

ANNEX A

INDEX OF ENCLOSURES

No.	Description	Date	Explanation of redactions	Clause
1	Email: FW: FMQ - SQA Exams - supplementary annex - 27 Sep 21	30 September 2021 08:31	Personal Information Free and frank provision of advice	s38(1)(b) s30(b)(i)
1a	Attachment: Schedule of EqIA Requirements		Information otherwise accessible	s25
2	Email: RE: SQA EQIA - EHRC	05 October 2021 16:36	Personal Information	s38(1)(b)
3	Email: FMQ - SQA Exams FMQ brief - for review by 9.30am pls	30 September 2021 09:12	Personal Information	s38(1)(b)
4	Email: Committee Summary	06 October 2021 11:47	Personal Information	s38(1)(b)
4a	Attachment: Committee Summary			
5	Email: Media query: SQA Equalities Agreement with EHRC - Scotsman	30 September 2021 16:21	Personal Information	s38(1)(b)
6	Email: RE: List of EqIAs/publish dates	05 October 2021 15:09	Personal Information	s38(1)(b)
7	Email: FW: SQA Equalities Agreement with EHRC	30 September 2021 16:24		
7a	Attachment: list of policies			
8	Email: Scot Gov response - SQA/EHRC agreement	30 September 2021 16:56	Personal Information	s38(1)(b)
9	Email: s23 Agreement - Urgent Request for Information	05 October 2021 18:41	Personal Information	s38(1)(b)
10	Email: FOR CLEARANCE: Media query - 2020 appeals - Scotsman	04 October 2021 18:15	Personal Information	s38(1)(b)
11	Email: Further briefing needed on SQA EQIA issues	01 October 2021 14:20	Personal Information Effective conduct of public affairs	s38(1)(b) s30c
12	Email: Invitation to meet with Cabinet Secretary for Education and Skills - Monday 4 October	04 October 2021 08:54	Personal Information	s38(1)(b)
12a	Attachment: Briefing Pack		Personal Information	s38(1)(b)
13	Email: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing	04 October 2021 17:53	Personal Information	s38(1)(b)

14	Email: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21	06 October 2021 14:20	Personal Information Free and frank provision of advice	s38(1)(b) s30(b)(i)
14a	Attachment: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21			
15	Email: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing	04 October 2021 21:20	Personal Information	s38(1)(b)
15a	Attachment: draft briefing with Cab Sec comments		Free and frank provision of advice	s30(b)(i)
16	Email: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21 - for review and final adds/amends no later than 3.45 pls	06 October 2021 16:10	Personal Information Free and frank provision of advice	s38(1)(b) s30(b)(i)
16a	FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21			
17	Email: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing	05 October 2021 10:35	Personal Information	s38(1)(b)
18	Email: SQA - Equalities : EHRC Section 23 Agreement	23 September 2021 09:35	Personal Information	s38(1)(b)
18a	Attachment: EHRC Section 23 Agreement		Effective conduct of public affairs	s30c
19	Letter to SQA on EHRC	05 October 2021 10:59	Personal Information	s38(1)(b)
19a	Attachment: Letter to SQA on EHRC			
20	Email: FMQs - Q6 - Martin Whitfield - SQA - Due 2pm Tuesday	05 October 2021 12:18	Personal Information Free and frank provision of advice	s38(1)(b) s30(b)(i)
21	Email: s23 Agreement - Urgent Request for Information	05 October 2021 13:09	Personal Information	s38(1)(b)
22	Email: EHRC section 23 agreement	05 October 2021 13:56	Personal Information	s38(1)(b)
23	Email: Equality - EHRC section 23 - 211006 - briefing for committee session - v2	05 October 2021 14:44	Personal Information	s38(1)(b)
24	Email: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing	05 October 2021 15:31	Personal Information	s38(1)(b)

24a	Attachment: briefing for committee session			
25	Email: s23 Agreement - Urgent Request for Information	05 October 2021 21:52	Personal Information	s38(1)(b)
25a	Attachment: PP focus list			
26	Email: s23 Agreement - Urgent Request for Information	05 October 2021 22:04	Personal Information	s38(1)(b)
27	Email: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21	06 October 2021 06:58	Personal Information	s38(1)(b)
28	Email: EQIA	06 October 2021 08:16	Personal Information	s38(1)(b)
29	Email: : EHRC table for publication	07 October 2021 09:30	Personal Information	s38(1)(b)
29a	Attachment: EHRC table for publication			
30	Email: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21 - for review and final adds/amends no later than 3.45 pls	07 October 2021 10:01	Personal Information	s38(1)(b)
30a	Attachment			
31	Email: Committee Summary	06 October 2021 14:18	Personal Information	s38(1)(b)
31a	Attachment: FMQ briefing 7 October 2021			
31b	Attachment: email: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing		Personal Information	s38(1)(b)
31c	Attachment: PP focus list			
31d	Attachment: briefing for committee session			
32	Email: FM PQ Answers	08 October 2021 11:44	Personal Information	s38(1)(b)
32a	Attachment: S6F-00341			
32b	Attachment: background note			

Enclosure 1 – Email: FW: FMQ - SQA Exams - supplementary annex - 27 Sep 21

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

David

For information - here's a list of all the EQIAs SQA has agreed to update over the next 2 years, [Redacted s30(b)(i)].

[Redacted s38(1)(b)]

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

Thanks, all.

Apologies for the late request. [Redacted s30(b)(i)].

Thanks,

David

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 29 September 2021 18:18
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David)

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

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

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

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

Thx again,

[Redacted s38(1)(b)] .

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 29 September 2021 17:37
To: Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs
<FirstMinisterFMQs@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for update by 11am

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

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

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)]
Sent: 29 September 2021 16:56
To: Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for update by 11am

Please find attached revised FMQ brief – with Quote moved up

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

Thanks [Redacted s38(1)(b)]

From: Livey D (David) <David.Livey@gov.scot>
Sent: 29 September 2021 16:23
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for update by 11am

[Redacted s30(b)(i)].

Commented [ET1]: Redacted s30(b)(ii): Free and frank provision of advice - advice to FM for response to FMQs.

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 29 September 2021 15:45
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>

<[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for update by 11am

Please find attached a revised SQA /EHRC FMQ brief.

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

[Redacted s38(1)(b)]

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

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

Please find attached an updated SQA and Exams FMQ brief taking into account SQA's attendance at Committee today **Out of Scope**

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

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

From: Livey D (David) <David.Livey@gov.scot>
Sent: 29 September 2021 15:07
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>

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

Hi all,

Out of scope

David

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

Thx all,

Just to say we're working through backlog of briefs due to Monday holiday, so pls don't await me getting back to action David's asks.

Out of scope

Thx again,

[Redacted s38(1)(b)]

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

[Redacted s30(b)(i)].

Can lines be added re [Redacted s38(1)(b)]'s request on [Redacted s30(b)(i)].

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

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

[Redacted s38(1)(b)]

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

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

Thanks for the update, incl examples of similar s23s

Unfortunately the brief is still very light on what the First Minister will need for FMQs.

Please can you work with colleagues, incl SQA as necessary, so the FM can understand [Redacted s30(b)(i)].

Out of scope

The First Minister will need lines [Redacted s30(b)(i)]..

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

Thx,

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 28 September 2021 15:06
To: ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: FMQ - SQA Exams - supplementary annex - 27 Sep 21

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

[Redacted s38(1)(b)]

Enclosure 1a – attachment

[Redacted s25]: Information released under FOI 202100244075, Enclosure 11.1::
<https://www.gov.scot/binaries/content/documents/govscot/publications/foi-eir-release/2022/08/foi-202100244075/documents/foi---202100244075---information-released---annex-a/foi---202100244075---information-released---annex-a/govscot%3Adocument/FOI%2B-%2B202100244075%2B-%2BInformation%2BReleased%2B-%2BAnnex%2BA.pdf>

Enclosure 2: email – FW: SQA EQIA - EHRC

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)] @gov.scot>
Sent: 05 October 2021 16:36
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)] @gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)] @gov.scot>
Subject: RE: SQA EQIA - EHRC

That's great [Redacted s38(1)(b)] – many thanks.

[Redacted s38(1)(b)]



From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)] @gov.scot>
Sent: 05 October 2021 16:31
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)] @gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)] @gov.scot>

@gov.scot>

Subject: SQA EQIA - EHRC

[Redacted s38(1)(b)]

Thanks for that quick chat on SQA, it was useful. I think we both agreed that sharing the learning from SQA seemed sensible **out of scope**. I've been asked to hold off on sharing the agreement between EHRC and SQA at the minute. It appears that there's a bit on confusion over sharing as there's a confidentiality agreement involved.

I have suggested I pick this up with the sponsor team at the start of next week. I'll keep you posted on how that goes and hopefully by that point I may be able to share the agreement with you.

Thanks again,

[Redacted s38(1)(b)]

Enclosure 3 - FW: FMQ - SQA Exams FMQ brief - for review by 9.30am pls

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

Sent: 30 September 2021 09:12

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

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

Subject: RE: FMQ - SQA Exams FMQ brief - for review by 9.30am pls

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

[Redacted s38(1)(b)]

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

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

Sent: 30 September 2021 08:28

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

David,

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

Out of scope

Thx again, and to policy colleagues.

[Redacted s38(1)(b)]

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

[Redacted s38(1)(b)]

Please see attached composite FMQ brief leading on the EHRC agreement, but with key lines on the 2021 ACM and 2022 plans.

Given various other possible challenges to the First Minister at FMQs I think she is unlikely to want a briefing note on Thursday morning much more than the 4 pages plus annex(es) as attached (*w the list requested by David to add pls*). Ultimately if she requests more I can draw some more from the main ACM brief or come back to you in the morning.

I think the content should see the FM through any opposition leader questions on this, or backbench (single) question (requiring single response). However, please do suggest where we might replace some lines with others if they are more pressing.

On the substantive part around the EHRC agreement, I've tracked some questions, for which I'd welcome responses, either by way of extra/amended lines, or just as advice in tracked comments.

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

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 29 September 2021 17:37
To: Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: FMQ - SQA Exams - supplementary annex - 27 Sep 21 - for update by 11am

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

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

[Redacted s38(1)(b)]

Enclosure 4 – email - Committee Summary

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 06 October 2021 11:47
To: Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Hicks C (Clare) <Clare.Hicks@gov.scot>; McLean L (Liza) <Liza.McLean@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>;

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

Subject: Committee Summary

Hi all

Please find attached an overview of discussions at Committee this morning. I've not yet had chance to condense this down to key points but have highlighted where points were raised on **Out of Scope**, SQA and EHRC (green) and **Out of Scope**

[Redacted s38(1)(b)]

Enclosure 4a – attachment - FW: Committee Summary

**Education Children and Young People Committee
Wednesday 6 October**

Shirley-Anne Somerville, Cabinet Secretary for Education and Skills
Graeme Logan, Director of Learning, Scottish Government

Member	Party	MSP for:
Stephen Kerr, Convener	Conservative	Central Scotland (Region)
Kaukab Stewart, Deputy Convener	SNP	Glasgow Kelvin (Constituency)
Stephanie Callaghan	SNP	Uddingston and Bellshill (Constituency)
Bob Doris	SNP	Glasgow Maryhill and Springburn (Constituency)
James Dornan	SNP	Glasgow Cathcart (Constituency)
Fergus Ewing	SNP	Inverness and Nairn (Constituency)
Ross Greer	Greens	West Scotland (Region)
Michael Marra	Labour	North East Scotland (Region)
Oliver Mundell	Conservative	Dumfriesshire (Constituency)
Willie Rennie	Lib Dem	North East Fife (Constituency)

Out of scope

RG - what conversations with SQA since EHRC agreement and what actions?

SAS – do expect equality duties to be taken seriously and delivered. Met with CEO of SQA on Monday and emphasised that everything that needs to be done will be. EQIAs for last 2 years have been carried out and published. Historic policies are being looked at and actioned.

RG – understand that not just not published but not carried out. Was this always a deficiency or did it fade away.

SAS – SQA will need to learn lessons. Doesn't just pre-date Cab sec's time in post but time of current CEO. She is very keen to ensure that SQA fulfilling its' duties Already in a process to complete outstanding EQIAs. 28 EQIAs published since August. Putting in place new practices and policies.

Out of scope

Oliver Mundell

When first made aware of EHRC issue?

SAS – made aware a few weeks ago prior to public announcement.

OM - Should CEO have made committee aware when appeared before?

SAS – issue around timing of announcement. Was EHRC decision on timing of publication. Had hoped to publish week before.

OM – May not have been their decision. OECD critical. Do you regret giving SQA backing.

SAS – OCED did not say SQA not fit for purpose. OECD have pointed that we could look to have a different structure and I have acted on this. Ken Muir work. Important that sQA continue to deliver current qualifications and have full confidence in them.

OM – how can keep confidence in organisation that has delivered catalogue of errors. Cab Sec should step in to make decisions and conservatives would support this.

SAS – not appropriate for any politician to have control of qualifications. Will ensure a close working relationship with SQA as and when appropriate. And challenge where appropriate. SQA has delivered a fair and credible system to ensure that YP receive qualifications that are fair and credible. Keep a close eye on SQA and where needs to be independence.

Out of scope

MM – mess at SQA doesn't emerge overnight. SQA would have had chances to resolve prior to agreement being issued. What analysis on whether opens SG to legal challenge?

SAS – understand MM has received a list on areas of policy. These are policy headlines. Have spoken directly with CE and reassurance that nothing outstanding that impacts on awards in last 2 years. All relate to historical policies. Number of areas where the type of agreement and what can be publicised. SQA have sought and had agreement from EHRC about list being published – to reassure that being transparent.

MM – should have been informed before committee. Performance of leadership from SQA was poor. SQA response to review. Debacle of algorithm.

SAS – intention was for report to be issued before committee but understand that EHRC had control of date.

On terms of reference of review and feeling of unions and staff. Understand concerns and how they can be heard. As with all processes, not all views can be implemented. Process for Ken Muir to decide on but all staff and unions have ability to input to review.

MM – dereliction of leadership when CEO of SQA welcomed review? Lack of faith of SQA staff in leadership.

SAS – nothing stopping unions having direct discussion with Ken Muir. Cab Sec does not need to interfere. Undertake to have discussions.

Out of scope

BD – EHRC positive about work of SQA in last 2 years to progress. What doing to ensure other public bodies deliv[Redacted s38(1)(b)]g?

SAS – EHRC mainstreaming strategies.

Out of scope

Enclosure 5 – email - FW: Media query: SQA Equalities Agreement with EHRC – Scotsman

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

Hello all

For awareness, Michael Marra has posted the Tweet below about the SQA's legal agreement with the EHRC. The Scotsman has asked for comment. Our cleared lines for the EHRC agreement are also below
Lana

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

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

A Scottish Government spokesperson said:

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

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

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

[Redacted s38(1)(b)]

Enclosure 6 – email - FW: List of EqlAs/publish dates

From: [Redacted s38(1)(b)] @sqa.org.uk>
Sent: 05 October 2021 15:09
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: List of EqlAs/publish dates

Sorry – too many emails all at once! Yes August 2021.

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)] @gov.scot>
Sent: 05 October 2021 15:08
To: [Redacted s38(1)(b)] @sqa.org.uk>
Cc: Michael Baxter <Michael.Baxter@sqa.org.uk>; [Redacted s38(1)(b)] @gov.scot
Subject: RE: List of EqlAs/publish dates

Do you mean 28 published since Aug 2021

From: [Redacted s38(1)(b)] @sqa.org.uk>
Sent: 05 October 2021 14:59
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)] @gov.scot>
Cc: Michael Baxter <Michael.Baxter@sqa.org.uk>
Subject: List of EqIAs/publish dates

[Redacted s38(1)(b)]

Here's the list of policies updated with publication dates if prior to August. The count can get a bit confusing as, for e.g. 'Secondment Policy' is a single EqIA but it covers both internal and external secondment policies that, on the schedule, were listed as two policies. So it's a single EqIA that covers two policies on the schedule.

Having unpicked the list with the metadata it gives us

- 36 published EqIAs, of which
 - 8 were published prior to August 2020
 - 28 published since August 2020
- Covering 35 identified policies and practices agreed with EHRC (i.e. lines on the agreed schedule)

EqIAs Published

2020 SQA Alternative Certification Model (including the 2020 appeals service)

(completed August 2020, published August 2020)

2021 SQA Alternative Certification Model (Completed Feb 21, published Feb 21)

2021 SQA Appeals Service (Completed June 21, published June 21)

2021 Incomplete Evidence Contingency Arrangement

Anti-Bribery Policy (completed June 2020, published Feb 21)

Attendance Management

Business Continuity Policy (completed Nov 2020, published Feb 21)

Childcare

Complaints Handling Procedure

Conflicts of Interest Policy

COVID-19 Equality Impact Assessment with Appendix

Dignity at Work

Disciplinary

Driving for Work Policy (completed Dec 20, published Sept 21)

Driving Office Vehicles Policy

Environmental Management Policy

Equality, Diversity & Inclusion

Expected Behaviours Policy (completed Oct 20, published Sept 21)

Expenses Policy Appointees

Fixed Term Workers

Grievance

Health and Safety Policy

Improving Performance Policy

Modifications to National Courses 2020-21 (completed Oct 20, published Oct 20)

Probation Policy

Procurement Policy Incorporating Sustainability (completed May 20, published Feb 21)

Qualification Design Principles

Quality Policy

Recruitment & Selection

Restructure Policy

Retention and Redeployment Policy

Secondment Policy

Standby and Call-out

Time Recording

Volunteering Policy (completed Feb 20, published Feb 21)

Whistleblowing

[Redacted s38(1)(b)]

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Scottish Qualifications Authority

www.sqa.org.uk
postmaster@sqa.org.uk

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www.sqa.org.uk
postmaster@sqa.org.uk

Enclosure 7 - FW: SQA Equalities Agreement with EHRC

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

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

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

Cleared by CabSec

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

A Scottish Government spokesperson said:

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

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

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

Enclosure 7a – attachment – list of policies

Title
Access Control policy
Access to the Script Management Facility (SMF) GUIDELINES
Addressing Financial Irregularity policy
Alcohol and Drug Misuse policy
Annual Pay Remit
Appreciation Scheme policy
Awarding Body Approval Policy
Awarding meetings for National Courses
Candidates with incompatible components
Car Parking policy
Clear Desk & Clear Screen policy
Closed Circuit TV policy
Code of Conduct

Copyright policy
Core Skills and other generic skills for learning, life and work across qualifications
Core Skills Credit Transfer
Core Skills Framework
Corporate Credit Card policy
Credit, Invoicing & Debt Management policy
Data Protection policy
Data Quality Policy
Devolved Authority
Disclosure Scotland Policies & Procedures
Email policy
Employees undertaking non SQA employment policy
Equality of Access to SQA Qualifications
Essential Car User policy
External Assessment: Examination Scripts policy
External Communications
Flexible Working policy
Flexitime policy
Foreign Currency policy
Freedom of Information policy
Gifts & Hospitality policy
Governing Principles
Grading for National Courses
Guidance on Losses & Special Payments <u>GUIDELINES</u>
HN VQ delivery
Home Based workers policy
Induction & Onboarding Process
Information Security policy
Internal Communications
IT Acceptable Use policy
L&D Policy
Language of Assessment and Certification in Regulated Qualifications Offered by SQA and delivered in the UK
Language of Assessment and Certification in Units and Qualifications Validated by SQA (Delivered in the UK)
Language of Assessment in Units & Qualifications Validated by SQA (Candidate Assessment Undertaken Outside The UK in Languages Other than English)
Lifespan and Currency of Qualifications
Low Uptake National Courses
Malpractice: information for centres
Maternity, Paternity and Adoption policy
Mental Health and Well Being policy
Mentoring programme
National Courses with Grades criteria for development
Organisational Design Process
Pay policy
PCIF/Process
Pensions Discretions policy

Petty Cash policy
Plain English policy
Policy Development Process & Template <u>GUIDELINES</u>
Post Certification Amendment of Awards policy
Programme and Project Management Methodology
Publishing and Communications policy
Qualifications Committee role in the development process for National Courses
Recognising stakeholder involvement in qualifications awarding
Recognition of Prior Learning in the Internal Assessment and Quality Assurance of SQA Units
Recognition of Prior Learning Policy for Regulated Qualifications
Records Management policy
Redundancy policy
Referrals to Disclosure Scotland policy
Relocation Scheme policy
Reopening of our offices
Restructure policy
Retention & Disposal policy
Retention of Candidate Assessment Evidence for SQA Centres
Retention of Candidate Assessment Records for SQA Centres
Retirement policy
Revisions to National Units and Courses and Coding
Revisions to the Core Skills Framework
Risk, Opportunity and Issues Management policy
Sanctions for non compliance with centre approval criteria (NVQ)
Scottish Credit and Qualifications Framework
Shared Parental Leave policy
Skills for Learning, Skills for Life and Skills for Work across Qualifications supporting Curriculum for Excellence
Smarter Working Programme
SMF (Script Management Facility) Access policy
Smoking policy
Social Media for Personal Use policy
SQA Accreditation's Quality Assurance of Approved Awarding Bodies Policy
SQA Accreditation's Regulatory Sanctions Policy
SQA Accreditation's Zero uptake Policy
SQA Investigation <u>PROCEDURE</u>
SQA Skills Framework: Skills for Learning, Skills for Life and Skills for Work
Staff Leave policy
Stakeholder engagement
Succession Planning
SVQs: Awarding Policy
The use of assessment principles in the development of assessments
Transition from old to new qualifications
Travel, Accommodation & Expenses POLICY & GUIDANCE
Validation of SQA qualifications

Enclosure 8 – email - FW: Scot Gov response - SQA/EHRC agreement

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

Hi [Redacted s38(1)(b)]

Please see the response below on the SQA/EHRC agreement.
Regards
[Redacted s38(1)(b)]

A Scottish Government spokesperson said:

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

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

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

[Redacted s38(1)(b)]

Enclosure 9 – email - RE: s23 Agreement - Urgent Request for Information

From: John Booth <John.Booth@sqa.org.uk>
Sent: 05 October 2021 18:41
To: Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: Fiona Robertson <fiona.robertson@sqa.org.uk>; Michael Baxter <Michael.Baxter@sqa.org.uk>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@sqa.org.uk>
Subject: FW: RE: s23 Agreement - Urgent Request for Information

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

Further to earlier conversations with others, below is the reply and information just sent to [Redacted s38(1)(b)] in Michael Marra’s office.

