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15	Email National Qualifications in 2021 - NQ21 Group	20 May 2021 18:47	Personal Information	38(1)(b)
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17	Email: Learner voice - FOR INFO - Meeting with Ben McKendrick from SYP- Follow-up mtg with SYP and Children's Commissioner	21 May 2021 12:51	Personal Information	38(1)(b)
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18	Email: For Review: Draft Slides for DG Level Devolved Authorities Meeting 25/05	21 May 2021 14:03	Personal Information	38(1)(b)
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19	Email: National Qualifications 2021 Group - 21 May 2021	21 May 2021 17:41	Personal Information	38(1)(b)
20	Email: SQA Appeals Service – 2021	21 May 2021 20:59	Free and frank exchange of views	30(b)(ii)
20.1	Attachment: PDF		See enclosure 6.2	
21	Email: Urgent - National Qualifications 2021 - Appeals	21 May 2021 21:37	Personal Information	38(1)(b)
			Free and frank provision of advice	30(b)(i)
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22	Email: Immediate – Draft Note to the First Minister on the National Qualifications ACM and Appeals	24 May 2021 16:22	Personal Information	38(1)(b)
			Free and frank provision of advice	30(b)(i)
22.1	Attachment: Qualifications 2021 – SAS Minute to the FM (v1)		Ministerial communications	29(1)(b)
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23	Email: Immediate – Draft Note to the First Minister on the National Qualifications ACM and Appeals	24 May 2021 16:22	Personal Information	38(1)(b)
23.1	Attachment: Draft Note to the First Minister on the National Qualifications ACM and Appeals		Ministerial communications	29(1)(b)
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25	Email: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY FOR EDUCATION & SKILLS	24 May 2021 20:48	Personal Information	38(1)(b)
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25.4	Attachment: Revised version		Free and frank provision of advice	30(b)(i)
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25.7	Attachment: Qualifications 2021 SAS Second Minute (final)		Free and frank provision of advice	30(b)(i)
26	Email: URGENT – SQA Appeals	25 May 2021 10:02	Personal Information	38(1)(b)
27	Email: Weekly CERG Management Information documents	26 May 2021 11:50	Personal Information	38(1)(b)
28	Email: Pre-mortum: results day	27 May 2021 14:03	Personal Information	38(1)(b)

29	Email: National Qualifications - draft statement and briefing pack for Wed 2 June	27 May 2021 19:26	Personal Information  Free and frank provision of advice	38(1)(b)  30(b)(i)
29.1	Attachment: SAS National Qualifications – Cab Sec		Free and frank provision of advice	30(b)(i)
30	Email: Young Scot	28 May 2021 10:48	Personal Information	38(1)(b)

## Enclosure 1 – Email: Higher assessments – SQA

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 10 May 2021 08:31  
**To:** [Redacted s38(1)(b)]@sqa.org.uk>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: Higher assessments - SQA

Hi [Redacted s38(1)(b)]

Yes. This enquiry was received through the MiCase system. It's one of around 150+ similar enquiries, expressing concern about the ACM; primarily around the reliability and fairness of an 'exam focussed approach' (often citing feedback on the approach from schools) and various impacts on learners who may have anticipated a repeat of last year's approach.

A response was issued to [Redacted s38(1)(b)], based on the developed reply, on 6 May.

Regards

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

0131 244 [Redacted s38(1)(b)] (at present I have no telephone access, but can be contacted by email)

*National Qualifications Team, Curriculum, Qualifications & Gaelic, Learning Directorate, The Scottish Government, Area 2B North, Victoria Quay, Edinburgh, EH6 6QQ*

*Sgioba nan Teisteanasan Nàiseanta, Curraicealam, Teisteanas & Gàidhlig, Raon 2B Deas, Cidhe Bhictòria, Dùn Èideann, EH6 6QQ*

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[www.scottish-schools.gov.uk](http://www.scottish-schools.gov.uk)

*Tell us how to make Scottish education even better:*

[www.engageforeducation.org](http://www.engageforeducation.org)

**From:** [Redacted s38(1)(b)]@sqa.org.uk>  
**Sent:** 07 May 2021 18:12  
**To:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** Higher assessments - SQA

Dear both,

Did you receive the below email in the SG system?

Kind regards

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

e: [Redacted s38(1)(b)]@sqa.org.uk | w: <http://www.sqa.org.uk>  
Scottish Qualifications Authority  
The Optima Building, 58 Robertson Street, GLASGOW G2 8DQ

**From:** [Redacted s38(1)(b)]@blueyonder.co.uk [Redacted s38(1)(b)]@blueyonder.co.uk>  
**Sent:** 01 April 2021 18:22  
**To:** nicola.sturgeon.msp@parliament.scot; john.swinney.msp@parliament.scot; Fiona Robertson <fiona.robertson@sqa.org.uk>  
**Subject:** Higher assessments - SQA

Dear Nicola Sturgeon, John Swinney and Fiona Robertson,

I have received information from our school, [Redacted s38(1)(b)] in [Redacted s38(1)(b)], regarding the assessments for pupils and how grading will be carried out.

My daughter is in S5 and taking Highers. She, and us as parents, have been told previously that the assessments next term together with continual assessments throughout the year will be the basis for grading for Highers. My daughter has continually tried her hardest knowing this is the case. This is a huge amount of pressure to ask of a pupil and she has managed this admirably. She has had really only 4 months of in school face to face teaching so far in S5.

We have now been told that **only** the assessments next term are to count towards the final grade, including practical subject folio pieces. This is outrageously unfair to suddenly do this U turn and move the goalposts at such late notice. I have put a lot of emphasis in supporting my daughter with her mental well being over the past year. This decision from [Redacted s38(1)(b)] Council/[Redacted s38(1)(b)] has been like the rug has been pulled from beneath her. The anxiety this is causing pupils is shameful.

I understand from the information I have received it needs to be a 'robust' system in place. This is not robust. Schools and councils are interpreting the assessments and manner in which to grade in different ways. Exams (lets call it that because that is what it is) are also sat at different times so sharing of content between pupils is inevitable. This is NOT robust.

Why are teachers suddenly now not trusted with their professional opinion?

Why are the English exams keeping to the original format for assessing - continual assessments, timed assessments and teachers judgement?

I do not believe the pupil has been put at the centre of this decision making.

I would appreciate a swift response.

Kind regards

[Redacted s38(1)(b)]

**Enclosure 2 – Email: Imminent National Qualification 21 Group on disruption to learning**

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

**Sent:** 21 May 2021 15:01

**To:** zzzDeputy First Minister and Cabinet Secretary for Education and Skills <zzzDFMCSE@gov.scot>; First Minister <firstminister@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>; McAllister C (Colin) <Colin.McAllister@gov.scot>

**Subject:** RE: Imminent National Qualification 21 Group on disruption to learning

All

To see attached a minute of Monday's note.

Thanks

[Redacted s38(1)(b)]

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

**Sent:** 17 May 2021 13:41

**To:** [Redacted s38(1)(b)]@gov.scot>; First Minister <firstminister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

**Cc:** DG Education & Justice <dgej@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 DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

**Subject:** RE: Imminent National Qualification 21 Group on disruption to learning

Hi [Redacted s38(1)(b)]

Can I please check that plans are in place for a note to be taken of the discussion at 1530?

Many thanks

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] [Redacted s38(1)(b)] Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Tel: 0131 244 [Redacted s38(1)(b)] | E: DFMCSSE@gov.scot

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** First Minister

**Sent:** 17 May 2021 12:29



**To:** [Redacted s38(1)(b)]@gov.scot>; First Minister <firstminister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; zzzDeputy First Minister and Cabinet Secretary for Education and Skills <zzzDFMCSE@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@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>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: Imminent National Qualification 21 Group on disruption to learning

Copying [Redacted s38(1)(b)], who will now also attend this afternoon's call on behalf of FMPDU given the potential for this topic to figure in the FMQ and FM Covid Briefing space in coming weeks, and the wider relevance to the work of FMPDU on attainment going forwards.

Thanks,

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] [Redacted s38(1)(b)] Office of the First Minister

5<sup>th</sup> Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | 0131 244

[Redacted s38(1)(b)]



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

**Sent:** 13 May 2021 17:12

**To:** First Minister <firstminister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

**Cc:** DG Education & Justice <dgej@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

**Subject:** RE: Imminent National Qualification 21 Group on disruption to learning

Hi [Redacted s38(1)(b)]

To see the paper as requested.

Thanks

[Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** First Minister

**Sent:** 13 May 2021 10:35

**To:** Director of Learning <DirectorofLearning@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

**Cc:** DG Education & Justice <dgej@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 DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; First Minister <firstminister@gov.scot>

**Subject:** RE: Imminent National Qualification 21 Group on disruption to learning

All,

Thanks for the ongoing work around this. I'll circulate call details for tomorrow afternoon at 1330, via Teams. Provisional attendee list stands at *DFM, Graeme Logan, Malcolm Pentland and [Redacted s38(1)(b)]*.

[Redacted s38(1)(b)] – let me know if there are any issues with the briefing being with us by COP today, as agreed.

Thanks,

[Redacted s38(1)(b)]

[Redacted s38(1)(b)][Redacted s38(1)(b)]**Office of the First Minister**

5<sup>th</sup> Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | 0131 244

[Redacted s38(1)(b)]



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

**Sent:** 12 May 2021 11:44

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

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

**Cc:** DG Education & Justice <dgej@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>  
**Subject:** RE: Imminent National Qualification 21 Group on disruption to learning

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

Can you please pull together a short and succinct paper on the current key concerns/ issues in relation to the alternative certification model to support this discussion with FM and DFM. Please also include current mitigations/ actions to address these, and some bullet points on potential further steps that we could take (particularly on comms). Please share this in draft with me in the first instance. Thanks, Graeme.

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** First Minister

**Sent:** 12 May 2021 10:53

**To:** [Redacted s38(1)(b)]@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; First Minister <firstminister@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 DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

**Subject:** RE: Imminent National Qualification 21 Group on disruption to learning

[Redacted s38(1)(b)],

Given the presence of what appears to be the relevant colleagues in copy here, I'm briefly hijacking. FM has asked for a discussion to be convened this week during which she can be updated on the key concerns being raised re the National Qualifications Assessment.

I will provisionally suggest Friday afternoon for this discussion, however if you could ensure the key officials are lined up and aware in the first instance, I can follow up with specifics thereafter.

Happy to answer any questions meantime.

Thanks,

[Redacted s38(1)(b)]

[Redacted s38(1)(b)][Redacted s38(1)(b)]Office of the First Minister

5<sup>th</sup> Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | 0131 244

[Redacted s38(1)(b)]



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

**Sent:** 10 May 2021 17:29

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; First Minister <firstminister@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 DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

**Subject:** RE: Imminent National Qualification 21 Group on disruption to learning

To now see the SQA communication on the security of assessment material. The note makes clear that learners should only have access to assessment material at the point when they are undertaking the assessment, and that materials should not be shared subsequently.

To note that it has been picked up by the press and a separate press line will be put forward very soon.

[Redacted s38(1)(b)]

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

**Sent:** 10 May 2021 16:20

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; First Minister <firstminister@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 DFM & Education <CommunicationsDFM&Education@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

**Subject:** Imminent National Qualification 21 Group on disruption to learning

DFM/PO

Cc FM/PO

To provide an update on an imminent communication from the National Qualifications 21 group on disruption to learning. The key points which will be made in the communication are:-

- The model allows for flexibility in gathering learner evidence – this includes that the evidence base for every individual learner does not have to be the

same as long as the evidence provided meets the conditions of assessment relative to the course.

- Highlights an enhanced e-Sgoil offer for those learners who may need additional study support to complete their courses.
- There will be no exceptional circumstances consideration service, as what has operated in previous years is very similar to the basis of the ACM this year.
- There will be a contingency arrangement for learners with incomplete assessment evidence – for those learners who have suffered severe disruption to learning and teaching there will be a limited opportunity to submit provisional results by 3 September, and is for learners who have completed the learning and teaching of their course but who have not been able to complete their assessment evidence by 25 June. It is not designed for learners who wish to improve their result. Further details of this offer are being developed and will be published in due course.

The SQA will also be issuing an urgent communication reminding centres about the need to take necessary steps to ensure the security of assessment material – this is in response to an incident over the weekend of assessment material (non-SQA) being shared on TikTok.

Final versions of the communications will be shared when they are available.

To also note our current top lines remain unchanged

- We are determined to ensure that all our young people receive certification this year, where possible.
- A revised alternative certification model for determining the National 5, Higher and Advanced Higher awards in the absence of exams was published on 16 February.
- The submission date for provisional grades has been extended to 25 June to provide more time for learning and gathering of evidence of pupil attainment.
- The model was developed by the National Qualifications 2021 Group, which includes EIS representation.
- The Group has been clear that there is no requirement to replicate a full formal exam or prelim diet this year.
- SQA is consulting on draft proposals to make sure that fairness and equity for learners are at the heart of the 2021 appeals process, reflecting the rights contained in the United Nations Convention on the Rights of the Child.
- Decisions on the awarding of 2021 National Qualifications have been informed by Professor Priestley's independent review, widespread stakeholder consultation and co-creation of the alternative certification model through the National Qualifications 2021 Group.
- The awarding of National Qualifications in 2021 will be based on teacher judgement of evidence of learner attainment, not past results or algorithms.
- A key focus of the alternative certification model is on understanding standards, with strong local and national quality assurance processes to ensure consistency and accuracy in applying national standards. To support

this SQA will be sampling centres' grading and Education Scotland will be reviewing Local Authority assurance plans.

- Teachers and lecturers involved in the delivery of the alternative certification model this year will receive a one-off payment of £400, as confirmed on 16 February.
- An additional two assessment support days have also been agreed for the purposes of supporting the delivery of the alternative certification model.

Regards

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] Curriculum, Qualifications and Gaelic - Learning Directorate  
Scottish Government

(0131 24) [Redacted s38(1)(b)]

email: [Redacted s38(1)(b)]@scotland.gsi.gov.uk

## **Enclosure 2.1 – Attachment: National Qualifications brief**

### **BRIEFING FOR THE FIRST MINISTER**

#### **NATIONAL QUALIFICATIONS – DELIVERY OF THE 2021 DIET**

**14 MAY 2021**

**Purpose:** Internal meeting requested by the First Minister to discuss the key concerns being raised in relation to the National Qualifications Assessment.

**When:** Friday 14 May, 13:30.

**Who:** The meeting will be attended by:

- Deputy First Minister and Cabinet Secretary for Education and Skills
- Joe Griffin, DG Education and Justice
- Graeme Logan, Director of Learning
- Malcolm Pentland, Deputy Director of Curriculum, Qualifications and Gaelic
- [Redacted s38(1)(b)], Curriculum, Qualifications and Gaelic.

#### **KEY FACTS**

- The 2021 Exam Diet was cancelled and an alternative model based on **teacher judgement of demonstrated learner attainment** is being used.
- A National Qualifications (NQ) 2021 Group was established to co-produce the **Alternative Certification Model (ACM)** and oversee implementation. This, together with an associated working group, has met weekly since it was established in October 2020. Members of the Group are:
  - the Association of Directors of Education in Scotland (ADES)
  - Colleges Scotland
  - Education Scotland
  - the Educational Institute of Scotland (EIS)
  - School Leaders Scotland (SLS)
  - the Scottish Council of Independent Schools (SCIS)
  - Scottish Qualifications Authority (SQA)
  - the Scottish Government
  - National Parent Forum of Scotland, and
  - the Scottish Youth Parliament.

**Briefing:** Briefing covers the following areas:

- Key facts
- Concerns/issues
- Current mitigations/actions
- Potential further steps

### Concerns/issues

- **Provisional results for National 5, Higher and Advanced Highers are to be submitted to SQA by 25 June 2021**, with results published on 10 August 2021. Provisional results are expected to be shared with learners prior to submission.
- **Results will not be moderated and no algorithm will be applied**, with SQA undertaking clerical checks for any administrative errors only.
- In advance of the submission of provisional results **SQA will undertake sampling of grading evidence across all centres** to provide assurance on understanding of standards and this will be supported by local quality assurance processes (deadline for evidence submission 16/17 May, with reports issued to centres by w/c 7 June at the latest).
- Education Scotland are undertaking a review of individual local authority quality assurance processes and are due to report in mid-May.
- SQA are currently **finalising the proposed appeals process** for 2021. Particular challenges lie around the incorporation of UNCRC, and determining the appropriate grounds for appeal, in addition to timescales.

- A variety of concerns have been expressed including fears of over-assessment; accusations of misleading learners over “no exams”; variance in approaches by different centres (scale and specificity of assessment); amongst others.  
[s.30(b)(ii)]
- The media articles/comments this week included:
  - **BBC article:** *“Covid in Scotland: Pupils at “breaking point” over school assessments”* (11 May)
  - **Prof Mark Priestley (author of a Rapid Review of National Qualifications Experience in 2020)** commented on Twitter about the BBC article: *“Another national qualifications debacle unfolding. The reliance on concentrated exam conditions testing would have been reduced, had removal of coursework not reduced the evidence base so much – as Marina Shapira and I pointed out in our review”*
  - **Labour press release:** *Michael Marra has written to John Swinney to demand clarity and equity in the appeals process for school assessments this year, as he warns that John Swinney and the SQA are “sleepwalking into a crisis”* (12 May)
  - **BBC article:** *“Scottish schools warned over “exam” question sharing on TikTok”* (11 May) (similar stories now running for GCSE and A-level papers)



- **Scotsman** (12 May) incorporating quote from Head of Strategy for the Children and Young People's Commissioner Scotland, Gina Wilson: *"...after the disruption to two educational years, we are now in a situation where young people are sitting numerous assessments with no idea about the appeals process should they need to use it. We are hearing about the huge additional stress and anxiety that this is causing. Young people should not be disadvantaged by disrupted access to their right to education during the pandemic."*
- **Scotsman** (13 May): *"SQA consistently marked down poorest students"* (relating to local breakdown of 2020 results which have been published recently, further undermining this year's approach by questioning the credibility of SQA)
- **SSTA comments** stating that there needs to be more reliance on general teacher judgement rather than assessment evidence based teacher judgement[s.30(b)(ii)]
- Reporting in the media has been accompanied by a significant volume of negative social media comment on the fairness of the ACM.
- There has been no public reporting to date, but we have also received a letter from CONNECT highlighting a similar range of concerns of learners and the need to address them.
- More broadly, there is a "live" petition on change.org calling for *"SQA to re-consider final assessments"* with just under 9,000 signatures.
- There is also a public petition that has been sent to the Scottish Parliament calling for a change to the ACM to instead "use teacher assessed grades to award national qualifications in 2021", which we take to mean teacher judgement without additional assessment or evidence.
- Concern has also been expressed as to the security of assessment materials with instances this week of material (not SQA material) being shared on TikTok. SQA have issued a communication to centres reminding them of security requirements, and they are continuing to monitor this issue.

[s.30(b)(ii)]

[s.30(b)(ii)]

#### Current mitigations/actions

- [s.30(b)(ii)]To also note that the Education Scotland review of Local Authority quality assurance plans is due to be published next week. Early indications suggest that this report will be positive overall and reassuring regarding the implementation of the ACM at local level.

#### rUK approach

- Overall the approach of the four nations is reasonably consistent.

- England and Northern Ireland may appear to have a slightly more flexible and less burdensome approach to assessment than Scotland. In England the guidance gives teachers a high degree of autonomy in determining whether the learner has demonstrated sufficient learning to achieve certification.
- No nation is conducting national moderation of grades, but in general Scotland looks to have the lightest touch approach to external quality assurance.

Potential further steps

- The National Qualifications 21 Group has produced, at the request of DFM, a joint statement reaffirming their support for the ACM which will likely be published on Friday 14 May (a draft copy is included at annex A). This attempts to state some key facts about the approach to address some current mis-reporting. It also includes the key message of reassurance to learners: your grades will be judged by your teachers, based on your assessment evidence. The SQA will not change the grades of individual learners during the moderation process in May and June. Teachers and schools will reach final judgements, which will be subject to the appeals process in August.
- [s30(b)(ii)]

Curriculum, Qualifications and Gaelic  
13 May 2021

### **National Qualifications 2021 – a message from organisations working across Scottish education – 14 May 2021**

In recent days there have been concerns raised about arrangements for awarding National 5, Higher and Advanced Higher courses this year.

We know this is a challenging time. We want to reassure schools, teachers, parents and pupils that everyone in Scottish education is working hard to ensure learners achieve fair and credible grades, while ensuring steps are taken to ensure young people's wellbeing is protected through the process.

The National Qualifications 2021 Group, established last autumn, chaired by the Chief Examiner and including key representatives of young people, parents and teachers, has been meeting weekly to develop the Alternative Certification Model for this year following the cancellation of the SQA examinations diet.

The model has been designed to be based on teacher and lecturer judgement of pupil and student achievement, over a number of assessments, rather than an end-of-year exam.

Demonstrated attainment through these assessments is important in ensuring results are based on evidence of learning and skills. Due to the extended period of remote learning because of the pandemic, many learners are undertaking assessments over a shorter period of time in schools and colleges than originally planned.

It is important, however, to highlight the followings facts about the model:

- the model has the flexibility around the timing and nature of assessment to ensure that, as far as possible, there is maximum opportunity for learners to undertake the required learning and be given the best chance to succeed in any course assessments.
- the timeline for schools, colleges and training providers to submit provisional results has been extended to 25 June, providing more time for consolidation of learning and teaching and assessment.
- most subjects have had their evidence requirements reduced, assessment components removed and/or content and context reduced.
- subject-specific guidance has been published on the appropriate assessment evidence for all subjects and optional assessment resources have been published to help inform assessment planning and evidence gathering.
- local and national support is in place to ensure provisional results are based on national standards.
- the SQA is working with schools, colleges and local authorities to ensure grades are fair. Feedback from the SQA will be important in informing the judgements that teachers and lecturers make but the SQA will not change individual learners' grades as a result of the moderation process in May and June.

- the support available on national learning platform e-Sgoil has been extended to learners who, for a variety of reasons, have experienced extreme disruption to their learning.
- a later certification contingency is being developed for those learners who have incomplete assessment evidence due to extreme disruption
- an appeals process for learners is being developed and will be published shortly.

**In summary, our key message to learners is: your grades will be judged by your teachers and lecturers, based on your assessment evidence.**

We all remain committed to continuing to work together to deliver for Scotland's learners in the circumstances faced this school year, ensuring that learners get the national qualification grades that they deserve.

Association of Directors of Education in Scotland (ADES), Colleges Scotland, Education Scotland, the Educational Institute of Scotland (EIS), National Parent Forum of Scotland (NPF) School Leaders Scotland (SLS), the Scottish Council of Independent Schools (SCIS), Scottish Qualifications Authority (SQA), the Scottish Government and the Scottish Youth Parliament (SYP).

## **Enclosure 2.2 – Attachment: Note of meeting – 17 May 2021**

### **Minutes of meeting between officials and First Minister to discuss awarding of National Qualifications in 2022 – 17 May 2021**

#### Attendees

First Minister  
Colin McAllister  
Joe Griffin  
Graeme Logan  
Malcolm Pentland  
[Redacted s38(1)(b)][Redacted s38(1)(b)]Gayle Gorman  
FM private office  
DFM Private office

#### Minute

Officials met with the First Minister to discuss the awarding of National Qualifications this year.

The First Minister was interested in understanding aspects of the Alternative Certification Model (ACM), and how any issues would be identified and what options there may be to respond to any issues.

Officials discussed recent media stories and social media content. [Redacted s.30(b)(i)]

Officials discussed the actions being taken including the issuing of communications by the National Qualifications 2021 Group; planned communications outlining support available to learners to promote well-being; and planned discussions regarding HE and FE admissions for the 2021/22 academic year.

The planned appeals process was also discussed and the need for this to be agreed and published as soon as possible.

### **Enclosure 3 – Email: Commissions on areas of possible challenge**

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 18 May 2021 10:53  
**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>  
**Subject:** RE: Commissions on areas of possible challenge

Thanks [Redacted s38(1)(b)] – I've accepted your changes and sense checked again in light of weekend activity. Not quite sure what additional line from Colin McAllister you've referred to?

[Redacted s38(1)(b)] advised that this request came from Graeme originally and the briefs are intended for new ministers and a possible source of material for any education focused inquiry.

Best regards

[Redacted s38(1)(b)]  
**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 14 May 2021 14:52  
**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>  
**Subject:** RE: Commissions on areas of possible challenge

Many thanks for doing this [Redacted s38(1)(b)]; looks good! I have made a few minor comments in the document but nothing too significant.

The one thing that I was thoughtful about was the tone and who the document was for (I'm not totally clear from [Redacted s38(1)(b)] email but I've maybe missed something). It looks about on a par with [Redacted s38(1)(b)] document although I thought hers was maybe slightly more "bullish" in setting out what had been done. I don't think this is for external consumption and on that basis, I think it is fine, but you can maybe just satisfy yourself that that is the case.

[Redacted s38(1)(b)]/[Redacted s38(1)(b)] – not sure whether you want to contribute?

[Redacted s38(1)(b)]  
[Redacted s38(1)(b)] [Redacted s38(1)(b)] Learning Directorate | Scottish Government |

*Please note: my working hours are [Redacted s38(1)(b)]. I am currently working from home but am contactable via email or Microsoft Teams.*

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 14 May 2021 11:39  
**To:** [Redacted s38(1)(b)]@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** FW: Commissions on areas of possible challenge

Hi [Redacted s38(1)(b)]

Further to the request below, I have drafted the following paper along the lines of [Redacted s38(1)(b)] example pulling on info from across the various other papers we've been developing. I'm not quite sure where this documents sits in amongst those and/or if it's been superceded by some of those or other requests?

Click on the link to open 'Narrative and Next Steps - National Qualifications - May 2021' - <https://erdm.scotland.gov.uk:8443/documents/A33268405/details>

Will probably need to be reviewed in light of any outcomes from today but thought worth sharing for review now and I'm happy to revisit the format/content if you think it needs a different approach.

Thanks,

[Redacted s38(1)(b)]

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

**Sent:** 10 May 2021 16:30

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

**Subject:** Commissions on areas of possible challenge

Hi there

I am contributing to the suite of papers commissioned by Graeme ahead of (i) new ministers and (ii) an inquiry on issues relating to decisions taken on various education related issues. [redacted s.30(b)(i)]

In terms of timing, a draft of paper A will go to Sam tomorrow (Tuesday) but the others thankfully do not require such a quick turnaround. Would it be possible to aim to develop first drafts by COP Monday next week? I'm thinking of the timeframe for having Cab Sec/Ministers appointed next week therefore trying to align with that.

