	x	
The use of assessment principles in the development of assessments	[Redacted s30(b)(i)]	x	
Validation of SQA qualifications	[Redacted s30(b)(i)]	x	

Appreciation Scheme policy	[Redacted s30(b)(i)]	x	
Alcohol and Drug Misuse policy	[Redacted s30(b)(i)]	x	
Essential Car User policy	[Redacted s30(b)(i)]	x	
Home Based workers policy	[Redacted s30(b)(i)]	x	
Travel, Accommodation & Expenses Policy & Guidance	[Redacted s30(b)(i)]	x	
Devolved Authority	[Redacted s30(b)(i)]	x	
Language of Assessment and Certification in Regulated Qualifications Offered by SQA and delivered in the UK	[Redacted s30(b)(i)]	x	
Language of Assessment in Units & Qualifications Validated by SQA (Candidate Assessment Undertaken Outside The UK in Languages Other than English)	[Redacted s30(b)(i)]	x	
Language of Assessment and Certification in Units and Qualifications Validated by SQA (Delivered in the UK)	[Redacted s30(b)(i)]	x	
Recognising stakeholder involvement in qualifications awarding	[Redacted s30(b)(i)]	x	
Smoking policy	[Redacted s30(b)(i)]	x	
Referrals to Disclosure Scotland policy	[Redacted s30(b)(i)]	x	
Annual Pay Remit	[Redacted s30(b)(i)]		x
PCIF/Process	[Redacted s30(b)(i)]		x
Maternity, Paternity and Adoption policy	[Redacted s30(b)(i)]	x	
Shared Parental Leave policy	[Redacted s30(b)(i)]	x	
Disclosure Scotland Policies & Procedures	[Redacted s30(b)(i)]	x	
National Courses with Grades criteria for development	[Redacted s30(b)(i)]	x	
Post Certification Amendment of Awards policy	[Redacted s30(b)(i)]	x	
HN VQ delivery	[Redacted s30(b)(i)]		x
Access Control policy	[Redacted s30(b)(i)]	x	
Addressing Financial Irregularity policy	[Redacted s30(b)(i)]	x	
Closed Circuit TV policy	[Redacted s30(b)(i)]	x	
Data Protection policy	[Redacted s30(b)(i)]	x	
Email policy	[Redacted s30(b)(i)]	x	
Freedom of Information policy	[Redacted s30(b)(i)]	x	
Gifts & Hospitality policy	[Redacted s30(b)(i)]	x	
Information Security policy	[Redacted s30(b)(i)]	x	
IT Acceptable Use policy	[Redacted s30(b)(i)]	x	
Retention & Disposal policy	[Redacted s30(b)(i)]	x	
Risk, Opportunity and Issues Management policy	[Redacted s30(b)(i)]	x	
SMF (Script Management Facility) Access policy	[Redacted s30(b)(i)]	x	
Access to the Script Management Facility (SMF) GUIDELINES	[Redacted s30(b)(i)]		x
Awarding Body Approval Policy	[Redacted s30(b)(i)]	x	
SQA Accreditation's Quality Assurance of Approved Awarding Bodies Policy	[Redacted s30(b)(i)]	x	
SQA Accreditation's Zero uptake Policy	[Redacted s30(b)(i)]	x	
SQA Accreditation's Regulatory Sanctions Policy	[Redacted s30(b)(i)]	x	

Data Quality Policy	[Redacted s30(b)(i)]	x	
Plain English policy	[Redacted s30(b)(i)]	x	
Publishing and Communications policy	[Redacted s30(b)(i)]	x	
Copyright policy	[Redacted s30(b)(i)]	x	
External Communications	[Redacted s30(b)(i)]		x
Internal Communications	[Redacted s30(b)(i)]		x
Stakeholder engagement	[Redacted s30(b)(i)]		x
Clear Desk & Clear Screen policy	[Redacted s30(b)(i)]	x	
Quality policy	[Redacted s30(b)(i)]	x	
Records Management policy	[Redacted s30(b)(i)]	x	
Corporate Credit Card policy	[Redacted s30(b)(i)]	x	
Credit, Invoicing & Debt Management policy	[Redacted s30(b)(i)]	x	
Foreign Currency policy	[Redacted s30(b)(i)]	x	
Guidance on Losses & Special Payments	[Redacted s30(b)(i)]		x
Petty Cash policy	[Redacted s30(b)(i)]	x	

**Enclosure 012 – FW: FMQ - SQA Exams FMQ brief - for review by 9.30am pls**

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 30 September 2021 09:12  
**To:** [Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>;  
First Minister FMQs <FirstMinisterFMQs@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>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>;  
[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted  
s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>  
**Subject:** RE: FMQ - SQA Exams FMQ brief - for review by 9.30am pls