Further briefing on this to follow later, for the Cabinet Secretary's committee appearance tomorrow.

John

From: John Booth
Sent: 05 October 2021 18:38
To: [Redacted s38(1)(b)] @Parliament.scot
Subject: RE: s23 Agreement - Urgent Request for Information

Dear [Redacted s38(1)(b)]

Thanks for your earlier email containing your request for information regarding the recent section 23 agreement between the Equality and Human Rights Commission (EHRC) and SQA.

The agreement is legally enforceable and requires both parties to keep the content of the agreement, the associated action plan and representations made between the parties relating to the agreement (before, on or after the date of signature) confidential under terms stipulated by the EHRC. As such we are unable to provide the information you have requested, beyond the broad details of the agreement that have already been covered in the public statements from EHRC and SQA.

However, further to your enquiry, and at our request, EHRC have agreed that we can provide you with the attached file. This shows the list of internal policies and practices that we will be retrospectively working through over the duration of the agreement with EHRC in order to demonstrate that full Equality Impact Assessments (EqIAs) have been carried out, recorded and published for all of our policies and practices.

A list of all other EqIAs is available on the SQA website: [Equality, Diversity and Inclusion - SQA \[https://www.sqa.org.uk/sqa/25339.html\]](https://www.sqa.org.uk/sqa/25339.html). These include the EqIAs for the 2020 and 2021 awarding programmes that were carried out, recorded and published in each of those years. It bears repeating that the agreement with EHRC covers historic practices relating to policies from previous years.

In addition, there are also Equality Review Summaries in place for all courses at National 5, Higher and Advanced Higher, which can also be found at the above weblink.

I hope you find this information helpful.

John Booth
Director of Communications
Scottish Qualifications Authority

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Scottish Qualifications Authority

www.sqa.org.uk
postmaster@sqa.org.uk

Enclosure 10 – email - FW: FOR CLEARANCE: Media query - 2020 appeals - Scotsman

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Cabinet Secretary for Education and Skills
Sent: 04 October 2021 18:15
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; Minister for Children & Young People <MinisterCYP@gov.scot>; Minister for HE, FE, Youth Employment and Training <MinisterHEFEYET@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: FOR CLEARANCE: Media query - 2020 appeals - Scotsman

[Redacted s38(1)(b)]

Cab Sec has cleared,

[Redacted s38(1)(b)]

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From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 04 October 2021 17:47
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; Minister for Children & Young People <MinisterCYP@gov.scot>; Minister for HE, FE, Youth Employment and Training <MinisterHEFEYET@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: FOR CLEARANCE: Media query - 2020 appeals - Scotsman

Copying in late colleague [Redacted s38(1)(b)].

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)]
Sent: 04 October 2021 16:47
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; Minister for Children & Young People <MinisterCYP@gov.scot>; Minister for HE, FE, Youth Employment and Training <MinisterHEFEYET@gov.scot>
Subject: FOR CLEARANCE: Media query - 2020 appeals - Scotsman

PO Cabinet Secretary for Education and Skills

Child and family law expert Dr Tracy Kirk is making a link between last week's SQA agreement with EHRC to improve equalities processes and 2020 appeals. Dr Kirk claims many of those denied a right to appeal have protected characteristics and she is calling on the CabSec to intervene to allow them learners to have their appeals heard. In fact, SQA fulfilled their equalities duties in 2020 (including for appeals). The Scotsman has asked for a response. Grateful for clearance on the lines below. SQA's cleared lines are also below.

Many thanks

[Redacted s38(1)(b)]

A Scottish Government spokesperson said:

“As announced in June, after careful consideration, the Education Secretary concluded that there was no way to reopen 2020 appeals in a way that was fair to all learners.

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

SQA LINES

A Scottish Qualifications Authority spokesperson said:

“The 2020 and 2021 National Qualifications Alternative Certification Models were subject to a full and rigorous Equality Impact Assessment process. The section 23 agreement between SQA and the Equalities and Human Rights Commission relates to historic practices and not to either of the last two year’s awarding processes.”

QUERY - Scotsman

Dr Tracy Kirk, a child and family law lecturer and human rights expert has called on the education secretary to use her powers to allow for appeals connected to the 2020 exams to be heard.

She says this is necessary following the SQA's historical human rights failure, revealed last week, and on the alleged failures around human rights commitments during the 2020 exam session.

Dr Tracy Kirk:

‘Any commitment to improve equality practices must be warmly welcomed, especially as Scotland seeks to provide human rights leadership in the months and years ahead.

Since August 2020 submissions made to the Scottish Parliament by myself, SQA Where's Our Say, CYPSC and others have emphasised the failure of the SQA to consider their obligations under the Equality Act 2010 as well as their failure to recognise the extent of their legal obligations under the UNCRC - legal obligations which exist now and will simply be strengthened by incorporation into Scots law. It's really important to highlight that non-discrimination is a central principles of the UNCRC and impacts upon every right contained within the treaty.

However, there has been little engagement with these submissions by the SQA or the Scottish Government. This is despite several MSPs raising the plight of some students directly with the former and current Cabinet Secretary for Education. These

students, many of whom have protected characteristics, are still fighting for their right to appeal more than 14 months since exam results day in August 2020.

Not only have they suffered as a result of the process not taking account of important personal information relating to their individual circumstances, but they have also been denied their right to a remedy. A remedy which Bruce Adamson has been publicly vocal in calling for from the outset.

For the SQA to move forward in a manner which learns from failures to consider equalities and human rights it is important that these failures are acknowledged and dealt with accordingly. I ask the Cabinet Secretary for Education to use her powers under section 9 of the Education (Scotland) Act 1996 to direct the SQA to consider the appeals of those young people so we can ensure we respect, protect and fulfil the rights of these children.'

[Redacted s38(1)(b)]

Enclosure 11 - FW: Further briefing needed on SQA EQIA issues

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 01 October 2021 14:20
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: Further briefing needed on SQA EQIA issues

To be aware – SQA has been discussing with their legal team this morning what information can be released. The agreement they signed with EHRC includes a confidentiality clause, and materials in the development of the action plan fall into this (including the list of policies with timescales).

This means we cannot release any information on the policies and timescales publicly - I've just asked for this table to be removed from the Committee briefing.

I'll work with SQA to develop lines.

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)]
Sent: 01 October 2021 13:46
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: Further briefing needed on SQA EQIA issues

We already have a lot of this covered in the FMQ note

The additional briefing needs to cover:

- Which equality assessments have been completed and which ones have not

The document attached (annex in the FMQ note) gives a list of EqIAs published and a list of the ones covered by the section 23 agreement (to be refreshed/ updated)

- Timescale for completing these, including which are being prioritised (and why/ by when)

[Redacted s30c]

- Any implications and/or risks as a result of any equality impact assessments which are currently outstanding

[Redacted s30c]

- Can we add specific advice on the impact of all this on SQA awarding decisions (aware that EQIAs were done in 20 and 21)

The FMQ note sets out that all EqIAs were completed for national qualifications in 2020 and 2021 – so this does not affect NQ awarding decisions. Again I can ask SQA for a line on this

- How we will monitor progress

[Redacted s30c]

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

Sent: 01 October 2021 13:18

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

Subject: Further briefing needed on SQA EQIA issues

Malcolm and Colleagues

David and I have just spoken about the need for further briefing for Cab Sec, ahead of committee, on the SQA equalities issues (in addition to what is in the FMQ brief which I assume is in the pack).

When I spoke to Fiona she suggested that we should work with Mike Baxter on this.

The additional briefing needs to cover:

- Which equality assessments have been completed and which ones have not
- Timescale for completing these, including which are being prioritised (and why/ by when)
- Any implications and/or risks as a result of any equality impact assessments which are currently outstanding
- Can we add specific advice on the impact of all this on SQA awarding decisions (aware that EQIAs were done in 20 and 21)
- How we will monitor progress

The pack is being printed at 1500 today so we will not be able to meet that deadline. Can this material follow as soon as possible on Monday, as standalone additional briefing on this issue please? It is likely that Cab Sec will get pressed on the detail of all this at Committee on Monday.

Many thanks
Graeme.

Enclosure 12 – email - FW: Invitation to meet with Cabinet Secretary for Education and Skills - Monday 4 October

From: [Redacted s38(1)(b)]
Sent: 04 October 2021 08:54
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; McLean L (Liza) <Liza.McLean@gov.scot>
Subject: RE: Invitation to meet with Cabinet Secretary for Education and Skills - Monday 4 October

[Redacted s38(1)(b)]

Please find attached an updated briefing pack for today's meeting with Fiona Robertson – this includes the revised draft letter to Fiona Robertson.

[Redacted s38(1)(b)]

<https://erdm.scotland.gov.uk:8443/documents/A34827959/details>

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 01 October 2021 13:59
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>

Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; McLean L (Liza) <Liza.McLean@gov.scot>

Subject: RE: Invitation to meet with Cabinet Secretary for Education and Skills - Monday 4 October

Hi [Redacted s38(1)(b)]

Please see briefing attached. Please note that we have made reference to the draft letter from Cab Sec to Fiona in the briefing sent up by Liza earlier today (10:54) and flagged these references as [tbc] since it hasn't yet been cleared or sent out.

[Redacted s38(1)(b)] will update the briefing on Monday to reflect the latest position.

[Redacted s38(1)(b)]

Briefing - Cab Sec meeting with SQA - 211004 (A34827959)

[Redacted s38(1)(b)]

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

Sent: 01 October 2021 09:27

To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>

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

Subject: RE: Invitation to meet with Cabinet Secretary for Education and Skills - Monday 4 October

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

If you could aim to get it to us before 1400, that would be ideal.

Thanks

[Redacted s38(1)(b)]

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

Sent: 30 September 2021 18:28

To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; [[Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>

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

Subject: RE: Invitation to meet with Cabinet Secretary for Education and Skills - Monday 4 October

Hi [Redacted s38(1)(b)]

We are pulling together the briefing but will want to incorporate feedback from the NQ group tomorrow morning; could we send up the briefing early afternoon?

Many thanks

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Cabinet Secretary for Education and Skills
Sent: 30 September 2021 10:57
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Subject: RE: Invitation to meet with Cabinet Secretary for Education and Skills - Monday 4 October

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

I will send on a Teams invite in due course, I would be grateful if you could pass this on to Fiona's office when issued.

I would also be grateful if you could pull together a short agenda/briefing for Ms Somerville in advance of this call, ideally by early tomorrow. Happy to discuss.

Thanks again,

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 30 September 2021 09:55
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Subject: FW: Invitation to meet with Cabinet Secretary for Education and Skills - Monday 4 October

Dear [Redacted s38(1)(b)]

Thanks for your assistance setting this up yesterday. I'm pleased to confirm Fiona can meet with the Cab Sec at 12:30 on Monday 4 October. You'll see from the response below 30 mins should be sufficient.

Grateful if you can include Malcolm, [Redacted s38(1)(b)] and [Redacted s38(1)(b)] in the invite. We'll let you know who will be supporting and if anyone further needs to be added in due course.

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 30 September 2021 09:47
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Subject: RE: Invitation to meet with Cabinet Secretary for Education and Skills - Monday 4 October

Hi [Redacted s38(1)(b)]

Fiona can accommodate either slot, but preference would be 1230

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

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 29 September 2021 17:26
To: Fiona Robertson <fiona.robertson@sqa.org.uk>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Malcolm.Pentland@gov.scot
Subject: Invitation to meet with Cabinet Secretary for Education and Skills - Monday 4 October

Dear Fiona

Following your discussion with Graeme yesterday, Graeme noted that it would be helpful for you to meet with the Cabinet Secretary before she addresses Committee on Wednesday. Would Monday 4 October at either 12:30 or 13:00 suit your availability? 30 mins is currently set aside but this can be extended if required.

Best regards

[Redacted s38(1)(b)]

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Enclosure 12a – link – briefing pack

What	Meeting with Fiona Robertson for catch-up on National Qualifications 2022, ahead of your appearance at the Education, Children and Young People Committee on 6 October 2021.
When	Monday, 4 October 12:30 – 1 pm
Where	Microsoft Teams meeting
Who	Fiona Robertson, Chief Executive SQA

Why	Update meeting ahead of appearance at Committee
Key messages	N/A
Official support	Graeme Logan, Director of Learning; Malcolm Pentland, Deputy Director, Curriculum, Qualifications and Gaelic and [Redacted s38(1)(b)], Senior Phase Unit
Agenda	<p>We propose the following agenda but there may be other areas you wish to touch on as part of a general catch-up:</p> <p>Out of scope</p> <p>1. SQA section 23 equality agreement with EHRC [this item could be removed as a draft letter will be prepared from you to Fiona on this topic]</p> <p>Annex A contains Out of scope</p>
Main objective	Ongoing dialogue with SQA.

ITEM 1	Out of scope
Issue/ background	Out of scope
Key messages	Out of scope
Suggested question(s)	Out of scope
Contact point	Out of scope

ITEM 2	Out of scope
Issue/ background	Out of scope
Contact point	Out of scope

ITEM 2	SQA section 23 equality agreement with EHRC
Issue/ background	<p>Issue:</p> <ul style="list-style-type: none"> Equality & Human Rights Commission (EHRC) announced (30 Sept) the SQA has signed a legal agreement to improve equality practices after it found the agency was not routinely assessing the impact of its policies and practices against the public sector equality duty (PSED). SQA – which had published Equality Impact Assessments (EQIAs) for just 19 out of 150 policies and practices introduced or updated prior to 2020 – has committed to complete outstanding EQIAs for current policies and practices and to improve how it assesses new ones. Calls from MSP for a Ministerial statement on this <i>[official advice - this isn't required, as Committee session on 6 Oct, and statement after recess]</i> Expect Fiona will want to update you on how SQA is responding to the media on this, and correcting inaccuracies in reporting. <p>Background: This relates to SQA policies and practices that were introduced or updated prior to 2020. SQA has published 32 new Equality Impact Assessments since August, in delivering on the action plan agreed with EHRC.</p> <p><u>EQIAs on NQ</u></p> <ul style="list-style-type: none"> SQA has completed and published all required Equality Impact Assessments since the beginning of 2020 such as those in relation to the delivery of national qualifications in 2020 and 2021, including appeals; and the Scottish Government published Equality Impact Assessments in relation to decisions around cancellation of the exams in 2020 and 2021. <p>Section 23 of the Equality Act (2006) allows the Commission to enter into an agreement where it believes an unlawful act or failure to comply with the public sector equality duty has occurred. In return for a commitment to progress an action plan and meet the public sector duty, the Commission agrees not to use their powers under s23 of the Equality Act 2006 to issue a compliance notice.</p>
Key message(s)	<ul style="list-style-type: none"> I expect all public bodies to comply with the requirements of the public sector equality duty and for SQA to fully address the EHRC's findings. Welcome SQA's action plan to rectify this and expect SQA to deliver this quickly and within the agreed 24-month term.
Suggested question(s)	<ul style="list-style-type: none"> How are you making sure this isn't repeated in future?
Contact point	[Redacted s38(1)(b)]

ANNEX A

Out of scope

Annex B

Out of scope

Enclosure 13 - FW: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Cabinet Secretary for Education and Skills
Sent: 04 October 2021 17:53
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Ansongov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; McLean L (Liza) <Liza.McLeangov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; >; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Gallacher S (Susan) <Susan.Gallachergov.scot>; >; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; DG Education & Justice <dgej@gov.scot>; Livey D (David) <David.Liveygov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

Thanks [Redacted s38(1)(b)]

You will have seen that FM has a question on this on Thursday too

6. Martin Whitfield: To ask the First Minister what the Scottish Government's response is to the announcement that the SQA has entered a two-year agreement with the Equality and Human Rights Commission to improve equalities practices after the Commission established that the SQA was not routinely assessing the impact of its policies and practices against the three needs of the Public Sector Equality Duty. **(S6F-00341)**

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

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From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 04 October 2021 17:09
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Anon@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; McLean L (Liza) <Liza.McLean@gov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; >; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; >; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Gallacher S (Susan) <Susan.Gallacher@gov.scot>; >; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; DG Education & Justice <dgej@gov.scot>; Livey D (David) <David.Livey@gov.scot>; >; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; >; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

[Redacted s38(1)(b)]

Please find attached a briefing paper covering the SQA's section 23 agreement with EHRC, for Wednesday's Committee session.

[Redacted s38(1)(b)]

From: >; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 01 October 2021 15:32
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: >; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; >; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Anon@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; CERG <CERG@gov.scot>; >; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; Minister for Children & Young People <MinisterCYP@gov.scot>; Minister for HE, FE, Youth Employment and Training <MinisterHEFEYET@gov.scot>; DG Education & Justice <dgej@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; Anson S (Sam) <Sam.Anon@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; McLean L (Liza) <Liza.McLean@gov.scot>; Taylor

A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; >; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; >; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; >; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; Gallacher S (Susan) <Susan.Gallacher@gov.scot>
Subject: Education, Children and Young People Committee Appearance - 6 October 2021 - Briefing and Speaking Note
Importance: High

PS/Cabinet Secretary for Education and Skills

Please find attached the briefing pack and speaking note for the Cabinet Secretary's appearance at the Education, Children and Young People's Committee on Wednesday 6th October 2021.

Kind regards

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

Workforce and Professional Learning
Early Learning and Childcare
Victoria Quay, Edinburgh

Enclosure 14: email - FW: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 06 October 2021 14:20
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>
Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Director for Education Reform <DirectorforEducationReform@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

Hi [Redacted s38(1)(b)]

With apologies, please see attached updated version of FMQ brief.

[Redacted s30(b)(i)]

Best regards

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 06 October 2021 13:20
To: Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>
Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

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

Is the updated brief coming soon please?

[Redacted s38(1)(b)]

From: Livey D (David) <David.Livey@gov.scot>
Sent: 06 October 2021 12:33
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>
Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

Hi all,

Apologies – I've been having IT difficulties this morning.

May have been picked up, but could we get the Cab Sec exchange on this from Committee appearance this morning (or a summary) included as an annex? Ross Greer and Michael Marra asked questions on it.

David

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 06 October 2021 07:23
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]

<[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>

Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Lively D (David) <David.Lively@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

[Redacted s38(1)(b)]

The Committee session is 9:30 – 11:30 this morning

[Redacted s38(1)(b)]

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

Sent: 05 October 2021 23:08

To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>

Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Lively D (David) <David.Lively@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

[Redacted s38(1)(b)],

Copying in Spads

Many thanks for the brief.

Some amends tracked in the attached. Grateful if you can please use this version for updates. Also, what time is the Cab Sec appearance so we know when we can get an update?

Thanks,

[Redacted s38(1)(b)]

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

Sent: 05 October 2021 15:59

To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>

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

s38(1)(b)]@gov.scot> ; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> ;
[Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]
<[Redacted s38(1)(b)]@gov.scot> ; [Redacted s38(1)(b)] <[Redacted
s38(1)(b)]@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

Please find attached the SQA brief with the updated SQA/EHRC lines.

We anticipate that the brief will need to be updated following the Cab Sec for Education's appearance at committee tomorrow morning.

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 05 October 2021 14:50
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]
<[Redacted s38(1)(b)]@gov.scot> ; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>
Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]
<[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted
s38(1)(b)]@gov.scot> ; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> ;
[Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]
<[Redacted s38(1)(b)]@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

Adding [Redacted s38(1)(b)] for awareness.