I'm happy to chat this through (not that I have much more information than above) and there is no suggestion of format or length but some of you will already be working on similar commissions. But based on the paper I drafted for Graeme last week (link below) setting out the broad background and CERG's involvement in the journey to date, I suggest 4-6 pages plus annexes? I'd really welcome confirmation that B-D are being actioned please and any flags around proposed timings.

Thanks

[Redacted s38(1)(b)]

'Narrative and Next Steps - Learning Directorate approach to Covid-19 - 23 April 2021' - <https://erdm.scotland.gov.uk:8443/documents/A33025729/details>

[Redacted s38(1)(b)] | Covid Education Strategy and Recovery Division | Learning Directorate | Scottish Government |

I am working [Redacted s38(1)(b)] and can be contacted via email, MS Teams or BlackBerry 07 [Redacted s38(1)(b)]



**Enclosure 4 – Email: URGENT - Communication from the NQ21 Group**

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 24 May 2021 16:29  
**To:** [Redacted s38(1)(b)]@gov.scot>  
**Cc:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Subject:** RE: URGENT - Communication from the NQ21 Group

Thanks [Redacted s38(1)(b)]

I've just made some small changes.

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

[Redacted s38(1)(b)]**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 24 May 2021 13:53  
**To:** [Redacted s38(1)(b)]@gov.scot>  
**Cc:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Subject:** RE: URGENT - Communication from the NQ21 Group

Good afternoon

Further to below, I have updated the letter with SYP feedback – from Ben's earlier email, I have **\*only\*** focused on his feedback pertinent to this letter at present, there are other issues to consider from that email (but not for now). Comments within document highlight "loose ends".

I would like to confirm the letter with you both (including whether the below link should be included) and then it can be sent to NQ21 members for comment. [Redacted s38(1)(b)] perhaps we can have a catchup later this afternoon or tomorrow to discuss?

Thanks

[Redacted s38(1)(b)]  
[Redacted s38(1)(b)] [Redacted s38(1)(b)]  
**From:** [Redacted s38(1)(b)]  
**Sent:** 24 May 2021 12:15  
**To:** [Redacted s38(1)(b)]  
**Cc:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Subject:** FW: URGENT - Communication from the NQ21 Group

Hello

I believe that this New FAQ for young people on extra support from school - The Children and Young People's Commissioner Scotland (cypcs.org.uk) is the suggested Commissioners resource for linking to.

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

Thanks

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

**From:** Ben McKendrick <Ben.M@syp.org.uk>

**Sent:** 24 May 2021 10:32

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

**Cc:** [Redacted s38(1)(b)]@syp.org.uk>; [Redacted s38(1)(b)]@sypmail.org.uk>; [Redacted s38(1)(b)]@sypmail.org.uk>

**Subject:** RE: URGENT - Communication from the NQ21 Group

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

Sorry for the delay. Please find attached comments and suggested amends from SYP.

I have discussed your suggestion that SYP develops our own guide for young people with [Redacted s38(1)(b)] and [Redacted s38(1)(b)], and we have decided not to go ahead with this, for the following reasons:

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

Ben

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

**Sent:** 20 May 2021 15:30

**To:** Ben McKendrick <Ben.M@syp.org.uk>; Malcolm.Pentland@gov.scot

**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@syp.org.uk>; [Redacted s38(1)(b)]@sypmail.org.uk>; [Redacted s38(1)(b)]@sypmail.org.uk>

**Subject:** RE: URGENT - Communication from the NQ21 Group

Ben,

Thanks again for the contribution. Really appreciated.

Attached is the letter I am proposing goes to NQ21 tonight/tomorrow (give or take a couple of tweaks). I have incorporated contributions and feedback from yourselves, SG colleagues, SQA and Ed Scot.

You'll see I have used a few chunks of your text as I felt it was far more "young person" friendly than the text I had! I hope that's ok with you.

The level of detail was a bit more than needed for this particular letter – I had set myself a 2-page limit – but it did contain some really important information, so I'd like to suggest that SYP create their own resource from your text – including in it any information from "my" letter you feel useful and make it available via your website. I can then link to it in the letter, in the same way I am linking to SQA / SDS etc. sources of advice. Hope that sounds ok?

If you'd like to discuss any of this please do come back to me. I should be around for remainder of afternoon.

Thanks again

[Redacted s38(1)(b)]

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

**From:** Ben McKendrick <Ben.M@syp.org.uk>

**Sent:** 19 May 2021 08:38

**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)]@syp.org.uk>; [Redacted s38(1)(b)]@sypmail.org.uk>; [Redacted s38(1)(b)]@sypmail.org.uk>

**Subject:** RE: URGENT - Communication from the NQ21 Group

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

Thanks for your email, [Redacted s38(1)(b)], and apologies for the delay.

Attached are some thoughts from [Redacted s38(1)(b)], [Redacted s38(1)(b)] and I on what the communication to young people could say.

Hope it is helpful

Ben

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

**Sent:** 14 May 2021 18:07

**To:** Malcolm.Pentland@gov.scot; [Redacted s38(1)(b)]@syp.org.uk>; [Redacted s38(1)(b)]@sypmail.org.uk>; Ben McKendrick <Ben.M@syp.org.uk>

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

**Subject:** RE: URGENT - Communication from the NQ21 Group

Hello all, and thank you for the introduction Malcolm

As Malcolm has stated I have been asked to produce a letter that will go direct to learners to reassure them and signpost them to supports available to them (a) now (b) between end of term and end of summer and (c) post results day.

If you are able to contribute from your knowledge of agencies who are able to support learners, I would really appreciate that. This contribution may be the identification of resources, but I would also value input on how best to engage with the learners to ensure they are as aware as possible of the supports.

Thank you

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

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

**Sent:** 14 May 2021 15:41

**To:** [Redacted s38(1)(b)]@syp.org.uk>; [Redacted s38(1)(b)]@sypmail.org.uk>; Ben McKendrick <Ben.M@syp.org.uk>

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

**Subject:** RE: URGENT - Communication from the NQ21 Group

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

On the direct communication to young people, [Redacted s38(1)(b)] (copied) is working to pull together materials across ES and other parts of SG and the third sector partners we support. He will link in with you if that is ok.

Many thanks  
Malcolm

**From:** Pentland MK (Malcolm)  
**Sent:** 14 May 2021 10:45  
**To:** [Redacted s38(1)(b)]@syp.org.uk>; [Redacted s38(1)(b)]@sypmail.org.uk>; Ben McKendrick <Ben.M@syp.org.uk>  
**Subject:** RE: URGENT - Communication from the NQ21 Group

Thank you [Redacted s38(1)(b)], appreciated.  
Malcolm

**From:** [Redacted s38(1)(b)]@syp.org.uk>  
**Sent:** 14 May 2021 10:43  
**To:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@sypmail.org.uk>; Ben McKendrick <Ben.M@syp.org.uk>  
**Subject:** RE: URGENT - Communication from the NQ21 Group

Hi Malcolm,

Following our discussions and call with Fiona last night [redacted s.30(b)(i)

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

**From:** Malcolm.Pentland@gov.scot <Malcolm.Pentland@gov.scot>  
**Sent:** 14 May 2021 10:40  
**To:** [Redacted s38(1)(b)]@sypmail.org.uk>; [Redacted s38(1)(b)]@syp.org.uk>; Ben McKendrick <Ben.M@syp.org.uk>  
**Subject:** FW: URGENT - Communication from the NQ21 Group

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

Apologies for pestering but can you confirm whether you are ok with this communication going out from an SYP perspective? All other partners are now content.

Really keen to pick up further with you on possibilities for direct communication to young people, particularly around support available, signposting etc as Ben and I discussed briefly and as discussed in the NQ meeting just now.

Many thanks  
Malcolm

**From:** Pentland MK (Malcolm)

**Sent:** 13 May 2021 18:06

**To:** 'Jim Thewliss' <jim.thewliss@sls-scotland.org.uk>; 'McDaid, Tony' <Tony.Mcdaid@southlanarkshire.gov.uk>; 'Larry Flanagan' <lflanagan@eis.org.uk>; [Redacted s38(1)(b)]@syp.org.uk; Bray O (Ollie) <Ollie.Bray@educationscotland.gov.scot>; 'Steven Quinn' <steven.quinn@renfrewshire.gov.uk>; 'John.Edward@scis.org.uk' <John.Edward@scis.org.uk>; [Redacted s38(1)(b)]@ayrshire.ac.uk; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; 'NPFS Renfrewshire' <renfrewshire@npfs.org.uk>; [Redacted s38(1)(b)]@sypmail.org.uk; 'Fiona Robertson' <fiona.robertson@sqa.org.uk>; 'Jean Blair' <Jean.Blair@sqa.org.uk>; 'Gill Stewart' <Gill.Stewart@sqa.org.uk>

**Cc:** Director of Learning <DirectorofLearning@gov.scot>; 'Ben McKendrick' <Ben.M@syp.org.uk>; [Redacted s38(1)(b)]@sqa.org.uk; [Redacted s38(1)(b)]@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)]@gov.scot; [Redacted s38(1)(b)]@gov.scot

**Subject:** RE: URGENT - Communication from the NQ21 Group

All

Colleagues from the following organisations have now confirmed support for the statement (attached):

EIS  
ADES  
SQA  
Education Scotland  
Colleges Scotland

Very grateful if those who have not yet been able to respond could do so ahead of tomorrow's NQ21 Group meeting at 0915.

Many thanks again  
Malcolm

**From:** Pentland MK (Malcolm)

**Sent:** 13 May 2021 15:48

**To:** 'Jim Thewliss' <jim.thewliss@sls-scotland.org.uk>; 'McDaid, Tony' <Tony.Mcdaid@southlanarkshire.gov.uk>; 'Larry Flanagan' <lflanagan@eis.org.uk>; [Redacted s38(1)(b)]@syp.org.uk; Bray O (Ollie) <Ollie.Bray@educationscotland.gov.scot>; 'Steven Quinn' <steven.quinn@renfrewshire.gov.uk>; 'John.Edward@scis.org.uk' <John.Edward@scis.org.uk>; [Redacted s38(1)(b)]@ayrshire.ac.uk; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; 'NPFS Renfrewshire' <renfrewshire@npfs.org.uk>; [Redacted s38(1)(b)]@sypmail.org.uk; 'Fiona Robertson' <fiona.robertson@sqa.org.uk>; 'Jean Blair' <Jean.Blair@sqa.org.uk>; 'Gill Stewart' <Gill.Stewart@sqa.org.uk>

**Cc:** Director of Learning <DirectorofLearning@gov.scot>; 'Ben McKendrick' <Ben.M@syp.org.uk>; [Redacted s38(1)(b)]@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)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: URGENT - Communication from the NQ21 Group

All

Thank you for the various comments received during the course of today. I have sought to accommodate all the views shared with the group and sent directly to me within the revised version attached here. In doing so, it is unlikely that all the wording will be exactly as preferred by everyone on the group but, given that this is not announcing anything new, I hope you feel able to support this version.

A number of colleagues have asked about the audience for this particular communication. The messages here are for across the system and the text attempts to be as clear and succinct as possible. That said, there is clearly scope for, and merit in, a message that is more explicitly targeted at young people. I have discussed this with SYP colleagues who have agreed in principle to drafting a note, for agreement with this Group, that would do this and also signpost young people to support.

In the meantime, I would be very grateful if you could confirm whether or not you are content to support the issuing of this statement in order that we can update the DFM on the group's view(s). Please do so today if at all possible.

Many thanks  
Malcolm

**Malcolm Pentland** | Deputy Director

Curriculum, Qualifications and Gaelic Division | email: malcolm.pentland@gov.scot |

tel:+44(0) [Redacted s38(1)(b)]

Learning Directorate | Area 2B North | Victoria Quay | Edinburgh | EH6 6QQ

Buidheann-Stiùiridh an Ionnsachaidh | Raon 2B Tuath | Cidhe Bhictòria | Dùn Èideann | EH6 6QQ

**From:** Pentland MK (Malcolm)

**Sent:** 13 May 2021 11:15

**To:** 'Jim Thewliss' <jim.thewliss@sls-scotland.org.uk>; 'McDaid, Tony' <Tony.Mcdaid@southlanarkshire.gov.uk>; 'Larry Flanagan' <lflanagan@eis.org.uk>;

[Redacted s38(1)(b)]@syp.org.uk>; Bray O (Ollie)

<Ollie.Bray@educationscotland.gov.scot>; 'Steven Quinn'

<steven.quinn@renfrewshire.gov.uk>; John.Edward@scis.org.uk; [Redacted s38(1)(b)]@ayrshire.ac.uk>; Gorman G (Gayle)

<Gayle.Gorman@educationscotland.gov.scot>; 'NPFS Renfrewshire'

<renfrewshire@npfs.org.uk>; [Redacted s38(1)(b)]@sypmail.org.uk>

**Cc:** Fiona Robertson <fiona.robertson@sqa.org.uk>; Director of Learning <DirectorofLearning@gov.scot>; 'Ben McKendrick' <Ben.M@syp.org.uk>; [Redacted s38(1)(b)]@sqa.org.uk>; [Redacted s38(1)(b)]@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>

s38(1)(b)]@gov.scot>; Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** URGENT - Communication from the NQ21 Group

**Importance:** High

All

The Education Recovery Group (CERG) met yesterday afternoon and some of current media coverage in relation to the ACM and NQs was discussed.

Following discussion with DFM, CERG members agreed that the NQ Group should issue a further short, clear message about this year's approach. Please find attached a draft of this message which includes key facts about the approach and acknowledges that the system has worked together in the interests of young people in the challenging circumstances faced.

With apologies for the short notice, can I ask for any comments and/or sign off on this as soon as possible and, if at all possible, by 3pm today. We are aiming to issue the communication no later than Friday morning.

In addition, to underline that this message, once agreed, is from key organisations across the system, we would like to issue it carrying partner organisations' logos. Can you please let us know if there is any problem/objection to us doing so for your respective organisation.

Many thanks and apologies again for the short timeframes being worked to on this

Malcolm

**Malcolm Pentland** | Deputy Director

Curriculum, Qualifications and Gaelic Division | email: [malcolm.pentland@gov.scot](mailto:malcolm.pentland@gov.scot) | [tel:+44\(0\)\[Redacted s38\(1\)\(b\)\]](tel:+44(0)[Redacted s38(1)(b)])

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## Enclosure 4.1 – Attachment: Comms to learners

### Letter from NQ21 highlighting supports available to learners

Dear Learner,

We hope you are well in these challenging times.

We understand the importance of qualifications to you and the National Qualifications 2021 Group (NQ Group), which was established last autumn and includes representatives of teachers, learners, parents and carers, has been meeting weekly to ensure that young people are assessed fairly this year.

The model that the NQ Group has developed is called the [Alternative Certification Model \(ACM\)](#). It has been designed to ensure learners achieve fair and credible grades, using demonstrated attainment i.e. evidence of learning and skills. We are mindful of the need to ensure that we are supporting your wellbeing throughout this process, and the model takes account of this by providing flexibility for teachers and lecturers over the gathering of evidence.

*[Comment – [Redacted s38(1)(b)]– 24 May 2021: In feedback Ben McKendrick noted:*

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

The ACM gives schools and colleges the ability to decide the timing and nature of assessment to ensure that, as far as possible, there is maximum opportunity for all learners to undertake the required learning **and** be given the best chance to succeed in all course assessments.

This means that the assessment evidence you complete may look and feel different from other learners around the country in terms of content, duration, frequency and the number of assessments. Based on this evidence, your teachers and lecturers will determine your provisional grades. It is vital that you know that **these grades will not be altered by the SQA unless an administrative error is discovered.**

We have heard from some young people that an unintended consequence of the ACM is that sometimes young people feel they are not being treated fairly and that their circumstances are not being taken into account. Although neither is intentional we want to be sure that all young people are aware of the local and national support that is available all learners at this important stage of your education.

We recognise that this is may be undoubtedly a very challenging time and that the extended period of remote learning during lockdown has meant that you may be having to produce evidence over a shorter period of time in schools and colleges than was originally planned. We know that some children and young people's mental health and wellbeing will have been affected during the pandemic. Throughout this crisis, the impact on children and young people has been at the forefront of our minds. We would like to highlight to you some of the supports that are available to all learners:



- *Schools and Local Authorities* will be working through the stages of the ACM, supporting learners to complete learning and engage successfully with assessments. You should talk to your teachers if you are concerned in any way about how they will take your needs into account when you are doing assessment. If you are still concerned, you should ask to speak to a trusted member of staff. This may include the Principal Teacher of the subject(s) you are concerned about, your Pastoral (Guidance) Principal Teacher, Depute Head Teacher or Head Teacher.

[Comment – [Redacted s38(1)(b)]– 24 May 2021: *Should this be included? Suggested by Ben McKendrick*

[Comment – [Redacted s38(1)(b)]– 24 May 2021: *I'm not sure we should here as it doesn't ultimately lead to any solution – you can complain to the LA, but past a point (likely very soon) that won't change your grade. The better option is probably more down the learner disruption and appeals processes.]*

- As part of the National e-Learning Offer, [e-Sgoil](#) continues to offer a timetable of live, interactive online classes using Microsoft Teams. Your school can apply directly to e-Sgoil on your behalf for this additional targeted support.
- SQA offer ongoing support with Awarding and Results. Learners can contact SQA using an [online form](#) or by calling 0345 279 1000.

- *Skills Development Scotland (SDS)* offer [support for learners](#) including an FAQ for school pupils.

[Comment – [Redacted s38(1)(b)]– 20 May 2021: *Awaiting further feedback from SDS – they are aware of their inclusion in this letter]*

- Information and support with college and university applications can be found within the [UCAS](#) site.
- Appeals information will be released in the coming week and will be available through the SQA [website](#). Schools may also be briefing learners on procedures.
- Further information on [Disrupted Learning](#) and the approaches available to schools and colleges are available from SQA.

- 

[Comment – [Redacted s38(1)(b)]– 20 May 2021: *Will want to check what it is actually being called*

*“Disruption to Learning” as per site linked to]*

- *Schools and local authorities* will be working hard to support mental health through a wide range of approaches including telephone helplines, education psychology support and bespoke support packages and resources are available if you feel you need some support. All local authorities have counselling services in place through secondary schools; the counselling support will be available through the holidays as well as term time.
- *Education Scotland* have developed a [Health and Wellbeing Wakelet](#) which includes materials specific to mental health and wellbeing.

- *Children's Parliament* and the *Scottish Youth Parliament* (SYP) have developed [Mind yer time](#), a website with a range of interactive activities, information and resources to support children and young people with their use of social media and screen time.
- Young Scot have produced [Aye Feel](#) resources to provide sources of support and information for children and young people.

Once again we genuinely appreciate that this has been an incredibly challenging year for everyone, but perhaps particularly for young people in their senior phase of school. We hope that the resources signposted here may be useful if you feel you require extra support and advice. Finally, can we take the opportunity to wish you, and every learner, success over the remainder of this academic session and beyond.

Yours sincerely,  
NQ21 Group

## **Enclosure 5 – Email: National Qualifications in 2021 - NQ21 Group**

**From:** [Redacted s38(1)(b)]@sqa.org.uk>

**Sent:** 13 May 2021 18:04

**To:** Fiona Robertson <fiona.robertson@sqa.org.uk>; Fiona Robertson <fiona.robertson@sqa.org.uk>; 'Jim Thewliss' <jim.thewliss@sls-scotland.org.uk>; 'McDaid, Tony' <Tony.Mcdaid@southlanarkshire.gov.uk>; 'Larry Flanagan' <lflanagan@eis.org.uk>; Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>; [Redacted s38(1)(b)]@gov.scot>; Alan.Armstrong@educationscotland.gov.scot; 'Steven Quinn' <steven.quinn@renfrewshire.gov.uk>; John.Edward@scis.org.uk; [Redacted s38(1)(b)]@ayrshire.ac.uk>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; [Redacted s38(1)(b)]@sqa.org.uk>; 'NPFS Renfrewshire' <renfrewshire@npfs.org.uk>; [Redacted s38(1)(b)]@sypmail.org.uk>; [Redacted s38(1)(b)]@syp.org.uk>; Bray O (Ollie) <Ollie.Bray@educationscotland.gov.scot>

**Cc:** [Redacted s38(1)(b)]@sqa.org.uk>

**Subject:** RE: National Qualifications in 2021 - NQ21 Group

Good evening colleagues

Please find attached Agenda, notes and one paper for tomorrow's meeting.

Regards

[Redacted s38(1)(b)]

## Enclosure 5.1 – Attachment: Agenda

1.1

### 1.2 National Qualifications 2021

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#### 1.2.1

**Date:** Friday 14 May 2021

**Time:** 09:15 – 10:30

**Location:** MS Teams

**Members:** Fiona Robertson; Gill Stewart; Jim Thewliss; Tony McDaid; Malcolm Pentland; John Edward; David MacDonald; [Redacted s38(1)(b)]; Steven Quinn; Larry Flanagan; Graeme Logan; Jean Blair; Gayle Gorman

**Attending:** [Redacted s38(1)(b)]; [Redacted s38(1)(b)]; [Redacted s38(1)(b)]

**Apologies:**

#### 1.2.2

#### 1.2.3 Agenda

Item	Topic	Action	Lead
26.1	Welcome & notes from previous meeting	Attached	FR
26.2	Appeals 2021	Attached	FR
26.3	NQ21 Working Group Update	Discussion	JB
26.4	2022 Planning – Approach to course modifications	Attached	GS
26.5	Communications and engagement	Discussion	[Redacted s38(1)(b)]
26.6	Next Steps/AOB	Discussion	All
	Date of next meeting – Friday 21 May 2021		

## Enclosure 5.2 – Attachment: Notes

1.3

### 1.4 National Qualifications 2021

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#### 1.4.1

**Date:** Friday 07 May 2021

**Time:** 09:15 – 10:30

**Location:** MS Teams

**Members:** Fiona Robertson; Gill Stewart (part); Jim Thewliss; Tony McDaid; Malcolm Pentland; John Edward; David MacDonald; [Redacted s38(1)(b)]; Steven Quinn; Larry Flanagan (part); Graeme Logan; Jean Blair; Gayle Gorman

**Attending:** [Redacted s38(1)(b)]; [Redacted s38(1)(b)]; [Redacted s38(1)(b)]; [Redacted s38(1)(b)]; [Redacted s38(1)(b)]; John McMorris; [Redacted s38(1)(b)] (part)

**Apologies:**

#### 1.4.2

#### 1.4.3 Notes

Item	Topic
25.1	<p><b>Welcome &amp; notes from previous meeting</b></p> <p>FR welcomed everyone to the meeting and gave a brief update on recent engagement between NQ21 members and young people, parents and carers in particular.</p> <p>The notes of the previous meeting were accepted.</p>
25.2	<p><b>Appeals 2021</b></p> <p>FR gave a brief overview of recent engagement and discussions that had taken place in the last week, referencing the slides that had been circulated. [Redacted s38(1)(b)] then provided more detail on the proposed appeals model.</p> <p>NQ21 thanked [Redacted s38(1)(b)] for his update and focused on the points noted. There was broad agreement that whilst it would be difficult to provide school and college resources to run a priority service from end of June it would be useful to allow appeals to be registered with SQA in June as candidates could then also access information about process, timeline and other related advice and support. The timing of this in relation to end of term and end date for provisional grades will be considered further. There were a range of views on the importance of symmetry. However, it was noted that this was a feature of the pre-existing approach and the approach across the UK.</p> <p>NQ21 agreed that the work initiated by SQA and SG on summer support for young people was important to progress quickly, involving all appropriate stakeholders.</p>

	<p>Members noted the good progress being made and that next week SQA's Qualifications Committee and Board of Management would review the proposed model before Scottish Ministers, alongside the Children's Rights and Equality Impact Assessments that are nearing completion. NQ21 agreed communication to the system at the earliest opportunity should follow.</p> <p><b>Action – [Redacted s38(1)(b)] to continue to progress.</b></p>
25.3	<p><b>NQ21 Working Group Update</b></p> <p>JB gave an update that SQA has been asked to provide guidance on the Candidate Grading conversation and this is being taken forward by Ollie Bray from ES. Work was also ongoing on securing named contacts in centres for reconciliation checks.</p>
25.4	<p><b>Disruption to Learning</b></p> <p>GS gave a brief update and thanks to the NQ21 subgroup who had met to develop thinking around the service which, it was agreed, was about a contingency arrangement for candidates who had suffered severe disruption during the assessment window and not to offer an additional opportunity for evidence creation more broadly. The proposed end date for the service of 03 September was also agreed.</p> <p>The importance of the detail on how this will work in practice was expressed and all agreed careful communication and support needed.</p> <p><b>Action – [Redacted s38(1)(b)] to circulate a latest version for publication on Monday 10 May once GG is comfortable with the reference to e-Sgoil in the messaging.</b></p>
25.5	<p><b>Communications and engagement</b></p> <p>[Redacted s38(1)(b)] noted the updated but still draft version of intended communications and milestone dates included in the meeting papers that the Working Group are currently considering. This will be augmented with further items over time, for example on Appeals and summer support, as they are finalised.</p> <p>This schedule would help inform future NQ21 agenda and be used to reassure the system that review and discussion of matters was ongoing.</p> <p><b>Action – NQ21 to review the document and feedback comments to [Redacted s38(1)(b)] as appropriate.</b></p>
25.6	<p><b>Next Steps/AOB</b></p> <p>SQ raised a point of concern about how the communication of provisional grades would be carried out to meet candidate expectation to minimise stress or concern and the group had a short discussion of how this might be handled. JB advised the NQ21 Working Group were currently considering this and would come back with an update in the coming weeks.</p> <p><b>Action – JB to feedback around this point at next NQ21 meeting.</b></p>
	<p>Date of next meeting – Friday 14 May 2021</p>



## **Enclosure 5.3 – Attachment: NQ21 Modifications 2022**

### **Scottish Qualifications Authority National Qualifications 2021 Steering Group – Friday 14 May 2021 Proposed approach to agreeing modifications to assessment of Graded National Courses for AY 2021 – 22**

#### **Issue**

Following advice provided to SQA at its meeting on 30 April, this paper updates the NQ2021 Group on the proposed approach to and timescales for agreeing modifications to assessment of Graded National Courses for AY 2021 – 22. It requests that the Group endorses the proposed approach as consistent with the advice provided at the earlier meeting and provides feedback to further inform it and the associated communications.

#### **Status**

Discussion of this issue at the 30 April meeting was noted as follows:

*‘NQ21 thanked [Redacted s38(1)(b)] for her update and discussed how this activity might affect workload suggesting that the bodies represented by NQ21 members could assist in the consultation process. It was noted that the timing of this activity should be carefully considered along with emerging public health advice especially in relation to practical and performance subjects.’*

Building on this advice we have developed the process and timescales outlined below to reach agreement on and inform centres of proposed modifications for AY 2021 – 22. This process is based on the principles that:

- the default position is that the modifications in place for AY 2020 – 21 remain unchanged. Only where we believe there is a very strong rationale for change should any new modifications be proposed. A strong rationale would e.g. relate to public health advice
- in the interests of equity for learners we also need to ensure consistency of approach across different courses, as all learners have experienced disruption to their learning. There should be modifications to all courses to take some account of this.