To confirm the EHRC has issued the press release on SQA section 23 agreement

[Redacted s38(1)(b)]

Scottish Qualifications Authority signs legal agreement to improve equality practices  
| Equality and Human Rights Commission (equalityhumanrights.com)  
[https://www.equalityhumanrights.com/en/our-work/news/scottish-qualifications-  
authority-signs-legal-agreement-improve-equality-practices]

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 30 September 2021 08:28  
**To:** Livey D (David) <David.Livey@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ  
Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs  
<FirstMinisterFMQs@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>; Pentland MK (Malcolm)  
<Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted  
s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin)  
<Colin.McAllister@gov.scot>  
**Subject:** RE: FMQ - SQA Exams FMQ brief - for review by 9.30am pls

David,

With thx, I'd be grateful if you can please review the attached brief, covering this morning's EHRC announcement, and advise any amends.

Out of scope

Thx again, and to policy colleagues.

[Redacted s38(1)(b)]

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[Redacted s38(1)(b)] | [Redacted s38(1)(b)]| [Redacted s38(1)(b)]

----- Find out more on [Preparing First Minister's Questions \(FMQs\)](#) -----

**From:** [Redacted s38(1)(b)]  
**Sent:** 29 September 2021 23:45  
**To:** [Redacted s38(1)(b)]@gov.scot; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)]@gov.scot  
**Cc:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@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; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot; [Redacted s38(1)(b)]@gov.scot; McAllister C (Colin) <Colin.McAllister@gov.scot>  
**Subject:** RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for review and update by 8am Thursday pls  
**Importance:** High

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

Please see attached composite FMQ brief leading on the EHRC agreement,.

Out of scope

[Redacted 30(b)(i)].

**With thanks, grateful for that updated brief by 8am.**

[Redacted s38(1)(b)]

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[Redacted s38(1)(b)]| [Redacted s38(1)(b)]| [Redacted s38(1)(b)]

----- Find out more on [Preparing First Minister's Questions \(FMQs\)](#) -----

## **Enclosure 13 – FMQ note**

**ISSUE 30 Sep:** EHRC has published an agreement with SQA to improve its equality practices.

Background:

- The EHRC had called upon the SQA to produce copies of Equality Impact Assessments for all policies and practices across its functions. The SQA had confirmed that it had 150 policies and practices across their functions and that it had published only 19 Equality Impact Assessments.
- Section 23 of the Equality Act (2006) allows the Commission to enter into an agreement where they believe an unlawful act or a failure to comply with the public sector equality duty has taken place. In return for a commitment to progress an action plan and meet the public sector duty, the Commission agrees not to use their powers under s.32 of the Equality Act 2006 to issue a compliance notice.
- This relates to policies and practices that were introduced or updated prior to 2020. SQA will deliver on all the agreed actions over the next 2 years, with EHRC monitoring progress every 6 months.

Other public sector Section 23 Agreements:

- In July 2021 the Scottish Legal Aid Board entered into a s.23 agreement, due to concerns on assessing the impact of their policies on different groups.
- Police Scotland and NHS Tayside have also previously entered into s.23 agreements with EHRC (now completed)

## **I expect all public bodies to comply with the requirements of the public sector equality duty and for SQA to fully address the EHRC's findings**

- Welcome SQA's action plan, and their commitment to completing outstanding EQIAs for all their current policies and practices.
- Cabinet Secretary for Education and Skills is meeting with SQA Chief Executive early next week and will be discussing the section 23 agreement.
- The Scottish Government will be monitoring progress closely.
- SQA is committed to promoting equality, and worked closely with the EHRC to develop an action plan to further embed equality across its activities, improving its processes and practices.
- SQA regularly reports on its progress against its agreed equality outcomes.
- Equality continues to be a fundamental consideration in all decision making around education, including the qualifications.
- Lynn Walsh, EHRC 30 Sept [QUOTE] “By signing this agreement, we are pleased to see that the SQA has demonstrated its clear commitment to equality and to

improving its practices. This will ensure that SQA continues to make necessary improvements in this area, reviewing all existing policies and ensuring that equality is at the heart of all of its practices".

**SQA's action plan sets out a schedule of policies and practices to be reviewed and puts in place monitoring arrangements to ensure compliance.**

- SQA has updated its policy development framework to ensure all EQIA's are undertaken and published.
- SQA are in the process of completing all outstanding Equality Impact Assessments.
- SQA has published 32 new Equality Impact Assessments since August, in delivering against the action plan agreed with EHRC
- 

**SQA has published all required Equality Impact Assessments in relation to the delivery of national qualifications in 2020 and 2021, including appeals.**

- Stakeholder engagement is fundamental to Equality Impact Assessments - SQA works in close partnership with centres, stakeholder groups and education partners to inform SQA's ongoing programme of equality reviews.
- Scottish Government has published EQIAs in relation to decisions around cancellation of the exams in 2020 and 2021.