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 05 October 2021 14:32
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> ; ET FMQ/PQ Mailbox
<ETFMQPQ@gov.scot>
Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]
<[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted
s38(1)(b)]@gov.scot> ; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> ;
[Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]
<[Redacted s38(1)(b)]@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

Hi All

I spoke to [Redacted s38(1)(b)] in the FMQ team and the EHRC issue should be incorporated into the main SQA brief as the team are anticipating that supplementary questions to the known question could cover a wide range of topics.

[Redacted s38(1)(b)] and I are finalising our lines – we're waiting on some further information from SQA – and will incorporate into the main brief as soon as we can. [Redacted s38(1)(b)] can I double check the draft from midday is the most up to date?

Thanks

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 05 October 2021 12:02
To: ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>
Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

With apologies for the delay, please find attached the FMQ brief on SQA and Exams, including the EHRC equality improvement plan. With all the activity around qualifications again, the note has lengthened but we can look to cut back if necessary. Given that the EHRC issue has been raised as a specific question for FMQ's, please let us know if you would wish this material to be drawn out into a separate note.

Best regards

[Redacted s38(1)(b)]

Enclosure 14a: attachment - FW: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

6 Oct: Cabinet Secretary at Education Committee. Questioned on teacher judgement, voice of young people and business, and EHRC including calls for SG to take control of SQA (see Annex A).
6 Oct: media reports on GIQ published on 5 Oct outlining support for learners preparing for exams.
5-6 Oct: Dr Tracey Kirk call for 2020 appeals to re-open after EHRC agreement.
4 Oct: Herald: CBI claim pupil assessments fail to capture key data.
1-2 Oct: Opposition calls for SQA CEO to resign in light of EHRC agreement.
30 Sep: EHRC announced SQA signed legal agreement to improve equality practices after it found the agency had not been routinely assessing impact of its policies and practices against the public sector equality duty (PSED). SQA – which had published EQIAs for just 19 out of 150 policies and practices introduced or updated prior to 2020 – committed to complete outstanding EQIAs for current policies and practices and to improve how it assesses new ones.
Background:

• S.23 of the Equality Act (2006) allows EHRC to enter into agreement where it believes an unlawful act or failure to comply with the public sector equality duty has occurred. In return for a commitment to progress an action plan and meet the public sector duty, the EHRC agrees not to use their powers under s23 of the Equality Act 2006 to issue a compliance notice.

30 Sep: DfE/Ofqual announcement on adaptations to assessment, approach to grading for A Levels and GCSEs (with statistics used to set grades based on a mid-point between 2021 and pre-pandemic), and consultation on contingencies.

30 Sep: Scotsman: SQA questioned on use of historical data and digital assessment at Education Committee.

Not in scope

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

- The Cabinet Secretary for Education and Skills met with the Chief Executive of the SQA on Monday and emphasised the need to deliver against the section 23 agreement.
- The Cabinet Secretary meets regularly with both the Chair and Chief Executive of SQA and will seek updates on progress.
- Equality Impact Assessments for the awarding of National Qualifications over the last two years were completed, and published, by the SQA and the Scottish Government.
- SQA is in the process of completing all outstanding Equality Impact Assessments, with 28 new Equality Impact Assessments published since August.
- This is an issue of substandard practice in years gone by. The Cabinet Secretary has discussed this with the Chief Examiner and she is committed to putting this right.

All the omissions identified by EHRC relate to historic policies, before the current Chief Executive's time at SQA.

- The SQA has worked closely with the Commission on an action plan for improvement.
- The action plan sets out a schedule of policies and practices to be reviewed, and commits to deliver this over the next 2 years.

The publication date of the section 23 agreement was a matter for EHRC

- The publication of the detailed action plan is a decision for EHRC and SQA.

- As a matter of routine practice, all section 23 agreements include a confidentiality clause which prohibits sharing of the content of the agreement, action plan and representations between parties.
- Many of the EQIAs to be published are on administrative and operations functions of SQA, for example SQA's policies on gifts and hospitality, petty cash, and car parking.

I welcome the EHRC's recognition of SQA's efforts to deliver.

- Lynn Walsh, Head of Legal at the Commission said last week **[QUOTE]**: *"By signing this agreement, we are pleased to see that the SQA has demonstrated its clear commitment to equality and to improving its practices. This will ensure that SQA continues to make necessary improvements in this area, reviewing all existing policies and ensuring that equality is at the heart of all of its practices".*
- The EHRC will be monitoring SQA's progress every 6 months over 2 years.

Equality continues to be a fundamental consideration in all decision making around education, including of course qualifications.

- There is no suggestion that equality issues did not form part of the development of internal SQA policies, but there is an acceptance that the ways in which these impact assessments were carried out, recorded and published was insufficient in terms of equalities duties.
- The SQA has completed and published all required Equality Impact Assessments since the beginning of 2020, such as those in relation to the delivery of national qualifications in 2020 and 2021, including appeals.
- SQA published the EQIA for 2021 awarding in May 2021, and for appeals process in June 2021
- As MSPs will be aware, the Scottish Government published Equality Impact Assessments in relation to decisions around cancellation of the exams in 2020 and 2021.
- The EQIA on the cancellation of exams in 2020 and 2021 did not identify any indirect or direct discrimination through the policy intention or design.
- The EQIA illustrates the majority view of stakeholders that cancelling the exam diet and replacing with the ACM was a fairer, more equitable approach.
- Equality Impact Assessments and Children's Rights and Wellbeing Impact Assessments for the 2022 approach will be published in due course.

Out of scope

Annex A

Education Children and Young People Committee Cabinet Secretary for Education and Skills Evidence Session - Wednesday 6 October Summary of questions on EHRC section 23 agreement

Ross Greer:

What conversations have you had with SQA since EHRC agreement, and what actions are you taking?

- I expect equality duties to be taken seriously and delivered.
- I met with CEO of SQA on Monday and emphasised the need to deliver against the action plan.
- All the required EQIAs for National Qualifications over the last 2 years have been carried out and published.
- The section 23 agreement relates to historic policies, and SQA is taking action to deliver against the action plan.

How did this come about? I understand that this is a case of not just not published but not carried out.

- SQA will need to learn lessons, and are already putting in place new practices.
- This is a historic issue and pre-dates the current CEO. She is very keen to ensure that SQA is fulfilling its duties.
- SQA already completing outstanding EQIAs, with 28 EQIAs published since August.

Oliver Mundell:

When where you first made aware of EHRC issue?

- I was made aware a few weeks ago prior to public announcement.

Should the CEO have made committee aware when appeared before?

- This is an issue around timing of announcement, and it was a decision for the EHRC on timing of publication, not SQA.

OECD was critical of SQA, do you regret giving SQA your backing?

- OECD did not say SQA not fit for purpose.
- OECD pointed out that we could look to have a different structure and I have acted on this.
- Important that SQA continue to deliver current qualifications and I have full confidence in them.

How can you keep confidence in organisation that has delivered a catalogue of errors. Cabinet Secretary should step in to run and make day-to-day decisions – Conservatives would support this.

- It is not appropriate for any politician to have control of qualifications.
- I will ensure we continue a close working relationship with SQA as and when appropriate. And challenge where appropriate.
- SQA has delivered a fair and credible system to ensure that young people receive qualifications that are fair and credible.

Michael Marra:

Mess at SQA doesn't emerge overnight. SQA would have had chances to resolve prior to agreement being issued. What analysis has there been on whether this opens SG up to legal challenge from learners?

- I have spoken directly with Chief Executive and she has reassured me that none of the outstanding EQIAs impacts on awards in last 2 years. All relate to historical policies.
- It is a decision for EHRC and SQA on what can be publicised on the agreement and action plan. SQA have sought and had agreement from EHRC on the list of policies and process being shared.

Should have been informed of the EHRC agreement before the Chief Executive's committee appearance.

- Original intention was for press release to be issued before committee but understand the publication date was EHRC decision.

Bob Doris:

EHRC positive about work of SQA in last 2 years. What are you doing to ensure other public bodies are delivering on equalities?

- SG is committed to develop and take forward implementation an equality and human rights mainstreaming strategy.

Enclosure 15 – email - RE: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

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

Sent: 04 October 2021 21:20

To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>

Cc: Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Ansongov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; McLean L (Liza) <Liza.McLeangov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Gallacher S (Susan) <Susan.Gallachergov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; DG Education & Justice <dgej@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>

Subject: RE: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

Hi [Redacted s38(1)(b)]

Comments from Ms Somerville on attached. Grateful if these can be actioned and sent back to PO as well as submitted for inclusion in final briefing pack.

Thanks

[Redacted s38(1)(b)]

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

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

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

Sent: 04 October 2021 17:09

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

Cc: Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Ansongov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; McLean L (Liza) <Liza.McLeangov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Gallacher S (Susan) <Susan.Gallacher@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; DG Education & Justice <dgej@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>

Subject: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

[Redacted s38(1)(b)]

Please find attached a briefing paper covering the SQA's section 23 agreement with EHRC, for Wednesday's Committee session.

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 01 October 2021 15:32
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Ansongov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; CERG <CERG@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; Minister for Children & Young People <MinisterCYP@gov.scot>; Minister for HE, FE, Youth Employment and Training <MinisterHEFEYET@gov.scot>; DG Education & Justice <dgej@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; Anson S (Sam) <Sam.Ansongov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; McLean L (Liza) <Liza.McLeangov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; Gallacher S (Susan) <Susan.Gallacher@gov.scot>
Subject: Education, Children and Young People Committee Appearance - 6 October 2021 - Briefing and Speaking Note
Importance: High

PS/Cabinet Secretary for Education and Skills

Please find attached the briefing pack and speaking note for the Cabinet Secretary's appearance at the Education, Children and Young People's Committee on Wednesday 6th October 2021.

Kind regards

[Redacted s38(1)(b)]

Enclosure 15a – attachment – draft briefing with Cab Sec comments

SQA EQUALITY - EHRC Section 23 agreement

[Redacted s30(b)(i)]

Annex A

Agreed Media statement

SQA signs legal agreement to improve equality practices

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

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

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

Lynn Welsh, Head of Legal at the Equality and Human Rights Commission Scotland, said: “Considering equality implications when making decisions isn’t a ‘nice to do’ for public bodies, it is a legal requirement to ensure that public institutions make better quality, robust decisions which work for everyone.

“By signing this agreement, we are pleased to see that the SQA has demonstrated its clear commitment to equality and to improving its practices. This will ensure that SQA continues to make necessary improvements in this area, reviewing all existing policies and ensuring that equality is at the heart of all of its practices. This agreement sends a clear message to other public bodies that considering the impact of their work on people from protected groups is critical in fulfilling their legal duties.”

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

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

The EHRC has used its legal powers under section 23 of the Equality Act, to enter into the agreement with SQA. The agreement will be in place for 2 years and SQA will also implement an agreed action plan and report to the regulator on its progress. The equality regulator will monitor the agreed actions to make sure they are completed and will carry out an evaluation at the end of the 2 years.

Annex B

Summary of Opposition Party statements, on SQA section 23 agreement

Scottish Labour education spokesperson Michael Marra said:

"This news makes it clear that the position of the SQA leadership is untenable - they should resign today.

"We know that in recent years, the decisions they have taken have damaged the poorest and most disadvantaged pupils in Scotland.

"But what this undeniably confirms is that there has been a complete lack of leadership within the organisation and from the Scottish Government.

"The consequences for failing Scotland's pupils should lie with them."

Scottish Greens education spokesperson Ross Greer said:

"Many of us warned the SQA for years that it was failing in its equalities duties, so this finding by the EHRC and the new agreement are certainly welcome. But it should not have taken an intervention by the Commission for these arrangements to be put in place. It's clear that oversight of the exams agency has been totally insufficient for years. The board of management absolutely must resign after this damning report.

"To avoid this happening again, we need to ensure that the body which replaces the SQA has equality embedded in its processes and structures from the start. That will certainly be the Greens' priority."

Scottish Liberal Democrats education spokesperson Willie Rennie said:

"It's a serious matter for the SQA to be rebuked in this manner. It should never be necessary for a public body responsible for the futures of our children to be chided for its failure to meet its human rights obligations.

"The position of the Chief Executive of the SQA is untenable. She has to go without delay.

"Liberal Democrats have consistently argued that education bosses have let down pupils and need to get out of the way to enable real reform to take place.

"Teachers, pupils and staff need to have faith that their needs will be met and their rights respected. Today's announcement only reaffirms that Fiona Robertson is not the right person to take the organisation forward."

List of EqIAs published by SQA

EqIAs Published

2020 SQA Alternative Certification Model (including the 2020 appeals service)
2021 SQA Alternative Certification Model
2021 SQA Appeals Service
2021 Incomplete Evidence Contingency Arrangement
Anti-Bribery Policy
Attendance Management
Business Continuity Policy
Childcare
Complaints Handling Procedure
Conflicts of Interest Policy
COVID-19 Equality Impact Assessment with Appendix
Dignity at Work
Disciplinary
Driving for Work Policy
Driving Office Vehicles Policy
Environmental Management Policy
Equality, Diversity & Inclusion
Expected Behaviours Policy
Expenses Policy Appointees
Fixed Term Workers
Grievance
Health and Safety Policy
Improving Performance Policy
Modifications to National Courses 2020-21
Probation Policy
Procurement Policy Incorporating Sustainability
Qualification Design Principles
Quality Policy
Recruitment & Selection
Restructure Policy
Retention and Redeployment Policy
Secondment Policy
Standby and Call-out
Time Recording
Volunteering Policy
Whistleblowing

Enclosure 16: email - FW: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21 - for review and final adds/amends no later than 3.45 pls

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 06 October 2021 16:10
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Director for Education Reform <DirectorforEducationReform@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21 - for review and final adds/amends no later than 3.45 pls

Thanks.
Printing the attached

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 06 October 2021 16:05
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Director for Education Reform <DirectorforEducationReform@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21 - for review and final adds/amends no later than 3.45 pls

[Redacted s38(1)(b)]

FMQ note with the table added

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 06 October 2021 15:57
To: Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>

Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> ; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Director for Education Reform <DirectorforEducationReform@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21 - for review and final adds/amends no later than 3.45 pls

Thx again [Redacted s38(1)(b)] .

For clarity, grateful if you can add David's first ask to the brief and return it by 4.20 so we don't miss FM folder.

The rest can be brought together in a supp note, ideally by 9.30am pls.

Thx again

[Redacted s38(1)(b)]

From: Livey D (David) <David.Livey@gov.scot>
Sent: 06 October 2021 15:55
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> ; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> ; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Director for Education Reform <DirectorforEducationReform@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21 - for review and final adds/amends no later than 3.45 pls

Under the section on Michael Marra's questioning: [Redacted s30(b)(i)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 06 October 2021 14:51
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> ; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; Pentland MK

(Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Director for Education Reform <DirectorforEducationReform@gov.scot>; Livey D (David) <David.Livey@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21 - for review and final adds/amends no later than 3.45 pls

Hi [Redacted s38(1)(b)]

Content with your amends. Have made a further minor amend to **out of scope** and fixed a typo in the attached version.

Given the timescales, if there are any points needed on the [Redacted s30(b)(i)] we will pick these up as a supplementary annex.

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

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 06 October 2021 14:36
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Director for Education Reform <DirectorforEducationReform@gov.scot>; Livey D (David) <David.Livey@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21 - for review and final adds/amends no later than 3.45 pls
Importance: High

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

Many thx for the brief. I've made some amends, including tightening up where we can.

With thx, grateful if you can both pls review and indicate if you are content or otherwise need amends.

If so, and we can't get further lines on [Redacted s30(b)(i)] referenced below, before 3.45pm, we will print this for the pack, and you can provide a supplementary note (one or two pages max) on the legal issues that we can had |FM in the morning.

Pls let me know which would work best when coming back on the attached.

Thx,

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 06 October 2021 14:20
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>
Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Director for Education Reform <DirectorforEducationReform@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

Hi [Redacted s38(1)(b)]

With apologies, please see attached updated version of FMQ brief.

We need to explore further some of the points raised at Committee and in the media - [\[Redacted s30\(b\)\(i\)\]](#)

Best regards

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 06 October 2021 13:20
To: Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [[Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>
Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

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

Is the updated brief coming soon please?

[Redacted s38(1)(b)]

From: Livey D (David) <David.Livey@gov.scot>
Sent: 06 October 2021 12:33
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>
Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

Hi all,

Apologies – I've been having IT difficulties this morning.

May have been picked up, but could we get the Cab Sec exchange on this from Committee appearance this morning (or a summary) included as an annex? Ross Greer and Michael Marra asked questions on it.

David

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 06 October 2021 07:23
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>
Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

[Redacted s38(1)(b)]

The Committee session is 9:30 – 11:30 this morning

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 05 October 2021 23:08
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>
Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>

s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>;
[Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]
<[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>;
McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

[Redacted s38(1)(b)],

Copying in Spads

Many thanks for the brief.

Some amends tracked in the attached. Grateful if you can please use this version for updates. Also, what time is the Cab Sec appearance so we know when we can get an update?

Thanks,

[Redacted s38(1)(b)]

Enclosure 16a: attachment - FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

Duplicate of Enclosure 15

Enclosure 17 - FW: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 05 October 2021 10:35
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

Malcolm

Here's a summary of SQA engaging with us on the EHRC agreement -

SQA sponsorship team were first alerted to the potential for a section 23 agreement between the EHRC and SQA in June. This was through the regular finance catch-up meetings with Mike Baxter at SQA. At that point in time the information shared with the SG was very limited in detail (as they were in the early stages of discussing the agreement between SQA and EHRC), and it was agreed that SQA would provide the SG with additional information when it became available.

<https://erdm.scotland.gov.uk:8443/documents/A33923926/details>

This information was shared with the head of division on 21 June. I'm not sure if this information was shared with the Director at the subsequent LDB meeting or with Ministers. <https://erdm.scotland.gov.uk:8443/documents/A33762227/details>

Given the lack of firm detail to the issue (and that during this period officials were being advised by Cab Sec's PO that only urgent submissions should be sent up) no submission was provided to the Cab Sec.

SQA sponsorship team subsequently asked for updates from SQA at regular finance catch-ups and were informed that the agreement was still being developed and that a paper would be going to the SQA Board in Sept. <https://erdm.scotland.gov.uk:8443/documents/A34506015/details>

SQA provided the SG with details of the agreement on 23 September, and it was at this stage that the Cab Sec was advised as to the nature of the agreement and the imminent publication of it.

<https://erdm.scotland.gov.uk:8443/documents/A34830061/details>

To date the SG has received no communications from the EHRC with regards to its interactions with SQA on this – the only communications I am aware of is a letter from Fiona Robertson to EHRC, Sept 20, on the ACM and engagement (this was copied to Director of Learning).

[Redacted s38(1)(b)]

From: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Sent: 05 October 2021 09:12
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: FW: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

Hi [Redacted s38(1)(b)]
To see. I'm going to need as much detail as we can offer on this. Sorry
M

From: Director of Learning <DirectorofLearning@gov.scot>
Sent: 05 October 2021 08:44
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Subject: FW: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

Malcolm – can you double check this please? I know that you/ [Redacted s38(1)(b)] will be responding to the comments in the attached by Cab Sec this morning. In the covering email when it goes back please include a response to this point. Given that officials knew in June – when were Ministers first informed? Graeme.

From: Griffin J (Joe) <Joe.Griffin@gov.scot>
Sent: 05 October 2021 06:35
To: Director of Learning <DirectorofLearning@gov.scot>; Logan G (Graeme) <Graeme.Logan@gov.scot>

Subject: FW: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

Graeme - worth checking the comment on p5 "Timeline" in respect of SQA/EQIAs....

This looks like no Ministerial heads up until a week ago then. That's not good. Nothing in my intro briefings which I missed at the time but could be pointed to now? This now looks like I wasn't sighted on this until just before original press release day!

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

Sent: 04 October 2021 21:20

To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>

Cc: Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Ansongov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; McLean L (Liza) <Liza.McLeangov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Gallacher S (Susan) <Susan.Gallacher@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot> [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; DG Education & Justice <dgej@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>

Subject: RE: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

Hi [Redacted s38(1)(b)]

Comments from Ms Somerville on attached. Grateful if these can be actioned and sent back to PO as well as submitted for inclusion in final briefing pack.

Thanks

[Redacted s38(1)(b)]

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From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 04 October 2021 17:09
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Ansongov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; McLean L (Liza) <Liza.McLeangov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Gallacher S (Susan) <Susan.Gallacher@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; DG Education & Justice <dgej@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

[Redacted s38(1)(b)]

Please find attached a briefing paper covering the SQA's section 23 agreement with EHRC, for Wednesday's Committee session.