The internal process consists of three stages:

#### **Stage 1 – Confirmation of proposed approach for each Course**

All proposals should be consistent with the principles above and reflect the views of stakeholders. Proposals also need to reflect the practicability of delivering any changes to the 2020 -21 modifications.

#### **Stage 2 - Consistency and coherence check across Courses**

Proposed approaches to courses with similar features will be compared to ensure they are consistent. Any issues that prevent final decisions being made will be recorded so they can be considered at the QA meeting outlined below. As part of this process it may be helpful to seek the views of the NQ2021 Group on some key areas e.g. about reinstating coursework in some subjects, where public health advice permits, but not all courses.

#### **Stage 3 - QA meeting**



This meeting, chaired by the Director of Qualifications Development, and to take place in the week beginning 24 May, will review all proposals to ensure that they are consistent with the two principles above and present a coherent set of approaches to our stakeholders. The meeting will also consider any issues identified as preventing final decisions on consistency at Stage 2. The QA meeting may be able to make decisions on these issues. Alternatively it may be that we need to seek guidance from other groups including NQ 2021 to help inform final decisions.

Following the QA meeting an update on the final proposals and any outstanding issues will be presented to the NQ2021 Group in the w/b 31 May. This would allow decisions to be communicated to centres and wider stakeholders from the first week of June. Preparation of these messages will progress in parallel with the above activity. Draft messages will be shared with the NQ2021 Group before they are issued.

The timelines to make any different modifications for next session are very limited and we need to be realistic about what is possible. Given that we would have to communicate these in June and publish details in August. The other challenging factor is if we modify the current modifications we still need to maintain consistency and coherence across all courses which is very challenging in these timelines. It is also important to note that this activity is taking place independently of any discussion of whether exams will run in 2022.

### **Recommendation**

The NQ2021 Group is asked to endorse the approach outlined below as consistent with the advice provided at the 30 April meeting and to provide feedback to further inform it and the associated communications and timescales.

SQA

11 May 2021

**Enclosure 6 – Email: Letter from Fiona Robertson - National Qualifications in 2021: Appeals**

**From:** [Redacted s38(1)(b)] @gov.scot>  
**Sent:** 17 May 2021 20:05  
**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>  
**Subject:** FW: Letter from Fiona Robertson - National Qualifications in 2021: Appeals  
**Importance:** High

Hi [Redacted s38(1)(b)]

Please see attached an initial stab at a briefing note and reply to Fiona on the appeals. I've included a few comments for potential follow-up within the brief.

Happy to discuss once you've had a chance to review.

[Redacted s38(1)(b)]

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

**Sent:** 14 May 2021 16:09

**To:** [Redacted s38(1)(b)] @gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; DG Education & Justice <dgej@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>

**Cc:** Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)] @gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

**Subject:** FW: Letter from Fiona Robertson - National Qualifications in 2021: Appeals

Hello,

Please see letter received from SQA. Please could advice and a draft response be provided in due course.

Many thanks

[Redacted s38(1)(b)]

**[Redacted s38(1)(b)]** | [Redacted s38(1)(b)] | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Tel: 0131 244 [Redacted s38(1)(b)] | E: [DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)

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

PS/DFM

Please find attached letter and paper from Fiona Robertson

Kind regards

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

# **NQ 2021 Appeals Model**

## **Introduction**

1. The aim of this paper is to outline the various considerations and perspectives that SQA has attempted to balance when developing the appeals model for National Qualifications in 2021.
2. This paper sets the proposal for appeals in the context of SQA's role and the 2021 Alternative Certification Model (ACM). It describes regulatory factors, outlines details of the consultation and feedback received before looking in detail at the key issues and decisions required.

## **Context**

### **About SQA — our functions and responsibilities**

3. Under the Education (Scotland) Act 1996 SQA has statutory functions for National Qualifications other than degrees in Scotland, as outlined in the Education (Scotland) Act 1996. Qualifications offer a standard and consistent way of demonstrating that someone has a level of competence in a particular subject or skill set.
4. SQA sets, maintains, and monitors standards as part of our role as Scotland's National Qualifications body. This includes defining the level of knowledge and skills needed to achieve a qualification and how those standards are to be demonstrated, then applying these standards to each learner's assessment to determine whether they have reached the national standards for that qualification. Our approach to this is explained in our Code of Practice.
5. This is important as it means that employers and universities, for example, can have confidence that the people they employ or enrol have the knowledge, skills and understanding they need them to have. This is also good for individuals — it means they too can have confidence that the qualifications they have earned have been earned by everyone else in the same way. Consistent standards over time provide flexibility for learners to access immediate opportunities today, and different opportunities later in their career. They also support geographic mobility, both within Scotland and beyond.
6. When assessment is carried out by a mixture of coursework and exams, National Qualifications are awarded based on the professional academic judgement of a subject specialist teacher or lecturer who is engaged by SQA as a marker. They consider the knowledge, skills and understanding demonstrated by a learner in relation to the national standards for that qualification. The judgements of the teachers and lecturers are also subject to quality assurance checks.
7. SQA also takes steps to ensure that all learners can show that they have reached the national standards for their qualification, and that no one is unfairly disadvantaged. For example, SQA oversees arrangements for reasonable adjustments to be made for learners with additional support needs. These adjustments that aim to mirror support for learning are based on the individual assessment needs of the learner and can include such things as

providing additional time or a scribe in an exam. In making decisions about reasonable adjustments in the assessment of its qualifications, SQA takes account of:

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

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

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

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

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

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

## **2021 approach to awarding**

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

14. While the awarding of grades for National Qualifications will be different this year in the absence of an exam diet, grades will nevertheless be based on evidence of knowledge, skills and understanding of individual learners. Teachers and lecturers will determine results based on the evidence generated by individual learners and the level of attainment they demonstrate when compared against national standards — demonstrated attainment.

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

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

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

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

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

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

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

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

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

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

## **Appeals — the final stage of the ACM**

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

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

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

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

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

### **Carrying forward principles from the ACM**

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

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

### **Regulatory and legal considerations**

#### **SQA's equality duties**

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

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

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

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

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

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

31. SQA has met with and been in correspondence with the Equality and Human Rights Commission (EHRC). The EHRC has outlined several views. Firstly, they believe that

creating a route for appeal on grounds of discrimination falls within the scope of SQA's legislative powers.

[Redacted s30(b)(ii)]

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

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

[Redacted s30(b)(ii)]

### **SQA and children's rights**

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

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

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

### **United Nations Convention of the Rights of the Child**

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

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

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



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

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

### **Operational deliverability**

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

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

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

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

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

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

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

### **Gathering views**

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

### **Public consultation**

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

- How learners can be supported in deciding whether or not to make an appeal

- How the appeals process should best be managed between centres and SQA
- The parameters of the appeals process and the grounds for appeal
- SQA's public sector equality duty

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

## **Stakeholder engagement**

### **NQ Working and Steering Groups**

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

Insights from these groups are described in the sections below.

### **SQA Learner Panel**

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

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

Insights from the panel are described in the sections below.

### **Equality and Inclusion Key Partners Group**

57. The Equality and Inclusion Key Partners Group was established to bring together representatives from SQA's Inclusion Group and from a range of equality groups. The Group focuses on the potential impact of SQA's policies and practices on candidates from different equality groups. The remit of the Group is to explore, discuss and identify solutions and strategies designed to tackle identified barriers to inclusion and equality for candidates.

### **SQA Groups**

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

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

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

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

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

## **Key issues in detail**

### **Fundamental aspects of the appeal process**

#### **What is an appeal?**

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

64. Although these provisional results are subject to checks to ensure SQA has received all the results, they will not be changed by SQA. The only way a result will be changed at this point is if the school or college informs SQA it has made an error.

#### **What can an appeal outcome be?**

65. An appeal may lead to a change of grade (A-D or No Award).

66. The only other circumstance that will be considered are the rare occasions when a learner requires a particular band result — usually band 1 — to get onto a particular university course. In this instance, where an immediate progression opportunity rests on the band result, SQA will accept that as an appeal.

#### **Who can appeal?**

67. All learners can appeal.

68. The decision to appeal is for the learner to take. Centres will not act as gatekeepers to the process — if a learner decides to appeal, they will be able to do so.

69. However, learners have a right to be supported to make good decisions. This is an aspect that the Children's Commissioner is very clear about; seeing it as a matter of children's rights that they are properly advised.

70. This applies to all learners, including private/home educated learners.

#### **What will it cost to appeal?**

71. SQA will not levy any charges to learners or their centres for an appeal in 2021.

## **Conclusion**

- An appeal is a review of the provisional result submitted to SQA in 2021.
- SQA will amend learner results if advised of an administrative error by the centre.
- SQA will make no other amends to the provisional results received from centres.
- Only grades can be appealed, except in the specific circumstance where a band result is required for immediate progression purposes.
- All learners can appeal and are able to make the decision to appeal themselves.
- All learners are entitled to support and guidance to make this decision which will be provided by centres.
- There will be no charges for appeals in 2021.

## **Grounds for appeal**

72. A key facet of the appeals model is the basis on which appeals can be submitted and will be considered. There were a range of views on how to frame the grounds for appeal. In essence, the appeals process exists to ensure the fair awarding of qualifications — however, the notion of fairness can be contested so needs to be carefully defined.

73. SQA considered an approach to fairness that was rooted in the application and adherence to SQA's processes, meaning the grounds for appeal would be fairness and it would be evidenced as fair if SQA was able to satisfy itself that its process and policies had been adhered to.

74. This approach would have enabled a comprehensive approach to appeals but would have also required a significant amount of SQA resource to deliver — both to carry out a screening review in order to evaluate whether the appeal met the criteria, then to consider if the centre had adhered to SQA policies. Thereafter, further resources would be required to collate the evidence and oversee the appointee review of material.

75. This approach would also have placed a resource requirement on centres as the level of engagement with SQA required was high. Stakeholders were also concerned about having sufficient clarity about the processes they were being required to follow, and how difficult it would be for learners to understand what would and would not be a successful appeal.

76. Given these reservations, SQA moved away from this approach to a much broader ground of allowing appeals on the academic judgement made by centres in deriving the provisional result. This is straightforward to communicate and understand and was widely accepted by stakeholders.

77. Learners will be able to request that SQA reviews their evidence. There are no further qualifying grounds for appeals of this type.

78. SQA appointees will review the evidence used to determine the provisional result, making a new assessment of the evidence.

79. SQA decided not to introduce a requirement for the learner to provide a lengthy explanation of why they believed their evidence should be checked again for this type of appeal, in response to concerns expressed by stakeholders that such a hurdle could lead to inequity in access to the appeals system.

80. There will also be two further types of appeal:

#### **Appeals against an administrative error by the centre or by SQA**

81. There is already a process for when centres realise they have made a mistake in providing SQA with provisional results. However, there may be instances where the learner believes an administrative error needs to be corrected and the centre (or SQA) disagrees. In these instances, SQA will require the learner to provide a short, written explanation of what they believe has occurred.

82. Genuine errors are most often identified by centres and quickly put right. So, we anticipate that these appeals would be very rare.

#### **Appeals on grounds of discrimination contrary to the Equality Act 2010**

83. SQA has certain duties under equality law to make sure learners do not face discrimination when being assessed for our qualifications. Centres also have a series of legal obligations to make sure discrimination does not happen — but if this were to happen it may have an impact on learners in relation to their qualifications.

84. So, there are two grounds for an appeal of this type:

- i. There has been discrimination or other unlawful conduct contrary to the Equality Act 2010, acknowledged in writing by the centre or established through court proceedings or by a ruling of the SPSO, or
- ii. The centre failed to comply with SQA requirements in relation to providing assessment arrangements, contributing to a disabled candidate's provisional result.

85. In these instances, SQA will require learners to provide a short, written explanation of what they believe has occurred.

86. Type (i) is for instances where learners have already concluded a formal process where an appropriate organisation with relevant powers and obligations has reached a conclusion that discrimination or other unlawful conduct has taken place. This might include the learner having approached their centre and raised the issue of discrimination with them. For an appeal to be submitted, this process would have to have concluded, and a decision would have to have been made about whether discrimination had occurred or not.

87. SQA will agree to consider any type (i) of appeals beyond the limited opening period for other types of appeal, in recognition of the extended timelines that can apply for the related formal processes.

88. In this instance, SQA will review the information available, including the written record of the outcome of that formal process. SQA will then decide if the appeal is upheld or not.

89. If it is upheld, SQA will work with the centre to determine the best way of making sure the learner is awarded their qualifications in a fair and non-discriminatory way. The best way to do so will depend on the circumstances of the appeal.

90. Type (ii) is where a learner has an assessment arrangement — for example, extra time to complete exam-type tests, or enlarged materials that are easier to read — which was **already agreed** with their centre and was not put in place.

91. This type of appeal will only apply when these arrangements have already been in place; it isn't possible for the learner to approach a centre or SQA after the assessments have concluded to claim an arrangement should have been agreed.

Were such appeals to be widespread, they would make the operation of the appeals process difficult as each appeal of this type would be complex and long running.

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.

### **Conclusion**

93. There are three types of appeal:

- An appeal against the academic judgement made.
- An appeal against a contested administrative error.
- An appeal on grounds of discrimination contrary to the Equality Act 2010, in certain circumstances and also in regard to agreed assessment arrangements breaches.

94. Centres can also advise SQA of any administrative errors they identify.

### **Demonstrated attainment and symmetric appeals**

95. There were a range of views about the role of demonstrated attainment in the ACM itself and, consequently, the appropriateness of appeals that can see a grade move up, down or stay the same on appeal ('symmetric appeals') versus an approach that can only see grades move up or stay the same ('no detriment appeals').

96. On one hand, learners — notably SQA's Learner Panel and the Scottish Youth Parliament — parents, including parent representative groups at both SQA's Advisory Council and at the NQ Steering Group, and the Children's Commissioner all hold the opinion that no detriment appeals are the only appropriate approach to take in 2021.

97. They argue that, as 2021 has been so challenging for so many people, especially young people, for them to appeal and the outcome to be a lower grade than their original grade would be unfair; that young people would feel doubly let down by such an outcome and that — given the stresses of the year — is something that they should not face.

98. Alternatively, education stakeholders tend to see symmetric appeals as necessary as they are consistent with a key principle of both the ACM and of awarding qualifications in general.

99. In addition, SQA's commissioned research with the higher and further education sectors and with employers stressed the importance of demonstrated attainment as something of value to them. Those stakeholders did not want to discount the possibility of having an appeals process that could adjust awards based on learners' individual experiences, but they could not offer suggested methods of doing so in a way that preserved the importance of demonstrated attainment.

100. Qualifications are awarded based on the competence an individual has shown. They are awarded on a consideration of evidence that shows the individual's knowledge, skills and understanding. So, the award of a qualification is a direct consequence of the attainment demonstrated through evidence. This principle underpins the ACM.

101. In an appeals context, the same principle would apply — and indeed has applied in our PRS to date. This means that the appeal outcome would also be a direct consequence of demonstrated attainment. For that to be the case, it must follow the assessment of the evidence carried out as part of the appeal — whether that judgement is the same, higher or lower than the original awarding decision.

102. These positions are irreconcilable. On balance, SQA considers the right approach is to implement a symmetric appeals process. All qualifications are based on a direct link to the holder's competence. Weakening or removing that link runs the risk of devaluing qualifications for all holders of that qualification — past, present and future.

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.

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.

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.

106. As such, despite the strength of views on this issue held by many learners and parents, the best approach is to ensure appeals in 2021 can move grades up, move grades down or keep them the same. SQA recognises that this will likely be unpopular and may make wide public acceptance of the appeal model harder to achieve.

### **Conclusion**

□ Demonstrated attainment is a key principle of the ACM and awarding of qualifications in any year.

□ As such, demonstrated attainment must carry through into the appeals process and it does so through symmetric appeal decisions that remain consistent with the standard of the evidence reviewed.

□ SQA holds this position in full knowledge of the strength of feeling, particularly from learners and their representatives, that this is something they do not agree with and will not accept.

□ SQA further notes that the position held by the Children's Commissioner mirrors and informs the views expressed by most learners and parents, and the Commissioner's Office has indicated a lack of support for both symmetric appeals and the principle of demonstrated attainment.

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

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

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

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

110. This leaves a period where centres are closed and little awarding or appeal related activity can take place; evidence will be physically located in (closed) centres and centre staff will, largely, be unavailable to handle queries. To many stakeholders and to SQA, this seemed to introduce a further risk to learners' health and wellbeing. If learners are already concerned about their results, and the opportunities available to them in light of those

results, having a ~seven-week window in which they are unable to act seemed like an unacceptable pressure to place on young people.

111. Although SQA is now opening the appeals service to enable learners to signal their appeal from June, this only goes so far in mitigating this issue. In recognition, stakeholders have expressed support for the system coming together to create a package of support for learners over the summer.

112. SQA can play its part but it will be dependent on others doing likewise. Skills Development Scotland have already signalled an intent to review what they can do and local authorities' non-school resources have also been suggested, as have some third sector bodies.

113. The Scottish Youth Parliament were supportive of such measures but would like to see detailed information before formally supporting them; an intention to do so will not be enough to elicit support unless supported by detail.

114. Active consideration of what SQA can do, and what partners — including the Scottish Government — can provide is necessary.

### **Conclusion**

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

### **Defining priority appeals**

115. In normal appeals procedures, centres can highlight learners who can access a priority appeals service where there is an immediate progression opportunity within further or higher education that is dependent on the appeal outcome. Following suggestions made in response to the appeals consultation, SQA explored expanding the definition of priority appeals to include those from learners with immediate workplace progression needs, known mental health conditions and those facing the kind of personal circumstances that in other years would make them eligible for the exceptional circumstance consideration service.

116. This would recognise that there are circumstances beyond progression opportunities where learners would benefit from a swifter conclusion to their appeal.

117. This was discussed with stakeholders where the view was expressed that it is appropriate and important to extend the priority appeals definition to take in workplace progression, but that an extension into the second proposed type of priority would be subjective and raise equity issues. This is because the decision to include the learners in the expanded categories would be at the discretion of the head of centre — and different heads of centre would draw different conclusions as to who should benefit from this approach, leading to inequity as different centres would apply the criteria in different ways. Any attempt to aid consistency by tightly defining the criteria was also seen as problematic as it was inevitable that the definition would, at the margins, exclude some learners, leading to a different but equally difficult contestability.

118. As such, SQA has proposed to expand the definition of priority candidates to bring in those with a workplace progression need, but not to include those with mental health issues or what might otherwise be considered exceptional circumstances.

### **Conclusion**



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

### **Running the process for priority appeals from June**

119. To help mitigate the risk to learners' wellbeing over the seven weeks between receiving their provisional results and certification day, it was suggested that SQA should open the appeals process in June for those appeals we define as priority appeals.

120. Some stakeholders were firmly against this approach. The key arguments against it centred on:

- an equity issue: time required by teachers to support these priority learners was time not spent on other learners in a crucial learning and teaching period (June).
- a concern that such an approach would send the wrong signal to the education system about seeking evidence for priority appeals before the period of teaching, assessment, quality assurance and checking results has been completed by 25 June.
- teacher workload issues: this would be a further series of tasks to ask teachers to do. These would include packaging evidence for SQA but also included dialogue with candidates who could lodge a priority appeal — and explaining to those that are not eligible why they can't appeal. SQA received strong feedback from SLS, ADES and EIS that introducing this would have a materially negative effect on teacher and lecturer workload and, as a consequence, their wellbeing.
- the fact that, in June, candidates would only have provisional results; the formal result would not be known prior to 10 August and so it would be inappropriate to appeal ahead of 10 August.

121. Other stakeholders were more supportive, noting that the priority appeals would only apply to learners where they had fallen short of a conditional offer requirement for immediate HE, FE or employment progression — in 2019 these totalled 350 appeals; an average of fewer than one appeal per centre. Some education system stakeholders were comfortable that:

- they would know in advance of the provisional result submission deadline of 25 June which of their learners had fallen short of their progression requirements.
- packaging evidence for onward transfer to SQA would be possible prior to the end of term for the small number of affected learners per centre.

122. From an SQA perspective, there is a risk that the short period prior to the 'go live' date provides a limited window in which to get the processes required to manage priority appeals up and running.

123. Delivery would also be at risk if SQA were unable secure senior appointees and evidence from centres in the tight window in which to consider priority appeals. Given the time constraints, the SQA processes to support such appeals would also be manual, meaning there is a higher risk to safe and secure delivery.

124. On balance, despite some support for early delivery of priority appeals, the range of delivery risks are such that SQA is not confident that the education system could enable a process for priority appeals that runs from June 2021. Therefore, the service will open from 10 August.

## Conclusion

- The priority appeals process should not open in June.
- The priority appeals process will open in August.

## Opening the appeals service for all learners in June

125. To help mitigate the risk to learners' wellbeing over the seven weeks between receipt of a provisional result and certification day, it was suggested that SQA open the appeals service in June, allowing all learners to signal their intent to appeal.

126. This would be for initiating an appeal. The process for retrieving evidence, passing to appointees, etc would still begin in August.

127. A June start would allow SQA to alert centres of appellants and prompt them to have the required appeal conversation on return to school in August. The benefits of this are three-fold:

- There is a benefit to learners by allowing them to act.
- By identifying themselves as appellants over the summer, this would allow supportive communications and engagement directly with the appellant from SQA/partners.
- It would begin to give SQA a sense of the baseline volume of appeals — though it is inevitable some appeals will be received after 10 August certification.

128. On balance, SQA takes the view that opening the appeals service to enable the appeals process to start is a positive contribution to learners' wellbeing and will improve SQA's ability to plan delivery of the appeals service. It will allow SQA to identify those learners for whom an appeal is a key next step, enabling both supportive communications and intelligence about likely demand for the service.

## Conclusion

- A learner interface will be provided from late June for learners to signal their intent to appeal.
- Despite the limited activity that can take place to begin actioning the appeal, there are a number of benefits to learners that can be realised.

## Appeals on grounds of the evidence used to determine the provisional result

129. There are issues to consider about the extent to which learners can challenge an academic judgement, and whether that should extend beyond the assessment of the evidence to include an appeal that challenges the selection of evidence selected for assessment.

130. In the ACM, centres are asked to apply their judgement in two ways. Firstly, SQA asks them to select appropriate evidence on which to make an assessment decision. SQA has provided subject-specific guidelines as to what evidence is appropriate, but within that guidance there is flexibility for centres to vary the assessment approach to consider the circumstances of their learners and ensure as many as possible were able to generate sufficient evidence to demonstrate attainment.

131. Secondly, centres are asked to assess the evidence, decide the level of attainment it demonstrated and produce a band result that SQA can convert to a grade.

132. The appeals model includes the opportunity for candidates to challenge this second judgement, given as appeals type (A) in the section below. SQA considered whether it was appropriate, as part of the appeals service, for candidates to be able to challenge the other academic judgement, ie the evidence used.

133. When this topic has been raised with education stakeholders, the response has been firmly and determinedly that this should not be permitted. It has been argued that this would be an unworkable second-guessing of a judgement the ACM has asked centres to make, and so should trust them to make. It is different in nature from the final academic judgement because the latter involves the application of the national standard for each qualification (and so can be revisited on an objective basis) whereas the selection and generation of evidence has, in 2021, moved away from a national standard approach and involves centres and teachers making more personalised or centre specific judgements about the evidence that should be used.

134. Furthermore, there are considerable practical considerations. From a delivery perspective it is highly likely to be unworkable for SQA to consider what alternative evidence ought to be considered instead or as well as the evidence originally considered. Another potential difficulty is that the evidence thought by a learner to demonstrate a higher performance than they had been awarded may, on review, turn out not to support that higher standard because the assessment task itself did not assess at a high enough level.

135. On balance we believe the best course of action is not to allow appeals against the evidence selected by a centre. To do so would likely introduce such complex considerations about the nature of the evidence that it would add a burden to centres and teacher/lecturer workload and require significant appointee time, making the appeals process too unwieldy to operate effectively.

136. The key mitigating action here will be to ensure that all learners should discuss the evidence used by their centre as part of the conversations with learners, as outlined and agreed with stakeholders in the ACM roles and responsibilities document. SQA will support these conversations with an optional proforma that will allow centre staff to ensure they cover and capture all the aspects required in their conversations with learners.

## **Conclusion**

- SQA can determine the scope of an appeal process, so long as that scope is itself lawful.
- SQA considers it impractical to allow learners to appeal against the evidence used to determine their results as each appeal would become overly complex and would undermine SQA's ability to deliver an appeal service for all learners.
- Given SQA can determine the scope of the appeals service and there is nothing unlawful about excluding appeals against the evidence used to determine the provisional result, SQA is excluding this from the appeals process.
- SQA notes that this is an area where some learners and their parents will attempt to lodge appeals and will feel determined to have them considered. As such, there is high probability that this position will be contested and subject to challenge, possibly legal challenge.

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

137. Colleges and schools have different levels of experience with managing appeals as an internal process, with colleges tended to have significant experience of managing internal

appeals processes. SQA has responded to consultation — and stakeholder feedback — by developing an SQA-led appeals process, where centres' role is limited to:

- discussing the appeal with any potential appellant to make sure they understand the process, that grades can go up, go down or stay the same and provide their professional judgement as to the best interests of the learner to inform their decision to proceed with any appeal.
- submitting appeals on behalf of any learner who asks them to do so.
- collating and supplying assessment evidence to SQA.
- providing teachers/lecturers as appointees.

138. Nonetheless, it would seem to be unwise to ask colleges that are comfortable and confident with their longstanding processes to set these aside in relation to National 5, Higher and Advanced Highers in 2021.

139. In discussion with college management representatives, they are content that individual colleges should have discretion as to whether to offer additional levels of assurance to learners who query their intended provisional result before it is submitted to SQA. Individual colleges might elect to offer learners taking National Qualifications in their college parity with students taking other qualifications, in discussing the intended provisional result with the learner, and offering a further pre-submission review of the academic judgement. This way colleges retain the discretion to offer processes they are used to without inhibiting any college candidate from accessing the SQA appeals process thereafter.

140. It should be noted that staff associations indicated that parity between school and college candidates is important, and this is consistent with college candidates having the same post-result ability to initiate an SQA appeal. SQA is aware of some local authority schools and independent schools who have also indicated that they would wish to retain the discretion to offer these additional steps to learners before submission of the provisional result to SQA.