**EHRC found SQA had not updated Equality Impact Assessments for a number of its historic policies**

- SQA are in the process of completing all outstanding Equality Impact Assessments.
- SQA has completed all required Equality Impact Assessments since the beginning of 2020, including for the awarding models.

**Out of scope**

**SQA Agreed Actions:**

1. Review of EqIA policy and associated template documents
2. Roll out of training and development activity to embed compliance with Regulation 5 obligations across SQA
3. Programme of communications regarding PSED, our duties and activities undertaken
4. Rolling programme of policy practice updates with EqIAs embedded as per attached schedule
5. Establish an oversight process within SQA to ensure EqIA actions are
  - a. captured
  - b. tracked to completion
6. Publication of EqIAs

## **SQA press lines**

- “SQA is committed to positively contributing to and promoting equality, diversity and inclusion in all aspects of its work and has equalities at the heart of its thinking and decision making. Like other public bodies, SQA regularly reports on its progress against its agreed equality outcomes.”
- “SQA has developed and published many equality review summaries, equality impact assessments and child rights and wellbeing impact assessments to inform its approaches and decisions in the development of qualifications, the recent alternative certification models, and to demonstrate compliance with its statutory obligations.
- “However, SQA recognise there is work to do to improve its processes and practice from years gone by. Working with the Equalities and Human Rights Commission, SQA has already started to review and further embed equalities into those existing policies and processes that have been identified across all its activities.”

## **Agreed Media statement**

### **Scottish Qualifications Authority signs legal agreement to improve equality practices**

The Scottish Qualifications Authority (SQA) has signed an agreement with the Equality and Human Rights Commission (EHRC) to improve its equality practices.

The agreement commits SQA to complete outstanding Equality Impact Assessments for its current policies and practices. It has also agreed to improve its approach to carrying out assessments for any new policies it may develop.

The SQA entered into the agreement with the equality body following discussions about how it was meeting its obligations under the Public Sector Equality Duty (PSED). The EHRC established that SQA was not routinely assessing the impact of its policies and practices against the three needs of the PSED, which requires public authorities to give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different groups. This is one of eight specific duties which help public authorities in Scotland meet the general equality duty.

#### **Lynn Welsh, Head of Legal at the Equality and Human Rights Commission Scotland, said:**

“Considering equality implications when making decisions isn’t a ‘nice to do’ for public bodies, it is a legal requirement to ensure that public institutions make better quality, robust decisions which work for everyone.

“By signing this agreement, we are pleased to see that the SQA has demonstrated its clear commitment to equality and to improving its practices. This will ensure that SQA continues to make necessary improvements in this area, reviewing all existing policies and ensuring that equality is at the heart of all of its practices.

“This agreement sends a clear message to other public bodies that considering the impact of their work on people from protected groups is critical in fulfilling their legal duties.”

#### **Mike Baxter, Director of Finance & Corporate Services at SQA said:**

“Although we have significantly tightened up on equality impact assessments in recent years, we recognise there is work to do to improve our processes and practice from years gone by. We will be taking this opportunity to work with the Commission to further embed equality into our policies and processes across SQA’s activities. Over the next 2 years we will be delivering our agreed action plan across a range of work streams. We are fully committed to ensuring equality and fairness are at the heart of all we do.

“We have embarked on a large-scale programme of review of our policies and practices and assessing and documenting the equalities impacts of those is a core element of this work.”

The EHRC has used its legal powers under section 23 of the Equality Act, to enter into the agreement with SQA. The agreement will be in place for 2 years and SQA will also

implement an agreed action plan and report to the regulator on its progress. The equality regulator will monitor the agreed actions to make sure they are completed and will carry out an evaluation at the end of the 2 years.

**Enclosure 14 - FW: Media query: SQA Equalities Agreement with EHRC - Scotsman**

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 30 September 2021 16:21  
**To:** Livey D (David) <David.Livey@gov.scot>; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; News Desk <Newsdesk@gov.scot>  
**Subject:** Media query: SQA Equalities Agreement with EHRC - Scotsman

Hello all

For awareness, Michael Marra has posted the Tweet below about the SQA's legal agreement with the EHRC. The Scotsman has asked for comment. Our cleared lines for the EHRC agreement are also below  
[Redacted s38(1)(b)]

*Over the last two years the decisions from the SQA leadership and Scottish Government ministers have discriminated against the poorest and the most vulnerable. The Chief Executive should resign immediately.*

<https://twitter.com/michaeljmarra/status/1443579782088646662>

A Scottish Government spokesperson said:

"We expect all public bodies to comply with their equality requirements and we are clear that the EHRC's findings must be fully addressed."