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 01 October 2021 15:32
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Ansongov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; CERG <CERGGov.scot>;

[Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; Minister for Children & Young People <MinisterCYP@gov.scot>; Minister for HE, FE, Youth Employment and Training <MinisterHEFEYET@gov.scot>; DG Education & Justice <dgej@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; Anson S (Sam) <Sam.Ansongov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; McLean L (Liza) <Liza.McLean@gov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; Gallacher S (Susan) <Susan.Gallacher@gov.scot>
Subject: Education, Children and Young People Committee Appearance - 6 October 2021 - Briefing and Speaking Note
Importance: High

PS/Cabinet Secretary for Education and Skills

Please find attached the briefing pack and speaking note for the Cabinet Secretary's appearance at the Education, Children and Young People's Committee on Wednesday 6th October 2021.

Kind regards

[Redacted s38(1)(b)]

Enclosure 18 – email: FW: SQA - Equalities : EHRC Section 23 Agreement

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 23 September 2021 09:35
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: SQA - Equalities : EHRC Section 23 Agreement

To be aware – SQA has signed an agreement with EHRC to improve its equality practices (I understand that most of the issue was with practices from a couple of years ago and SQA is now undertaking a review of existing policies and processes)

This is being made public today and may attract media attention – see SQA's lines to take below.

I doubt this will be picked up in FMQ's today, but grateful for your thoughts on that.

I draft some lines for media just in case needed

[Redacted s38(1)(b)]

From: Michael Baxter <Michael.Baxter@sqa.org.uk>

Sent: 23 September 2021 08:38

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

Cc: John Booth <John.Booth@sqa.org.uk>; [Redacted s38(1)(b)]@sqa.org.uk>; [Redacted s38(1)(b)]@sqa.org.uk>

Subject: IMMEDIATE: EHRC Section 23 Agreement

[Redacted s38(1)(b)]

With apologies for not sending sooner attached is the section 23 agreement signed between SQA and EHRC which will be made public today. Also provided below are our lines to take in case this gets any coverage and for FMQ's in case it is raised. Our first line is the quote from me which is included in the attached document.

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

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

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

- As an employer and as a public body, SQA is committed to promoting equality, diversity and inclusion in all aspects of its work.
- SQA has actively embedded equality considerations into its decision making and many of its existing processes. Examples of this include:
 - the wide range of assessment arrangements it offers that support learners of all protected characteristics to undertake qualifications
 - the development of the exam timetable to ensure religious holidays are considered
 - equality principles are embedded in SQA qualifications to remove barriers to learners taking them
 - question papers are produced in adapted formats and ICT, for those learners who need support
 - writing guidelines for SQA staff and for SQA Appointees have equality principles embedded
 - SQA Appointee guidance has equalities embedded

- to become an approved centre, an organisation must have equal opportunities policies
- for SQA Staff there are a number of staff networks and wellbeing resources, trade unions, safe spaces, employee assistance, carers policies, flexible working, disability compendium, die to work, evacuation procedures, etc...
- SQA has taken good decisions about equality matters but has not sufficiently formally documented and published them.
- SQA has agreed an action plan over the next two years with the Equalities and Human Rights Commission to review its existing policies and processes which will be monitored by EHRC periodically.

Kind Regards

Mike Baxter
 Director of Finance and Corporate Services
 Scottish Qualifications Authority
 t: 0345 [Redacted s38(1)(b)] m: 07 [Redacted s38(1)(b)]
 e: michael.baxter@sqa.org.uk w: <http://www.sqa.org.uk>
 Scottish Qualifications Authority
 24 Wester Shawfair, Lowden, Dalkeith, Midlothian EH22 1FD

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Enclosure 18a – attachment: FW: SQA - Equalities : EHRC Section 23 Agreement

[Redacted s30c]

Enclosure 19 – email - FW: Letter to SQA on EHRC

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 05 October 2021 10:59
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: Letter to SQA on EHRC

Malcolm

Pleased find attached the draft letter to SQA on the EHRC – I thought we might want to wait until after the Committee session tomorrow before sending this up, in case we want to make any changes

[Redacted s38(1)(b)]

Enclosure 19a – email - FW: Letter to SQA on EHRC – attachment

Cabinet Secretary for Education and Skills
Shirley-Anne Somerville MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Fiona Robertson
SQA Chief Executive and Chief Examiner

Fiona.robertson@sqa.org.uk

x October 2021

Thank you for the update at our meeting earlier this week on SQA's equality action plan following the section 23 agreement with the Equality and Human Rights Commission (EHRC).

As I highlighted, I expect all public bodies to comply with the requirements of the public sector equality duty and for SQA to fully address the EHRC's findings. I take confidence from the fact that SQA has completed and published all required Equality Impact Assessments since the beginning of 2020, including those in relation to the delivery of national qualifications in 2020 and 2021 and appeals. However, the importance of ensuring that all policies and processes that impact on people whether learners, stakeholders or SQA staff needs to be addressed, and so I welcome SQA's action plan, and your commitment to completing outstanding EQIAs for all their current policies and practices within the next two years.

I would like to pass on my appreciation to the team at SQA for driving forward the refresh of outstanding equality impact assessments during this challenging time, and congratulate you on publishing 32 EQIAs since August. A strong start on delivering the action plan. Your reassurance on delivering against the action plan as quickly as possible and certainly within the agreed 24-month term was appreciated. I appreciate that all of the quality impact assessments the EHRC highlighted relate to historic policies and processes, with a significant proportion focused on administrative practices, and you are prioritising these based on those with the most direct impact on people.

Ensuring and protecting equality for the people of Scotland continues to be a fundamental consideration in all of this Government's decisions. I hope there is an opportunity for us to learn from your experience and share this learning with other public sector bodies. The learning from SQA in delivering an equality impact assessment update on this scale, over the next two years, will be invaluable in helping everyone in the public sector consider and insure the robustness of their own equality frameworks and equality impact assessments. To this end I have asked my officials to get in touch with you to look at how we learn from, and share, your experiences.

I would welcome further updates on progress alongside the EHRC bi-annual monitoring check-ups.

SHIRLEY-ANNE SOMERVILLE

Enclosure 20 - FW: FMQs - Q6 - Martin Whitfield - SQA - Due 2pm Tuesday

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 05 October 2021 12:18
To: McAllister C (Colin) <Colin.McAllister@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [[Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Livey D (David) <David.Livey@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>
Subject: RE: FMQs - Q6 - Martin Whitfield - SQA - Due 2pm Tuesday

Colin

SQA approved this line we have in the briefing pack.

- All the policies and processes identified by EHRC relate to historic policies, before the current Chief Executive's time at SQA.

We have been using the line that all EQIAs have been completed by SQA since 2020.

[Redacted s38(1)(b)]

From: McAllister C (Colin) <Colin.McAllister@gov.scot>
Sent: 05 October 2021 12:03
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Livey D (David) <David.Livey@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>
Subject: RE: FMQs - Q6 - Martin Whitfield - SQA - Due 2pm Tuesday

[Redacted s38(1)(b)]

Can I clarify, do any of the omissions pre-date July 2019?

Regards

Colin McAllister
0131 [Redacted s38(1)(b)]
07 [Redacted s38(1)(b)]



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From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 05 October 2021 11:52
To: McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Lively D (David) <David.Lively@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>
Subject: RE: FMQs - Q6 - Martin Whitfield - SQA - Due 2pm Tuesday

Dear Colin

In David Lively's absence, grateful if you can clear the draft answer to this FMQ:

[Redacted s30(b)(i)]

Thanks

[Redacted s38(1)(b)]

SQA Sponsorship Advisor

Senior Phase Unit | Scottish Government

2B North | Victoria Quay | Edinburgh | EH6 6QQ | T: [Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 04 October 2021 18:18
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Lively D (David) <David.Lively@gov.scot>
Subject: FMQs - Q6 - Martin Whitfield - SQA - Due 2pm Tuesday

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

Thanks for leading on this known question for FMQs. Please ensure the answer is no more than 125 words. You can use the SQA/Exams FMQ as the background note – [Redacted s38(1)(b)] from our team will be looking at this brief this week and he will be in touch to request additional information/changes as needed.

The answer should be submitted on the PQ tracker by 2.00pm tomorrow. Please also send a copy round this copy list. Grateful if you could clear your answer through

Spads (please copy me in when you're sending this up to SpAds). Copying in David. (The deadline for the brief will be different than the deadline for the answer to the known question, so when you're submitting it on the PQ tracker tomorrow, there will be no need to upload the background note/FMQ note, just the answer will be fine).

6. Martin Whitfield: To ask the First Minister what the Scottish Government's response is to the announcement that the SQA has entered a two-year agreement with the Equality and Human Rights Commission to improve equalities practices after the Commission established that the SQA was not routinely assessing the impact of its policies and practices against the three needs of the Public Sector Equality Duty. ([S6F-00341](#))

Guidance on saltire may be helpful:

<http://saltire/my-workplace/ministerial-preferences-and-support/best-practice/Pages/Preparing-FMQs.aspx?pageid=c20c1aae-5b37-4929-9dc0-8036d88e3ca9> (See known questions and supplementaries section)

Give me a shout if you have any questions.

Thanks,

[Redacted s38(1)(b)] | Senior FMQ Officer| First Minister's Policy & Delivery Unit | Scottish Government | 5N.02, St Andrew's House, Edinburgh, EH1 3DG | T: [Redacted s38(1)(b)] | M: [Redacted s38(1)(b)]



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From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 04 October 2021 17:47
To: ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: First Minister FMQs <FirstMinisterFMQs@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>
Subject: RE: URGENT Known PQ - S6F-00341 - Due 2pm tomorrow

Hi [Redacted s38(1)(b)]

This will be for the sponsorship side of the team so copying in [Redacted s38(1)(b)] and [Redacted s38(1)(b)]. Please can you allocate to one of them.

Best regards

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> **On Behalf Of** ET FMQ/PQ Mailbox
Sent: 04 October 2021 17:38
To: [[Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: URGENT Known PQ - S6F-00341 - Due 2pm tomorrow

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

We have had the Known PQs through for this week's FMQ and I think this one may be for your area.

The PQ is due with the FMQ team by 2pm tomorrow. Sorry the deadline is so tight – they have only just come through to us from parliament

If it is for your area who can we allocate it to?

Once allocated someone from the FMQ team will be in touch with further information

The Known PQ is;

6. Martin Whitfield: To ask the First Minister what the Scottish Government's response is to the announcement that the SQA has entered a two-year agreement with the Equality and Human Rights Commission to improve equalities practices after the Commission established that the SQA was not routinely assessing the impact of its policies and practices against the three needs of the Public Sector Equality Duty. (S6F-00341)

We know sometimes areas like to discuss who will answer, content of answer etc before coming back to us, but with such a tight deadline can you confirm it has been picked up and is under consideration?

[Redacted s38(1)(b)]

First Minister Questions & Parliamentary Questions
Room 1N.04 | St Andrew's House | Edinburgh | EH1 3DG
[Redacted s38(1)(b)]

 Before you print think about the ENVIRONMENT



You can find more detailed information on answer[Redacted s38(1)(b)]g PQs here [Answering Parliamentary Questions \(PQs\)](#)

You can also [download the PQs desk aid to print out and keep](#). It summarises the process and important timings to remember for deliv[Redacted s38(1)(b)]g PQs each week.

If you or anyone in your team require any training/awareness in PQs please get in touch

Enclosure 21 – email - FW: s23 Agreement - Urgent Request for Information

From: Director of Learning <DirectorofLearning@gov.scot>
Sent: 05 October 2021 13:09
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Livey D (David) <David.Livey@gov.scot>
Subject: FW: s23 Agreement - Urgent Request for Information

Cabinet Secretary

The email below to Fiona this afternoon gives a sense of where Mr Marra's line of questioning tomorrow may go.

I have asked Fiona if SQA intend to respond today and I am waiting for an answer. Malcolm – can you ensure Ms Somerville is sighted on the response from the SQA and that the issues are covered by our briefing.

Thanks
Graeme.

From: <[Redacted s38(1)(b)]@Parliament.scot>
Sent: 05 October 2021 12:16
To: Customer <customer@sqa.org.uk>; FOI <foi@sqa.org.uk>
Subject: s23 Agreement - Urgent Request for Information

Hello,

I am emailing on behalf of Michael Marra MSP seeking urgent information in relation to the Section 23 agreement that has been reached between the SQA and the EHRC. As the Cabinet Secretary is in front of the Education, Children and Young People Committee tomorrow, it is the first – and perhaps only – opportunity to scrutinise the important issues that the agreement raises.

Mr Marra was seeking information on:

- The scope of the agreement
- Details of all the identified breaches
- The areas which action has been agreed – what the specific issues and actions are within the agreement
- A chronology of the timeline of discussions – including the first report of a breach to the announcement of the agreement last week

This information is key for scrutiny and transparency, and would be appreciated as soon as possible today.

Best Wishes,

[Redacted s38(1)(b)]
Office of Michael Marra MSP

Scottish Labour Shadow Cabinet Secretary for Education and Skills
North East Scotland Region

The Scottish Parliament
Edinburgh
EH99 1SP

@MichaelJMarra Michael Marra MSP

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damage caused by any virus transmitted by this email.

Scottish Qualifications Authority

www.sqa.org.uk
postmaster@sqa.org.uk

Enclosure 22 – email - FW: EHRC section 23 agreement

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 05 October 2021 13:56
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: FW: EHRC section 23 agreement

Malcolm

On the requests from Cab Sec

- **Dates for EQIAs published** - SQA are still working on getting me the dates for the EqIAs
- **List of EQIAs to be completed** - at the moment we can't publicly say the ones are still to be completed / published (due to confidentiality agreement). SQA are speaking to EHRC to see if this can be made public
- **prior improvements/ proactive action** – SQA feel there is an issue with the confidentiality clause here
- **How did this all start** – engagement started during the work to produce the 2020 ACM/Appeals EqIAs, correspondence continued and in Dec 2020 EHRC noted these were published and asked about other EqIAs. SQA's reply referenced the 143 qualifications related reviews and a small number of other EqIAs that we had either completed but not published or were close to completion. EHRC acknowledge that and thereafter the engagement continued (where they decided the quals related ones weren't EqIAs) and required SQA to produce the full list of policies and practices.

I've asked SQA for a line on the confidentiality agreement

[Redacted s38(1)(b)]

From: : [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 05 October 2021 12:47
To: : [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: Michael Baxter <Michael.Baxter@sqa.org.uk>; : [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: EHRC section 23 agreement

Hi [Redacted s38(1)(b)]

Answers below – I've done my best to explain but one or two are difficult to craft for a public audience without contravening the confidentiality clauses of the s23 agreement. Good news is EHRC agreed I could share the list of scheduled EqIAs we have agreed with them, attached.

For the exact dates of publication of prior EqIAs I'm having to ask colleagues to extract data so there are a couple of 'published xx' below, but figured that wasn't the absolutely most crucial information so will follow up later on when I have all of it.

Also note I'm on A/L from close of play until next Tuesday.

[Redacted s38(1)(b)]

From: : [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 05 October 2021 08:06
To: : [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> ; Michael Baxter <Michael.Baxter@sqa.org.uk>
Cc: : [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: EHRC section 23 agreement

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

I have a few more questions on the section 23 agreement – grateful for responses as soon as possible

Happy to arrange a quick call if easier to chat through

Thanks [Redacted s38(1)(b)]

We have the line –

- SQA has updated its policy development framework to ensure all EQIA's are undertaken and published

I've been asked when this was done? I'm assuming it was as part of the agreed action plan. Is the line below ok? Can you say when this was implemented?

- As part of delivering on the agreed action plan, SQA has updated its policy development framework to ensure all EQIA's are undertaken and published.
- Yes, that's right. We implemented it as we were in discussion with EHRC so probably August is a reasonable date to give.

On the timeline

April 21: SQA / EHRC initial engagement

Is there anything we can say on work prior to this on improvements being made to EQIA process / equality (before the issue was raised by EHRC) – proactive action

- Not really. It's difficult to get into this as it's covered by the s23 confidentiality clauses but, in short, we have (for many, many years) focused our efforts in terms of EqIAs on ensuring all our NQs had documented equality reviews. We acknowledged that we hadn't published these but considered them to be EqIAs. EHRC disagreed and said these weren't EqIAs (note: there is no standard method/definition of what constitutes an EqIA). We felt that ensuring NQs had been reviewed for their equality impacts was the most important thing we could do – more important than our petty cash policy etc. – but EHRC have taken a different view.

- This is difficult to get into without contravening the confidentiality agreement. However, in terms of previous actions, our 2020 and 2021 ACM/Appeals EqlAs were proactive.

How did the EHRC engagement start off – was it a regular check-up by EHRC, was EHRC asked to undertake the check?

- The engagement started during the work to produce the 2020 ACM/Appeals EqlAs, correspondence continued and in Dec 2020 EHRC noted these were published and asked about our other EqlAs. Our replies referenced the 143 qualifications related reviews and a small number of other EqlAs that we had either completed but not published or were close to completion. EHRC acknowledge that and thereafter the engagement continued (where they decided the quals related ones weren't EqlAs) and required us to produce the full list of policies and practices.
- The good news is EHRC have agreed I can share the list of scheduled EqlA, attached.

List of EqlAs – I'd like to split the table below into EqlAs published as part of the action plan and ones that were already in place, do you have publication dates readily to hand for these? Also have you heard back from the EHRC on sharing the list of EqlAs to be updated?

The ones in yellow were published prior to the agreement with EHRC being signed.

EqlAs Published

2020 SQA Alternative Certification Model (including the 2020 appeals service) (completed August 2020, published August 2020)

2021 SQA Alternative Certification Model (Completed Feb 21, published Feb 21)

2021 SQA Appeals Service (Completed June 21, published June 21)

2021 Incomplete Evidence Contingency Arrangement

Anti-Bribery Policy (completed June 2020, published xx)

Attendance Management

Business Continuity Policy (completed Nov 2020, published xx)

Childcare

Complaints Handling Procedure

Conflicts of Interest Policy

COVID-19 Equality Impact Assessment with Appendix

Dignity at Work

Disciplinary

Driving for Work Policy (completed Dec 20, published Sept 21)

Driving Office Vehicles Policy

Environmental Management Policy

Equality, Diversity & Inclusion

Expected Behaviours Policy (completed Oct 20, published Sept 21)

Expenses Policy Appointees

Fixed Term Workers

Grievance

Health and Safety Policy

Improving Performance Policy
Modifications to National Courses 2020-21 (completed Oct 20, published xx)
Probation Policy
Procurement Policy Incorporating Sustainability (completed May 20,
published xx)
Qualification Design Principles
Quality Policy
Recruitment & Selection
Restructure Policy
Retention and Redeployment Policy
Secondment Policy
Standby and Call-out
Time Recording
Volunte[Redacted s38(1)(b)]g Policy (completed Feb 20, published xx)
Whistleblowing

Note, there are also the following EqlAs carried out that we did not publish that are now, generally, too old to be published and will be covered by the agreed forward schedule.

Addressing Financial Irregularity (Completed Jan 2020, still relevant should soon also be published)
Safeguarding Children and Protected Adults (completed Sept 2015)
Investigation procedure (completed Oct 2015)
Incompatible component Entries (completed Dec 2014)
Grading for National Courses (completed Dec 2014)
Awarding Meetings for National Courses (completed Dec 2014)
Validation of SQA qualifications (completed March 2015)
Awarding Organisation System (AOS) (completed Dec 2015)
Gender Transition and Reassignment Policy (EqlA completed April 2016, associated policy not finalised)

[Redacted s38(1)(b)] SQA Sponsorship Team
Working from home – Mon to Fri (noon)

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Enclosure 23 – email - SQA - Equality - EHRC section 23 - 211006 - briefing for committee session - v2

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 05 October 2021 14:44
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: SQA - Equality - EHRC section 23 - 211006 - briefing for committee session - v2

The section 23 agreement, signed by SQA and EHRC, is legally enforceable and requires both parties to keep the content of the agreement, the associated action plan and representations made between the parties relating to the agreement (before, on or after the date of signature) confidential.

The EHRC and SQA both consented to the Scottish Government receiving and referring to the list of the policies and practices where equality impact assessment are scheduled to be completed within the two years of the agreement.

And we have a confidentiality line from SQA

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

Sent: 05 October 2021 14:42

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

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

Subject: SQA - Equality - EHRC section 23 - 211006 - briefing for committee session - v2

Malcolm

Here's an update on where we have got to with SQA EHRC brief

[Redacted s38(1)(b)]

Please find attached an updated briefing on SQA EHRC.

We are hoping to include additional information from SQA this afternoon, on publication dates for the EQIAs, and the list of EQIAs to be updated (SQA is currently checking with EHRC to see if this can be released publicly, as it falls under the confidentiality clause between SQA and EHRC on the development of the action plan).

Lines are also being prepared following the request SQA has received from Michael Marra on the EHRC agreement. We anticipate that SQA will respond saying that this information is not available as this is covered by the confidentiality agreement, but we will update the briefing once we are clear on the approach SQA will take. On the timeline and notifying Ministers, the SQA sponsorship team was first alerted to the potential for a section 23 agreement between the EHRC and SQA on 3 June. This was through its regular finance catch-up meetings with the SQA's Director of Finance and Corporate Services. At that stage the SQA were in the very early stages of discussing the possibility of a section 23 agreement and the information shared with the SG was very limited in detail – there was no indication of the quantum of EQIAs that had not been done, nor the likely timeframe for any section 23 agreement, should that route be taken, although SQA did note that this related to historic policies and processes. It was agreed that SQA would provide the SG with additional information when it became available. Given the lack of any real detail, Ministers were not updated at that point.