141. On balance, SQA considers that colleges carrying out their own internal appeal process is a choice they can make in delivering their part of the ACM **prior to the submission of provisional results to SQA on 25 June**. College candidates will have all the same opportunities to access the SQA appeals process and so will not lose out. Equally, schools will also be carrying out their own processes ahead of submitting provisional results — and these will differ by school and local authority. This is a function of the appropriate flexibility in the ACM so, in the absence of a single model for how individual centres operate ahead of submitting provisional results, such divergence is tolerable.

## Conclusion

- College representatives were clear they did not wish to depart from a model that had worked for them over time.
- SQA also acknowledges that, in having an internal appeals process, colleges are implementing an SQA requirement.
- As such, the position that colleges will carry out any internal appeals-like processes ahead of the 25 June provisional results submission means they are effectively incorporating that into their ACM quality assurance processes.
- It should also be noted that SQA's liaison managers have reported that a number of schools are also planning to take a very similar approach.
- 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.

## Conclusion and key elements of the appeal process

142. The above highlights the contested and complex nature of many of the aspects considered when developing the appeals model, noting that some stakeholder positions were irreconcilable and therefore difficult choices have to be made.

143. SQA has tried to do so while balancing regulatory requirements, the need for consistent principles between appeals and the other stages of the ACM and the fundamental deliverability of the model — as no one is served by a system that cannot be put into operation.

144. On balance, SQA believes a balanced appeals model works as follows:

- An appeal will be a request to reconsider the provisional result provided to SQA by centres on the 25 June. This will consider changes to grade only, except in one specific exceptional context (para 63 to 66).
- All learners will be able to appeal. It is their decisions whether to do so or not, and the service will be free of charge (para 67 to 71).
- Some centres, in particular colleges, may choose to implement an internal appeal process ahead of the submission of provisional results to SQA. This will in no way limit any learner's ability to access SQA's appeals process (para 143).
- There are three grounds for appeal:
  - Academic judgement (para 76 to 79)
  - Contested administrative error (para 81 to 82)
  - Discrimination, including assessment arrangements (para 83 to 92)
- Except in appeals relating to discrimination, learners will not be able to appeal against the evidence on which the provisional result was based that was selected by their centre (para 135).
- Appeal decisions will be symmetric, meaning grades can move up, move down, or stay the same (para 106).
- The appeals service will open to allow learners to signal their intent to appeal from late June (para 128).
- SQA will open the priority appeal service from 10 August (para 124). Priority appeals will be concluded in time to meet UCAS requirements.
- Appeals eligible for the priority appeal service will continue to be for those candidates with an immediate progression opportunity dependent on the outcome, with the definition widened slightly to explicitly include learners where the progression opportunity is into the workplace (para 118).
- SQA and stakeholders recognise the unique pressures that may be felt by learners who are advised of their provisional result in June but will not be certificated until August. Stakeholders will work together to ensure support is available over the summer period to support and signpost learners (para 107 to 114).

## **Enclosure 6.2 – Attachment: Letter from Fiona Robertson**

14 May 2021  
John Swinney MSP  
Deputy First Minister and Cabinet Secretary for Education and Skills  
By email: DFMCS@gov.scot

Dear Deputy First Minister

### **NATIONAL QUALIFICATIONS in 2021: APPEALS**

As you know, work has been undertaken to develop a service to enable appeals to be made against National 5, Higher and Advanced Higher certifications in 2021 as part of the alternative certification model (ACM). Following a discussion at SQA's Board of Management on 12 May 2021, I am writing to outline the key elements of this service, explain the steps taken by SQA to inform the service design, and seek your support. This process has not been straightforward and there are some important issues to consider. The appeals service has been developed to align and be consistent with the agreed ACM for 2021. It is consistent with SQA's statutory functions under the Education (Scotland) Act 1996 and has been developed in line with the recommendations of the Priestley Review, taking a co-creation approach to all aspects of the ACM where at all possible. This co-creation included several discussions with the NQ2021 Groups and with SQA's Learner Panel. The service design has also been informed by responses to SQA's public consultation on appeals, carried out in March 2021. Equality and Children's Rights and Wellbeing Impact Assessments have of course informed and evolved alongside the appeals model development, to ensure that young people's interests have been a key focus throughout. The attached paper, presented to the Board this week, sets out the issues in more detail. The Consultation Report and Impact Assessments will be made available to your officials and can be provided if you wish to review them directly.

The key elements of the appeals service are as follows:

- An appeal will be a request to reconsider the provisional result provided to SQA by centres by 25 June. This will consider changes to grade only, except in one specific exceptional context (at Upper A Band for University entry, where required).
- All learners will be able to appeal directly or through their centre. It is their decision whether to do so or not, and the service will be free of charge.
- Some centres, in particular colleges, may choose to implement an internal appeal process ahead of the submission of provisional results to SQA. This will in no way prejudice learner's ability to access SQA's appeals service should they wish to do so.
- There are three grounds for appeal:
  - o Disagreement with the centre's quality assured academic judgement;
  - o Contested administrative or procedural error within SQA or the centre; or
  - o Appeals related to the Equality Act, including assessment arrangements.
- Except in appeals relating to the Equality Act, learners will not be able to appeal against the centre's approach to planning or selecting the evidence on which the provisional result was based.
- Appeal decisions will be evidence-based and symmetric, meaning grades can move up, move down, or stay the same.
- The appeals service will open to allow learners to intimate their intent to appeal from late June.
- From 10 August, centres will be able to provide the necessary information to SQA to enable appeal requests to be progressed.

- Priority appeals will be concluded in time to meet UCAS requirements.
- Appeals eligible for the priority appeal service will continue to be for those learners with an immediate progression opportunity dependent on the outcome, with the definition widened slightly to explicitly include learners where the progression opportunity is into the workplace.
- SQA and stakeholders recognise the unique pressures that may be felt by learners who are advised of their provisional result in June but will not be certificated until August. Stakeholders will therefore work together to ensure support is available over the summer period to support and signpost learners, and we would seek your support in co-ordinating the system wide response.

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

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

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

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

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

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

Yours sincerely

Fiona Robertson  
Chief Executive and Chief Examining Officer

**Enclosure 6.3 – Attachment: 2021 Qualifications - appeals - DFM Letter**

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



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

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

Fiona Robertson  
Chief Examining Officer  
Scottish Qualifications Authority

By email: [Fiona.robertson@sqa.org.uk](mailto:Fiona.robertson@sqa.org.uk)

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May 2021

Dear Fiona

**NATIONAL QUALIFICATIONS 2021: APPEALS**

Thank you for your letter of 14 May outlining the key elements of the proposed appeals service for 2021.

I can confirm that I am content with the proposed approach on the basis that this has been developed as part of the co-creation approach adopted for the alternative certification model and through wider stakeholder engagement, including a public consultation, and taking on board the recommendations from the Priestley Review.

The decision to include a direct right of appeal for learners will, I'm sure, be welcomed by learners and their representatives.

I note the areas where you have highlighted difficulties in reconciling stakeholder views, and the potential for challenge in these aspects. I am fully conscious of the challenging situation for learners this year and the variable impact of disruption to learning and individual circumstances. Balancing such considerations against operational viability, and the need to ensure a fair and credible approach to awarding the qualifications, must ultimately lead to hard decisions. I am satisfied that you have outlined a clear and justifiable rationale as to why those final decisions have been taken. I am also reassured that this work is supported by a comprehensive Equality Impact Assessment and a Children's Rights and Wellbeing Impact Assessment.



I appreciate that these continue to be very challenging times and that you and colleagues at SQA have been working incredibly hard and with great commitment. Continued partnership working in developing and delivering the qualifications this year, and joined-up messaging on the flexibilities within the alternative certification model, is vital to combatting public anxieties relating to the assessment approaches being implemented during what is a stressful time for all in any year. I remain very grateful to you and your staff for your efforts in ensuring that our young people's achievements continue to be recognised, whilst making sure that standards are maintained.

Yours sincerely

**JOHN SWINNEY**

## **Enclosure 6.4 – Attachment: Appeals 2021 – briefing – May 2021**

### **PS/Deputy First Minister and Cabinet Secretary for Education and Skills**

#### **Purpose**

1. To provide advice in relation to the letter from Fiona Robertson, CEO of SQA, on 14 May 2021 regarding the 2021 Appeals process to inform a draft reply (attached separately).

#### **Priority**

2. Routine – although media and other correspondence are increasingly raising questions around the 2021 appeals process.

#### **Background**

3. Following concerns raised around the cancellation of the 2020 exam diet and appeals, and the subsequent rapid review by Professor Mark Priestley, SQA were asked to review their appeals process for 2021 to ensure it best meets the needs of young people.
4. SQA have carried out stakeholder engagement, including a public consultation between 12 and 26 March, and wrote to the Deputy First Minister on 14 May to outline the proposed appeals service for 2021 and seek support for this.
5. The proposed approach has been designed to align with the alternative certification model for the National 5, Higher and Advanced Higher qualifications.
6. Key elements of the process include:
  - A direct right of appeal for learners – direct to SQA or through their centre
  - Service will be free of charge  
[Comment – [Redacted s38(1)(b)] – 17 May 2021: Do we need to include any reference to financial implications of this?]
  - Appeal decisions will be evidence-based and will be symmetric i.e. grades can go up, down or stay the same.
  - As in usual years, priority appeals will be carried out for those learners with an immediate progression opportunity (e.g. for progression to FE, HE or employment) dependent on the outcome.
  - Service to open from late June for learners who wish to intimate an intent to appeal, although the formal appeals process will not commence until results have been issued on 10 August.
7. It is expected that the core elements of the service will be welcomed, particularly the direct right of appeal. However, there are other elements of the service where there will be disagreement that may not receive a favourable response.

#### Grounds for appeal

- SQA have identified three grounds for appeal for the 2021 service.
  - Disagreement with the centre's quality assured academic judgement;
  - Contested administrative or procedural error within SQA or the centre; or
  - Appeals related to the Equality Act, including assessment arrangements.
- [redacted s.30(b)(i)]
- However, while academic judgement of the marking/awarded grade can be challenged, learners will not be able to appeal the evidence base used to arrive at the awarded result (except in cases where discrimination has been established). This decision was taken from a practical position around the complex and localised nature of decisions around the evidence selected by centres, and that the evidence base should form part of discussions between centres and learners prior to submission of the provisional results. The evidence base for results was an area where concerns were raised around the 2020 appeals process. Most instances where those concerns were raised in correspondence to Scottish Ministers related to where agreed reasonable adjustments had not been applied, which should be covered under discrimination grounds in the proposed service for 2021.  
[Comment- [Redacted s38(1)(b)]– 17 May 2021: [Redacted s30(b)(ii)]
- Contextual grounds such as personal circumstances and the impact of disrupted learning will also not be an eligible basis for appeal as this leads to inferred rather than evidence based attainment. It has been considered that the flexibility of the alternative certification model allows such matters to be managed at within the school level assessment approaches being used in arriving at the provisional results. Limited contingency arrangements have also been agreed for learners who have been unduly disadvantaged by severe disruption.

### Symmetry

- The proposed symmetry approach to the appeals service for 2021 (with appeals resulting in the ability for grades to go down as well as up or to stay the same) is consistent with SQA's approach in previous years and comparable with other appeals services.
- Some learners, parents and representative groups (including the Children's Commissioner and Scottish Youth Parliament) are of the view that appeals should be a 'no detriment' approach – that grades can either go up or stay the same, but not go down. They argue that, in this challenging set of circumstances, the potential for grades to go down would place an additional stress on learners.
- The National Qualifications 2021 Group has been clear that demonstrated attainment is a key principle of the alternative certification model in ensuring credibility and fairness of the qualifications. [redacted s.30(b)(i)]

### Timescale for opening and processing appeals

- In usual years, the appeals service would open immediately following learners receiving their results on certification day.
  - Under the alternative certification model, learners should be aware of their provisional results when they are submitted by the deadline of 25 June. SQA will not be making any changes to these results other than in the instance of administrative errors notified by the centres.
  - As such, consideration was given to opening the appeals service from June. However, education stakeholders were clear that the workload implications of this for schools would not be sustainable. As such, the proposal is for the service to open from late June for learners who wish to intimate an intent to appeal, with the formal appeals process (and centre providing necessary supporting information) commencing once the results have been formally issued on 10 August.
  - Partners are considering what support can be provided for learners in the interim period between June and August.
8. SQA have produced an Equality Impact Assessment and a Children’s Rights and Wellbeing Impact Assessment to support the proposed approach.  
[Comment – [Redacted s38(1)(b)]– 17 May 2021: Do we need to seek sight of these prior to sending the briefing to DFM?]

## **Conclusion and Recommendations**

9. Given the difficulty in reconciling the above elements, the proposed appeals process is considered a reasonable balance in delivering a fair and credible set of results for learners whilst incorporating a direct right of appeal in line with the needs of young people and the principles of the UNCRC.
10. The Deputy First Minister is asked to note the above advice and indicate if he is content to support the proposed approach to the appeals service.
11. If the Deputy First Minister is content, a draft response has been attached separately for issue, and officials will work with SQA to agree key messaging to accompany any announcement.

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

## Enclosure 7 – Email: Initial go at a letter

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 17 May 2021 10:20  
**To:** [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm)  
<Malcolm.Pentland@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: Initial go at a letter

Really useful – thanks!

I've had responses/lines from [Redacted s38(1)(b)] and Ollie Bray.

Can further update following chat later and look to share with SQA later tomorrow

[Redacted s38(1)(b)]  
[Redacted s38(1)(b)]  
**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 17 May 2021 08:59  
**To:** [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm)  
<Malcolm.Pentland@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: Initial go at a letter

Thanks [Redacted s38(1)(b)]

I think that is broadly in the right space as far as I understand it.

It might be worth trying to add in a little bit around

- ACM allows flexibility for individual schools to best take account of local circumstances
- [redacted s.30(b)(i)]

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

There is then the question of whether we are talking one or two products here, whether the letter to homes may in effect be more for parents, and we want a more social media based message for learners themselves? Views could be taken from the stakeholders already contacted.

Hope that's helpful for a start, and I can offer some direct comments later once the FM script is done.

[Redacted s38(1)(b)]  
**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 16 May 2021 14:33  
**To:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>  
**Subject:** Initial go at a letter

Hello

Is this along the right lines? Is that what was envisaged by the NQ group?

It's in early stages, but just wanted to check!

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

## **Enclosure 8 – Email: Urgent Questions**

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

**Sent:** 17 May 2021 07:19

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

**Subject:** Urgent questions

Hi all

Below is an extract from Fridays' Urgent Questions [redacted s.30(b)(i)]:

- **Bob Doris (Glasgow Maryhill and Springburn) (SNP):**

I recently met pupils from my constituency who want a little clarity on how pupil assessments will feed into final grades. One issue that they raised was about how pupil progression through the academic year will be taken into account in final grades. It is common to see improvement throughout the year. However, it might not always be possible to conduct a fresh assessment on syllabus content that was covered earlier in the year, perhaps because of illness, self-isolation or disruption caused due to Covid-19, and it might not be required. In such circumstances, if there are other indicators of pupils' progression, can teachers use their professional judgment when formulating the final awards for certification? If so, can we give that clarity to pupils and teachers as they work towards their final grades?

- **The Presiding Officer:**

I hope that the cabinet secretary could hear the quietly spoken Mr Doris.

- **John Swinney:**

Thank you, Presiding Officer.

Fundamentally, the answer to Mr Doris's question is yes. In the circular that the national qualifications group has issued today, there is a line that is highlighted and that perhaps sums up the point most effectively. It says:

“Our key message to learners is that your grades will be judged by your teachers and lecturers, based on your assessment evidence and every effort is being made to ensure equity and support your wellbeing throughout the process.”

The issues that Mr Doris raises about irregular access to or interruption of education are legitimate issues that are to be borne in mind by teachers in forming their judgments, which will ultimately determine the grades that are awarded to individual students, based on their contribution during the year.

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

Thanks

[Redacted s38(1)(b)]

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

## **Enclosure 9 – Email: Urgent Ministerial statement Thursday**

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

**Sent:** 18 May 2021 12:49

**To:** [Redacted s38(1)(b)]@gov.scot>; zzzDeputy First Minister and Cabinet Secretary for Education and Skills <zzzDFMCSE@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>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Minister for Parliamentary Business and Veterans <MinisterPBV@gov.scot>

**Subject:** RE: Urgent Ministerial statement Thursday

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

Thank you for this.

The DFM is keen that preparations continue for a statement but this will be early next week potentially Tuesday. We will get back to you about timings for next week in due course.

Many thanks

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] [Redacted s38(1)(b)] The Scottish Government | Web: [www.gov.scot](http://www.gov.scot) | Tel: 0131 244 [Redacted s38(1)(b)] | Mob: 07[Redacted s38(1)(b)] | Email: [DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)

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

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

**Sent:** 18 May 2021 10:58

**To:** zzzDeputy First Minister and Cabinet Secretary for Education and Skills <zzzDFMCSE@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>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; McAllister C (Colin)



<Colin.McAllister@gov.scot>

**Subject:** Urgent Ministerial statement Thursday

Hi [Redacted s38(1)(b)]

To follow-up on your discussion with Malcolm.

Officials have discussed the appeals process with SQA colleagues and they are very keen that an announcement should be made this week setting out the process and providing certainty to the system. Urgent briefing will be provided on the appeals issue this morning.

An urgent Parliamentary statement to support the issuing of the appeals process could be made on Thursday, but the request to ParlyBusiness would need to come from yourselves (although they are warmed up to the prospect).

In addition to announcing the approach to the appeals process, a statement would be a good opportunity to provide an update on some related awarding issues along the following lines;-

- Approach to communications to support the delivery and credibility of the ACM
- Announce the resources which will be available to support learners through this period and up to and following results day, 10 August – NQ group via SQA are intending to issue comms to all learners pointing to the various support available – school counsellors, SQA and SDS helplines, ES resources, etc. Officials are also working with SYP to see if there are any additional channels which could be used to share resources with learners.
- Announce the approach to appeals process this year
- Recognise the interaction with FE/HE entry for study next year – officials are discussing with ALS colleagues what approach may be taken to course places and funding this year
- Note the work of the OECD and what it may mean for qualifications in the future – there is a stakeholder OCED seminar on the assessment element of the report this afternoon

Officials are drafting a version of the statement.

Would the DFM be content to proceed with a statement to Parliament on Thursday?

Thanks

[Redacted s38(1)(b)]

[Redacted s38(1)(b)][Redacted s38(1)(b)] Scottish Government  
(0131 24) [Redacted s38(1)(b)]

email: [Redacted s38(1)(b)]@scotland.gsi.gov.uk

## **Enclosure 10 – Email: Letter to learners**

**From:** [Redacted s38(1)(b)]@sqa.org.uk>  
**Sent:** 18 May 2021 17:12  
**To:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Bray O (Ollie) <Ollie.Bray@educationscotland.gov.scot>; [Redacted s38(1)(b)]@educationscotland.gov.scot>; [Redacted s38(1)(b)]@sqa.org.uk>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: Letter to learners

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

Thanks very much for this and for your time this morning. As agreed, I discussed this with colleagues on Our Learner Support group where it was viewed very positively, aligning well with our work to date. Our comms & media manager is reviewing the letter currently and I will update you with any further comments.

In terms of the action points below I would agree with your comments on the first two bullets. Regards the third we could publish on the website, circulate to centres (for info), use social media channels and potentially send directly to learners in hard copy.

I will update further once I have the fuller response from our comms team. Thanks.

Regards

[Redacted s38(1)(b)]  
**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 18 May 2021 11:46  
**To:** [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Bray O (Ollie) <Ollie.Bray@educationscotland.gov.scot>; [Redacted s38(1)(b)]@educationscotland.gov.scot>; [Redacted s38(1)(b)]@sqa.org.uk>; [Redacted s38(1)(b)]@sqa.org.uk>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>  
**Subject:** Letter to learners

Hello all

Following feedback, please find attached redraft of letter to learners (MS Word doc attached). The letter will be accompanied by a “sketchnote” (or similar) to provide more immediate impact (.jpg file attached is a VERY ROUGH idea of what it **\*could\*** look like – fortunately Ed Scot are on standby (appreciated!) to make it much nicer once content is locked down!)

Action points:

- Do we now need to take these to a wider audience – e.g. NQ21 WG for discussion (today? Time is of essence)

- Who issues this and where do we issue it from? I am assuming NQ21 are issuing and it'll be put on SQA site for download as per previous docs.
- How do we publicise this to ensure it gets onto the devices of learners

Any and all comments welcome,

Thanks all

[Redacted s38(1)(b)]

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

## Enclosure 10.1 – Attachment: Comms to learners V2

### Letter from NQ21 highlighting supports available to learners

Dear Learner,

We write to reassure you and your fellow learners that everyone in Scottish education is working hard on your behalf to ensure that the [Alternative Certification Model](#) (ACM) allows learners to achieve fair and credible grades. Every step possible is being taken to ensure your wellbeing is protected through the process.

At the heart of the ACM model is demonstrated attainment, that is evidence of your learning and your skills. The ACM gives schools and colleges flexibility around the timing and nature of assessment to ensure that, as far as possible, there is maximum opportunity for all learners to undertake the required learning **and** be given the best chance to succeed in any course assessments.

This means that the assessment evidence you complete may look and feel different from other learners around the country in terms of content, duration, frequency and the number of assessments. Based on this evidence, your teachers and lecturers will exercise their professional judgement to determine your provisional grades. It is vital that you know that **these grades will not be altered by the SQA unless an administrative error is discovered.**

The timeline for submission of provisional results has been extended to 25 June, in order to give as much learning and assessment time as possible to schools, colleges and students.

This is undoubtedly a very challenging time and that the extended period of remote learning during lockdown has meant that many learners are producing evidence over a shorter period of time in schools and colleges than was originally planned. We know that children and young people's mental health and wellbeing will have been affected during the pandemic. Throughout this crisis, the impact on children and young people and on our education system has been at the forefront of our minds.

We would like to highlight to you some of the supports that are available to all learners:

Comment – [Redacted s38(1)(b)]– 17 May 2021: -In terms of the content, we will need to have something there that acknowledges that, despite the right way ACM has been set up, that its delivery means that many young people feel they are not being treated fairly and that their circumstances are not being taken into account- and then will signpost them to what to do if that is the case.

Above text is from SYP – how best to include?

- *Schools and Local Authorities* will be working through the stages of the ACM, supporting learners to complete learning and engage successfully with assessments.
- As part of the National e-Learning Offer, [e-Sgoil](#) continues to offer a timetable of live, interactive online classes using Microsoft Teams. Your school can apply directly to e-Sgoil on your behalf for this additional targeted support.
- SQA offer ongoing support with Awarding and Results. Learners can contact SQA using an [online form](#) or by calling 0345 279 1000.
- Further information on [Disrupted Learning](#) and the approaches available to schools and colleges are available from SQA.
- *Skills Development Scotland (SDS)* offer [support for learners](#) including an FAQ for school pupils.
- Information and support with college and university applications can be found within the [UCAS](#) site.
- Appeals information can be found through the SQA website. Schools may also be briefing learners on procedures.  
**Comment – [Redacted s38(1)(b)]– 16 May 2021: Link when Appeals info published**
- *Schools and local authorities* will be working hard to support mental health through a wide range of approaches such as telephone helplines, education psychology support, bespoke support packages and resources and virtual and telephone counselling, as well as whole-school approaches such as trauma informed and nurture. The provision of Educational Psychologists, school counsellors and school staff are a key part of this support being offered in schools across the country.
- All local authorities have counselling services in place through secondary schools; the counselling support will be available through the holidays as well as term time to ensure continuity of care for young people.
- *Education Scotland* have developed a [Health and Wellbeing Wakelet](#) which includes materials specific to mental health and wellbeing.
- *Children's Parliament* and the *Scottish Youth Parliament* have developed [Mind yer time](#).  
**Comment – [Redacted s38(1)(b)]– 16 May 2021: May also be developing own resource – have emailed**
- Young Scot have produced [Aye Feel](#) resources to provide sources of support and information for children and young people.
- Other supports such as Childline ...










Comment – [Redacted s38(1)(b)]– 18 May 2021: Other NQ21 endorsed supports?  
Worth including or opening up negative comments re “expectation of negative mental health”

We will take this opportunity to wish you, and every learner, success within this academic session and beyond.

Comment – [Redacted s38(1)(b)]– 18 May 2021: Needs a better ‘sign off’

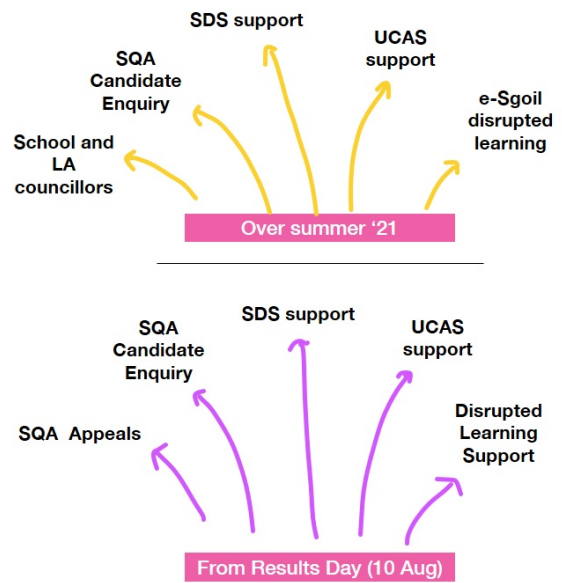
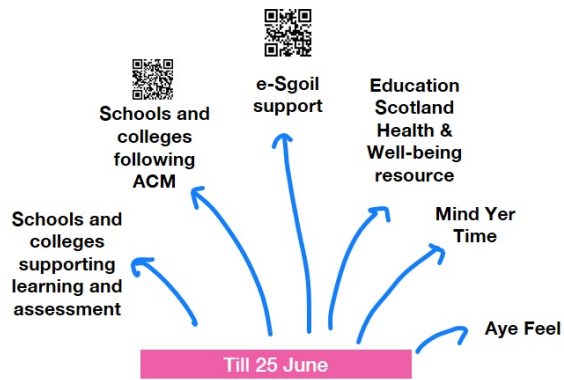
Yours sincerely,

QR codes for above hyperlinks:

<p><b><i>Alternative Certification Model (ACM)</i></b></p> 	<p><b><i>SQA online contact form</i></b></p> 
<p><b><i>Disputed Learning</i></b></p> 	<p><b><i>Appeals</i></b></p>
<p><b><i>e-Sgoil</i></b></p> 	<p><b><i>Skills Development Scotland (SDS)</i></b></p> 
<p><b><i>UCAS</i></b></p> 	<p><b><i>Education Scotland Wakelet</i></b></p> 
<p><b><i>Mind Yer Time</i></b></p> 	<p><b><i>Aye Feel</i></b></p> 

**Enclosure 10.2 – Attachment: Image**

# SUPPORTING LEARNERS





**Enclosure 11 – Email: Submission - appeals process 2021**

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 19 May 2021 17:10  
**To:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** FW: Submission - appeals process 2021

Malcolm – apologies for sending slightly late in the day, but attached is draft briefing covering Graeme’s request below. I’ve essentially taken the briefing that was sent to FM, setting out current issues, and updated. You may want to supplement in terms of FM views.