"We note that SQA has published all required Equality Impact Assessments in relation to the delivery of national qualifications in 2020 and 2021, including appeals, and welcome its action plan to further embed equality across its activities, improving its processes and practice."

"The Scottish Government is in ongoing discussion with the SQA on this issue, and will be monitoring progress closely."

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

Desk: 0131 244 [Redacted s38(1)(b)]; [Redacted s38(1)(b)]

Scottish Government | [news.gov.scot](https://news.gov.scot)

***Enclosure 15 – FW: SQA Equalities Agreement with EHRC***

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 30 September 2021 16:24  
**To:** [Redacted s38(1)(b)] @prgloo.com  
**Subject:** SQA Equalities Agreement with EHRC

The SQA have signed a legal agreement with the Equality and Human Rights to improve their equality practices with the Equality and Human Rights Commission.

Lead official [Redacted s38(1)(b)]

Cleared by CabSec

**To:** [Redacted s38(1)(b)]@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Logan G (Graeme) <Graeme.Logan@gov.scot>; Livey D (David) <David.Livey@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Minister for Children & Young People <MinisterCYP@gov.scot>; Minister for HE, FE, Youth Employment and Training <MinisterHEFEYET@gov.scot>

A Scottish Government spokesperson said:

“We expect all public bodies to comply with their equality requirements and we are clear that the EHRC’s findings must be fully addressed.

“We note that SQA has published all required Equality Impact Assessments in relation to the delivery of national qualifications in 2020 and 2021, including appeals, and welcome its action plan to further embed equality across its activities, improving its processes and practice.

“The Scottish Government is in ongoing discussion with the SQA on this issue, and will be monitoring progress closely.”

***Enclosure 16: Scot Gov Response – SQA/EHRC agreement***

**From:** [Redacted s38(1)(b)] @gov.scot>  
**Sent:** 30 September 2021 16:56  
**To:** [Redacted s38(1)(b)] @jpress.co.uk>  
**Subject:** Scot Gov response - SQA/EHRC agreement

Hi [Redacted s38(1)(b)]

Please see the response below on the SQA/EHRC agreement.

Regards

[Redacted s38(1)(b)]

A Scottish Government spokesperson said:

“We expect all public bodies to comply with their equality requirements and we are clear that the EHRC’s findings must be fully addressed.

“We note that SQA has published all required Equality Impact Assessments in relation to the delivery of national qualifications in 2020 and 2021, including appeals, and welcome its action plan to further embed equality across its activities, improving its processes and practice.

“The Scottish Government is in ongoing discussion with the SQA on this issue, and will be monitoring progress closely.”

[Redacted s38(1)(b)]

Communications Education & Skills  
Desk: 0131 244 [Redacted s38(1)(b)]  
Scottish Government | [news.gov.scot](http://news.gov.scot)

***Enclosure 17: SQA note provided to support Muir Review***

## **Equality and Human Rights: approach to embedding Equality Impact Assessment**

SQA published its Equality Mainstreaming Report 2019-21 and revised Equality Outcomes in May 2021. As part of our work to revise SQA's equality outcomes and action plans, we identified areas for improvement relating to equality impact assessments. This work aims to further emphasise the importance of embedding equality in policy development, planning and decision-making processes in SQA. More can be read about the planned activity in the equality outcomes document on the website: [https://www.sqa.org.uk/sqa/files\\_ccc/sqa-equality-outcomes-2021-25.pdf](https://www.sqa.org.uk/sqa/files_ccc/sqa-equality-outcomes-2021-25.pdf)

SQA has also signed an agreement with the Equality and Human Rights Commission. The agreement commits us to reviewing and documenting equality impact assessments on all policies and processes across the organisation's functions and further developing our approach to the development of new policies and procedures. The EHRC identified that SQA could improve the way it demonstrates its assessment of the impact of policies and practices against the three needs of the Public Sector Equality Duty. During the agreement, which will be in place for 18 months, SQA will implement a jointly agreed action plan and report on its progress ensuring that all equality impact assessments are undertaken and documented in accordance with its duties.

We are committed to making progress with equality impact assessments (EqIAs) to maximise potential positive impacts and reduce potential negative impacts on people who share one or more of the protected characteristics. We aim to ensure all SQA policies and procedures promote equality, and that employees embed equality impact considerations in the work they do. Equality impact assessment of new and revised policies is an ongoing requirement of SQA's policy development cycle and we aim to engage with our union representatives and employee networks as part of this process.

Online Equality Impact Assessment training has been developed and will be launched as part of the work to implement the equality impact assessment action plan as part of the agreement with the EHRC.