The SQA sponsorship team subsequently asked for updates from SQA at regular finance catch-ups and were informed that a draft agreement was still being developed and that a paper would be going to the SQA Board in September. The next officials heard was when SQA provided the SG with details of the agreement on 23 September (on the EHRC's original intended date of publication). SQA's Director of Finance and Corporate Services apologised to the sponsorship team that there had not been any detail shared prior to that point. At this stage that the Cab Sec was immediately (the same day) advised as to the nature of the agreement and the planned imminent publication of it. EHRC then took the decision to move publication to 30 September.

The starting point for this is the engagement between EHRC and SQA during the work to produce the 2020 ACM/Appeals EqIAs with correspondence last summer / autumn.

Enclosure 24 – email – Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 05 October 2021 15:31
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Anon@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; McLean L (Liza) <Liza.McLean@gov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Gallacher S (Susan) <Susan.Gallacher@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; DG Education & Justice <dgej@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

[Redacted s38(1)(b)]

Please find attached an updated brief on SQA EHRC.

We are hoping to include additional information from SQA this afternoon, on the list of EQIAs to be updated (SQA is currently checking with EHRC to see if this can be released publicly, as it falls under the confidentiality clause between SQA and EHRC on the development of the action plan).

Lines have also been included following the request SQA has received from Michael Marra on the EHRC agreement. We anticipate that SQA will respond saying that this information is not available as this is covered by the confidentiality agreement with EHRC, but we will update the briefing once we are clear on the approach SQA will take.

The Cabinet Secretary also asked about the timeline and notifying Ministers, the SQA sponsorship team was first alerted to the potential for a section 23 agreement between the EHRC and SQA on 3 June. This was through its regular finance catch-up meetings with the SQA's Director of Finance and Corporate Services. At that

stage the SQA were in the very early stages of discussing the possibility of a section 23 agreement and the information shared with the SG was very limited in detail – there was no indication of the quantum of EQIAs that had not been done, nor the likely timeframe for any section 23 agreement, should that route be taken, although SQA did note that this related to historic policies and processes. It was agreed that SQA would provide the SG with additional information when it became available. Given the lack of any real detail, Ministers were not updated at that point.

The SQA sponsorship team subsequently asked for updates from SQA at regular finance catch-ups and were informed that a draft agreement was still being developed and that a paper would be going to the SQA Board in September. The next officials heard was when SQA provided the SG with details of the agreement on 23 September (on the EHRC's original intended date of publication). SQA's Director of Finance and Corporate Services apologised to the sponsorship team that there had not been any detail shared prior to that point. At this stage that the Cab Sec was immediately (the same day) advised as to the nature of the agreement and the planned imminent publication of it. EHRC then took the decision to move publication to 30 September.

The starting point for this is the engagement between EHRC and SQA during the work to produce the 2020 ACM/Appeals EqIAs with correspondence last summer / autumn.

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Cabinet Secretary for Education and Skills
Sent: 04 October 2021 21:20
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Ansongov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; McLean L (Liza) <Liza.McLeangov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scotRoddy.Macdonald@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Gallacher S (Susan) <Susan.Gallacher@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; DG Education & Justice <dgej@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

Hi [Redacted s38(1)(b)]

Comments from Ms Somerville on attached. Grateful if these can be actioned and sent back to PO as well as submitted for inclusion in final briefing pack.

Thanks

[REDACTED S38(1)(b)]

Private Secretary to Cabinet Secretary for Education & Skills

T: [Redacted s38(1)(b)] M: [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)] <[Redacted s38(1)(b)]@gov.scot>

Sent: 04 October 2021 17:09

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

Cc: Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Anson@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; McLean L (Liza) <Liza.McLean@gov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Reacted s38(1)(b)] <[Reacted s38(1)(b)]@gov.scot>; Gallacher S (Susan) <Susan.Gallacher@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)] >; Wilson M (Mick) <Mick.Wilson@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; DG Education & Justice <dgej@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>

Subject: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

[Redacted s38(1)(b)]

Please find attached a briefing paper cov[Redacted s38(1)(b)]g the SQA's section 23 agreement with EHRC, for Wednesday's Committee session.

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] SQA Sponsorship Team
Working from home – Mon to Fri (noon)

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

Sent: 01 October 2021 15:32

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

Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Anson@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; CERG <CERG@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; Minister for Children & Young People <MinisterCYP@gov.scot>; Minister for HE, FE, Youth Employment and Training <MinisterHEFEYET@gov.scot>; DG Education & Justice <dgej@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; Anson S (Sam) <Sam.Anson@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; McLean L (Liza) <Liza.McLean@gov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; Gallacher S (Susan) <Susan.Gallacher@gov.scot>

Subject: Education, Children and Young People Committee Appearance - 6 October 2021 - Briefing and Speaking Note

Importance: High

PS/Cabinet Secretary for Education and Skills

Please find attached the briefing pack and speaking note for the Cabinet Secretary's appearance at the Education, Children and Young People's Committee on Wednesday 6th October 2021.

Kind regards

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

Workforce and Professional Learning
Early Learning and Childcare
Victoria Quay, Edinburgh

Enclosure 24a – attachment – briefing for committee session

SQA EQUALITY - EHRC Section 23 agreement

Issue:

- **30 Sep:** Equality & Human Rights Commission (EHRC) announced SQA has signed a legal agreement to improve equality practices after it found the agency was not routinely assessing the impact of its policies and practices against the public sector equality duty (PSED)
- EHRC found that SQA had published Equality Impact Assessments (EQIAs) for just 19 out of 150 policies and practices introduced or updated prior to 2020.

Media:

- 1&2 Oct: Opposition calls for SQA CEO to resign in light of EHRC agreement

Key lines

- This Government takes its equalities duties seriously and I have met with the Chief Executive of the SQA and impressed on her the need to deliver against this section 23 agreement.
- The EHRC's findings refer to historic omissions at the SQA. Learners can be assured that all required Equality Impact Assessments regarding the awarding of National Qualifications over the last two years were completed, and published, by the SQA in addition to those published by the Scottish Government.
- All the policies and processes identified by EHRC relate to historic policies, before the current Chief Executive's time at SQA.
- SQA is in the process of completing all outstanding Equality Impact Assessments, with 28 new Equality Impact Assessments already published since August.

Q&A

What's the scope of the EHRC agreement with SQA?

- The agreement commits SQA to complete outstanding Equality Impact Assessments for its current policies and practices.

Have you asked SQA to provide details of all the identified breaches?

- My officials have been in discussions with SQA, but the details of the agreement with the EHRC are protected by a confidentiality agreement
- However, I can assure you that the required EQIAs supporting the awarding of National Qualifications last year and this were completed in full and published.

Will the full action plan, setting out specific actions be published?

- That is a decision for SQA and EHRC.
- The section 23 agreement, signed by SQA and EHRC, is legally enforceable and requires both parties to keep the content of the agreement, the associated action plan and representations made between the parties relating to the agreement (before, on or after the date of signature) confidential.

- The confidentiality agreement is a standard part of an EHRC section 23 agreement.

When were you aware of the first report of a breach?

- SQA notified the Scottish Government of the signed agreement and forthcoming publication last month.
- Officials were aware of the early discussions between SQA and EHRC in June this year, but not on the detail, as this was being developed by SQA and EHRC and is covered by the confidentiality agreement.
- I met with the SQA Chief Executive this week and discussed the section 23 agreement and the need for SQA to deliver against it.

What action are you taking?

- This Government takes equalities duties seriously and I expect all public bodies to comply with the requirements of the public sector equality duty.
- I met with the SQA Chief Executive this week and raised the need to deliver the actions in the section 23 agreement.
- I meet regularly with the Chair and Chief Executive of SQA, and will be seeking updates on progress.

What action is SQA taking?

- SQA acknowledges that further work is needed to improve processes and practice.
- The SQA has worked closely with the Commission on an action plan for improvement, setting out a schedule of policies and practices to be reviewed and puts in place monitoring arrangements to ensure compliance.
- SQA's action plan sets out a schedule of policies and practices to be reviewed, and commits to deliver this over the next 2 years.
- SQA is now in the process of completing all outstanding Equality Impact Assessments.
- The SQA has published 28 new Equality Impact Assessments since August.
- As part of delivering on the agreed action plan, SQA has updated its policy development framework to ensure all EQIA's are undertaken and published.
- The EHRC will be monitoring SQA's progress every 6 months over 2 years.
- I welcome the EHRC's recognition of SQA's efforts. Lynn Walsh, Head of Legal at the Commission has said today **[QUOTE]**: *"By signing this agreement, we are pleased to see that the SQA has demonstrated its clear commitment to equality and to improving its practices. This will ensure that SQA continues to make necessary improvements in this area, reviewing all existing policies and ensuring that equality is at the heart of all of its practices"*.

Do you have faith in the Chief Executive to continue at the head of SQA?

- Yes I do. All the policies and processes identified by EHRC relate to historic policies, before the current Chief Executive's time at SQA.

- I met with the SQA Chief Executive this week and discussed the section 23 agreement – and am pleased with the progress being made by SQA to deliver on the action plan.
- Since August, SQA has published 28 updated Equality Impact Assessments.

Is this not another failure by SQA with regards to overseeing qualifications during the pandemic?

- No, SQA has completed and published all required Equality Impact Assessments since the beginning of 2020 such as those in relation to the delivery of national qualifications in 2020 and 2021, including the appeals process.

It was underhand of SQA to admit to this after the Chief Executive's appearance at Committee?

- The publication date for the section 23 agreement was ultimately a decision for EHRC, and not SQA.

Has SQA and the SG discriminated against the poorest and most vulnerable? What is the impact on learners?

- This agreement does not impact on SQA awarding decisions.
- All National Qualifications are subject to individual equality reviews, and have been so since 2011. These reviews ensure that there is robust and transparent consideration of equalities during development and ongoing maintenance of qualifications. Information about each of these reviews is available on the SQA website.
- SQA has published all required Equality Impact Assessments in relation to the delivery of national qualifications in 2020 and 2021, including the appeals process.
- SQA published the EQIA for 2021 awarding in May 2021, and for appeals process in June 2021
- As MSPs will be aware, the Scottish Government published Equality Impact Assessments in relation to decisions around cancellation of the exams in 2020 and 2021.
- The EQIAs concerning the cancellation of exams in 2020 and 2021 did not identify any indirect or direct discrimination through the policy intention or design.
- The EQIAs illustrated the majority view of stakeholders that cancelling the exam diet and replacing with the ACM was a fairer, more equitable approach.
- In assessing the equalities and socio-economic impacts, a range of evidence was considered to supplement understanding gained through both SQA and Scottish Government monitoring and engagement - including engaging with young people, parents and teachers.

Is equality a key part in decision making, at SQA and SG?

- Equality continues to be a fundamental consideration in all decision making around education, including of course qualifications.

At SQA

- Stakeholder engagement is fundamental to Equality Impact Assessments - SQA works in close partnership with centres, stakeholder groups and education partners to inform SQA's ongoing programme of equality reviews.
- SQA is committed to promoting equality, and worked closely with the EHRC to develop an action plan to further embed equality across its activities, improving its processes and practices.
- SQA has updated its policy development framework to ensure all EQIA's are undertaken and published.

At SG

- The Scottish Government is committed to embedding equality at the heart of our response to COVID-19. We agree best practice in conducting EQIAs means involving equality groups from the earliest stage of policy development and is an important approach to bringing people with a wide range of characteristics into the decision making process.
- Programme for Government 2020/21 commits us to develop and take forward implementation of an equality and human rights mainstreaming strategy, to be in place by end 2024. We will bring forward a draft for consultation in the coming year (2022).
- Extensive recent work has been undertaken to understand current position with regards effectiveness of Impact Assessment in the Scottish Government.
- This includes Internal Audit carrying out a review, the first stage of the Public Sector Equality Duty review and commissioning an 'Impact Assessment in governments' literature review which was published in February 2021.
- In response to this work, the terms of a project to drive overall improvement in Impact Assessments are currently being agreed. This will focus on identifying best practice in impact assessments to date; opportunities for improvement and practical means to implement them; guidance and training; and methods of ensuring quality.

How is progress being monitored?

- The EHRC will be monitoring progress bi-annually over the period of the action plan.
- The Scottish Government will be monitoring progress closely, through regular governance arrangements.

How is SQA prioritising this work?

- SQA is prioritising equality impact assessments based on those with an obvious and direct impact on people, particularly candidates or members of SQA staff. Those to be delivered in the medium to longer term have less of a direct impact on people, for example SQA's petty cash policy.

Will equality be key to the new curriculum and assessment agency?

- Equality will continue to be a fundamental consideration in all decision making around education, including curriculum and assessment.

- I announced on 22 June that SQA will be replaced and a single specialist agency for curriculum and assessment will be considered.
- This is a change in order to improve, to achieve more and to deliver for Scotland's pupils.
- While in this period of change in our education system, the SQA retains our confidence and remains the qualifications and awarding body in 2022.
- Decisions beyond that will be informed by the outcomes from Professor Muir's review on Education Reform.
- Prof Muir is engaging widely to understand the needs of schools, practitioners and learners, and this morning issued a public consultation on the future shape of Scotland's education agencies.
- We will talk to young people, parents and teachers to build a qualifications and assessment system aligned with CfE – as both the OECD and Prof Stobart have recommended.

Background:

- Section 23 of the Equality Act (2006) allows the Commission to enter into an agreement where it believes an unlawful act or failure to comply with the public sector equality duty has occurred. In return for a commitment to progress an action plan and meet the public sector duty, the Commission agrees not to use their powers under s23 of the Equality Act 2006 to issue a compliance notice.
- Other public sector Section 23 Agreements:
 - In July 2021 the Scottish Legal Aid Board entered into a s.23 agreement, due to concerns on assessing the impact of its policies on different groups.
 - Police Scotland and NHS Tayside have also previously entered into s.23 agreements with EHRC (now completed).

Timeline

- April 21: SQA / EHRC initial engagement
- June 21: SQA notify SG officials of engagement with EHRC on possible section 23 agreement
- June 21: SQA presented paper to Board of Management, 16 June, on principles and agreement to explore.
- July / Aug 21: SQA and EHRC exchanges re legal drafting, development of action plan, development of supporting schedule of policy and practice reviews and press statement.
- Sept 21: SQA present paper to Board of Management for approval
- Sept 21: EHRC /SQA sign agreement, 21 Sept with press release timed for 23 September
- Sept 21: SQA notify SG signed agreement and press release, 23 Sept
- Sept 21: EHRC notify SQA that press release delayed due to internal issues and revised date of 30 September agreed
- Sept 21: EHRC publish press release, 30 Sept

Annex A

Agreed Media statement

SQA signs legal agreement to improve equality practices

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

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

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

Lynn Welsh, Head of Legal at the Equality and Human Rights Commission Scotland, said: “Considering equality implications when making decisions isn’t a ‘nice to do’ for public bodies, it is a legal requirement to ensure that public institutions make better quality, robust decisions which work for everyone.

“By signing this agreement, we are pleased to see that the SQA has demonstrated its clear commitment to equality and to improving its practices. This will ensure that SQA continues to make necessary improvements in this area, reviewing all existing policies and ensuring that equality is at the heart of all of its practices. This agreement sends a clear message to other public bodies that considering the impact of their work on people from protected groups is critical in fulfilling their legal duties.”

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

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

The EHRC has used its legal powers under section 23 of the Equality Act, to enter into the agreement with SQA. The agreement will be in place for 2 years and SQA will also implement an agreed action plan and report to the regulator on its progress. The equality regulator will monitor the agreed actions to make sure they are completed and will carry out an evaluation at the end of the 2 years.

Annex B

Summary of Opposition Party statements, on SQA section 23 agreement

Scottish Labour education spokesperson Michael Marra said:

"This news makes it clear that the position of the SQA leadership is untenable - they should resign today.

"We know that in recent years, the decisions they have taken have damaged the poorest and most disadvantaged pupils in Scotland.

"But what this undeniably confirms is that there has been a complete lack of leadership within the organisation and from the Scottish Government.

"The consequences for failing Scotland's pupils should lie with them."

Scottish Greens education spokesperson Ross Greer said:

"Many of us warned the SQA for years that it was failing in its equalities duties, so this finding by the EHRC and the new agreement are certainly welcome. But it should not have taken an intervention by the Commission for these arrangements to be put in place. It's clear that oversight of the exams agency has been totally insufficient for years. The board of management absolutely must resign after this damning report.

"To avoid this happening again, we need to ensure that the body which replaces the SQA has equality embedded in its processes and structures from the start. That will certainly be the Greens' priority."

Scottish Liberal Democrats education spokesperson Willie Rennie said:

"It's a serious matter for the SQA to be rebuked in this manner. It should never be necessary for a public body responsible for the futures of our children to be chided for its failure to meet its human rights obligations.

"The position of the Chief Executive of the SQA is untenable. She has to go without delay.

"Liberal Democrats have consistently argued that education bosses have let down pupils and need to get out of the way to enable real reform to take place.

"Teachers, pupils and staff need to have faith that their needs will be met and their rights respected. Today's announcement only reaffirms that Fiona Robertson is not the right person to take the organisation forward."

List of EqlAs published by SQA

EqlAs Published

2020 SQA Alternative Certification Model (including the 2020 appeals service) (completed August 2020, published August 2020)
2021 SQA Alternative Certification Model (Completed Feb 21, published Feb 21)
2021 SQA Appeals Service (Completed June 21, published June 21)
2021 Incomplete Evidence Contingency Arrangement
Anti-Bribery Policy (completed June 2020, published Feb 21)
Attendance Management
Business Continuity Policy (completed Nov 2020, published Feb 21)
Childcare
Complaints Handling Procedure
Conflicts of Interest Policy
COVID-19 Equality Impact Assessment with Appendix
Dignity at Work
Disciplinary
Driving for Work Policy (completed Dec 20, published Sept 21)
Driving Office Vehicles Policy
Environmental Management Policy
Equality, Diversity & Inclusion
Expected Behaviours Policy (completed Oct 20, published Sept 21)
Expenses Policy Appointees
Fixed Term Workers
Grievance
Health and Safety Policy
Improving Performance Policy
Modifications to National Courses 2020-21 (completed Oct 20, published Oct 20)
Probation Policy
Procurement Policy Incorporating Sustainability (completed May 20, published Feb 21)
Qualification Design Principles
Quality Policy
Recruitment & Selection
Restructure Policy
Retention and Redeployment Policy
Secondment Policy
Standby and Call-out
Time Recording
Volunteering Policy (completed Feb 20, published Feb 21)
Whistleblowing

Enclosure 25: email - s23 Agreement - Urgent Request for Information

From: John Booth <John.Booth@sqa.org.uk>
Sent: 05 October 2021 21:52
To: Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: Fiona Robertson <fiona.robertson@sqa.org.uk>; Michael Baxter <Michael.Baxter@sqa.org.uk>; [Redacted s38(1)(b)] @sqa.org.uk
Subject: RE: s23 Agreement - Urgent Request for Information

Graeme

Apologies for the late hour.

By way of further briefing, below are some suggested lines for Cab Sec to use at Committee in relation to EHCR issues and attached is a table relating to the list of 102 outstanding policies and practices that were in the list sent to Michael Marra's office. Of the total list we have identified some where the title or subject matter could erroneously give rise to further questions regarding their impact on awarding of qualifications historically or specifically in 2020 or 2021. The table provides a summarised assessment of equalities impacts (or rather a lack of impacts).

Thanks

John

Lines to take:

'This is an issue of substandard practice in years gone by. I have discussed this with the Chief Examiner and she is committed to putting this right, under her leadership.

'There is no suggestion that equality issues did not form part of the development of internal SQA policies, but there is an acceptance that the ways in which these impact assessments were carried out, recorded and published was insufficient in terms of equalities duties.

'The current leadership of SQA is working with EHRC to identify and address these historic issues [for which they should be commended]. The SQA's assessment of these policies has not identified any detrimental impact on learners in relation to the organisation's equalities duties.

'There are Equality Review Form (ERF) summaries in place for all courses at National 5, Higher and Advanced Higher and full, robust Equality Impact Assessments (EQIAs) in place for the Alternative Certification Models that were used in 2020 and 2021.

'I have made clear to SQA that I expect them to comply fully with the terms of the EHRC agreement and have confidence that this is well in hand. Attempts to make this a bigger issue than it is - or to undermine the qualifications system and the achievements of learners - are a distraction.'

On 102 EQIAs still to be carried out....

'I think you will see from the list that these include examples like SQA's policies on gifts and hospitality, petty cash, and car parking.