We thought it might be better for the appeals question to be covered in a separate submission and [Redacted s38(1)(b)] has reviewed the submission that went up early this week and updated it (attached).

Also to confirm that the new Cab Sec has received the induction pack on national qualifications (confirmed by DG office).

I can be online until about 1830 if you want me to make any changes tonight.

Many thanks

[Redacted s38(1)(b)]

National Qualifications - Briefing for new Cabinet Secretary - 19 May 2021  
(A33349693)

[Redacted s38(1)(b)] [Redacted s38(1)(b)] Learning Directorate | Scottish Government |

*Please note: my working hours are [Redacted s38(1)(b)]. I am currently working from home but am contactable via email or Microsoft Teams.*

**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Sent:** 19 May 2021 10:13  
**To:** Director of Learning <DirectorofLearning@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: Submission - appeals process 2021

Adding [Redacted s38(1)(b)] and [Redacted s38(1)(b)] into this in [Redacted s38(1)(b)] absence today.

**From:** Director of Learning <DirectorofLearning@gov.scot>  
**Sent:** 19 May 2021 10:01  
**To:** [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Subject:** RE: Submission - appeals process 2021

Sorry on reflection I think we need one sub on current situation with ACM and next steps, including a readout of the FM's views and the need for a response on appeals, as well as suggestion re statement later next week if the new Cab Sec is comfortable with this.

**From:** Director of Learning  
**Sent:** 19 May 2021 09:29  
**To:** [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm)  
<Malcolm.Pentland@gov.scot>  
**Subject:** RE: Submission - appeals process 2021

Morning [Redacted s38(1)(b)]

I think we should be ready to reshape this slightly (for the benefit of a Minister who may have no background knowledge of the issues) and send as a matter of urgency to the new Cab Sec. Can we check with PO when we will be able to send urgent advice like this to the new Minister, copied to DFM?

Thanks  
Graeme.

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 18 May 2021 14:33  
**To:** Deputy First Minister and Cabinet Secretary for Education and Skills  
<DFMCSE@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 DFM & Education <CommunicationsDFM&Education@gov.scot>; McAllister C (Colin)  
<Colin.McAllister@gov.scot>  
**Subject:** Submission - appeals process 2021

PS/DFM

To see attached briefing on the proposed approach to the appeals process for 2021 National Qualifications awards and in response to the letter from the Chief Examiner.

Officials would be happy to discuss, and the Chief Examiner is also happy to be part of any discussion.

Thanks

[Redacted s38(1)(b)]  
[Redacted s38(1)(b)] Curriculum, Qualifications and Gaelic - Learning Directorate  
Scottish Government  
(0131 24) [Redacted s38(1)(b)]

## **Enclosure 11.1: Attachment: Appeals 2021 – briefing 19 May 2021**

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

#### **Purpose**

12. To provide advice in relation to the letter from Fiona Robertson, CEO of SQA, on 14 May 2021 regarding the 2021 Appeals process to inform a draft reply (attached separately).

#### **Priority**

13. Urgent – SQA have previously committed to publishing the appeals process by mid-May and so are looking to publish the appeals process as soon as possible.

#### **Background**

14. Following concerns raised around the cancellation of the 2020 exam diet and appeals, and the subsequent rapid review by Professor Mark Priestley, SQA were asked to review their appeals process for 2021 to ensure it best meets the needs of young people.
15. SQA have carried out stakeholder engagement, including a public consultation between 12 and 26 March, and wrote to the Deputy First Minister on 14 May to outline the proposed appeals service for 2021 and seek support for this.
16. The proposed approach has been designed to align with the alternative certification model for the National 5, Higher and Advanced Higher qualifications.
17. Key elements of the process include:
  - A direct right of appeal for learners – direct to SQA or through their centre
  - Service will be free of charge to learners
  - Appeal decisions will be evidence-based and will be symmetric i.e. grades can go up, down or stay the same.
  - As in usual years, priority appeals will be carried out for those learners with an immediate progression opportunity (e.g. for progression to FE, HE or employment) dependent on the outcome.
  - Service to open from late June for learners who wish to intimate an intent to appeal, although the formal appeals process will not commence until results have been issued on 10 August.
18. It is expected that the core elements of the service will be welcomed, particularly the direct right of appeal. However, there are other elements of the service where there will be disagreement that may not receive a favourable response.

#### Grounds for appeal

- SQA have identified three grounds for appeal for the 2021 service.

- Disagreement with the centre's quality assured academic judgement;
  - Contested administrative or procedural error within SQA or the centre; or
  - Appeals related to the Equality Act, including assessment arrangements.
- [redacted s.30(b)(i)]
  - However, while academic judgement of the marking/awarded grade can be challenged, learners will not be able to appeal the evidence base used to arrive at the awarded result (except in cases where discrimination has been established). This decision was taken from a practical position around the complex and localised nature of decisions around the evidence selected by centres, and that the evidence base should form part of discussions between centres and learners prior to submission of the provisional results. The evidence base for results was an area where concerns were raised around the 2020 appeals process. Most instances where those concerns were raised in correspondence to Scottish Ministers related to where agreed reasonable adjustments had not been applied, which should be covered under discrimination grounds in the proposed service for 2021.
  - Contextual grounds such as personal circumstances and the impact of disrupted learning will also not be an eligible basis for appeal as this leads to inferred rather than evidence based attainment. It has been considered that the flexibility of the alternative certification model allows such matters to be managed within the school level assessment approaches being used in arriving at the provisional results. Limited contingency arrangements have also been agreed for learners who have been unduly disadvantaged by severe disruption. [redacted s.30(b)(i)]

### Symmetry

- The proposed symmetry approach to the appeals service for 2021 (with appeals resulting in the ability for grades to go down as well as up or to stay the same) is consistent with SQA's approach in previous years and comparable with other appeals services. In previous years the numbers of learners who saw grades fall as a result of an appeal has been very small.
- Some learners, parents and representative groups (including the Children's Commissioner and Scottish Youth Parliament) are of the view that appeals should be a 'no detriment' approach – that grades can either go up or stay the same, but not go down. They argue that, in this challenging set of circumstances, the potential for grades to go down would place an additional stress on learners.
- The National Qualifications 2021 Group has been clear that demonstrated attainment is a key principle of the alternative certification model in ensuring credibility and fairness of the qualifications. [redacted s.30(b)(i)]

### Timescale for opening and processing appeals

- In usual years, the appeals service would open immediately following learners receiving their results on certification day.
- Under the alternative certification model, learners should be aware of their provisional results when they are submitted by the deadline of 25 June. SQA will not be making any changes to these results other than in the instance of administrative errors notified by the centres.
- As such, consideration was given to opening the appeals service from June. However, education stakeholders were clear that the workload implications of this for schools would not be sustainable. As such, the proposal is for the service to open from late June for learners who wish to intimate an intent to appeal, with the formal appeals process (and centre providing necessary supporting information) commencing once the results have been formally issued on 10 August.
- Partners are considering what support can be provided for learners in the interim period between June and August.

19. SQA have produced an Equality Impact Assessment and a Children's Rights and Wellbeing Impact Assessment to support the proposed approach, however, officials have not had sight of these documents at this stage.

## **Conclusion and Recommendations**

20. Given the difficulty in reconciling the above elements, the proposed appeals process is considered a reasonable balance in delivering a fair and credible set of results for learners whilst incorporating a direct right of appeal in line with the needs of young people and the principles of the UNCRC. [redacted s.30(b)(i)]

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

21. The Cabinet Secretary is asked to note the above advice and indicate if she is content to support the proposed approach to the appeals service.

22. Should the Cabinet Secretary be content then the appeals process for 2021 will be announced in an urgent statement to Parliament, and in parallel will be published on the SQA website.

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

[Redacted s38(1)(b)] Curriculum, Qualifications and Gaelic Division  
19 May 2021

**Enclosure 12 – Email: OFFICIAL SENSITIVE - National review of local authority approaches to quality assurance as part of the alternative certification model**

**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Sent:** 24 May 2021 11:46  
**To:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** FW: OFFICIAL SENSITIVE - National review of local authority approaches to quality assurance as part of the alternative certification model

**From:** [Redacted s38(1)(b)]@educationscotland.gov.scot>  
**Sent:** 19 May 2021 16:47  
**To:** [Redacted s38(1)(b)]@gov.scot>  
**Cc:** Griffin J (Joe) <Joe.Griffin@gov.scot>; DG Education & Justice <dgej@gov.scot>; Logan G (Graeme) <Graeme.Logan@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; McManus J (Janie) <Janie.McManus@educationscotland.gov.scot>; Bray O (Ollie) <Ollie.Bray@educationscotland.gov.scot>; [Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; EdS Communications mailbox <Communications@educationscotland.gov.scot>; PS/Education Scotland <ps/educationscotland@educationscotland.gov.scot>  
**Subject:** OFFICIAL SENSITIVE - National review of local authority approaches to quality assurance as part of the alternative certification model

**Sent on behalf of Janie McManus, Strategic Director Scrutiny, Education Scotland**

Dear Cabinet Secretary for Education and Skills,

Please find attached a submission that was sent to the First Minister and the Deputy First Minister on Friday 14 May 2021 regarding the HM Inspector national review of local authority approaches to quality assurance as part of the alternative certification model.

Please also find attached a copy of the report which will publish on the Education Scotland website.

The report is now ready for publication and we would invite the Cabinet Secretary to provide comment on a publication date.

Best wishes / Dùrachdan

[Redacted s38(1)(b)]  
Janie McManus  
Her Majesty's Inspector of Education, Strategic Director Scrutiny

**Enclosure 12.1 – Attachment: National review of local authority approaches**

[Redacted 25(1)] – information publicly available:

<https://education.gov.scot/media/p5nlpo2o/national-review-of-local-authorities-role-in-acm.pdf> ]

## **Enclosure 12.2 – Attachment: Education Scotland – Ministerial Submission**

From: Janie McManus

Education Scotland

14 May 2021

### **Deputy First Minister and Cabinet Secretary for Education and Skills**

#### **National review of local authority approaches to quality assurance as part of the alternative certification model**

##### **Purpose**

1. To invite the Deputy First Minister to note a summary of the draft key findings of the national review by HM Inspectors of local authorities' approaches to quality assurance as part of the Alternative Certification Model – National Qualifications 20-21.

##### **Priority**

2. Urgent. There is ongoing media coverage of the ACM. The National Review of local authority approaches to quality assurance as part of the ACM has an indicative publication date of Wednesday 19 May 2021.

##### **Background**

3. In December 2020, the Deputy First Minister announced that the 2021 National Qualifications external examination diet would be cancelled.

4. A National Qualifications Group 2021 (NQ 2021) was established with membership drawn from a broad range of stakeholders across Scottish education. This group, and its supporting working group, created the Alternative Certification Model – NQ 2021 (ACM), to be used to support the awarding of National 5, Higher and Advanced Higher qualifications in 2020-21.

5. In March 2021, the Deputy First Minister requested that HM Inspectors of Education (HMIE) undertake a national review of local authority approaches to quality assurance as part of the ACM. The review is intended to support the range of measures being undertaken to ensure that the approach to certification this year delivers for young people across Scotland.

##### **Scope of the National Review**

6. The overarching purpose of the review was to look at local authority arrangements as part of the ACM, including how local authorities were supporting and facilitating:



- ‘Understanding Standards’;
- school-level assessment approaches;
- school-level quality assurance;
- area-based subject quality assurance; and
- the use of SQA appointees (teachers appointed by SQA).

7. Between 12-30 April 2021 HM Inspectors engaged with all 32 local authorities including local authority officers, headteachers, SQA co-ordinators, teachers and representatives of professional associations.

8. HM Inspectors discussed with local authorities the arrangements that were under development for stage 2 and stage 3 of the ACM, which were due to take place from April 2021 onwards.

9. HM Inspectors did not review approaches to quality assurance at individual school or department level or the quality assurance of assessment evidence gathered for determining individual learners’ provisional results.

### **Summary of key findings**

10. HM Inspectors report that since the announcement of the cancellation of the 2021 National Qualifications examination diet, local authority officers, headteachers, SQA co-ordinators, and teachers have collaborated to ensure that the efforts of young people are appropriately recognised.

11. Local authorities are continuing to review and refine their arrangements to ensure that young people achieve evidence based, robust provisional results.

12. Encouragingly, staff at all levels are reflecting on what is working well and what needs to improve as part of developing approaches to quality assurance.

13. Local authorities have supported schools to implement assessment approaches flexibly to suit the local context whilst working within a national framework. Local authorities need to ensure that there is a clear rationale for any local variations and these support young people to achieve valid and reliable provisional results.

14. Through discussions with stakeholders in a few local authorities there is a need to provide clearer guidance and expectations for all staff not to replicate exam-style conditions for assessment and to consider the burden of assessments on young people. HM Inspectors given feedback to these local authorities.

### **Key points from each area**

15. Understanding standards

- HM Inspectors report that all local authorities are aware of the need to ensure there is a sound understanding of the required standards of assessment.
- Local authorities are building on existing practice and introducing additional measures and support to develop further teachers’ knowledge, understanding and application of these standards across all subjects and schools. Examples

across most local authorities include, detailed arrangements in place to support their staff, directing teachers towards SQA subject specific information and webinars; creating opportunities for professional dialogue on understanding standards, robust procedures that provide local authority officers with an assurance that staff have engaged in 'Understanding Standards' resources and activities.

- Almost all local authorities have introduced, re-established or strengthened subject network groups over the course of the current academic session.
- A few local authorities have evaluated the impact of teachers' engagement with 'Understanding Standards'. Those teachers report that their confidence in understanding and applying standards is now stronger.

#### 16. Supporting school-level assessment approaches

- Local authorities have supported schools to implement assessment approaches flexibly to suit the local context whilst working within a national framework.
- This local flexibility has resulted inevitably in variation in approach across schools and local authorities. Individual schools value the autonomy afforded to them in setting their own assessment approaches.
- Most local authorities have shared clear expectation that an 'exam-style' diet should not be replicated.
- There are examples of local authorities are making effective use of wider stakeholder groups, including young people and parents, to gather views and about their approaches to assessment.
- While individual schools value autonomy in setting their own assessment approaches, it is important that local authorities should keep under review school-level assessment approaches take prompt action where assessment practice is not in line with expectations as set out by the NQ 2021 group.
- There is variation in local authority plans to change pupil timetables across their schools in preparation for young people moving to the next stage of schooling.

#### 17. School-level quality assurance

- Most local authorities had already shared detailed arrangements to support school-level quality assurance with their staff which have been developed in consultation with staff, including headteachers and SQA co-ordinators.
- Local authority officers are supporting school staff to work together to quality assure assessment evidence through dedicated in-service days and collegiate time.
- Most local authorities have developed bespoke data analysis tools to support school-level quality assurance. This allows staff to analyse provisional results against historic patterns at individual, departmental and school level data and to identify and address any unexpected provisional grades.
- Local authorities continue to provide professional learning for staff at all levels in data analysis.

#### 18. Area-based subject quality assurance

- Local authorities are working together to support area based subject quality assurance, including through short life working groups, steering groups and subject network groups.
- There is a welcome increase in the use of digital platforms, necessitated by Covid-19 restrictions, which is particularly helpful where staff are located over widespread geographical areas.
- Staff across local authorities use these networks well to develop guidance, and provide support and assurance on assessment and moderation approaches.
- Whilst there is some variation on the level of support and guidance being provided by the subject network groups, teachers report that they value being part of these networks, particularly in discussing and deepening their understanding of the ACM and information shared from SQA.
- A few teachers expressed concerns about quality assuring evidence for subjects with a practical assessment requirement. Local authorities have provided a secure shared digital platform where teachers are able to upload assessment evidence to allow moderation of the assessment of young people's evidence.
- Local authorities, in partnership with teachers and headteachers, have quickly identified where it is challenging to provide subject-level quality assurance within the local authority. They have been proactive, with other local authority officers across the Regional Improvement Collaborative to link subject specialist staff. This has been well received and valued by staff.
- All local authorities continue to develop and refine their plans to quality assure the later stages of the ACM, including the use of forthcoming in-service days.

#### 19. Use of local SQA appointees

- All local authorities recognise the benefits of using SQA appointees to support the system-wide accreditation this year.
- Local authorities are committed to releasing SQA appointees to support the national quality assurance exercise.
- SQA appointees are sharing their experience and providing valuable help and support to colleagues, for example through leading subject network groups, providing professional learning and contributing to developing quality assurance support documentation.

#### 20. Recommendations of Review

##### 21. HM Inspectors have identified a series of recommendations, in the areas of:

- build on the positive steps taken to strengthen teachers' understanding of the standards of assessment.
- ensuring that school-level assessment approaches are valid, reliable, equitable, practicable, and fair.

- continue to develop rigorous and robust approaches to quality assuring school arrangements , including gathering the views of stakeholders, particularly young people; and
- continue to review their plans to quality assure the later stages of the ACM,

### **Communications**

22. The report will be published on the Education Scotland website. The provisional date for publication is 19<sup>th</sup> May 2021.

23. There will be no proactive media release, however media lines will be developed by Education Scotland Communications team and shared with Scottish Government Communications

### **Recommendation**

**The Deputy First Minister are invited to note the findings and draft recommendations of the review.**

Janie McManus  
Education Scotland  
14 May 2021

**Enclosure 13 – Email: URGENT: Advice for Cab Sec on ACM/ appeals**

**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Sent:** 20 May 2021 09:30  
**To:** Director of Learning <DirectorofLearning@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: URGENT: Advice for Cab Sec on ACM/ appeals

Final version with that included.

Thanks  
Malcolm

**From:** Director of Learning <DirectorofLearning@gov.scot>  
**Sent:** 20 May 2021 09:23  
**To:** 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>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: URGENT: Advice for Cab Sec on ACM/ appeals

Thanks Malcolm. Can we also add a line to the section on the statement that the Education Scotland review of local authority approaches to the alternative certification model can publish on the same day as the statement?  
Graeme.

**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Sent:** 20 May 2021 09:20  
**To:** Director of Learning <DirectorofLearning@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: URGENT: Advice for Cab Sec on ACM/ appeals

Hi Graeme

[Redacted s38(1)(b)] has sent on now. Please note that the only change on any substance is in relation to the final point in the 5 point plan. It did read:

**Looking to the future** we could announce that the OECD will publish their review of Curriculum for Excellence on 21 June.

I don't think we can/should announce the publication date as the OECD plan to do so two weeks in advance. We can confirm their intention to publish in June. I've tweaked the text to reflect that and we can make sure we clear lines with the OECD ahead of any statement. Copying [Redacted s38(1)(b)] on this point.

Thanks  
Malcolm

**From:** Director of Learning <DirectorofLearning@gov.scot>  
**Sent:** 20 May 2021 09:00  
**To:** 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>; Director of Learning <DirectorofLearning@gov.scot>  
**Subject:** URGENT: Advice for Cab Sec on ACM/ appeals

Morning Malcolm and team

Many thanks for all your work on this. In the interests of time, I have made some direct changes (not tracked) as I would like to get this up ASAP this morning (as soon after 9am as possible). As this is the first sub to the new Cab Sec from our directorate, I have changed it to being in my name on this occasion and will include a welcome message (I hope you don't mind).

Can you have a quick further scan through this, and please add Fiona's letter on appeals as a further annex (and signal this in para 17).

Grateful if my office can be on standby to send this immediately when Malcolm/ the team respond. I will send the covering email to my office separately.

Thanks  
Graeme.

**From:** Pentland MK (Malcolm) <[Malcolm.Pentland@gov.scot](mailto:Malcolm.Pentland@gov.scot)>  
**Sent:** 19 May 2021 20:28  
**To:** Director of Learning <[DirectorofLearning@gov.scot](mailto:DirectorofLearning@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: Advice for Cab Sec on ACM/ appeals

Hi Graeme

Please see attached draft submission for sending to the Cab Sec tomorrow. Grateful for any comments/changes. [Redacted s38(1)(b)] in PO has confirmed that DFM will definitely not be doing a statement.

[Redacted s38(1)(b)]/[Redacted s38(1)(b)] – thanks for your work on your respective notes you prepared. I've reworked and cut some of it and merged the two here. Grateful for a proof and sense check ([Redacted s38(1)(b)] has already confirmed she can do this first thing).

Thanks  
Malcolm

**From:** Pentland MK (Malcolm)  
**Sent:** 19 May 2021 17:49  
**To:** Director of Learning <DirectorofLearning@gov.scot>; [Redacted

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

**Subject:** RE: Advice for Cab Sec on ACM/ appeals

Hi Graeme

I am just doing some work on this now following the good work by [Redacted s38(1)(b)] and [Redacted s38(1)(b)]. Primarily looking to bring what are two subs together as one. Will send this evening so you will have before your meeting.

Malcolm

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

**Sent:** 19 May 2021 17:47

**To:** 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>

**Subject:** Advice for Cab Sec on ACM/ appeals

Colleagues

I know you ([Redacted s38(1)(b)] I think?) were reframing the advice on appeals to include a wider update on the ACM for the new Cab Sec. I have a meeting with Ms Somerville at 10am on Thursday. Is it possible to see a draft of your revised advice at (or ideally before) 10am please? Thanks, Graeme.

## **Enclosure 13.1 – Attachment: Qualifications 2021 Advise to Cab Sec**

From: Graeme Logan  
Director of Learning

20 May 2021

Cabinet Secretary for Education and Skills

### **NATIONAL QUALIFICATIONS: IMMEDIATE PRIORITIES**

#### **Purpose**

1. This note is in addition to the induction material we have provided this morning on national qualifications (NQs) and focuses on immediate priorities in relation to the Alternative Certification Model (ACM) developed for NQs this year. It sets out some key facts about the ACM; outlines recent media and political commentary; highlights next steps, including the need for a response on the approach to be taken with appeals; updates on a recent meeting with the First Minister; and sets out the potential content of a ministerial statement for next week for your consideration.

#### **Priority**

2. Urgent – there is significant media and political attention on NQs and the ACM and a need to reassure the system; and the SQA has committed to publishing the appeals process for the ACM by mid-May and are looking to do so soon as possible.

#### **Detail**

##### *Facts about the ACM*

3. Key facts about NQs and the ACM for this year:
  - The 2021 Exam Diet was cancelled and an alternative model based on teacher judgement of demonstrated learner attainment is being used.
  - A National Qualifications (NQ) 2021 Group was established to co-produce the Alternative Certification Model (ACM) and oversee implementation. This, together with an associated working group, has met weekly since it was established in October 2020.
  - Provisional results for National 5, Higher and Advanced Highers are to be submitted to SQA by 25 June 2021, with final results published on 10 August 2021. Provisional results are expected to be shared with learners prior to submission.
  - Results will not be moderated and no algorithm will be applied, with SQA undertaking clerical checks for any administrative errors only.



- In advance of the submission of provisional results SQA have undertaken sampling of grading evidence across all centres to provide assurance on understanding of standards and this will be supported by local quality assurance processes (the deadline for evidence submission was 17 May and reports will be issued to centres by w/c 7 June at the latest).
- Education Scotland has undertaken a review of individual local authority quality assurance processes and are due to publish their report imminently.
- The appeals process for 2021 remains to be confirmed and more detail is provided later in this note.

### Concerns relating to the ACM

4. A variety of concerns have been expressed in relation to the ACM, including:
  - fears of over-assessment;
  - accusations of misleading learners over “no exams”;
  - variance in approaches by different centres (scale and specificity of assessment); and
  - questions over the security of assessment materials with instances last week of material being shared via social media.
5. These concerns have generating a significant level of reporting in the media and a high volume of negative social media comment. A brief summary of the some of the recent media and political comment is attached at Annex A. There is also a “live” petition on change.org calling for “SQA to re-consider final assessments” with just over 9,000 signatures [redacted s.30(b)(i)]
6. [redacted s.30(b)(i)]

### Current mitigations

7. The following mitigations are in place:
  - NQ21 Group meets weekly and is attended by the Director and Deputy Director, supported by a weekly working group meeting attended by members of the Qualifications unit;
  - Regular communications are agreed by all partners on the NQ21 Group and issued through a variety of channels;
  - Weekly bi-lateral meetings between senior SG officials and the Chief Examiner;
  - Regular bi-lateral dialogue between SG officials and representatives on the National Qualifications 2021 Group to manage specific issues that arise;
  - Advice and guidance continue to be issued to provide delivery partners with clarity on the ACM and provide reassurance to parents and learners;
  - The deadline for submission of provisional results was extended to 25 June in order to allow more time for completing teaching and learning and assessment;
  - An extreme disruption to learning contingency arrangement has been developed whereby for those learners who have completed their course learning, but have not had sufficient time to produce evidence of attainment, will be allowed to submit evidence in September to support certification;

- Education Scotland inspectors have completed a review of Local Authority quality assurance plans and this will be published imminently. Overall, the report provides a fairly positive and reassuring message regarding the implementation of the ACM at local level.

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

8. The NQ21 Group has produced, at the request of DFM, a joint statement reaffirming their support for the ACM published on Friday 14 May (a copy is included at annex B). This attempts to state some key facts about the approach to address some current mis-reporting. It also includes the key message of reassurance to learners: **your grades will be judged by your teachers, based on your assessment evidence**. The SQA will not change the grades of individual learners during the moderation process in May and June. Teachers and schools will reach final judgements, which will be subject to the appeals process in August.

### 2021 Appeals Process

9. Following concerns raised in relation to the initial awarding of qualifications last year, and the subsequent rapid review conducted for SG by Professor Mark Priestley, the SQA was asked to review its appeals process for 2021 to ensure it best meets the needs of young people.
10. SQA has carried out stakeholder engagement, including a public consultation between 12 and 26 March, and the Chief Examiner wrote to the Deputy First Minister on 14 May to outline the proposed appeals service for 2021 and seek support for this.
11. The approach proposed has been designed to align with the ACM for the National 5, Higher and Advanced Higher qualifications and it includes the following key elements:
  - A direct right of appeal for learners – direct to SQA or through their centre
  - Service will be free of charge to learners
  - Appeal decisions will be evidence-based and will be symmetric i.e. grades can go up, down or stay the same.
  - As in usual years, priority appeals will be carried out for those learners with an immediate progression opportunity (e.g. for progression to FE, HE or employment) dependent on the outcome.
  - Service to open from late June for learners who wish to intimate an intent to appeal, although the formal appeals process will not commence until results have been issued on 10 August.
12. It is expected that some core elements of the proposed service will be welcomed, particularly the direct right of appeal. However, there are other elements that will not receive a favourable response from all. These are the grounds for appeal, the symmetry of appeals and the timescale for opening and processing appeals. More detail on each follows.

#### *i. Grounds for appeal*

- SQA have identified three grounds for appeal for the 2021 service.
  - Disagreement with the centre's quality assured academic judgement;
  - Contested administrative or procedural error within SQA or the centre; or
  - Appeals related to the Equality Act, including assessment arrangements.

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

- However, while academic judgement of the marking/awarded grade can be challenged, learners will not be able to appeal the evidence base used to arrive at the awarded result (except in cases where discrimination has been established). This decision was taken from a practical position around the complex and localised nature of decisions around the evidence selected by centres, and that the evidence base should form part of discussions between centres and learners prior to submission of the provisional results. The evidence base for results was an area where concerns were raised around the 2020 appeals process. Most instances where those concerns were raised in correspondence to Scottish Ministers related to where agreed reasonable adjustments had not been applied, which should be covered under discrimination grounds in the proposed service for 2021.
- Contextual grounds such as personal circumstances and the impact of disrupted learning will also not be an eligible basis for appeal as this leads to inferred rather than evidence based attainment. It has been considered that the flexibility of the alternative certification model allows such matters to be managed within the school level assessment approaches being used in arriving at the provisional results. Limited contingency arrangements have also been agreed for learners who have been unduly disadvantaged by severe disruption. [redacted s.30(b)(i)]
  - ii. *Symmetry*
- The proposed symmetry approach to the appeals service for 2021 (with appeals resulting in the ability for grades to go down as well as up or to stay the same) is consistent with SQA's approach in previous years and comparable with other appeals services in the rest of the UK and internationally. In previous years the numbers of learners who saw grades fall as a result of an appeal has been very small.
- Some learners, parents and representative groups (including the Children's Commissioner and Scottish Youth Parliament) are of the view that appeals should be a 'no detriment' approach – that grades can either go up or stay the same, but not go down. They argue that, in this challenging set of circumstances, the potential for grades to go down would place an additional stress on learners.

The National Qualifications 2021 Group has been clear that demonstrated attainment is a key principle of the alternative certification model in ensuring credibility and fairness of the qualifications. To move to a position of 'no detriment' would bring a question of fairness if the evidence indicated the candidate's evidence did not support the awarded grade but they were not downgraded.

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

*iii. Timescale for opening and processing appeals*

- In usual years, the appeals service would open immediately following learners receiving their results on certification day.
  - Under the ACM, learners should be aware of their provisional results when they are submitted by the deadline of 25 June. SQA will not be making any changes to these results other than in the instance of administrative errors notified by the centres.
  - As such, consideration was given to opening the appeals service from June. However, education stakeholders were clear that the workload implications of this for schools would not be sustainable. As such, the proposal is for the service to open from late June for learners who wish to intimate an intent to appeal, with the formal appeals process (and centre providing necessary supporting information) commencing once the results have been formally issued on 10 August.
  - Partners are considering what support can be provided for learners in the interim period between June and August.
13. Given the difficulty in reconciling the above elements, the proposed appeals process is considered a reasonable balance in delivering a fair and credible set of results for learners whilst incorporating a direct right of appeal in line with the needs of young people and the principles of the UNCRC. The Chief Examiner is seeking your support of SQA's approach on this basis. However, it should be noted that the proposed set of grounds for appeal and symmetry in potential results of appeal will lead to significant criticism from opposition parties and some stakeholders including the Children and Young People's Commissioner
14. [redacted s.30(b)(i)]
15. A detailed paper on appeals has been provided by the SQA (provided at Annex C) and, given the complexities of appeals and the fine balance to be struck in relation to the approach to appeals this year, you may wish to discuss further with officials. The Chief Examiner would be happy to join such a discussion should you wish.

*First Minister's considerations and a potential statement*

16. You will wish to note that a meeting was held with officials and the First Minister on 17 May to brief her on the current situation concerning NQs and the ACM. A draft note of that meeting is attached at Annex D.
17. The meeting provided an opportunity to update the FM on the key issues and to provide a level of reassurance in relation to the actions in train to address some of the media narrative
18. Following the meeting with the FM, and separate discussions with the DFM, preparations are being made in the event that you wish to make statement on the issue of NQs and the ACM next week. [redacted s.30(b)(i)] The statement could

centre around a '5 point plan' which officials discussed with the FM on Monday, and which she supports. The 5 point plan includes:

- **Communications** over the course of June, July and August. The aim would be to continue to 'myth bust' in relation to the model and include communications specifically targeted at young people (in partnership with SYP);
- **Support** using SQA systems, you could announce that we will write directly to each learner, outlining the range of support available to them now and over the coming months, including helplines, support for health and wellbeing and from schools and local authorities. This direct letter which would be posted to the home address of each learner could also explain the appeals process.
- **Appeals** setting out details of the new appeals system (including the decision on whether or not this will be based on 'no detriment'), announcing that for the first year ever there will be a direct right of appeal from learners to the SQA (which takes account of UNCRC) and that appeals will be free of charge.
- **FE/ HE admission** given the likelihood of a greater demand for places (particularly HE places) due to a strong set of NQ results, we may wish to signal that we are working with the FE and HE sectors to explore how extra places can be created for admission in autumn 2021. [redacted s.30(b)(i)]
- **Looking to the future** we could confirm that the OECD will publish their review of Curriculum for Excellence in June (the OECD will announce soon that this will be on 21 June). Professor Stobart and the OECD team will then publish a paper in August on options for the future of Scotland's qualification system, drawing on examples from across the world. This would give an opportunity for you, as the new Cabinet Secretary, to signal your intention to lead the reform of our qualifications system, as well as working with the education system on the next phase of Curriculum for Excellence.

19. If you are minded to make a statement, we would recommend that the Education Scotland review of local authority approaches to the alternative certification model (referenced at paragraph 8) is published on the same day and that you refer to this positively in the statement.

20. Subject to your views on this, we can provide an early draft of the statement, along with briefing, for your consideration. We will work with parliamentary business colleagues to identify any available time for this, which we suggest should take place towards the end of next week at the latest.

## Recommendations

21. That you:

- note the update on the ACM, the concerns being reported in relation to it and measures being taken to seek to address these concerns and whether you wish an urgent discussion with officials to discuss this further and answer any initial questions that you may have;

- consider the appeals process proposed by the SQA and indicate whether you would like to discuss the issues further with officials or officials and the Chief Examiner;
- indicate whether you would wish to consider making a statement to Parliament during the course of next week.

Graeme Logan  
Director of Learning  
20 May 2021

### Recent Media and Political Comment

- **BBC article:** *“Covid in Scotland: Pupils at “breaking point” over school assessments”* (11 May)
- **Prof Mark Priestley** (author of a Rapid Review of National Qualifications Experience in 2020) commented on Twitter about the BBC article: “Another national qualifications debacle unfolding. The reliance on concentrated exam conditions testing would have been reduced, had removal of coursework not reduced the evidence base so much – as Marina Shapira and I pointed out in our review”
- **Labour press release:** Michael Marra has written to John Swinney to demand clarity and equity in the appeals process for school assessments this year, as he warns that John Swinney and the SQA are “sleepwalking into a crisis” (12 May)
- **BBC article:** “Scottish schools warned over “exam” question sharing on TikTok” (11 May) (similar stories ran for GCSE and A-level papers)
- **Scotsman** (12 May) incorporating quote from Head of Strategy for the Children and Young People’s Commissioner Scotland, Gina Wilson: “...after the disruption to two educational years, we are now in a situation where young people are sitting numerous assessments with no idea about the appeals process should they need to use it. We are hearing about the huge additional stress and anxiety that this is causing. Young people should not be disadvantaged by disrupted access to their right to education during the pandemic.”
- **Scotsman** (13 May): “SQA consistently marked down poorest students” (relating to local breakdown of 2020 results which have been published recently, further undermining this year’s approach by questioning the credibility of SQA)
- **Scottish Secondary Teacher’s Association (SSTA)** comments stating that there needs to be more reliance on general teacher judgement rather than assessment evidence based teacher judgement. However, to note that consistently in NQ 21 group discussions the profession have made clear that they want to avoid relying on making judgements on inferred learner attainment.
- **DFM answered an urgent question** in Parliament on 14 May about “its response is to the reported growing and widespread concern over the 2021 SQA examination, assessment and awards process, which has been described as an “unfolding debacle” by the author of the review into the 2020 SQA exam diet.”

- **Scotsman on Sunday** (19 May): “Scotland’s teachers and school pupils are suffering sleepless nights with stress over exams in all but name – Alex Cole-Hamilton



### **National Qualifications 2021 – a message from organisations working across Scottish education** (issued 14 May)

The National Qualifications 2021 Group was established last autumn and has been meeting weekly. The group developed the Alternative Certification Model (ACM) in use this year and has continued to revise it in light of the second period of lockdown and remote learning.

We want to reassure students that everyone in Scottish education is working hard on their behalf to ensure that the ACM allows learners to achieve fair and credible grades, with every step possible being taken to ensure young people's wellbeing is protected through the process.

At the heart of the model is demonstrated attainment, that is evidence of learning and skills. Based on that evidence, teachers and lecturers will exercise their professional judgement to determine provisional grades for learners. Those grades will not then be altered by the SQA unless an administrative error is discovered.

We understand that this is a challenging time and that the extended period of remote learning during lockdown has meant that many learners are producing evidence (undertaking assessments) over a shorter period of time in schools and colleges than originally planned.

Notwithstanding this, teacher and lecturers in schools and colleges are working hard to deliver the qualifications students deserve and we call on everyone to support both that effort and our young people through what will naturally be an anxious and stressful period for many.

It is important to highlight the following facts about the model:

- the ACM gives schools and colleges flexibility around the timing and nature of assessment to ensure that, as far as possible, there is maximum opportunity for learners to undertake the required learning and be given the best chance to succeed in any course assessments.
- the timeline for submission of provisional results has been extended to 25 June, providing as much time as possible to schools, colleges and students
- local and national support is in place to ensure provisional results are based on national standards.
- the SQA is working with schools, colleges and local authorities to ensure grades are fair and its feedback from the SQA will be important in informing the judgements that teachers and lecturers make but the SQA will not change individual learners' grades as a result of any moderation process.
- the support available on national learning platform e-Sgoil has been extended to learners who, for a variety of reasons, have experienced extreme disruption to their learning.
- contingency arrangements are being developed for later certification for a small number of learners who have completed their course but have experienced

particularly significant disruption that has meant they have been unable to complete all the required evidence.

- an appeals process for learners is being developed and will be published shortly.

**Our key message to learners is that your grades will be judged by your teachers and lecturers, based on your assessment evidence and every effort is being made to ensure equity and support your wellbeing throughout the process.**

We all remain committed to working together to ensuring that learners get the national qualification grades that they deserve.

Association of Directors of Education in Scotland (ADES), Colleges Scotland, Education Scotland, the Educational Institute of Scotland (EIS), National Parent Forum of Scotland (NPFS) School Leaders Scotland (SLS), the Scottish Council of Independent Schools (SCIS), Scottish Qualifications Authority (SQA), the Scottish Government and the Scottish Youth Parliament (SYP).

## **Annex C**

Appeals Model v6 is already included in Enclosure 6.1

Letter from Fiona Robertson is already included in Enclosure 6.2

**DRAFT Minutes of meeting between officials and First Minister to discuss awarding of National Qualifications in 2022 – 17 May 2021**

Attendees

First Minister  
Colin McAllister  
Joe Griffin  
Graeme Logan  
Malcolm Pentland  
[Redacted s38(1)(b)]  
Gayle Gorman  
FM private office  
DFM Private office

Minute

Officials met with the First Minister to discuss the awarding of National Qualifications this year.

The First Minister was interested in understanding aspects of the Alternative Certification Model (ACM), and how any issues would be identified and what options there may be to respond to any issues.

Officials discussed recent media stories and social media content. [Redacted s.30(b)(ii)]

Officials discussed the actions being taken including the issuing of communications by the National Qualifications 2021 Group; planned communications outlining support available to learners to promote well-being; and planned discussions regarding HE and FE admissions for the 2021/22 academic year.

The planned appeals process was also discussed and the need for this to be agreed and published as soon as possible.

## **Enclosure 14 – Email: Summary of Results Day Meeting**

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

**Sent:** 20 May 2021 17:34

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

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

**Subject:** Summary of Results Day Meeting

Good Afternoon,

Thank you for catching up with us today – it was really useful.

I was hoping I could run this summary by yourselves before we share it with SDS:

- All teachers are required to submit final exam results by the 25<sup>th</sup> June with the possibility of provisional results being given to pupils prior to this date.
- Certification date for results is 10<sup>th</sup> August and this will be the date for all formal processes to begin i.e. appeals, college/university placements, clearing process etc. *Just as a point of clarity- and something we didn't raise- is it correct that clearing will not happen till this time?*
- You helpfully outlined last year that there was a communication group which helped coordinate upcoming milestones and that thought would be given to whether something similar could be taken forward with partners this year.
- A communication in paper form is being generated by the NQ21 working group to issue to candidates directly who are registered on the SQA system. You helpfully have sent that paper to SDS for input.
- Helpline support would likely be beneficial on the lead up to the 25<sup>th</sup> June to support the issuing of provisional exam results but the formal date is 10<sup>th</sup> August.
- Work is on-going with colleges and universities about the best way of handling student enquiries in the interim period between June and August 10.
- Results Day this year is likely to be more of an iterative communications approach than significant activity on results day but we are happy to work together to support Ministerial need.
- More generally we're happy to keep in touch on the development of the Guarantee and the approach being taken.

### **Actions**

1. [Redacted s38(1)(b)]/[Redacted s38(1)(b)] to check with SDS if they have had any contact with SQA on this process.
2. SDS to be sighted on the communication being generated and issued to candidates – *this has been shared by [Redacted s38(1)(b)].*
3. [Redacted s38(1)(b)] to share briefing with education colleagues for the work being done from a CIAG and guarantee perspective.

If you could let me know if this is ok I will share with SDS colleagues.

Kind regards,

**[Redacted s38(1)(b)]****[Redacted s38(1)(b)]** Young Person's Guarantee Division|  
Scottish Government|6<sup>th</sup> Floor, Atlantic Quay|150 Broomielaw|Glasgow|G2 8LU

✉ Email: **[Redacted s38(1)(b)]**@gov.scot

📞 Mobile: 07**[Redacted s38(1)(b)]**

☎ Phone: 0300 244 **[Redacted s38(1)(b)]**

**Enclosure 15 – Email: National Qualifications in 2021 - NQ21 Group**

**From:** [Redacted s38(1)(b)]@sqa.org.uk>

**Sent:** 20 May 2021 18:47

**To:** Fiona Robertson <fiona.robertson@sqa.org.uk>; Fiona Robertson <fiona.robertson@sqa.org.uk>; 'Jim Thewliss' <jim.thewliss@sls-scotland.org.uk>; 'McDaid, Tony' <Tony.Mcdaid@southlanarkshire.gov.uk>; 'Larry Flanagan' <lflanagan@eis.org.uk>; Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>; [Redacted s38(1)(b)]@gov.scot>; Alan.Armstrong@educationscotland.gov.scot>; 'Steven Quinn' <steven.quinn@renfrewshire.gov.uk>; John.Edward@scis.org.uk; [Redacted s38(1)(b)]@ayrshire.ac.uk' Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; [Redacted s38(1)(b)]@sqa.org.uk>; 'NPFS Renfrewshire' <renfrewshire@npfs.org.uk>; [Redacted s38(1)(b)]@sypmail.org.uk>; [Redacted s38(1)(b)]@syp.org.uk>; Bray O (Ollie) <Ollie.Bray@educationscotland.gov.scot>

**Cc:** [Redacted s38(1)(b)]@educationscotland.gov.scot>; [Redacted s38(1)(b)]@sqa.org.uk>; John McMorris <John.McMorris@sqa.org.uk>; [Redacted s38(1)(b)]@sqa.org.uk>

**Subject:** RE: National Qualifications in 2021 - NQ21 Group

Good evening

Please find attached Agenda, Notes and one paper for tomorrow's meeting.

Thanks

[Redacted s38(1)(b)]

## Enclosure 15.1 – Attachment: Agenda

1.5

### 1.6 National Qualifications 2021

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#### 1.6.1

**Date:** Friday 21 May 2021

**Time:** 09:15 – 10:30

**Location:** MS Teams

**Members:** Fiona Robertson; Jim Thewliss; Tony McDaid; Malcolm Pentland; John Edward; David MacDonald; [Redacted s38(1)(b)]; Steven Quinn; Larry Flanagan; Graeme Logan; Jean Blair; Gayle Gorman

**Attending:** [Redacted s38(1)(b)]; [Redacted s38(1)(b)]; [Redacted s38(1)(b)]; [Redacted s38(1)(b)]; [Redacted s38(1)(b)]; John McMorris

**Apologies:** [Redacted s38(1)(b)]; Gill Stewart

#### 1.6.2

#### 1.6.3 Agenda

Item	Topic	Action	Lead
27.1	Welcome & notes from previous meeting	Attached	FR
27.2	2022 Planning – Approach to course modifications	Attached	[Redacted s38(1)(b)]
27.3	NQ21 Working Group Update	Discussion	JB
27.4	Appeals 2021	Discussion	FR
27.5	Education Scotland Review	Discussion	[Redacted s38(1)(b)]
27.6	Communications and engagement	Discussion	[Redacted s38(1)(b)]
27.7	Next Steps/AOB	Discussion	All
	Date of next meeting – Friday 28 May 2021		





## Enclosure 15.2 – Attachment: Notes

1.7

### 1.8 National Qualifications 2021

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#### 1.8.1

**Date:** Friday 14 May 2021  
**Time:** 09:15 – 10:30  
**Location:** MS Teams  
**Members:** Fiona Robertson; Gill Stewart; Jim Thewliss; Malcolm Pentland; John Edward; David MacDonald (part); [Redacted s38(1)(b)]; Steven Quinn; Larry Flanagan; Graeme Logan; Jean Blair; Gayle Gorman; [Redacted s38(1)(b)]  
**Attending:** [Redacted s38(1)(b)]; [Redacted s38(1)(b)] [Redacted s38(1)(b)]; [Redacted s38(1)(b)], [Redacted s38(1)(b)], [Redacted s38(1)(b)]; [Redacted s38(1)(b)] John McMorris  
**Apologies:** Tony McDaid, [Redacted s38(1)(b)]

#### 1.8.2

#### 1.8.3 Notes

Item	Topic
26.1	<p><b>Welcome &amp; notes from previous meeting</b></p> <p>The previous notes were accepted. FR/GL gave a brief update from CERG covering the SG communications that had been circulated and would be issued today and these were discussed by the group.</p> <p><b>Action – FR/GL to discuss progression issues to HE/FE</b></p>
26.2	<p><b>Appeals 2021</b></p> <p>FR gave a brief update on the current position on Appeals arrangements, the discussions that had recently taken place with stakeholders and noted that conversation with Scottish Ministers was taking place.</p> <p><b>Action – [Redacted s38(1)(b)] to provide a final draft of Appeals model and next steps to members for information.</b></p>
26.3	<p><b>NQ21 Working Group Update</b></p> <p>JB gave an update on work done since the last meeting noting the WG felt the issue of the draft pro forma to support Candidate Provisional Results would not be helpful. She also noted that 'Incomplete Evidence Contingency' will be the term used to describe the service to be provided for 'nearly there' candidates who missed assessment windows in April and May. The update also covered Candidate Support proposals.</p> <p>The ES Review of arrangements in schools/LA had also been discussed at the working group and GG confirmed this will be made available in the very near future (likely 19 May).</p>

	<p>JB also noted that milestones and communications planning for ACM stage 3, 4 and 5 will also be covered next week.</p> <p>NQ21 went on to discuss the update making suggestions for the working group to consider including provision of exemplars and an aide memoire on demand to support Candidate Results conversations. Suggestions around direct advice to candidates supporting health and well-being were also made, and it was agreed that this will also be worked on by Education Scotland colleagues and also outside of NQ21 remit in the coming weeks.</p> <p><b>Actions – GG to provide update on HMIE report to next meeting</b>  <b>Action – GG to take forward work to provide to health and wellbeing support for young people</b></p>
26.4	<p><b>2022 Planning – Approach to course modifications</b></p> <p>[Redacted s38(1)(b)] gave an overview of the process of review that SQA was undertaking for 2022 as laid out in his paper, noting the principles and timelines being worked to and that this needed to be progressed for communication in June to the system and was therefore independent to any decision making on whether or not there is an exam diet in 2022.</p> <p>NQ21 thanked [Redacted s38(1)(b)] for his update and agreed that minimising change would help the system and then went on to discuss coursework, personalisation and choice and the wider context for this work over the longer term</p> <p><b>Action – [Redacted s38(1)(b)] to bring further update on progress to the group next week.</b></p>
	<p>Date of next meeting – Friday 21 May 2021</p>

## **Enclosure 15.3 – Attachment: 2022 course modification**

### **Scottish Qualifications Authority**

#### **National Qualifications 2021 Steering Group – Friday 21<sup>st</sup> of May 2021 Interim update on modifications to assessment of Graded National Courses for academic year 2021 – 22**

##### **Issue**

Following advice and discussion provided to SQA at its meetings of the 30<sup>th</sup> of April and 14<sup>th</sup> of May, this paper provides an update to the NQ2021 Steering Group on the progress of work to consider the modifications of the assessment for Graded National Courses for academic year 2021-2022. It also includes the reflections of the NQ Working Group who considered this matter as part of their meeting on the 18<sup>th</sup> of May.

##### **Status**

Qualifications teams within SQA have been working through the first two stages of the three-stage process as outlined on the 14<sup>th</sup> of May NQ Steering Group paper – “Proposed approach to agreeing modifications of Graded National Courses for academic year 2021-2022”. This has involved a confirmation of the proposed approach for each National Course and a consistency and coherence check across related courses.

Course modifications are required to take account of the loss of learning and restrictions on time as learners move into the next academic year. Some adjustments are still required to free up space for consolidation of learning. The default position is that the agreed modifications put in place last session, after an extensive consultation exercise, remain in place for session 2021-2022. This will be the case for the majority of National Courses. However, in line with the NQ Modification parameters presented to the NQ Steering group on the 30<sup>th</sup> of April, qualification teams have been reflecting on the experience of this session and feedback from key stakeholder groups, including centres and National Qualification Support Teams (NQSTs). As a result of this consideration, three broad areas for action are being looked at – these are:

- The partial rollback/adjustment for some practical/performance subjects, taking account of public health advice.
- The reinstatement of coursework elements (assignments over time) primarily for social subjects and business, where there are no health and safety constraints to this activity. Other agreed modifications for these subjects will remain in place.
- Clarification around question paper optionality/content requirements for 2022.

The NQ Working Group agreed with the overall approach, acknowledged the areas of exploration, and emphasised the need for clarity and consistency, particularly over related subjects. The group also endorsed the approach to engagement, using NQSTs and local subject networks, for any planned adjustments. This is consistent with the earlier advice provided by the NQ 2021 Steering Group on the 30<sup>th</sup> of April.

Ofqual have also been looking at modifications/flexibility for next session. The context is different in that their modifications are limited to non-exam aspects of assessment and most courses are assessed primarily by examination. Therefore, the overall scope of their adjustments is more limited than the situation in Scotland. They are planning on a public consultation on their proposed adjustments to the non-exam elements.

Noting the desire for relatively minimal change to the modifications and acknowledging the timelines for all stakeholders and the current focus on delivering the Alternative Certification Model for 2021, the NQ working group agreed that there was no requirement for SQA to engage in a full public consultation for this exercise. Intelligence around the original consultation feedback and reflections from this session with centres and key support teams was sufficient. SQA's Qualifications Committee also endorsed this approach.

The third stage of this process, as outlined in the paper of 14<sup>th</sup> of May, is a formal internal quality assurance check of final proposals on the week beginning 24<sup>th</sup> May. Thereafter, an update and any outstanding issues will be presented to both the NQ working and steering groups. It is hoped to communicate requirements to centres and wider stakeholders in June.

### **Recommendation**

The NQ2021 Group is asked to note the approach and interim update and provide feedback and advice to inform the completion of this work.

SQA  
21 May 2021

**Enclosure 16 – Email: Correspondence sent on behalf of Michael Marra MSP**

**From:** [Redacted s38(1)(b)] @gov.scot>  
**Sent:** 25 May 2021 13:30  
**To:** [Redacted s38(1)(b)] @gov.scot>  
**Cc:** [Redacted s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)] @gov.scot>  
**Subject:** RE: Correspondence sent on behalf of Michael Marra MSP

Some initial thoughts on the re-sit issue:

[redacted s.30(b)(ii)]  
[Redacted s38(1)(b)] [Redacted s38(1)(b)]  
**From:** [Redacted s38(1)(b)] @gov.scot>  
**Sent:** 25 May 2021 10:58  
**To:** [Redacted s38(1)(b)] @gov.scot>  
**Subject:** FW: Correspondence sent on behalf of Michael Marra MSP

[Redacted s38(1)(b)] – to see.

**From:** [Redacted s38(1)(b)] @gov.scot> **On Behalf Of** Cabinet Secretary for Education and Skills  
**Sent:** 25 May 2021 10:21  
**To:** [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>  
**Cc:** Director of Learning <DirectorofLearning@gov.scot>; DG Education & Justice <dgej@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Subject:** FW: Correspondence sent on behalf of Michael Marra MSP

Morning folks,

Please see email received from Michael Marra, this has been sent to PEU and will soon makes it way to your teams, and should just be answered as an MR. However in the meantime Cab Sec has asked for some thoughts on Mr Marras resit comments highlighted below.

Grateful if some advice could be sent up in advance of her meeting with him on the 2<sup>nd</sup> of June. Happy to chat through if that isnt particularly clear.

Thanks

[Redacted s38(1)(b)]  
**From:** [Redacted s38(1)(b)] @Parliament.scot> **On Behalf Of** Somerville S (Shirley-Anne), MSP  
**Sent:** 22 May 2021 17:05  
**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Subject:** FW: Correspondence sent on behalf of Michael Marra MSP

Good afternoon,

Please find below an email we have received at Shirley-Anne's which is for her ministerial office. We have received many of these and will continue to forward them on. Please advise if you need anything else from us when we send these emails on to you.