'Over the last 6 weeks alone, 28 EQIAs have been published. This brings the total number of EQIAs and ERFs on the SQA website to 144, including those for National Qualifications courses. SQA will work closely with the EHRC to ensure the agreement is fully complied with, and in the timeframe agreed.'

From: DirectorofLearning@gov.scot <DirectorofLearning@gov.scot>
Sent: 05 October 2021 18:47
To: John Booth <John.Booth@sqa.org.uk>; Malcolm.Pentland@gov.scot;
[Redacted s38(1)(b)] [Redacted s38(1)(b)]@gov.scot
Cc: Fiona Robertson <fiona.robertson@sqa.org.uk>; Michael Baxter
<Michael.Baxter@sqa.org.uk>; Steve Borley <Steve.Borley@sqa.org.uk>
Subject: RE: s23 Agreement - Urgent Request for Information

Thanks John.

Grateful for the further briefing as early as possible this evening, given that Ms Somerville is at Committee at 9am.

Graeme Logan
Director of Learning
Scottish Government

From: John Booth <John.Booth@sqa.org.uk>
Date: Tuesday, 05 Oct 2021, 6:40 pm
To: Director of Learning <DirectorofLearning@gov.scot>, Pentland MK (Malcolm)
<Malcolm.Pentland@gov.scot>, [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: Fiona Robertson <fiona.robertson@sqa.org.uk>, Michael Baxter
<Michael.Baxter@sqa.org.uk>, [Redacted s38(1)(b)]@sqa.org.uk
Subject: FW: RE: s23 Agreement - Urgent Request for Information

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

Further to earlier conversations with others, below is the reply and information just sent to [Redacted s38(1)(b)] in Michael Marra's office.

Further briefing on this to follow later, for the Cabinet Secretary's committee appearance tomorrow.

John

From: John Booth
Sent: 05 October 20
To: [Redacted s38(1
Subject: RE: s23 Ag

Dear [Redacted s38(

Thanks for your earli
recent section 23 ag
(EHRC) and SQA.

The agreement is in

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Enclosure 25a – attachment – PP focus list

Title	Policy or Practice	Is there an existing EqIA?	Is there any impact as there is no EqIA?	Is there any impact on 2020 or 2021?
<u>Access to the Script Management Facility (SMF) GUIDELINES</u>	Practice	No	Guidelines for the application of the associated policy. No impact on equalities.	No impact on awarding.
<u>Awarding meetings for National Courses</u>	Policy	Dec 14	Policy approved by Qualifications Committee in 2014 Review date 2022 An integral part of the quality assurance process of National Qualifications is to hold Awarding Meetings to agree Grade Boundaries in each subject and level. This policy sets out the purpose and frequency of these meetings and defines the roles and responsibilities of personnel. The purpose of Awarding Meetings is to establish if a Course Assessment has performed as intended and to	We did hold awarding meetings in 2020 and that was covered by the EQIA of the ACM that operated in that year

			<p>finalise grade boundaries for that Course Assessment in line with the policy "Grading for National Courses"</p> <p>Awarding meetings as described in this policy where not held in 2020 or 21.</p> <p>No equality impacts.</p>	
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<u>Candidates with incompatible components</u>	Policy	Mar 2015	This policy is to ensure candidates are not disadvantaged by completing incompatible Course assessment components. No equality impacts.	This policy applies to external assessment only: there was no external assessment in 2020 or 2021
<u>Core Skills and other generic skills for learning, life and work across qualifications</u>	Policy	No	<p>Policy approved by Qualifications Committee 2013, revised in 2018 Review date 2022</p> <p>The inclusion of Core and other generic skills for learning, life and work should be an integral part of the qualification development stage and claims should be made for any embedded Core Skills/component(s).</p> <p>Opportunities to develop aspects of generic skills for learning, life and work should be signposted whether or not there are embedded Core Skill/component(s).</p> <p>This is a candidate centred policy about building transferrable skills into qualifications where possible</p> <p>We would only include where these were a natural fit. When we did Equality Reviews of new quals and their assessments we would consider if we were building in any necessary barriers and made adjustments where required.</p>	Qualifications awarded in 2020 and 21 would have these generic skills built in – it wouldn't disadvantage specific groups

			This has been documented for all National Courses.	
<u>Core Skills Credit Transfer</u>	Policy	No	<p>Policy approved in 2010 Review date 2022</p> <p>The National Certificate Modules in Communication, Numeracy, Information Technology, and Problem Solving - which were replaced by National Units derived from the Core Skills Framework with similar titles - will be equivalent to the National Units and allow candidates to gain relevant certification for those Core Skills in their Core Skills profile.</p> <p>This is a positive learner focused policy. It is about enabling those with legacy quals in core skills get an entry on their core skills profile.</p> <p>Review will consider if policy need remains</p> <p>No impact on equality.</p>	No impact on awarding in 2020 or 21
<u>Core Skills Framework</u>	Policy	No	<p>Approved in 2007 by Qualifications Committee Review date 2022</p> <p>The Core Skills Framework outlines the national standards for development of generic skills, and for quality assurance processes leading to automatic certification of Core Skills/their components in qualifications.</p>	Candidates in 2020 and 21 would have had a core skills profile on their certificate

			This is candidate centred: about maximising certification for learners	
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<u>Devolved Authority</u>	Policy	No	<p>Policy states that it 'SQA allows Scottish regionalised colleges of Further Education and UHI responsibility for aspects of quality assurance where this is consistent with the maintenance of national standards and such colleges can demonstrate that they have systems in place to enable them to take on this responsibility'</p> <p>No equality impacts.</p>	No impact on awarding in 2020 or 21
<u>Equality of Access to SQA Qualifications</u>	Policy	No	<p>Approved by Qualifications Committee in 2011, revised in 2014.</p> <p>This sets out the SQA policy on access to assessment and all qualifications.</p> <p>SQA supports the principle of equal opportunities in employment, education and training and opposes all forms of unlawful discrimination on the grounds of disability, race, age, religion or belief, sex, gender reassignment, pregnancy and maternity or sexual orientation. To this end SQA are committed to</p>	<p>No specific impacts on awarding in 2020 or 2021.</p> <p>Appeals process allowed for appeals on basis of discrimination of centre judgements.</p>

		<p>promoting and facilitating access to qualifications.</p> <p>In practice this means that every reasonable step will be taken to ensure that we:</p> <ul style="list-style-type: none"> • Produce qualifications based on national standards which are as accessible as possible. We equality review our qualifications to identify any aspects that might adversely impact on learners who share particular characteristics. We will aim to remove such adverse impacts, wherever possible, and minimise them where it is not possible to remove them altogether. • Develop methods of assessment and quality assurance which are sensitive to the needs of all candidates but which do not compromise our overarching aims of fairness and consistency. • Provide assessment arrangements to allow disabled candidates and/or those with additional support needs to access the assessment without compromising its integrity. For disabled candidates, we will make reasonable adjustments in 	
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			<p>accordance with the requirements of the Equality Act 2010.</p> <p>This policy is all about equity of access to qualifications and assessment, the introduction of this policy resulted in the process of carrying out equality reviews of qualifications and their assessment in terms as noted above.</p> <p>It also includes providing appropriate assessment arrangement for disabled candidates or those with additional support needs – all about equality.</p>	
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<u>External Assessment: Examination Scripts policy (Operations)</u>	Policy	No	This policy simply states that SQA does not return marked scripts.	SQA did not hold any marked scripts in 2020 or 2021 so this policy had no effect.
<u>Governing Principles</u>	Policy	No	<p>Governing Principle 7 states that ‘SQA will ensure that all qualifications and assessments are as fair and accessible as possible and that the needs of candidates are met in the management of its assessments.’</p> <p>No equality impacts.</p>	No impact on awarding in 2020 or 21
<u>Grading for National Courses</u>	Policy	Dec 2014	The policy sets out SQA’s grading structure and method of grading for all graded National	The policy sets out SQA’s ‘grading structure and method of grading for all graded

			<p>Courses. It applies to candidates who have achieved all the required Units and taken the Course assessment.</p> <p>No equality impacts.</p>	<p>National Courses'</p> <p>This method was not used in 2020 or 2021</p>
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<p><u>HNVQ Delivery (Operations)</u></p>	<p>Practice</p>	<p>No</p>	<p>EHRC asked SQA to identify policies <u>and practices</u> when agreeing the schedule of EqIA over the next two years.</p> <p>HNVQ Delivery covers a group of practices that cover the quality assurance and certification tasks related to our vocational qualifications. This is our operational approach to delivering these qualifications and the planned output will be a series of EqIAs that cover each of the separate operational practices that make up overall HNVQ delivery.</p> <p>These practices tend to be interactions between SQA and SQA's approved centres rather than directly with learners. As such, the absence of EqIAs is lower risk – though their development will be a good opportunity to reflect on these practices.</p>	<p>As with National Qualifications, the context of 2020 and 2021 meant large parts of SQA's normal operational processes were either not applicable or set aside for practical/public health reasons.</p> <p>As such, the impact on 2020 and 2021 of an EqIA of SQA's standard practices would have had little effect on 2020 or 2021 delivery – and no impact on the delivery of National Qualifications.</p>
<p><u>Language of Assessment and Certification in Units and Qualifications Validated by</u></p>	<p>Policy</p>	<p>No</p>	<p>Policy refers to Gaelic and BSL as being a permitted language of assessment for learners requiring assessment arrangements.</p>	<p>No impact on awarding in 2020 or 21</p>

<u>SQA (Delivered in the UK)</u>			Equality aspect in relation to BSL users – positive.	
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<u>Language of Assessment in Units & Qualifications Validated by SQA (Candidate Assessment Undertaken Outside The UK in Languages Other than English)</u>	Policy	No	The policy states that: ‘The scope of this policy is the internal Unit assessment of the following product types: ▪ International Vocational Awards ▪ Customised Awards’ No equality impacts.	No impact on awarding in 2020 or 21
<u>Language of Assessment and Certification in Regulated Qualifications Offered by SQA and delivered in the UK</u>	Policy	No	Policy relates to regulated qualifications not to National Qualifications	No impact on awarding in 2020 or 21
<u>Lifespan and Currency of Qualifications</u>	Policy	No	The ‘policy defines the lifespan of all qualifications.’ and states that ‘Apart from SVQs, all SQA qualifications will be validated with an open date’. No equality impacts	No impact on awarding in 2020 or 21
<u>Low Uptake National Courses</u>	Policy	No	The policy sets out principles to guide SQA’s management of low uptake National Qualifications No equality impacts	No impact on awarding in 2020 or 21
<u>National Courses with Grades criteria for development</u>	Policy	No	No equality impact: policy relates to the rationale for new National Courses only, not to design	No impact on awarding in 2020 or 21

			rules, development process or assessment approach	
<u>Post Certification Amendment of Awards policy (Operations)</u>	Policy	No	This process enables centres and SQA to make amendments to results post certification on behalf of their learners. It would disadvantage learners if it did not exist.	In 2020 and 2021 this issue was covered by the Appeals processes.
<u>Policy Development Process & Template GUIDELINES</u>	Practice	No	Guidance for colleagues developing policies within SQA including the requirement to comply with Public Sector Equalities Duties, with a template to follow. As 'guidelines' (practice) this will be assessed under the EHRC Action Plan. No impact on awarding	No impact on awarding.
<u>Qualifications Committee role in the development process for National Courses</u>	Policy	No	Dated 2003, approved by Qualification Committee (QC) Policy review scheduled 2022 No impact on equality - relates to QCs role in approving any major reviews, new development and any removals of NC due to low uptake	No impact on awarding in 2020 or 21
<u>Recognising stakeholder involvement in</u>	Policy	Mar 2015	The policy states that 'The recognition of stakeholder	No impact on awarding in 2020 or 21

<u>qualifications awarding</u>			involvement in qualifications awarding does not apply to National Courses.’ No equality impacts.	
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<u>Recognition of Prior Learning in the Internal Assessment and Quality Assurance of SQA Units</u>	Policy	No	Dated 2012, approved by Qualification Committee (QC) Policy review scheduled 2022 This policy is about recognising learners’ evidence informal and formal through Recognition of Prior Learning processes. Inclusive policy: trying to let as many people as possible access qualifications using as wide a range of evidence as possible.	No impact upon awarding in 2020 or 21 as centres made judgements with SQA advice re appropriate evidence to award grades and quals.
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<u>Recognition of Prior Learning Policy for Regulated Qualifications</u>	Policy	No	The policy only applies to regulated qualifications	No impact on awarding in 2020 or 21
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<u>Retention of Candidate Assessment Evidence for SQA Centres</u>	Policy	No	Policy effective from 2021 – review date 2024 approved by QDMT, EQIA close to completion Policy is about retention of evidence by centre for national Quality Assurance No equalities impact.	No impact upon awarding in 2020 or 2021
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<p><u>Retention of Candidate Assessment Records for SQA Centres</u></p>	Policy	No	<p>Policy effective from 2021 – review date 2024 approved by QDMT,</p> <p>EQIA close to completion</p> <p>This policy maintains national standards and minimises the risk of wrongful certification claims. It ensures that centres keep sufficient assessment and verification records to allow for the review of assessment over time.</p> <p>No equalities impact.</p>	No impact upon awarding in 2020 or 2021
<p><u>Revisions to the Core Skills Framework</u></p>	Policy	No	<p>The policy sets out the management arrangements that apply to revisions to the core skills framework.</p> <p>No equality impacts</p>	No impact on awarding in 2020 or 21
<p><u>Revisions to National Units and Courses and Coding</u></p>	Policy	No	<p>Review date 2022</p> <p>When a Course or Unit is revised, significant changes will mean that a new Unit or Course code has to be allocated.</p> <p>What constitutes a significant change is defined in the further information that accompanies this policy.</p> <p>No equalities impact: this about how sizeable a change to a qualification requires to be in order to require a</p>	No impact upon awarding in 2020 or 21

			new qualifications code.	
<u>Sanctions for non compliance with centre approval criteria (NVQ)</u>	Policy	No	<p>Policy approved 2010 by Qualifications Committee Review date 2022</p> <p>Relates to English market and the regulators requirements.</p> <p>No equality impact.</p>	No impact upon awarding 2020 or 2021
<u>Scottish Credit and Qualifications Framework</u>	Policy	No	<p>Review date 2022</p> <p>The names of SQA qualification types should be retained and used in association with SCQF levels where appropriate (eg Higher Chemistry or Chemistry (Higher) at SCQF level 6.</p> <p>As far as possible the word 'level' when used in SQA's publications would refer to SCQF levels — this should have immediate effect.</p> <p>No equalities issues – it is about levelling quals and including this SCQF level in quals documents</p>	No impact upon awarding in 2020 or 21
<u>Skills for Learning, Skills for Life and Skills for Work across Qualifications supporting Curriculum for Excellence</u>	Policy	No	'This policy establishes the use of SQA's Skills Framework: Skills for Learning, Skills for Life and Skills for Work across all qualifications developed to support Curriculum for Excellence' – these are not formally assessed as part of any National Qualification	No impact on awarding in 2020 or 21

<u>SQA Skills Framework: Skills for Learning, Skills for Life and Skills for Work</u>	Policy	No	The policy supports the inclusion of this skills framework within National Qualifications. No equality impacts.	No impact on awarding in 2020 or 21
<u>SVQs: Awarding Policy</u>	Policy	No	The policy relates only to SVQs	No impact on awarding in 2020 or 21
<u>The use of assessment principles in the development of assessments</u>	Policy	No	The policy includes, as one of the purposes of the policy, as being to ensure that all our assessments are equitable and fair.	No impact on awarding in 2020 or 21
<u>Transition from old to new qualifications</u>	Policy	No	Review date 2022 When qualifications are revised, transition arrangements should be put in place to protect the needs of candidates working towards the old specification. The proposed transition arrangements, and the length of the transition period, should be clearly specified in the validation documents, and should be agreed at validation. This is a candidate centred policy about putting in place enabling arrangements for transition from old to new quals. No equality impacts.	No impact upon awarding in 2020 or 21
<u>Validation of SQA qualifications</u>	Policy	No	The policy notes that one of the criteria for validation is that 'The qualification is accessible to all	No impact on awarding in 2020 or 21

		<p>candidates who could potentially achieve it.'</p> <p>Evidence would therefore have to be provided of this for the qualification to be validated.</p> <p>No equality impacts.</p>	
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Accreditation

Title	Policy or Practice	Is there an existing EqIA?	Is there any impact as there is no EqIA?	Is there any impact on 2020 or 2021?
<u>Awarding Body Approval Policy (Accreditation)</u>	Policy	Reviewed to see if applicable when policy first produced	<p>The purpose of this policy is s to ensure that SQA Accreditation is consistent in only granting awarding body approval status to organisations which can fully meet the specified regulatory requirements.</p> <p>As such, this policy is applied in an institution-to-institution context, so the absence of an EqIA has no impact.</p>	As an SQA Accreditation policy, this has no impact on SQA Awarding in any year.

<p><u>SQA Accreditation's Quality Assurance of Approved Awarding Bodies Policy (Accreditation)</u></p>	<p>Policy</p>	<p>Reviewed to see if applicable when policy first produced</p>	<p>This policy details SQA Accreditation's quality assurance activities and the frequency of audit and provider quality assurance activity. It also highlights the non-exhaustive factors which can contribute towards the awarding body Quality Enhancement Rating and the reports that are made public by SQA Accreditation on its website.</p> <p>As such, this policy is applied in an institution-to-institution context, so the absence of an EqIA has no impact.</p>	<p>As an SQA Accreditation policy, this has no impact on SQA Awarding in any year.</p>
<p><u>SQA Accreditation's Regulatory Sanctions Policy (Accreditation)</u></p>	<p>Policy</p>	<p>Reviewed to see if applicable when policy first produced</p>	<p>This policy ensures SQA Accreditation has a range of regulatory sanctions that can be imposed on awarding bodies where they fail to comply with any conditions of accreditation or any regulatory requirements.</p> <p>As such, this policy is applied in an institution-to-institution context, so the absence of an EqIA has no impact.</p>	<p>As an SQA Accreditation policy, this has no impact on SQA Awarding in any year.</p>

<p><u>SQA Accreditation's Zero uptake Policy (Accreditation)</u></p>	<p>Policy</p>	<p>Reviewed to see if applicable when policy first produced</p>	<p>This policy allows SQA Accreditation to ensure that accredited qualifications are relevant to the qualification needs of Scotland.</p> <p>As such, this policy is applied in an institution-to-institution context, so the absence of an EqIA has no impact.</p>	<p>As an SQA Accreditation policy, this has no impact on SQA Awarding in any year.</p>
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Enclosure 26: email - s23 Agreement - Urgent Request for Information

From: Michael Baxter <Michael.Baxter@sqa.org.uk>
Sent: 05 October 2021 22:04
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; John Booth <John.Booth@sqa.org.uk>
Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Subject: RE: s23 Agreement - Urgent Request for Information

[Redacted s38(1)(b)]

After we spoke this afternoon, and having taken advice, we have been developing this material and are content, with the agreement of EHRC, that this information is disclosed under the terms of the confidentiality agreement.

Happy to pick up in the morning

Kind Regards

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

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 05 October 2021 22:01
To: John Booth <John.Booth@sqa.org.uk>
Cc: Malcolm.Pentland@gov.scot; Michael Baxter <Michael.Baxter@sqa.org.uk>
Subject: RE: s23 Agreement - Urgent Request for Information

John

It would be helpful to know if the Cab Sec can reference this during her Committee appearance – or if this is for background information

I was thinking that if she raises any of this it might cause problems with the confidentiality clause

Grateful for a reply in next 5 mins if possible

Thanks [Redacted s38(1)(b)]

From: John Booth <John.Booth@sqa.org.uk>
Sent: 05 October 2021 21:52
To: Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: Fiona Robertson <fiona.robertson@sqa.org.uk>; Michael Baxter <Michael.Baxter@sqa.org.uk>; Steve Borley <Steve.Borley@sqa.org.uk>
Subject: RE: s23 Agreement - Urgent Request for Information

Graeme

Apologies for the late hour.

By way of further briefing, below are some suggested lines for Cab Sec to use at Committee in relation to EHCR issues and attached is a table relating to the list of 102 outstanding policies and practices that were in the list sent to Michael Marra's office. Of the total list we have identified some where the title or subject matter could erroneously give rise to further questions regarding their impact on awarding of qualifications historically or specifically in 2020 or 2021. The table provides a summarised assessment of equalities impacts (or rather a lack of impacts).

Thanks

John

Lines to take:

'This is an issue of substandard practice in years gone by. I have discussed this with the Chief Examiner and she is committed to putting this right, under her leadership.

'There is no suggestion that equality issues did not form part of the development of internal SQA policies, but there is an acceptance that the ways in which these impact assessments were carried out, recorded and published was insufficient in terms of equalities duties.

'The current leadership of SQA is working with EHRC to identify and address these historic issues [for which they should be commended]. The SQA's assessment of these policies has not identified any detrimental impact on learners in relation to the organisation's equalities duties.