Best

[Redacted s38(1)(b)] [Redacted s38(1)(b)] Shirley-Anne Somerville MSP

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

**Sent:** 21 May 2021 09:49

**To:** Somerville S (Shirley-Anne), MSP <Shirley-Anne.Somerville.msp@parliament.scot>

**Subject:** Correspondence sent on behalf of Michael Marra MSP

Dear Ms Somerville,

Please find below correspondence I am sending on behalf of Michael Marra MSP.

We look forward to receiving your response – I would appreciate it if Michael Marra's email address could be cc'd into any response as well.

Kind regards,

[Redacted s38(1)(b)] [Redacted s38(1)(b)] Labour Support Unit  
[Redacted s38(1)(b)] @parliament.scot

Dear Ms Somerville,

I am writing to congratulate you on your appointment as the Cabinet Secretary for Education and Skills. I wish you well in your new role and look forward to working with you in the best interests of the country.

You will be as acutely aware as I the significant challenges within our education system. Many of these have emerged from and during the pandemic, but many – not least the vast and stubborn attainment gap - are long standing issues which have seen little progress for far too long.

### **SQA Assessments**

The immediate priority is the current exams crisis which is impacting tens of thousands of young people, their teachers and their families right now. Your predecessors insistence that there are no exams being undertaken did a disservice to the process that young people are currently undertaking with all their effort. It is clear that lessons from last year's exams fiasco have not be learned, and that this year's alternative assessment system has the potential to be more damaging than the one used last year.

We must focus on what can be done from this point to improve the outcomes and operation of the system:

Firstly, there is an urgent need for you and the SQA to publish the appeals process. It is unforgivable that young people and their teachers have been entered into this process, with no clarity regarding how it will conclude.

Secondly, there is a need to implement a 'resit' guarantee, so that young people who feel they have been let down by the alternative processes over these two years can access a college place to sit their qualifications again.

Thirdly, government should engage with colleges and universities to ensure that there is a no detriment policy for accessing further or higher education. No young person should lose out due to the handling of the alternative system of assessment.

I am keen to work with you in ensuring improvements can be made.

### **Covid Guidance in Higher Education**

I have been in contact with many colleagues in Higher Education who are concerned regarding their plans for campus return. Our institutions are of course seeking to use their campuses in the most efficient and safest way from the autumn semester.

There is urgent need for clarity surrounding the Covid guidance – particularly in relation to social distancing – within the sector. If you were in a position to issue an update on these matters as soon as possible, it would be gratefully received.

Best Wishes,

Michael Marra MSP



**Enclosure 17 – Email: Learner voice - FOR INFO - Meeting with Ben McKendrick from SYP- Follow-up mtg with SYP and Children's Commissioner**

**From:** [Redacted s38(1)(b)] @gov.scot>  
**Sent:** 26 May 2021 15:16  
**To:** [Redacted s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)] @gov.scot>  
**Subject:** FW: Learner voice - FOR INFO - Meeting with Ben McKendrick from SYP- Follow-up mtg with SYP and Children's Commissioner

Any thoughts on below – have we had an update on whether SYP meeting happening? I'm assuming not?

**From:** [Redacted s38(1)(b)] @gov.scot>  
**Sent:** 26 May 2021 12:15  
**To:** [Redacted s38(1)(b)] @gov.scot>  
**Cc:** [Redacted s38(1)(b)] @gov.scot>  
**Subject:** RE: Learner voice - FOR INFO - Meeting with Ben McKendrick from SYP- Follow-up mtg with SYP and Children's Commissioner

Hi [Redacted s38(1)(b)]

Thanks for sending this on, [redacted s.30(b)(ii)]

[Redacted s38(1)(b)]  
**From:** [Redacted s38(1)(b)] @gov.scot>  
**Sent:** 26 May 2021 12:00  
**To:** [Redacted s38(1)(b)] @gov.scot>  
**Subject:** FW: Learner voice - FOR INFO - Meeting with Ben McKendrick from SYP- Follow-up mtg with SYP and Children's Commissioner

Hi [Redacted s38(1)(b)]

In light of [Redacted s38(1)(b)] out of office, sending on below for info.

[Redacted s38(1)(b)]  
**From:** [Redacted s38(1)(b)]  
**Sent:** 25 May 2021 16:11  
**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>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] @gov.scot>; Director of Learning <DirectorofLearning@gov.scot>  
**Subject:** RE: Learner voice - FOR INFO - Meeting with Ben McKendrick from SYP- Follow-up mtg with SYP and Children's Commissioner

Hi [Redacted s38(1)(b)]

Thanks for letting us know about the meeting you are having with CYPCS and SYP later this week.

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

Happy to chat over any of the above in advance of your meeting if that would be helpful.

Best regards

[Redacted s38(1)(b)]

[Redacted s38(1)(b)], [Redacted s38(1)(b)], Learning Directorate, Scottish Government, Area 2B North, Victoria Quay, Edinburgh, EH6 6QQ

✉ email: [Redacted s38(1)(b)] @gov.scot 📞 mobile: 07[Redacted s38(1)(b)] 🌐 url: www.gov.scot

Please note my working pattern is [Redacted s38(1)(b)] and [Redacted s38(1)(b)].

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

**Sent:** 25 May 2021 12:10

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

**Subject:** FW: Learner voice - FOR INFO - Meeting with Ben McKendrick from SYP- Follow-up mtg with SYP and Children's Commissioner

**Importance:** Low

[Redacted s38(1)(b)] | [Redacted s38(1)(b)] | Learning Directorate | Scottish Government |

*Please note: my working hours are [Redacted s38(1)(b)]. I am currently working from home but am contactable via email or Microsoft Teams.*

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

**Sent:** 25 May 2021 08:15

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

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

**Subject:** Learner voice - FOR INFO - Meeting with Ben McKendrick from SYP- Follow-up mtg with SYP and Children's Commissioner

**Importance:** Low

Graeme, Malcolm and [Redacted s38(1)(b)],

For info, [Redacted s38(1)(b)] has now set up the follow-up meeting with Ben McKendrick from SYP and Children's Commissioner reps to talk through the various Learning Directorate learner voice/participation in policy activities. The purpose will be to seek their challenge and steer on coverage across the key policy areas and method/approach being adopted across the various policy areas.

The meeting will take place this week and will involve [Redacted s38(1)(b)] and myself. We will of course report back to any key policy leads, including [Redacted s38(1)(b)] and [Redacted s38(1)(b)], as necessary.

[Redacted s38(1)(b)] has produced this very helpful one page slide to capture the key items of young person/learner engagement. We will use this as the basis for the meeting.

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] [Redacted s38(1)(b)] Mobile: 07[Redacted s38(1)(b)]

-----Original Appointment-----

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

**Sent:** 21 May 2021 12:54

**To:** [Redacted s38(1)(b)]; [Redacted s38(1)(b)]; [Redacted s38(1)(b)]; [Redacted s38(1)(b)]@syp.org.uk; Ben.M@syp.org.uk; [Redacted s38(1)(b)]; [Redacted s38(1)(b)]

**Subject:** Meeting with SYP - CYPCS and Scottish Government Learning Directorate

**When:** 27 May 2021 09:30-10:30 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

**Where:** Microsoft Teams Meeting

Dear All

As discussed last week please find the meeting link for this week's meeting between SYP, CYPCS and the Scottish Government Learning Directorate.

Thank you all again for confirming your attendance.

[Redacted s38(1)(b)]

**Enclosure 18 – Email: For Review: Draft Slides for DG Level Devolved Authorities Meeting 25/05**

**From:** [Redacted s38(1)(b)] @gov.scot>  
**Sent:** 24 May 2021 10:47  
**To:** 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>  
**Subject:** RE: For Review: Draft Slides for DG Level Devolved Authorities Meeting 25/05

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

[Redacted s38(1)(b)] [Redacted s38(1)(b)]  
**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Sent:** 21 May 2021 15:01  
**To:** [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:** FW: For Review: Draft Slides for DG Level Devolved Authorities Meeting 25/05

Please see below and attached. Grateful for any comments today/Monday morning please.  
Malcolm

**From:** [Redacted s38(1)(b)] @education.gov.uk>  
**Sent:** 21 May 2021 14:03  
**To:** Georgina.Haarhoff@gov.wales; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; fiona.hepper@education-ni.gov.uk  
**Cc:** CAINES, Bethany <Bethany.CAINES@education.gov.uk>; [Redacted s38(1)(b)] @education.gov.uk>; EDGAR, Rebekah <Rebekah.EDGAR@education.gov.uk>  
**Subject:** For Review: Draft Slides for DG Level Devolved Authorities Meeting 25/05

Hello All

Further to our DD-Level 4 Nations meeting yesterday, please find attached draft slides in preparation for the DG Meeting on the 25<sup>th</sup>.  
If you have any comment or suggested edits please could you let me know asap, and before noon on Monday so they can be circulated?

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



[Redacted s38(1)(b)]  
Stakeholder Lead  
Qualifications Directorate  
Mobile: 07[Redacted s38(1)(b)]

**Enclosure 18.1 – Attachment: Powerpoint presentation**

[Redacted s30(b)(ii)]

## **Enclosure 19 – Email: National Qualifications 2021 Group - 21 May 2021**

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

**Sent:** 21 May 2021 17:41

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

**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@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>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>

**Subject:** National Qualifications 2021 Group - 21 May 2021

Cabinet Secretary for Education and Skills

Copy: as above

### **National Qualifications 2021 Group - 21 May 2021**

The National Qualifications 2021 Group meets each Friday and has representation from the following organisations: Association of Directors of Education in Scotland (ADES), Colleges Scotland, Education Scotland, the Educational Institute of Scotland (EIS), National Parent Forum of Scotland (NPF) School Leaders Scotland (SLS), the Scottish Council of Independent Schools (SCIS), Scottish Qualifications Authority (SQA), the Scottish Government and the Scottish Youth Parliament (SYP).

Below is a summary of what was discussed at this morning's meeting. We intend to provide you with a summary like this each week and hope this is helpful.

Thanks  
Malcolm

#### **Approach to awarding in 2022**

- SQA presented an updated paper setting out course considerations for awarding in 2022. The central assumption is a return to an exam diet, but with the incorporation of some course modifications from this year. Key considerations will be whether this is consistent with public health advice at the time.
- Questions from the group included the interaction of a decision about 2022 with the publication of the OECD report (and the narrative around this); what need was there to consult on the approach to 2022 (especially with learners); the need for certainty for the year, but also flexibility to respond to any further Covid impacts; and the role of the Curriculum and Assessment Board relative to the NQ group.

#### **Update from the NQ21 Working Group**

- Work on the disrupted learning process continues and members expressed a need for it to be published as soon as possible.
- The working group did not want to provide guidance to centres in relation to informing learners of their grades further, but the main group does want

something to be offered that supports schools and colleges in how they inform candidates of their provisional results in late June.

- Reported that almost all sampling evidence has been submitted, and that 42% of it was done electronically. This was considerably more than the SQA had expected and it had received positive feedback for this service.

### **Education Scotland review of LA approaches to quality assurance in relation to the Alternative Certification Model**

- Education Scotland offered a summary of their report on Local Authority quality assurance plans.
- The group welcomed the findings of the review and felt it would provide a level of assurance to the system.

### **Communications**

- The group accepted that the current public and media narrative continued to be challenging.
- EIS issued its version of last week's NQ Group communication to all of its members.
- NPFS noted particular tensions within the group between understanding of the ACM and the social media reports of learner well-being. NPFS are preparing to issue a survey to better understand local conditions.
- SG noted planned communications to direct to all learners which will be shared with the group.

**Malcolm Pentland** | Deputy Director

Curriculum, Qualifications and Gaelic Division | email: malcolm.pentland@gov.scot

| tel:+44(0) 131 244 [Redacted s38(1)(b)]

Learning Directorate | Area 2B North | Victoria Quay | Edinburgh | EH6 6QQ

Buidheann-Stiùiridh an Ionnsachaidh | Raon 2B Tuath | Cidhe Bhictòria | Dùn Èideann | EH6 6QQ

**Enclosure 20 – Email: SQA Appeals Service – 2021**

**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Sent:** 21 May 2021 21:58  
**To:** Fiona Robertson <fiona.robertson@sqa.org.uk>; Director of Learning <DirectorofLearning@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>  
**Cc:** Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>  
**Subject:** RE: SQA Appeals Service - 2021

Thanks Fiona.

This note has been shared with Ms Somerville's office this evening. We will provide any feedback as quickly as possible, however, in meantime, and accepting the various assumptions that need to be made, [redacted s.30(b)(ii)]

From our discussions with the Cabinet Secretary, an understanding of these points will be important in her consideration of the options in relation to appeals for this year and I would be grateful if could provide a response of these points during the course of Monday. Very happy to discuss further.

Best wishes  
Malcolm

**From:** Fiona Robertson <fiona.robertson@sqa.org.uk>  
**Sent:** 21 May 2021 20:59  
**To:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>  
**Cc:** Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>  
**Subject:** SQA Appeals Service - 2021  
**Importance:** High

*In confidence*

Colleagues

Please see attached paper for the urgent attention of the Cabinet Secretary. I hope this is helpful and I would be happy to discuss further.

Fiona

Fiona Robertson  
Chief Executive  
Scottish Qualifications Authority



**Enclosure 20.1 – Attachment PDF**

Email attachment already included in Enclosure 6.2

## Enclosure 21 – Urgent - National Qualifications 2021 - Appeals

**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Sent:** 24 May 2021 08:08  
**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@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>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>  
**Subject:** RE: Urgent - National Qualifications 2021 - Appeals

Thanks [Redacted s38(1)(b)], I'd suggest just 'National Qualifications 2021'.  
Malcolm

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Cabinet Secretary for Education and Skills  
**Sent:** 24 May 2021 08:06  
**To:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@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>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>  
**Subject:** RE: Urgent - National Qualifications 2021 - Appeals

A small, but important point, we will need a proposed title for Statement for it to be included in today's Cabinet paper. Grateful for suggestion please (we can agree at this morning's meeting with Cab Sec).

Thanks

[Redacted s38(1)(b)][Redacted s38(1)(b)]T: 0131 244 [Redacted s38(1)(b)] | M: 07[Redacted s38(1)(b)] E: cabsecES@gov.scot  
The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

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**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Sent:** 23 May 2021 17:50  
**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@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>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>  
**Subject:** RE: Urgent - National Qualifications 2021 - Appeals

[Redacted s38(1)(b)]

For tomorrow morning's meeting, please find attached:

- two papers from SQA. The first you received on Friday evening. The second provides more detail on how a larger volume of appeals might be handled under a 'no detriment' approach.
- a table that seeks to provide a summary of various consideration in relation to the two options.

Thanks  
Malcolm

**Malcolm Pentland** | Deputy Director  
Curriculum, Qualifications and Gaelic Division | email: malcolm.pentland@gov.scot  
| tel:+44(0) 131 244 [Redacted s38(1)(b)]  
Learning Directorate | Area 2B North | Victoria Quay | Edinburgh | EH6 6QQ  
Buidheann-Stiùiridh an Ionnsachaidh | Raon 2B Tuath | Cidhe Bhictòria | Dùn Èideann | EH6 6QQ

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Cabinet Secretary for Education and Skills  
**Sent:** 22 May 2021 16:52  
**To:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>  
**Subject:** RE: Urgent - National Qualifications 2021 - Appeals  
**Importance:** High

Hi Malcolm

Many thanks for this. For benefit of everyone on this copylist I have discussed with Ms Somerville and also Joe. The current thinking is that Ms Somerville meet with officials on Monday morning (diary invite already issued) with a view to making a

final decision then. Cab Sec will then wish for officials to provide a draft note for her to send to the First Minister on Monday PM (I will alert her office that this will be coming) with the aim of getting First Minister's sign off to that decision and the making of a statement on Thursday afternoon. Ms Somerville will wish to discuss the content of the note to FM on Monday morning. Cab Sec is also considering whether she does an oral SCANCE item on this at Cabinet rather than the planned written SCANCE (given we would need to provide the latter before we know what FM's decision is) but again we can discuss the handling around that on Monday.

I believe that further information will be coming to Ms Somerville before Monday – I will look out for that and if there is any further feedback from Cab Sec before Monday I will, of course, feed that back straight away.

I have separately been liaising with the office of the Minister for Parliamentary Business around that. A slot for the statement will be placed in the Parliamentary Business Cabinet paper that will be signed off at Tuesday's Cabinet mtg. If for any reason the statement has not been agreed by then we will need to pull it before Mr Adam meets with the Parliamentary Bureau at midday.

Hope the above all makes sense.

**[Redacted s38(1)(b)]**[Redacted s38(1)(b)]T: 0131 244 [Redacted s38(1)(b)] | M: 07[Redacted s38(1)(b)]| E: cabsecES@gov.scot  
The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

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**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Sent:** 21 May 2021 21:37  
**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@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>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>  
**Subject:** Urgent - National Qualifications 2021 - Appeals

Cabinet Secretary for Education and Skills

Copy: as above

**National Qualifications 2021 - Appeals**

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. 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)]

Malcolm

**Malcolm Pentland** | Deputy Director

Curriculum, Qualifications and Gaelic Division | email: malcolm.pentland@gov.scot

| tel:+44(0) 131 244 [Redacted s38(1)(b)]

Learning Directorate | Area 2B North | Victoria Quay | Edinburgh | EH6 6QQ

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## **Enclosure 21.1 – Attachment: SG advice for appeals**

Confidential: Advice to Ministers

### **SQA Appeals Service 2021 : Likely Demand**

#### **Purpose**

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**

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

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**

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

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. A direct learner appeal, together with the exceptional circumstances of this year, will undoubtedly lead to greater though uncertain demand. [redacted s.30(b)(i)]

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

Confidential: Advice to Ministers

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

Scottish Qualifications Authority  
May 2021

**Enclosure 21.2 – Attachment: 2021 Qualifications – Appeals – Symmetry and No Detriment**

[Redacted s30(b)(i)]



**Enclosure 22 – Immediate – Draft Note to the First Minister on the National Qualifications ACM and Appeals**

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Cabinet Secretary for Education and Skills  
**Sent:** 24 May 2021 20:48  
**To:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>  
**Subject:** RE: Immediate – Draft Note to the First Minister on the National Qualifications ACM and Appeals

Many thanks Malcolm, Just to confirm this note to FM has now issued.

Many thanks.

[Redacted s38(1)(b)][Redacted s38(1)(b)]T: 0131 244 [Redacted s38(1)(b)] | M: 07[Redacted s38(1)(b)] | E: cabsecES@gov.scot  
The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

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**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Sent:** 24 May 2021 20:25  
**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>

**Subject:** RE: Immediate – Draft Note to the First Minister on the National Qualifications ACM and Appeals

[Redacted s38(1)(b)]

Please find attached revised version and a clean copy as requested.

Thanks  
Malcolm

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

**Sent:** 24 May 2021 19:29

**To:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>

**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Griffin J (Joe) <Joe.Griffin@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>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>

**Subject:** RE: Immediate – Draft Note to the First Minister on the National Qualifications ACM and Appeals

Further comments from Ms Somerville – you will be able to determine which are most recent by hovering over them.

I need to aim to get this to FM by 9.00pm latest – so grateful for a revise by 8.00pm if at all possible.

Thanks.

[Redacted s38(1)(b)] [Redacted s38(1)(b)] T: 0131 244 [Redacted s38(1)(b)] | M: 07 [Redacted s38(1)(b)] | E: cabsecES@gov.scot  
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**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>

**Sent:** 24 May 2021 18:52

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

**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications DFM & Education  
<CommunicationsDFM&Education@gov.scot>; McAllister C (Colin)  
<Colin.McAllister@gov.scot>; Gorman G (Gayle)  
<Gayle.Gorman@educationscotland.gov.scot>  
**Subject:** RE: Immediate – Draft Note to the First Minister on the National Qualifications ACM and Appeals

[Redacted s38(1)(b)]

Thanks. Apologies it has taken slightly longer to respond than anticipated as we have now received some advice from the SQA following this morning's meeting. [redacted s.30(b)(i)]

Thanks  
Malcolm

**Malcolm Pentland** | Deputy Director

Curriculum, Qualifications and Gaelic Division | email: malcolm.pentland@gov.scot

| tel:+44(0) 131 244 [Redacted s38(1)(b)]

Learning Directorate | Area 2B North | Victoria Quay | Edinburgh | EH6 6QQ

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

**Sent:** 24 May 2021 17:10

**To:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>

**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>

**Subject:** RE: Immediate – Draft Note to the First Minister on the National Qualifications ACM and Appeals

**Importance:** High

Malcolm

Many thanks, please see attached with some comments from Cab Sec. Grateful if these can be considered and for us to receive a revise as soon as possible. I will flag up to FM's office that we hope to have this note with them shortly.

Happy to discuss.

[Redacted s38(1)(b)] [Redacted s38(1)(b)] T: 0131 244 [Redacted s38(1)(b)] | M: 07 [Redacted s38(1)(b)] | E: cabsecES@gov.scot  
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**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Sent:** 24 May 2021 16:22  
**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>  
**Subject:** Immediate – Draft Note to the First Minister on the National Qualifications ACM and Appeals  
**Importance:** High

PS/Cabinet Secretary for Education and Skills

Copy: as above

**Immediate – Draft Note to the First Minister on the National Qualifications ACM and Appeals**

Further to this morning's meeting, please find attached a draft note to FM for Ms Somerville's consideration.

Thanks  
Malcolm

Malcolm Pentland | Deputy Director

Curriculum, Qualifications and Gaelic Division | email: malcolm.pentland@gov.scot  
| tel:+44(0) 131 244 [Redacted s38(1)(b)]  
Learning Directorate | Area 2B North | Victoria Quay | Edinburgh | EH6 6QQ  
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6QQ

**Enclosure 22.1 – Attachment: Qualifications 2021 – SAS Minute to FM (v1)**

[Redacted s29(1)(b)]

**Enclosure 22.2 – Attachment: Qualifications 2021 – SAS Minute to the FM (v2)**

[Redacted s29(1)(b)]

## **Enclosure 22.3 – Attachment: SG advice 24 May**

### **Grounds for Appeals**

The currently proposed appeals model has broad grounds of appeal and enables three types of appeal to be requested:

- A Academic judgement — the learner disagrees with the centre’s quality assured academic judgement in its assessment of the learner’s original evidence.
- B Administrative error — the learner believes that there has been an error in transferring the provisional result from the centre to SQA, or in SQA processing the provisional result, or
- C Discrimination — learners can appeal in two circumstances:
  - There has been discrimination or other unlawful conduct contrary to the Equality Act 2010, acknowledged in writing by the centre, or established through court proceedings or by a ruling of the SPSO.
  - The centre failed to comply with SQA’s requirements in relation to providing assessment arrangements in relation to assessment evidence that contributed to a disabled learner’s provisional result.

### **What scope is there to extend the grounds for appeals?**

There are two potential areas to consider:

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



**Enclosure 22.4 – Attachment: Qualifications 2021 – SAS Minute to the FM (v3)**

[Redacted s29(1)(b)]

**Enclosure 22.5 – Attachment: Qualifications 2021 – SAS Minute to the FM (v4)**

[Redacted s29(1)(b)]

**Enclosure 22.6 – Attachment: Qualifications 2021 – SAS Minute to the FM (v5)**

[Redacted s29(1)(b)]

**Enclosure 23 – Email: Immediate – Draft Note to the First Minister on the National Qualifications ACM and Appeals**

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

**Sent:** 24 May 2021 16:22

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

**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Griffin J (Joe) <Joe.Griffin@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>; Communications Education & Skills

<CommunicationsEducation&Skills@gov.scot>; McAllister C (Colin)

<Colin.McAllister@gov.scot>; Gorman G (Gayle)

<Gayle.Gorman@educationscotland.gov.scot>

**Subject:** Immediate – Draft Note to the First Minister on the National Qualifications ACM and Appeals

**Importance:** High

PS/Cabinet Secretary for Education and Skills

Copy: as above

**Immediate – Draft Note to the First Minister on the National Qualifications ACM and Appeals**

Further to this morning's meeting, please find attached a draft note to FM for Ms Somerville's consideration.

Thanks  
Malcolm

**Malcolm Pentland** | Deputy Director

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

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**Enclosure 23.1 – Attachment: Draft Note to the First Minister on the National Qualifications ACM and Appeals**

[Redacted s29(1)(b)]

**Enclosure 24 – Email: SCANCE Speaking Note - National Qualifications and Appeals**

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

**Sent:** 24 May 2021 16:27

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

**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Griffin J (Joe) <Joe.Griffin@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>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>

**Subject:** SCANCE Speaking Note - National Qualifications and Appeals

[Redacted s38(1)(b)]

Please find attached a draft SCANCE speaking note for Ms Somerville's consideration ahead of tomorrow's Cabinet.

Subject to the Cab Sec's views, will you share with Cabinet Secretariat colleagues?

Thanks  
Malcolm

**Malcolm Pentland** | Deputy Director

Curriculum, Qualifications and Gaelic Division | email: malcolm.pentland@gov.scot

| tel:+44(0) 131 244 [Redacted s38(1)(b)]

Learning Directorate | Area 2B North | Victoria Quay | Edinburgh | EH6 6QQ

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## **Enclosure 24.1 – Attachment: SCANCE Contribution for 25 May**

### **SCANCE Contribution for 25 May – National Qualifications and Appeals 2021**

#### **Speaking Note**

- We asked SQA to review their appeals process for 2021 to ensure it best meets the needs of young people and respects their rights.
- SQA carried out a range of stakeholder engagement, including a public consultation on draft proposals, to make sure fairness and equity for learners are at the heart of the 2021 appeals process.
- As a result, this year's appeals process will, for the first time, guarantee the learner the direct right of appeal.
- [redacted s.30(b)(ii)]
- [redacted s.30(b)(ii)] I intend to announce the appeals process to Parliament on Thursday, in parallel to SQA publishing the process on their website.
- [redacted s.30 (b)(ii)]
- I plan to use my statement to focus on five key points to awarding this year;-
  - 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;
  - Announce the approach to appeals;
  - Lay out the on-going work with the FE and HE sectors for 2022 entries; and
  - Update on the forthcoming OECD report and potential for future change to the forms of assessment of National Qualifications.

**Enclosure 25 – Email: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY FOR EDUCATION & SKILLS**

**From:** Director of Advanced Learning and Science  
<DirectorofAdvancedLearningandScience@gov.scot>  
**Sent:** 28 May 2021 13:13  
**To:** Director of Learning <DirectorofLearning@gov.scot>; First Minister <firstminister@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>  
**Cc:** Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Minister for Parliamentary Business <MinisterPB@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education & Justice <dgej@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Cabinet Secretariat inbox <CabinetSecretariat3@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY FOR EDUCATION & SKILLS

Graeme,

Yes indeed, advice is being developed on the highlighted question, and will be with Minister on Tuesday morning. The pre-meet is already in the diary – we'll be glad to join.

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

Katherine.

**Katherine Peskett**

Director of Advanced Learning and Science  
(Job-share with Stephen Pathirana)

T: 07[Redacted s38(1)(b)]

E: DirectorofAdvancedLearningandScience@gov.scot

*I work [Redacted s38(1)(b)]*

**From:** Director of Learning <DirectorofLearning@gov.scot>  
**Sent:** 28 May 2021 11:18  
**To:** First Minister <firstminister@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>  
**Cc:** Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Minister for Parliamentary Business



<MinisterPB@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>;  
DG Education & Justice <dgej@gov.scot>; Gorman G (Gayle)  
<Gayle.Gorman@educationscotland.gov.scot>; Pentland MK (Malcolm)  
<Malcolm.Pentland@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>;  
Cabinet Secretariat inbox <CabinetSecretariat3@gov.scot>

**Subject:** RE: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE  
CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY  
FOR EDUCATION & SKILLS

Copying to [Redacted s38(1)(b)] who is on call from the NQ policy team today (I'll  
send on the attachment [Redacted s38(1)(b)]).

[Redacted s38(1)(b)] – can you provide Ms Somerville with brief advice/ a response  
to points one and three of the FM's feedback please.

Stephen/ Katherine – please see section highlighted in yellow below. We have  
previously discussed that your team would provide advice to Ministers on this point.  
Has this advice been sent (apologies if I have missed it). If not, could this be  
provided and the position firmed up as FM has suggested, by lunchtime on Tuesday  
please? There is a pre-meet with Ms Somerville at 1500 on Tuesday, ahead of her  
statement on Wednesday. [Redacted s38(1)(b)] – can you invite Katherine/ Stephen  
(Director of Advanced Learning and Science mailbox) to this pre-meet please?

Thanks  
Graeme.

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** First Minister

**Sent:** 28 May 2021 10:49

**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; First  
Minister <firstminister@gov.scot>

**Cc:** Deputy First Minister and Cabinet Secretary for Covid Recovery  
<DFMCSCR@gov.scot>; Minister for Parliamentary Business  
<MinisterPB@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>;  
DG Education & Justice <dgej@gov.scot>; Director of Learning  
<DirectorofLearning@gov.scot>; Gorman G (Gayle)  
<Gayle.Gorman@educationscotland.gov.scot>; Pentland MK (Malcolm)  
<Malcolm.Pentland@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>;  
Cabinet Secretariat inbox <CabinetSecretariat3@gov.scot>

**Subject:** RE: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE  
CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY  
FOR EDUCATION & SKILLS

[Redacted s30(b)(ii)],

The First Minister has noted and is content for the statement to proceed on this  
basis, however FM has asked a few questions on the note which I have outlined  
below.

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

Regards

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

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Cabinet Secretary for Education and Skills  
**Sent:** 26 May 2021 21:01  
**To:** Director of Learning <DirectorofLearning@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>  
**Subject:** RE: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY FOR EDUCATION & SKILLS

Just to confirm for the benefit of the wider copylist that this version of the note to FM has now issued.

Thanks everyone.

[Redacted s38(1)(b)] [Redacted s38(1)(b)] T: 0131 244 [Redacted s38(1)(b)] | M: 07 [Redacted s38(1)(b)] | E: cabsecES@gov.scot  
The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

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**From:** Director of Learning <DirectorofLearning@gov.scot>  
**Sent:** 26 May 2021 19:09  
**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>

**Subject:** RE: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY FOR EDUCATION & SKILLS

Hi [Redacted s38(1)(b)]

As discussed I have reviewed Ms Somerville's changes which all seem fine. I have also worked through the note one final time and simplified jargon where possible, without changing the substance of the content.

Many thanks again to Malcolm and the team for all the work done on this note.

Graeme.

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

**Sent:** 26 May 2021 17:52

**To:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>

**Cc:** DG Education & Justice <dgej@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>;

Communications DFM & Education <CommunicationsDFM&Education@gov.scot>

**Subject:** RE: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY FOR EDUCATION & SKILLS

**Importance:** High

Malcolm

Many thanks. Attached is a version that has been edited by Cab Sec. If officials are content with this then I will get sent on – but she asked that officials sense check first to make sure still reads okay and nothing vital removed.

Grateful for views one way or other ASAP.

Thanks.

[Redacted s38(1)(b)] [Redacted s38(1)(b)] T: 0131 244 [Redacted s38(1)(b)] | M: 07 [Redacted s38(1)(b)] | E: cabsecES@gov.scot  
The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

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**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Sent:** 26 May 2021 15:14  
**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>  
**Subject:** RE: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY FOR EDUCATION & SKILLS

[Redacted s38(1)(b)]

Please find attached a revised version of the note for FM that seeks to take as full account of Ms Somerville's comments as possible. I've included a copy with track changes on top of Ms Somerville's comments and a clean copy.

Thanks  
Malcolm

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Cabinet Secretary for Education and Skills  
**Sent:** 25 May 2021 18:39  
**To:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Griffin J (Joe) <Joe.Griffin@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>; First Minister FMQs <FirstMinisterFMQs@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>  
**Subject:** RE: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY FOR EDUCATION & SKILLS  
**Importance:** High

Hi Malcolm

Many thanks for this – please find attached with various comments on this from Ms Somerville. I have also attached a scan of Cab Sec's comments (just in case you are confused by any of my interpretation of those 😊 ).

Cab Sec is keen that we are able to send the note to FM by mid –afternoon tomorrow at the very latest with the aim of having response no later than Thursday if at all possible. Conscious that we have public holiday Friday/Monday but still possible that we have statement on Tuesday/Wednesday (as well as wider Education debate on Thursday).

As such could we have a revise of this note up by noon Wednesday please. Let me know if that is going to cause any issues.

Many thanks, happy to discuss.

**[Redacted s38(1)(b)]**[Redacted s38(1)(b)]T: 0131 244 [Redacted s38(1)(b)] | M: 07[Redacted s38(1)(b)] E: cabsecES@gov.scot  
The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

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**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Sent:** 25 May 2021 15:50  
**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>  
**Subject:** RE: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY FOR EDUCATION & SKILLS

PS/Cabinet Secretary for Education and Skills

Copy: as above

**RE: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY FOR EDUCATION & SKILLS**

Further to Ms Somerville's feedback from Cabinet below and her subsequent discussion with Joe, please find attached a fuller note for the First Minister for Ms Somerville's consideration. This note gives more of the background on the approach to qualifications this year, as well as setting out why the proposed approach to

certification and appeals is, on balance, the fairest of the options available for learners in the circumstances.

Thanks

Graeme & Malcolm

Graeme Logan  
Director for Learning

Malcolm Pentland  
Deputy Director – Curriculum, Qualifications & Gaelic

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Cabinet Secretary for Education and Skills  
**Sent:** 25 May 2021 10:42  
**To:** Director of Learning <DirectorofLearning@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>  
**Subject:** RE: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY FOR EDUCATION & SKILLS

All

Ms Somerville is back from Cabinet. Redacted[s.30(b)(ii)]

Many thanks.

[Redacted s38(1)(b)][Redacted s38(1)(b)]T: 0131 244 [Redacted s38(1)(b)] | M: 07[Redacted s38(1)(b)] E: cabsecES@gov.scot  
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**From:** Director of Learning <DirectorofLearning@gov.scot>  
**Sent:** 25 May 2021 08:43  
**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Cc:** DG Education & Justice <dgej@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>  
**Subject:** RE: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY FOR EDUCATION & SKILLS



Colleagues

Please see my initial responses below – Malcolm grateful for any comments. In the interests of time, grateful if Stuart can forward this to Ms Somerville immediately. Thanks, Graeme.

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

**Sent:** 25 May 2021 08:04

**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>

**Cc:** DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

**Subject:** RE: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY FOR EDUCATION & SKILLS

Malcolm

Is it possible for Ms Somerville to receive further bullet points (or an updated note) addressing these points before Cabinet? Appreciate that may be a tall order.

I am waiting to hear whether Ms Somerville wishes a call with officials when in car travelling to SAH.

Thanks.

[Redacted s38(1)(b)][Redacted s38(1)(b)]T: 0131 244 [Redacted s38(1)(b)] | M: 07[Redacted s38(1)(b)] E: cabsecES@gov.scot  
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**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** First Minister

**Sent:** 25 May 2021 07:46

**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; First Minister <firstminister@gov.scot>

**Cc:** Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Minister for Parliamentary Business <MinisterPB@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; Pentland MK (Malcolm)

<Malcolm.Pentland@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>;  
Lloyd E (Elizabeth) <Elizabeth.Lloyd@gov.scot>  
**Subject:** RE: IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE  
CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY  
FOR EDUCATION & SKILLS

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

Thanks to the Cab Sec for the note. Redacted[s.30(b)(ii)]

Thanks,

[Redacted s38(1)(b)]

[Redacted s38(1)(b)][Redacted s38(1)(b)]Office of the First Minister

5<sup>th</sup> Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | 0131 244

[Redacted s38(1)(b)]



Office of the First Minister of Scotland

FirstMinister.gov.scot

Prìomh Mhinistear na h-Alba

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

**Sent:** 24 May 2021 20:46

**To:** First Minister <firstminister@gov.scot>

**Cc:** Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; Minister for Parliamentary Business <MinisterPB@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Lloyd E (Elizabeth) <Elizabeth.Lloyd@gov.scot>

**Subject:** IMMEDIATE: NATIONAL QUALIFICATIONS - ALTERNATIVE  
CERTIFICATION MODEL AND APPEALS : NOTE FROM CABINET SECRETARY  
FOR EDUCATION & SKILLS

**Importance:** High

PS/First Minister

Apologies for getting this to you later than planned. Please find attached an Immediate note from MS Somerville to the First Minister regarding the above. This



note proposes that, subject to FM's agreement, Ms Somerville make a statement to Parliament on Thursday regarding this.

I understand that for this to happen this would require being included in papers agreed at Parliamentary Bureau tomorrow so a decision/comments from First Minister prior to Cabinet (if at all possible) would be appreciated. Apologies for the tight turnaround.

Many thanks. Happy to discuss.

**[Redacted s38(1)(b)]**[Redacted s38(1)(b)]T: 0131 244 [Redacted s38(1)(b)] | M:  
07[Redacted s38(1)(b)] E: cabsecES@gov.scot  
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**25.1 Attachment: Qualifications 2021 SAS Second Minute (v1)**

[Redacted s30(b)(i)]

**25.2 Attachment: Qualifications 2021 SAS Second Minute (v2)**

[Redacted s30(b)(i)]

**Enclosure 25.3 - Attachment: Qualifications 2021 SAS Second Minute (v3)**

[Redacted s30(b)(i)]

**Enclosure 25.4 – Attachment: Revised version**

[Redacted s30(b)(i)]

**Enclosure 25.5: Qualifications 2021 SAS Second Minute (v4)**

[Redacted s30(b)(i)]

**Enclosure 25.6 – Attachment: Qualifications 2021 SAS Second Minute (v5)**

[Redacted s30(b)(i)]

**Enclosure 25.7 – Attachment: Qualifications 2021 SAS Second Minute (final)**

[Redacted s30(b)(i)]



## **Enclosure 26 – Email: URGENT – SQA Appeals**

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

**Sent:** 25 May 2021 10:02

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

**Cc:** DG Education & Justice <dgej@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>

**Subject:** URGENT – SQA Appeals

**Importance:** High

### **URGENT – SQA Appeals**

We have had further discussions with the Chief Examiner this morning about the issue of disproportionate impacts on learners in deprived areas at appeals stage. **Redacted [s.30(b)(ii)]**

It should be noted that in all previous years the number of grades downgraded are very low. In most years the number is in single figures and all potential downgrades are reviewed by an SQA Head of Service before being finalised. The Chief Examiner has assured us this morning that all downgrades would be looked at very carefully.

**Redacted[s.30(b)(ii)]**

**Malcolm Pentland** | Deputy Director

Curriculum, Qualifications and Gaelic Division | email: malcolm.pentland@gov.scot

| tel:+44(0) 131 244 [Redacted s38(1)(b)]

Learning Directorate | Area 2B North | Victoria Quay | Edinburgh | EH6 6QQ

Buidheann-Stiùiridh an Ionnsachaidh | Raon 2B Tuath | Cidhe Bhictòria | Dùn Èideann | EH6 6QQ

## **Enclosure 27 – Email: Weekly CERG Management Information documents**

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

**Sent:** 26 May 2021 11:50

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

**Cc:** [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Anson S (Sam) <Sam.Anon@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** RE: Weekly CERG Management Information documents

[Redacted s38(1)(b)], [Redacted s38(1)(b)] – many thanks for forwarding on EIS feedback on the one-off £400 payment to teachers and lecturers. We would offer the following background and lines:

### **Lines to take:**

- This exceptional payment acknowledges the additional workload this year due to the change in assessment of National 5, Higher and Advanced Higher courses.
- We are continuing to work with partners to finalise the details and delivery mechanisms for the payment which will be announced in due course.

### **Background**

In December 2020, the Deputy First Minister announced an exceptional one-off payment for Scotland's teachers and lecturers in recognition of the additional workload involved in delivering the Alternative Certification Model (ACM) for National 5, Higher and Advanced Highers in 2020/2021 in the absence of the examination diet during the COVID-19 pandemic.

Subsequently, on 16 February 2021, the First Minister confirmed that teachers and lecturers directly involved in the assessment, marking and quality assurance of National 5, Higher and Advanced Highers this academic year will receive an exceptional one-off payment of £400. The intention is that the payment will be made available to eligible education authority staff, grant-aided schools, independent schools and lecturers in colleges.

The payment will be made on a pro-rata basis for part-time workers, meaning that those on less than full-time contracts would receive proportionately lower payments. The EIS has proposed that part-time staff who solely teach a full course, or work fewer than 3 days, should be a full-time employee for the purposes of the payment. We are considering the rationale in the preparation of the Equality Impact Assessment to support the policy.

Officials are working with partners, including COSLA/ADES, the Scottish Funding Council and SCIS to determine the detail of the most suitable payment mechanism and preparing guidance to support the process to help us identify eligible staff, and ensure that the necessary assurances are in place.

It is anticipated that this payment will be made following completion of teachers' and lecturers' work in relation to the ACM. The deadline for submission of learners' provisional results to the Scottish Qualifications Authority is 25 June 2021, however, due to the contingency arrangements in place for a limited number of learners to undertake assessments later, in some cases the submission date for provisional results may not be until the later date of 3 September.

## EIS CERG feedback

- Issue around the additional £400 payment re SQA qualifications and staff on less than 1FTE placing. The understanding reached previously, between the EIS and SG, was that guidelines to school would make clear the local flexibility required to address full contributions to QA processes, with pro rata only applying where there had been strict demarcation of workload. Some queries now emerging around different arrangements.

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

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

**Sent:** 26 May 2021 09:04

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

**Cc:** Anson S (Sam) <Sam.Anson@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; CERG <CERG@gov.scot>

**Subject:** RE: Weekly CERG Management Information documents

Copying [Redacted s38(1)(b)] and [Redacted s38(1)(b)] on the £400 payment – grateful if they could liaise with [Redacted s38(1)(b)] on what is required.

**From:** Drought A (Andrew) <Andrew.Drought@gov.scot>

**Sent:** 26 May 2021 08:08

**To:** [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>

**Cc:** Anson S (Sam) <Sam.Anson@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; CERG <CERG@gov.scot>

**Subject:** FW: Weekly CERG Management Information documents

Hi all,

Please see attached EIS feedback for CERG tomorrow. If not already requested, could you please provide CERG colleagues ([Redacted s38(1)(b)]) with some lines for Cab Sec's brief this morning to deal with:

- the teacher employment issues raised; and
- the £400 payment issue raised.

Cab Sec may need a bit more detail than usual given these issues will be new to her.

If this is already in hand, please ignore!

Thanks,

Andy.

**Andy Drought**

Deputy Director, Workforce, Infrastructure and Reform  
Learning Directorate  
2B North Victoria Quay  
Edinburgh  
Mob: 07[Redacted s38(1)(b)]  
Email: andrew.drought@gov.scot

**From:** Larry Flanagan <lflanagan@eis.org.uk>

**Sent:** 25 May 2021 19:35

**To:** CERG <CERG@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Anson S (Sam) <Sam.Anon@gov.scot>; Bain MB (Marion) <Marion.Bain@gov.scot>; Ben.M@syp.org.uk; C19EdSecretariat Team <DLEDPC19EST@gov.scot>; Carrie.Lindsay@fife.gov.uk; [Redacted s38(1)(b)]@educationscotland.gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; [Redacted s38(1)(b)]@phs.scot; Director of Learning <DirectorofLearning@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; [Redacted s38(1)(b)]@cosla.gov.uk; OCEX Hub <EdS\_OCEX@educationscotland.gov.scot>; fiona.robertson@sqa.org.uk; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; grace.vickers@midlothian.gov.uk; greg@ahds.org.uk; Hamilton G (Gillian) <Gillian.Hamilton@educationscotland.gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Jane.Brumpton@earlyyearsscotland.org; jane.o'donnell@cosla.gov.uk; jim.thewliss@sfs-scotland.org.uk; j.gallacher@unison.co.uk; [Redacted s38(1)(b)]@sypmail.org.uk; chair@npfs.org.uk; [Redacted s38(1)(b)]@cosla.gov.uk; McManus J (Janie) <Janie.McManus@educationscotland.gov.scot>; pauline.stephen@gtcs.org.uk; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; SDevlin@pkc.gov.uk; Stephen.McCabe@inverclyde.gov.uk; [Redacted s38(1)(b)]@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@sypmail.org.uk

**Subject:** RE: Weekly CERG Management Information documents

Apologies for lateness – Edinburgh holiday distorted some internal processes.

Larry

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

**Sent:** 20 May 2021 10:08

**To:** [Redacted s38(1)(b)]@gov.scot; Sam.Anon@gov.scot; Marion.Bain@gov.scot; Ben.M@syp.org.uk; DLEDPC19EST@gov.scot; Carrie.Lindsay@fife.gov.uk; [Redacted s38(1)(b)]@educationscotland.gov.scot; Alison.Cumming@gov.scot;

Diane.Stockton2@pfs.scot; DirectorofLearning@gov.scot;  
Andrew.Drought@gov.scot; [Redacted s38(1)(b)]@cosla.gov.uk;  
EdS\_OCEX@educationscotland.gov.scot; fiona.robertson@sqa.org.uk;  
Gayle.Gorman@educationscotland.gov.scot; grace.vickers@midlothian.gov.uk;  
greg@ahds.org.uk; Gillian.Hamilton@educationscotland.gov.scot; [Redacted  
s38(1)(b)]@gov.scot; Jane.Brumpton@earlyyearsscotland.org; [Redacted  
s38(1)(b)]@cosla.gov.uk; jim.thewliss@sls-scotland.org.uk;  
j.gallacher@unison.co.uk; Larry Flanagan <lflanagan@eis.org.uk>; [Redacted  
s38(1)(b)]@sypmail.org.uk; chair@npfs.org.uk; matthew@cosla.gov.uk;  
Janie.McManus@educationscotland.gov.scot; pauline.stephen@gtcs.org.uk;  
Malcolm.Pentland@gov.scot; SDevlin@pkc.gov.uk;  
Stephen.McCabe@inverclyde.gov.uk; [Redacted s38(1)(b)]@gov.scot;  
Mick.Wilson@gov.scot; [Redacted s38(1)(b)]@gov.scot; [Redacted  
s38(1)(b)]@sypmail.org.uk  
**Cc:** CERG@gov.scot  
**Subject:** Weekly CERG Management Information documents

Dear CERG members

Please find attached this week's Management Information, which will be published on Friday morning.

We will confirm the time/date of the next meeting as soon as possible. Meantime, please complete the attached feedback form with any recent issues. Helpful to have this back by 10am Tuesday 25 May.

Thanks

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

**Enclosure 28 – Email: Pre-mortum: results day**

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

**Sent:** 27 May 2021 14:03

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

**Subject:** Pre-mortum: results day

**What could go wrong?**

Redacted[s.30(b)(ii)]\*\* next week – pick up Ministerial arrangements.

[Redacted s38(1)(b)] [Redacted s38(1)(b)] Learning Directorate | Scottish Government |

**Enclosure 29 – Email: National Qualifications - draft statement and briefing pack for Wed 2 June**

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Cabinet Secretary for Education and Skills  
**Sent:** 29 May 2021 13:07  
**To:** [Redacted s38(1)(b)]@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** 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>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; SGLD School Education <SGLDSE@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: National Qualifications - draft statement and briefing pack for Wed 2 June

[Redacted s38(1)(b)]  
Many thanks for this.

Ms Somerville has considered the statement and [redacted s.30(b)(i)]

Ms Somerville has indicated that she is content with proposed SPICe document so far and looks forward to seeing the final version.

I have copied in [Redacted s38(1)(b)] and [Redacted s38(1)(b)] from Comms.

Many thanks.

[Redacted s38(1)(b)] [Redacted s38(1)(b)] T: 0131 244 [Redacted s38(1)(b)] | M: 07 [Redacted s38(1)(b)] | E: cabsecES@gov.scot  
The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

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**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 27 May 2021 19:26  
**To:** Cabinet Secretary for Education and Skills <CabSecES@gov.scot>  
**Cc:** 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>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

s38(1)(b)]@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>;  
[Redacted s38(1)(b)]@gov.scot>; SGLD School Education <SGLDSE@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:** National Qualifications - draft statement and briefing pack for Wed 2 June

Dear [Redacted s38(1)(b)]

Please find attached a draft statement and briefing pack for Cabinet Secretary's consideration [redacted s.30(b)(i)] We have put in place limited cover on the Monday public holiday to take forward if Cabinet Secretary has had a chance to consider by that point.

Also included is a draft SPICe briefing note, which could be laid in Parliament next Wednesday if Cabinet Secretary is content.

Many thanks

[Redacted s38(1)(b)]

Briefing - Cabinet Secretary for Education and Skills - 2021 National Qualifications Ministerial Statement - May 2021 DRAFT (A33406902)

National Qualifications - Cabinet Secretary Parliamentary statement - 1 June 2021 (A33452600)

2021 National Qualifications and the Alternative Certification Model - SPICe briefing note - May 2021 (A33374398)

[Redacted s38(1)(b)] [Redacted s38(1)(b)] Learning Directorate | Scottish Government |



**Enclosure 29.1 – Attachment: SAS National Qualifications – Cab Sec**

**Ministerial Statement – Cabinet Secretary for Education and Skills –  
NATIONAL QUALIFICATIONS 2020/21**

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

## **Enclosure 30 - Email: Young Scot**

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

**Sent:** 28 May 2021 10:41

**To:** Logan G (Graeme) <Graeme.Logan@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>

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

**Subject:** Young Scot

Hello,

Really enjoyable and positive meeting with [Redacted s38(1)(b)] and [Redacted s38(1)(b)] (sorry don't have [Redacted s38(1)(b)] email) at Young Scot this morning.

They confirmed that many of the links contained within the letter are actually already part of their site (UCAS, SDS, SCQF).

Young Scots main vehicle for getting information to young people is through their social media posts (FB, IG, Tik Tok, Snapchat etc) pointing young people either directly to external web pages, or to content hosted on the Young Scot site. This was definitely a "ah ha" moment for me. Whereas I am of a generation that I often go to a web page for information, young people will use social media and from there be directed onwards, so consensus opinion is that it is more important we engage with the socials rather than have new web pages created.

[Redacted s38(1)(b)] indicated that:

- They would look at their pre-existing "Results" landing page (and any other Health and Wellbeing support based page) and update it with any appropriate links from the letter that don't appear there already (my feeling is that most do)
- Use the "what you may have missed?" weekly social media post that YS issue to include reference to the letter and signpost learners to resources identified within the letter. This post would be timed to coincide with the issuing of the letter from NQ21 Group and would reference the letter.

**Malcolm/Graeme** – perhaps we can discuss this early next week? I will prepare the briefing for Cab Sec.

[Redacted s38(1)(b)] – thanks again for your time. I may email/meet with you again next week to tie down details. [Redacted s38(1)(b)] I wonder if you can send me approximate costings for your time and making these social media posts?

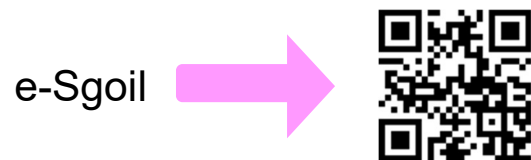
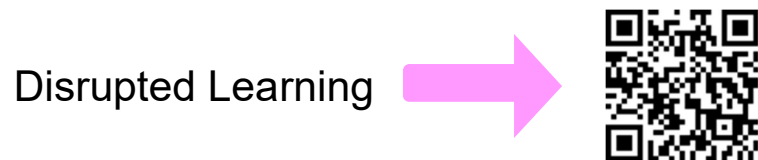
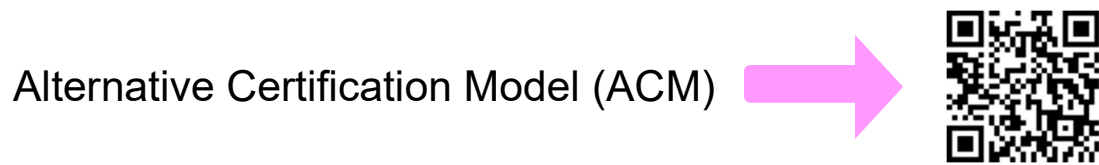
Thank you all, have a great weekend

[Redacted s38(1)(b)]

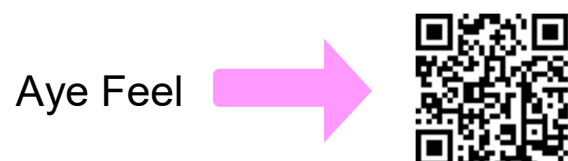
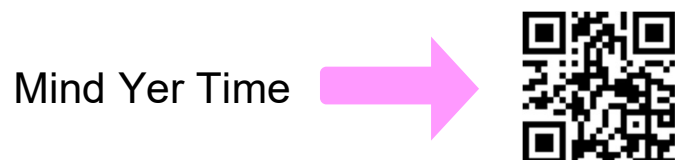
[Redacted s38(1)(b)] [Redacted s38(1)(b)]

QR codes for above hyperlinks:

**Support between now and submission of provisional results**

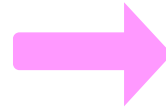


**Health and Wellbeing resources**



## Results and Destinations support

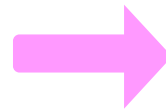
SQA online contact form



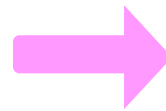
Skills Development Scotland (SD)



UCAS



Appeals



TBC