'There are Equality Review Form (ERF) summaries in place for all courses at National 5, Higher and Advanced Higher and full, robust Equality Impact Assessments (EQIAs) in place for the Alternative Certification Models that were used in 2020 and 2021.

'I have made clear to SQA that I expect them to comply fully with the terms of the EHRC agreement and have confidence that this is well in hand. Attempts to make this a bigger issue than it is - or to undermine the qualifications system and the achievements of learners - are a distraction.'

On 102 EQIAs still to be carried out....

'I think you will see from the list that these include examples like SQA's policies on gifts and hospitality, petty cash, and car parking.

'Over the last 6 weeks alone, 28 EQIAs have been published. This brings the total number of EQIAs and ERFs on the SQA website to 144, including those for National Qualifications courses. SQA will work closely with the EHRC to ensure the agreement is fully complied with, and in the timeframe agreed.'

Enclosure 27 – Email - FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 06 October 2021 06:58
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>
Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

Good morning.

Today's Press headlines

Daily Record 17 **Expert slams exam body's appeals snub** SCOTLAND'S exams body must give pupils the right to appeal grades from last year's grading fiasco to boost its human rights credentials, a leading expert has said. The Equalities and Human Rights Commission last week found that the Scottish Qualifications Authority (SQA) had failed to undertake certain human rights and equalities duties in recent years. Dr Tracy Kirk, a human rights expert at Stirling University, said: "They have also

Out of scope

[Redacted s38(1)(b)] | Head of FMQ Team, Scottish Government | [Redacted s38(1)(b)]

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

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

Sent: 05 October 2021 23:08

To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>

Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Lively D (David) <David.Lively@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21

[Redacted s38(1)(b)],

Copying in Spads

Many thanks for the brief.

Some amends tracked in the attached. Grateful if you can please use this version for updates. Also, what time is the Cab Sec appearance so we know when we can get an update?

Thanks,

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] | Head of FMQ Team, Scottish Government | [Redacted s38(1)(b)]

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

Enclosure 28 – email – EQIA

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 06 October 2021 08:16
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Subject: FW: EQIA

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 04 October 2021 16:18
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: EQIA

[Redacted s38(1)(b)]

As per your teams message earlier today some lines on EQIA as requested. Happy to discuss.

[Redacted s38(1)(b)]

- The Scottish Government is committed to embedding equality at the heart of our response to COVID-19. The systems and policies we are putting in place must work for everyone. We agree best practice in conducting EQIAs means involving equality groups from the earliest stage of policy development and is an important approach to bringing people with a wide range of characteristics into the decision making process.
- Extensive recent work has been undertaken to understand current position with regards effectiveness of Impact Assessment in the Scottish Government. This includes Internal Audit carrying out a review, the first stage of the Public Sector Equality Duty review and commissioning an 'Impact Assessment in governments' literature review which was published in February 2021.
- In response to this work, the terms of a project to drive overall improvement in Impact Assessments are currently being agreed. This will focus on identifying best practice in impact assessments to date; opportunities for improvement and practical means to implement them; guidance and training; and methods of ensuring quality. A key element of this project is responding to the need, identified in the internal audit, to put in place improved governance mechanisms provide the required accountability, governance and oversight. This project will also consider capacity and resource.

- Officials in the Directorate for Equality, Inclusion and Human Rights are currently reviewing approaches to equality impact assessment in practice. This includes capacity building work currently underway to further develop skills, knowledge and improved guidance to enable more effective and in-depth impact assessment. The Directorate has recently increased and realigned resource to support capacity building in this area. This will include developing better guidance and self-directed learning underlining the need to ensure that new and existing policies are impact assessed early and that impact assessments are used to shape policy.
- Programme for Government 2020/21 commits us to develop and take forward implementation an equality and human rights mainstreaming strategy, to be in place by end 2024. We will bring forward a draft for consultation in the coming year (2022).
- Building on learning from Covid-19 impacts and responses as well as our work over the past decade to mainstream and embed equality and human rights, we will seek to strengthen this in Scottish Government policy-making as a single joint endeavour, and by extending its reach across “protected characteristics” defined by the Equality Act 2010.
- The strategy will be underpinned by improvement in how we collect and use data, and by improvements in how we harness lived experience to ensure that policy works for those with protected characteristics in a way that ensures that fundamental human rights are protected, respected and fulfilled.

[Redacted s38(1)(b)] Mainstreaming and Strategy Unit | Directorate for Equality, Inclusion and Human Rights
Area 3H (North)
Victoria Quay

[Redacted s38(1)(b)] **Please Note due to Covid 19 I am working from home, therefore, if urgent please contact me by E-Mail [Redacted s38(1)(b)]@gov.scot**

*** Find out more about the Scottish Government [commitment to equality](#) ***

follow us on Twitter @ScotGovEquality

Enclosure 29 – email - RE: EHRC table for publication

From: John Booth <John.Booth@sqa.org.uk>
Sent: 07 October 2021 09:30
To: Hicks C (Clare) <Clare.Hicks@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted

s38(1)(b)]@gov.scot>

Cc: Fiona Robertson <fiona.robertson@sqa.org.uk>; Michael Baxter <Michael.Baxter@sqa.org.uk>; [Redacted s38(1)(b)]@sqa.org.uk>

Subject: RE: EHRC table for publication

Morning

Final table attached. Publication on website due at 11am.

Thanks for comments

- We've not put in alphabetical order as this order reflects the order of the list in the plan agreed with EHRC
- We've not labelled any as 'internal' – they are all internal policies, though clearly some affect only SQA staff, and trying to distinguish them in any way draws undue attention to some
- The info at column three isn't intended to provide a justification for column 2; rather it tries to provide some additional background to clarify what the titles are (and aren't)

Thanks. Just shout if any further questions.

John

From: Clare.Hicks@gov.scot <Clare.Hicks@gov.scot>

Sent: 07 October 2021 08:32

To: John Booth <John.Booth@sqa.org.uk>; DirectorofLearning@gov.scot; Malcolm.Pentland@gov.scot; [Redacted s38(1)(b)] [Redacted s38(1)(b)]@gov.scot; DirectorforEducationReform@gov.scot

Cc: Fiona Robertson <fiona.robertson@sqa.org.uk>; Michael Baxter <Michael.Baxter@sqa.org.uk>; [Redacted s38(1)(b)]<[Redacted s38(1)(b)]@sqa.org.uk>

Subject: RE: EHRC table for publication

John

Grateful to see what you intend to publish on this, this morning.

Thanks

Clare

Clare Hicks

Director for Education Reform

Scottish Government

I am currently working from home and you can contact me on: [Redacted s38(1)(b)]

From: John Booth <John.Booth@sqa.org.uk>

Sent: 06 October 2021 19:19

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

s38(1)(b)]@gov.scot>; directorofeducationreform@gov.scot; Hicks C (Clare)
<Clare.Hicks@gov.scot>
Cc: Fiona Robertson <fiona.robertson@sqa.org.uk>; Michael Baxter
<Michael.Baxter@sqa.org.uk>; [Redacted s38(1)(b)]<[Redacted
s38(1)(b)]@sqa.org.uk>
Subject: EHRC table for publication

Colleagues

Further to our exchanges yesterday and Cab Sec's appearance at committee today, and ahead of FMQs tomorrow, attached is a table showing the list of SQA's policies and practices that has been agreed with EHRC for EQIA review. This builds on the list provided to Michael Marra's office yesterday and provides additional info and an assessment of any impact on awarding (of which there is none), and is intended to provide additional context and clarification. We have had one media request for the list following committee but may get more.

We plan to publish this tomorrow morning but any observations/comments would be welcome before we do that. (Note: there's a bit of tidying up still to be done so ignore tracked changes and highlighted sections).

John

John Booth
Director of Communications
Scottish Qualifications Authority

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www.sqa.org.uk
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Scottish Qualifications Authority

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Enclosure 29a (attachment)



This table sets out the list of SQA policies and practices that have been identified for review for the purposes of equality impact assessments (Column 1). The vast majority of these are existing policies or practices. A small number are policies or practices which are scheduled to be developed in the future.

In light of the interest in SQA's legal agreement with the EHRC and questions about whether any of these policies or practices have impacted the awarding of qualifications, SQA has carried out an internal review of each policy or practice to double-check for any such impact. The table shows the outcome of this process (Column 2) and provides further information on those policies or practices in the interests of clarity (Column 3).

Title of policy/practice identified under agreement with EHRC	Likely impact on individual awarding decisions	Additional information
Gifts & Hospitality policy	None	Corporate guidance for SQA staff on Gifts and Hospitality
Corporate Credit Card policy	None	Corporate guidance for SQA staff on use of credit cards
Foreign Currency policy	None	Guidance for SQA staff on issue of foreign currency
Guidance on Losses & Special Payments	None	Policy on unforeseen expenditure or losses
Petty Cash policy	None	Governance for Petty Cash
Pay policy	None	SQA's approach to pay and provides guidance on how staff members are paid and when specific payments or allowances apply.
Pensions Discretions policy	None	Outlines the discretions SQA is able to apply under the Local Government Pension Scheme (administered by Strathclyde Pension Fund)
Relocation Scheme policy	None	Outlines the organisation's approach to relocation
Retirement policy	None	Describes the procedures that apply to colleagues when they indicate their intention to retire from the organisation
Appreciation Scheme policy	None	Policy for governing the use of staff appreciation scheme vouchers
Essential Car User policy	None	Defines the essential car user entitlements that apply across SQA
Annual Pay Remit	None	Process for determining the annual pay remit and is in line with Public Sector Pay Policy - An EQIA is completed by SG before Public Sector Pay Policy is published.
Post & Contract Information Form (PCIF) /Process	None	This is a process that we use to approve extensions, amendments or creation of posts

Travel, Accommodation & Expenses policy & Guidelines	None	This policy applies to staff members who travel for business purposes and details the items that can be reimbursed
Credit, Invoicing & Debt Management policy	None	This policy deals with the collection of income from customers and methods we use for collection.
HN VQ delivery	None	Covers each of the separate technical processes that make up overall HNVQ delivery and relates to operational interactions between SQA and schools/colleges.
L&D Policy	None	A new policy being developed which outlines SQA's approach to development of its employees and how employees access L&D and which is not yet finalised.
Mentoring programme	None	A new policy being developed which outlines SQA's approach to coaching and mentoring provision for its employees and which is not yet finalised.
Succession Planning	None	A new policy being developed which outlines SQA's approach to succession planning as a means of risk mitigation and talent development and which is not yet finalised.
Induction & Onboarding Process	None	A new policy being developed which describes the processes and accountabilities associated with induction and onboarding and which is not yet finalised.
Organisational Design Process	None	Describes the process steps and accountabilities of stakeholders in the organisation design process
Awarding Body Approval Policy	None	To ensure that SQA Accreditation is consistent in only granting awarding body approval status to organisations which can fully meet the specified regulatory requirements.
SQA Accreditation's Quality Assurance of Approved Awarding Bodies Policy	None	Details SQA Accreditation's quality assurance activities and the frequency of audit and provider quality assurance activity.
SQA Accreditation's Zero uptake Policy	None	Allows SQA Accreditation to ensure that accredited qualifications are relevant to the qualification needs of Scotland.
SQA Accreditation's Regulatory Sanctions Policy	None	Provides SQA Accreditation with a range of regulatory sanctions that can be imposed on awarding bodies where they fail to comply with any conditions of accreditation or any regulatory requirements.
Smarter Working Programme	None	A new policy being developed to support newly introduced hybrid working arrangements for SQA staff and which is not yet finalised.
Reopening of our offices	None	A new policy being developed to cover arrangements on returning to our offices after lockdown
Car Parking policy	None	Guidance on the allocation of our car parking spaces
Post Certification Amendment of Awards policy	None	Allows schools/colleges to bring admin errors to SQA's attention.
Flexitime policy	None	Provides guidance in the use of flexitime by SQA staff
Flexible Working policy	None	Provides guidance and a process for colleagues to ask for flexible working arrangements
Mental Health and Well Being policy	None	Outlines support and processes available to colleagues with well-being concerns
Restructure policy	None	Policy provides guidance and rules for undertaking restructures in SQA
Code of Conduct	None	Rules and standards for colleagues in SQA
Employees undertaking non SQA employment policy	None	Provides guidance and a process for colleagues who wish to undertake a second job outwith SQA

Redundancy policy	None	Policy that would apply in the event that SQA colleagues face a redundancy situation
Staff Leave policy	None	Policy with rules and guidance around the provision and taking of leave
Alcohol and Drug Misuse policy	None	Providing help and support to colleagues and guidance for managers in supporting staff with alcohol or drug dependency issues
Home Based workers policy	None	Guidance and rules around arrangements for staff whose work base is home
Smoking policy	None	Policy relating to in the workplace and assistance available to colleagues for cessation of smoking
Referrals to Disclosure Scotland policy	None	Policy that clarifies circumstances and processes for Disclosure Scotland checks for staff
Maternity, Paternity and Adoption policy	None	Policy with rules and guidance relating to maternity, paternity and adoption
Shared Parental Leave policy	None	Policy and guidance around the provision and taking of Shared Parental Leave
Disclosure Scotland Policies & Procedures	None	Guidance that clarifies circumstances and processes for Disclosure Scotland Checks for staff.
Qualifications Committee role in the development process for National Courses	None	Internal policy relating to Qualifications Committee role in approving any major review, new development or removal of National Courses due to low uptake.
Recognition of Prior Learning in the Internal Assessment and Quality Assurance of SQA Units	None	Policy allows the use of a wide range of evidence, whether that is generated informally or informally from prior learning experiences.
Retention of Candidate Assessment Evidence for SQA Centres	None	Policy relates to retention of evidence by schools/colleges for national quality assurance purposes.
Retention of Candidate Assessment Records for SQA Centres	None	Policy to ensure that sufficient assessment evidence is kept within schools/colleges, if needed.
Revisions to National Units and Courses and Coding	None	Technical policy to ensure that any significant changes to Courses or Units results in a new code being allocated.
<i>Sanctions for non compliance with centre approval criteria (NVQ)</i>	None	<i>Relates to English market and the regulator's requirements. Policy no longer active and therefore no EQIA required.</i>
Scottish Credit and Qualifications Framework	None	Ensures SQA's qualifications are used in association with SCQF levels
Transition from old to new qualifications	None	Ensures learners who might have started out on a previous version of a qualification have their credit transitioned into a newer version.
Awarding meetings for National Courses	None	Sets out the purpose and frequency of awarding meetings that agree grade boundaries for subjects and levels and defines the roles and responsibilities of personnel.
Core Skills and other generic skills for learning, life and work across qualifications	None	Ensures core and other generic skills are built into qualifications development.
Core Skills Credit Transfer	None	Ensures those with legacy qualifications with core or other generic skills have these recorded on their skills profile.
Core Skills Framework	None	Ensures learners' core or other generic skills are certified.

Equality of Access to SQA Qualifications	None	Ensures equity of access to qualifications and assessment, which is recorded and published in the Equality Review Form summaries for every National Qualification subject at each level.
Governing Principles	None	Concerns SQA's statutory duties and regulation of its activities.
Grading for National Courses	None	Sets out SQA's grading structure and method of grading for all graded National Courses.
Lifespan and Currency of Qualifications	None	States that, apart from SVQs, all SQA qualifications will be validated with an open date - qualifications are then reviewed as required.
Low Uptake National Courses	None	Sets out principles to guide internal management of low uptake National Qualifications
Revisions to the Core Skills Framework	None	Sets out management processes that apply to revisions to the core skills framework.
Candidates with incompatible components	None	Ensures candidates are not disadvantaged by completing incompatible course assessment components.
Recognition of Prior Learning Policy for Regulated Qualifications	None	Outlines the principles and responsibilities through which prior learning can be assessed within Units to avoid the need for the learning process to be repeated.
Skills for Learning, Skills for Life and Skills for Work across Qualifications supporting Curriculum for Excellence	None	Establishes the use of the skills framework across all qualifications developed to support Curriculum for Excellence
SQA Skills Framework: Skills for Learning, Skills for Life and Skills for Work	None	Supports the inclusion of the skills framework within National Qualifications, with opportunities to develop generic skills published in the arrangements for each course.
SVQs: Awarding Policy	None	Concerns SQA's approach to developing SVQs in future.
The use of assessment principles in the development of assessments	None	To ensure that staff and others involved in developing assessments do so fairly and equitably.
Validation of SQA qualifications	None	Ensures that qualifications are accessible to all candidates who could potentially achieve them which is documented as part of the validation of each qualification.
Devolved Authority	None	Allows colleges to take on some responsibilities for quality assurance.
Language of Assessment and Certification in Regulated Qualifications Offered by SQA and delivered in the UK	None	Relates to Qualifications delivered in rest of UK (outwith Scotland).
Language of Assessment in Units & Qualifications Validated by SQA (Candidate Assessment Undertaken Outside The UK in Languages Other than English)	None	Relates to qualifications undertaken outwith UK.
Language of Assessment and Certification in Units and	None	Policy refers to Gaelic and BSL as being a permitted language of assessment for learners requiring assessment arrangements.

Qualifications Validated by SQA (Delivered in the UK)		
Recognising stakeholder involvement in qualifications awarding	None	Ensures that the involvement of relevant stakeholders in qualifications awarding is recognised where it supports our business objectives and is managed through a Qualifications Partnership Agreement.
National Courses with Grades criteria for development	None	Internal policy relating to the rationale for new National Courses.
External Assessment: Examination Scripts policy	None	Policy on the return of marked examination scripts.
SMF (Script Management Facility) Access policy	None	Internal policy which ensures that adequate physical controls are in place to maintain the security of information held in the SMF.
Access to the Script Management Facility (SMF) GUIDELINES	None	Internal guidelines for the application of the associated access policy.
Data Quality Policy	None	Policy that governs SQA's approach to maintaining good quality data, including roles and responsibilities
Programme and Project Management Methodology	None	SQA's practice for managing Portfolio Board-governed programmes, projects and work packages in a consistent and best practice way.
Policy Development Process & Template (Guidelines)	None	Internal guidance for colleagues developing policies within SQA including guidance on the Public Sector Equality Duty.
Social Media for Personal Use policy	None	Policy for use of social media by staff
Malpractice: information for centres	None	Information on SQA's candidate and centre malpractice processes
SQA Investigation procedure	None	Procedure for carrying out investigations
Access Control policy	None	Policy to manage system and physical security
Addressing Financial Irregularity policy	None	Policy outlining how SQA manages suspected incidents of fraud
Closed Circuit TV policy	None	Policy to ensure SQA is GDPR compliant in relation to CCTV
Data Protection policy	None	Policy to ensure SQA is GDPR compliant
Email policy	None	Policy for management of use of email by SQA staff
Freedom of Information policy	None	Policy to ensure SQA is compliant with FOISA
Information Security policy	None	Policy to ensure there are controls around management of information
IT Acceptable Use policy	None	Policy to manage use of IT resources by staff
Retention & Disposal policy	None	Policy to ensure compliance with Public Records Scotland Act
Risk, Opportunity and Issues Management policy	None	Policy that outlines SQA's approach to risk, issue and opportunity management, including SQA's risk appetites
Clear Desk & Clear Screen policy	None	Policy to ensure compliance with ISO27001 information security requirements

Records Management policy	None	Policy to ensure compliance with Public Records Scotland Act
Plain English policy	None	Covers use of plain English in written communication.
Publishing and Communications policy	None	Covers content that SQA publishes or communicates.
Copyright policy	None	Covers intellectual property protection for SQA's content and materials.
External Communications	None	Covers provision of communications to SQA's stakeholders.
Internal Communications	None	Covers provision of communications and engagement for all SQA staff.
Stakeholder engagement	None	Covers approach to stakeholder engagement to ensure consistency and support across all audience groups.

Enclosure 30

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 07 October 2021 10:01
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Director for Education Reform <DirectorforEducationReform@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21 - for review and final adds/amends no later than 3.45 pls

Please find attached a supplementary annex on SQA and EHRC section 23 agreement, this provides additional briefing following yesterday Education Committee session

The supplementary annex includes the table being published by SQA at 11 am this morning which lists the policies covered by the section 23 agreement. This provides additional detail on the list of policies contained in the SQA EHRC / exams FMQ note sent up yesterday

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 06 October 2021 16:10
To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>

s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>;
[Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin)
<Colin.McAllister@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>;
Director for Education Reform <DirectorforEducationReform@gov.scot>
Subject: RE: FMQ brief - SQA incl EHRC equality improvement plan - 7 October 21
- for review and final adds/amends no later than 3.45 pls

Thanks.
Printing the attached

[Redacted s38(1)(b)] | Head of FMQ Team, Scottish Government | [Redacted s38(1)(b)]

----- Find out more on Preparing First Minister's Questions (FMQs) -----

Enclosure 30a (attachment)

ISSUE 6 Oct: Education and Skills Committee:

- Michael Marra what analysis there has been on potential legal challenge from learners.
- Oliver Mundell when was Scottish Government made aware of this

Background:

- The issues raised by EHRC relate to policies from previous years and their insufficient formal documentation and publication
- SQA published a table of all the policies and proposals covered by the section 23 agreement this morning (**Annex A**)

The SQA's assessment of these policies has not identified any detrimental impact on learners in relation to the organisation's equalities duties.

- This Government takes its equality duties seriously and the Education Secretary met with the Chief Executive of the SQA and impressed on her the need to deliver against this section 23 agreement
- I expect SQA to comply fully with the terms of the EHRC agreement and have confidence that this is well in hand
- The EHRC's findings refer to historic omissions at the SQA. Learners can be assured that all required Equality Impact Assessments regarding the awarding of National Qualifications over the last two years were completed, and published, by the SQA in addition to those published by the Scottish Government.

- There is no suggestion that equality issues did not form part of the development of internal SQA policies, but there is an acceptance that the ways in which these impact assessments were carried out, recorded and published was insufficient in terms of equalities duties.
- Equality continues to be a fundamental consideration in all decision making around education, including of course qualifications.

SQA has confirmed this agreement does not impact on SQA awarding decisions.

- All National Qualifications are subject to individual equality reviews, and have been so since 2011. These reviews ensure that there is robust and transparent consideration of equalities during development and ongoing maintenance of qualifications. Information about each of these reviews is available on the SQA website.

The Cabinet Secretary for Education and Skills was notified of the EHRC agreement on 23 September.

- She met with the SQA Chief Executive earlier this week to discuss the section 23 agreement, emphasising the need for SQA to deliver against it.
- Officials were first aware of the early discussions between SQA and EHRC in June this year, but not on the detail, as this was being developed by SQA and EHRC.

Table of SQA policies and process covered by the EHRC section 23 agreement – published 11 am today

This table sets out the list of SQA policies and practices that have been identified for equality impact assessments (Column 1). The vast majority of these are existing policies or practices. A handful are policies or practices which are scheduled to be developed in the future.

In light of the interest in SQA’s legal agreement with the EHRC and questions about whether any of these policies or practices have impacted the awarding of qualifications, SQA has carried out an internal review of each policy or practice to double-check for any such impact. The table shows the outcome of this process (Column 2) and provides further information on some of those policies or practices in the interests of clarity (Column 3).

Access Control policy	None	Policy to manage system and physical security
Access to the Script Management Facility (SMF) GUIDELINES	None	Internal guidelines for the application of the associated access policy.
Addressing Financial Irregularity policy	None	Policy outlining how SQA manages suspected incidents of fraud

Alcohol and Drug Misuse policy	None	Providing help and support to colleagues and guidance for managers in supporting staff with alcohol or drug dependency issues
Annual Pay Remit	None	Process for determining the annual pay remit and is in line with Public Sector Pay Policy - An EQIA is completed by SG before Public Sector Pay Policy is published.
Appreciation Scheme policy	None	Policy for governing the use of staff appreciation scheme vouchers
Awarding Body Approval Policy	None	To ensure that SQA Accreditation is consistent in only granting awarding body approval status to organisations which can fully meet the specified regulatory requirements.
Awarding meetings for National Courses	None	Sets out the purpose and frequency of awarding meetings that agree grade boundaries for subjects and levels and defines the roles and responsibilities of personnel.
Candidates with incompatible components	None	Ensures candidates are not disadvantaged by completing incompatible course assessment components
Car Parking policy	None	Guidance on the allocation of our car parking spaces
Clear Desk & Clear Screen policy	None	Policy to ensure compliance with ISO27001 information security requirements
Closed Circuit TV policy	None	Policy to ensure SQA is GDPR compliant in relation to CCTV
Code of Conduct	None	Rules and standards for colleagues in SQA
Copyright policy	None	Covers intellectual property protection for SQA's content and materials.
Core Skills and other generic skills for learning, life and work across qualifications	None	Ensures core and other generic skills are built into qualifications development.
Core Skills Credit Transfer	None	Ensures those with legacy qualifications with core or other generic skills have these recorded on their skills profile.
Core Skills Framework	None	Ensures learners' core or other generic skills are certified.
Corporate Credit Card policy	None	Corporate guidance for SQA staff on use of credit cards
Credit, Invoicing & Debt Management policy	None	This policy deals with the collection of income from customers and methods we use for collection.
Data Protection policy	None	Policy to ensure SQA is GDPR compliant
Data Quality Policy	None	Policy that governs SQA's approach to maintaining good quality data, including roles and responsibilities
Devolved Authority	None	Allows colleges to take on some responsibilities for quality assurance.

Disclosure Scotland Policies & Procedures	None	Guidance that clarifies circumstances and processes for Disclosure Scotland Checks for staff.
Email policy	None	Policy for management of use of email by SQA staff
Employees undertaking non SQA employment policy	None	Provides guidance and a process for colleagues who wish to undertake a second job outwith SQA
Equality of Access to SQA Qualifications	None	Ensures equity of access to qualifications and assessment, which is recorded and published in the Equality Review Form summaries for every National Qualification subject at each level.
Essential Car User policy	None	Defines the essential car user entitlements that apply across SQA
External Assessment: Examination Scripts policy	None	Policy on the return of marked examination scripts.
External Communications	None	Covers provision of communications to SQA's stakeholders.
Flexible Working policy	None	Provides guidance and a process for colleagues to ask for flexible working arrangements
Flexitime policy	None	Provides guidance in the use of flexitime by SQA staff
Foreign Currency policy	None	Guidance for SQA staff on issue of foreign currency
Freedom of Information policy	None	Policy to ensure SQA is compliant with FOISA
Gifts & Hospitality policy	None	Corporate guidance for SQA staff on Gifts and Hospitality
Governing Principles	None	Concerns SQA's statutory duties and regulation of its activities.
Grading for National Courses	None	Sets out SQA's grading structure and method of grading for all graded National Courses.
Guidance on Losses & Special Payments	None	Policy on unforeseen expenditure or losses
HN VQ delivery	None	Covers each of the separate technical processes that make up overall HNVQ delivery and relates to operational interactions between SQA and schools/colleges.
Home Based workers policy	None	Guidance and rules around arrangements for staff whose work base is home
Induction & Onboarding Process	None	A new policy being developed which describes the processes and accountabilities associated with induction and onboarding and which is not yet finalised.
Information Security policy	None	Policy to ensure there are controls around management of information
Internal Communications	None	Covers provision of communications and engagement for all SQA staff.
IT Acceptable Use policy	None	Policy to manage use of IT resources by staff

L&D Policy	None	A new policy being developed which outlines SQA's approach to development of its employees and how employees access L&D and which is not yet finalised.
Language of Assessment and Certification in Regulated Qualifications Offered by SQA and delivered in the UK	None	Relates to Qualifications delivered in rest of UK (outwith Scotland).
Language of Assessment and Certification in Units and Qualifications Validated by SQA (Delivered in the UK)	None	Policy refers to Gaelic and BSL as being a permitted language of assessment for learners requiring assessment arrangements.
Language of Assessment in Units & Qualifications Validated by SQA (Candidate Assessment Undertaken Outside The UK in Languages Other than English)	None	Relates to qualifications undertaken outwith UK.
Lifespan and Currency of Qualifications	None	States that, apart from SVQs, all SQA qualifications will be validated with an open date - qualifications are then reviewed as required.
Low Uptake National Courses	None	Sets out principles to guide internal management of low uptake National Qualifications
Malpractice: information for centres	None	Information on SQA's candidate and centre malpractice processes
Maternity, Paternity and Adoption policy	None	Policy with rules and guidance relating to maternity, paternity and adoption
Mental Health and Well Being policy	None	Outlines support and processes available to colleagues with well-being concerns
Mentoring programme	None	A new policy being developed which outlines SQA's approach to coaching and mentoring provision for its employees and which is not yet finalised.
National Courses with Grades criteria for development	None	Internal policy relating to the rationale for new National Courses.
Organisational Design Process	None	Describes the process steps and accountabilities of stakeholders in the organisation design process
Pay policy	None	SQA's approach to pay and provides guidance on how staff members are paid and when specific payments or allowances apply.
Pensions Discretions policy	None	Outlines the discretions SQA is able to apply under the Local Government Pension Scheme (administered by Strathclyde Pension Fund)
Petty Cash policy	None	Governance for Petty Cash

Plain English policy	None	Covers use of plain English in written communication.
Policy Development Process & Template (Guidelines)	None	Internal guidance for colleagues developing policies within SQA including guidance on the Public Sector Equality Duty.
Post & Contract Information Form (PCIF) /Process	None	This is a process that we use to approve extensions, amendments or creation of posts
Post Certification Amendment of Awards policy	None	Allows schools/colleges to bring admin errors to SQA's attention.
Programme and Project Management Methodology	None	SQA's practice for managing Portfolio Board-governed programmes, projects and work packages in a consistent and best practice way.
Publishing and Communications policy	None	Covers content that SQA publishes or communicates.
Qualifications Committee role in the development process for National Courses	None	Internal policy relating to Qualifications Committee role in approving any major review, new development or removal of National Courses due to low uptake.
Recognising stakeholder involvement in qualifications awarding	None	Ensures that the involvement of relevant stakeholders in qualifications awarding is recognised where it supports our business objectives and is managed through a Qualifications Partnership Agreement.
Recognition of Prior Learning in the Internal Assessment and Quality Assurance of SQA Units	None	Policy allows the use of a wide range of evidence, whether that is generated informally or informally from prior learning experiences.
Recognition of Prior Learning Policy for Regulated Qualifications	None	Outlines the principles and responsibilities through which prior learning can be assessed within Units to avoid the need for the learning process to be repeated.
Records Management policy	None	Policy to ensure compliance with Public Records Scotland Act
Redundancy policy	None	Policy that would apply in the event that SQA colleagues face a redundancy situation
Referrals to Disclosure Scotland policy	None	Policy that clarifies circumstances and processes for Disclosure Scotland checks for staff
Relocation Scheme policy	None	Outlines the organisation's approach to relocation
Reopening of our offices	None	A new policy being developed to cover arrangements on returning to our offices after lockdown
Restructure policy	None	Policy provides guidance and rules for undertaking restructures in SQA
Retention & Disposal policy	None	Policy to ensure compliance with Public Records Scotland Act
Retention of Candidate Assessment Evidence for SQA Centres	None	Policy relates to retention of evidence by schools/colleges for national quality assurance purposes.

Retention of Candidate Assessment Records for SQA Centres	None	Policy to ensure that sufficient assessment evidence is kept within schools/colleges, if needed.
Retirement policy	None	Describes the procedures that apply to colleagues when they indicate their intention to retire from the organisation
Revisions to National Units and Courses and Coding	None	Technical policy to ensure that any significant changes to Courses or Units results in a new code being allocated.
Revisions to the Core Skills Framework	None	Sets out management processes that apply to revisions to the core skills framework.
Risk, Opportunity and Issues Management policy	None	Policy that outlines SQA's approach to risk, issue and opportunity management, including SQA's risk appetites
<i>Sanctions for non compliance with centre approval criteria (NVQ)</i>	None	<i>Relates to English market and the regulator's requirements. Policy no longer active and therefore no EQIA required.</i>
Scottish Credit and Qualifications Framework	None	Ensures SQA's qualifications are used in association with SCQF levels
Shared Parental Leave policy	None	Policy and guidance around the provision and taking of Shared Parental Leave
Skills for Learning, Skills for Life and Skills for Work across Qualifications supporting Curriculum for Excellence	None	Establishes the use of the skills framework across all qualifications developed to support Curriculum for Excellence
Smarter Working Programme	None	A new policy being developed to support newly introduced hybrid working arrangements for SQA staff and which is not yet finalised.
SMF (Script Management Facility) Access policy	None	Internal policy which ensures that adequate physical controls are in place to maintain the security of information held in the SMF.
Smoking policy	None	Policy relating to in the workplace and assistance available to colleagues for cessation of smoking
Social Media for Personal Use policy	None	Policy for use of social media by staff
SQA Accreditation's Quality Assurance of Approved Awarding Bodies Policy	None	Details SQA Accreditation's quality assurance activities and the frequency of audit and provider quality assurance activity.
SQA Accreditation's Regulatory Sanctions Policy	None	Provides SQA Accreditation with a range of regulatory sanctions that can be imposed on awarding bodies where they fail to comply with any conditions of accreditation or any regulatory requirements.
SQA Accreditation's Zero uptake Policy	None	Allows SQA Accreditation to ensure that accredited qualifications are relevant to the qualification needs of Scotland.
SQA Investigation procedure	None	Procedure for carrying out investigations

SQA Skills Framework: Skills for Learning, Skills for Life and Skills for Work	None	Supports the inclusion of the skills framework within National Qualifications, with opportunities to develop generic skills published in the arrangements for each course.
Staff Leave policy	None	Policy with rules and guidance around the provision and taking of leave
Stakeholder engagement	None	Covers approach to stakeholder engagement to ensure consistency and support across all audience groups.
Succession Planning	None	A new policy being developed which outlines SQA's approach to succession planning as a means of risk mitigation and talent development and which is not yet finalised.
SVQs: Awarding Policy	None	Concerns SQA's approach to developing SVQs in future.
The use of assessment principles in the development of assessments	None	To ensure that staff and others involved in developing assessments do so fairly and equitably.
Transition from old to new qualifications	None	Ensures learners who might have started out on a previous version of a qualification have their credit transitioned into a newer version.
Travel, Accommodation & Expenses policy & Guidelines	None	This policy applies to staff members who travel for business purposes and details the items that can be reimbursed
Validation of SQA qualifications	None	Ensures that qualifications are accessible to all candidates who could potentially achieve them which is documented as part of the validation of each qualification.

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

Subject: RE: Committee Summary

Importance: High

Thanks [Redacted s38(1)(b)]

Grateful if colleagues could share with me the final pack which went to Cab Sec, along with the table from SQA which came in late last night re the impact assessments and their potential impact on awarding etc.

Given the FMQ tomorrow, and the questioning re individuals potentially raising a legal challenge re the awarding of qualifications given the lack of EQIAs I think it would be helpful to draw in SGLD advice on this in terms of preparing the FMQ. Graeme and I've discussed and at least until next week can you keep us both sighted on the FMQ etc on this, hopefully, I'll be more fully up to speed asap.

Apologies if I haven't copied in the right people, please just put me right.

Thanks

Clare

Clare Hicks
Director for Education Reform
Scottish Government

I am currently working from home and you can contact me on: [Redacted s38(1)(b)]

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

Sent: 06 October 2021 11:47

To: Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Hicks C (Clare) <Clare.Hicks@gov.scot>; McLean L (Liza) <Liza.McLean@gov.scot>; ; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot> [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>

Subject: Committee Summary

Hi all

Please find attached an overview of discussions at Committee this morning. I've not yet had chance to condense this down to key points but have highlighted where points were raised on qualifications (yellow), SQA and EHRC (green) and OECD/SNSAs (pink). On the qualifications, I think our current FMQ lines already

cover the points raised but others will wish to consider whether any additional lines needed for their relevant areas.

[Redacted s38(1)(b)]

Enclosure 31a – link 1- FMQ briefing 7 October 2021

Duplicate of enclosure 14

Enclosure 31b – link 2

From: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Sent: 05 October 2021 22:28
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Livey D (David) <David.Livey@gov.scot>
Subject: RE: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

FMQ briefing 7 October 2021

Apologies for the late email. Further to my email below, we have just received additional material from SQA. From the 102 outstanding policies and practices that were in the list sent to Michael Marra's office, SQA have identified some where the title or subject matter could erroneously give rise to further questions regarding their impact on awarding of qualifications historically or specifically in 2020 or 2021. The table attached provides a summarised assessment by SQA of equalities impacts or, more accurately, lack of impacts.

Please also find attached an updated briefing note to cover this evening's developments. It includes some lines provided by SQA this evening.

Thanks
Malcolm

From: Pentland MK (Malcolm)
Sent: 05 October 2021 19:26
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Livey D (David) <David.Livey@gov.scot>
Subject: RE: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

PS/Cabinet Secretary for Education and Skills

Copy: as above

As highlighted by Graeme earlier (email of 13.09, attached), Mr Marra wrote to Fiona Robertson in relation to the SQA's s.23 agreement with the EHRC seeking further

information. The response to Mr Marra's office from SQA's Director of Communication is attached.

It highlights the confidential nature of the agreement (as stipulated by EHRC) and the limitations this places on what information SQA can share. However, it also confirms that that, having received Mr Marra's request, the SQA has agreed with the EHRC that it can to provide the list of internal policies and practices that the SQA will be retrospectively working through over the duration of the agreement. The information shared is included within the attachment. We are expecting more material from the SQA this evening and will provide as soon as we can.

Thanks
Malcolm

Malcolm Pentland | Deputy Director
Curriculum, Qualifications and Gaelic Division | email: malcolm.pentland@gov.scot
| [tel:+44\(0\)131](tel:+44(0)131) [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)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 05 October 2021 15:31
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Ansongov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; McLean L (Liza) <Liza.McLeangov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Smith K (Kate) <Kate.Smith@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Gallacher S (Susan) <Susan.Gallachergov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; DG Education & Justice <dgej@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>

Subject: RE: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

[Redacted s38(1)(b)]

Please find attached an updated brief on SQA EHRC.

We are hoping to include additional information from SQA this afternoon, on the list of EQIAs to be updated (SQA is currently checking with EHRC to see if this can be released publicly, as it falls under the confidentiality clause between SQA and EHRC on the development of the action plan).

Lines have also been included following the request SQA has received from Michael Marra on the EHRC agreement. We anticipate that SQA will respond saying that this information is not available as this is covered by the confidentiality agreement with EHRC, but we will update the briefing once we are clear on the approach SQA will take.

The Cabinet Secretary also asked about the timeline and notifying Ministers, the SQA sponsorship team was first alerted to the potential for a section 23 agreement between the EHRC and SQA on 3 June. This was through its regular finance catch-up meetings with the SQA's Director of Finance and Corporate Services. At that stage the SQA were in the very early stages of discussing the possibility of a section 23 agreement and the information shared with the SG was very limited in detail – there was no indication of the quantum of EQIAs that had not been done, nor the likely timeframe for any section 23 agreement, should that route be taken, although SQA did note that this related to historic policies and processes. It was agreed that SQA would provide the SG with additional information when it became available. Given the lack of any real detail, Ministers were not updated at that point.

The SQA sponsorship team subsequently asked for updates from SQA at regular finance catch-ups and were informed that a draft agreement was still being developed and that a paper would be going to the SQA Board in September. The next officials heard was when SQA provided the SG with details of the agreement on 23 September (on the EHRC's original intended date of publication). SQA's Director of Finance and Corporate Services apologised to the sponsorship team that there had not been any detail shared prior to that point. At this stage that the Cab Sec was immediately (the same day) advised as to the nature of the agreement and the planned imminent publication of it. EHRC then took the decision to move publication to 30 September.

The starting point for this is the engagement between EHRC and SQA during the work to produce the 2020 ACM/Appeals EqIAs with correspondence last summer / autumn.

[Redacted s38(1)(b)]

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

Sent: 04 October 2021 21:20

To: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Cabinet Secretary for

Education and Skills <CabSecES@gov.scot>

Cc: Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Ansan@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; McLean L (Liza) <Liza.McLean@gov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Smith K (Kate) <Kate.Smith@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Gallacher S (Susan) <Susan.Gallacher@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; DG Education & Justice <dgej@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Subject: RE: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

Hi [Redacted s38(1)(b)]

Comments from Ms Somerville on attached. Grateful if these can be actioned and sent back to PO as well as submitted for inclusion in final briefing pack.

Thanks

[Redacted S38(1)(b)] (he/him)

Private Secretary to Cabinet Secretary for Education & Skills

T: [Redacted s38(1)(b)] | M: [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)] <[Redacted s38(1)(b)]@gov.scot>

Sent: 04 October 2021 17:09

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

Cc: Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>;

Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Anson@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; McLean L (Liza) <Liza.McLean@gov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)] >; Smith K (Kate) <Kate.Smith@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Gallacher S (Susan) <Susan.Gallacher@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]>; Wilson M (Mick) <Mick.Wilson@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; DG Education & Justice <dgej@gov.scot>; Livey D (David) <David.Livey@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>

Subject: Education, Children and Young People Committee Appearance - 6 Oct 2021 - additional briefing

[Redacted s38(1)(b)]

Please find attached a briefing paper covering the SQA's section 23 agreement with EHRC, for Wednesday's Committee session.

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] SQA Sponsorship Team
Working from home – Mon to Fri (noon)

From: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>
Sent: 01 October 2021 15:32
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Cc: [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; Anson S (Sam) <Sam.Anson@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; CERG <CERG@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Livey D (David) <David.Livey@gov.scot>; Minister for Children & Young People <MinisterCYP@gov.scot>; Minister for HE, FE, Youth Employment and Training <MinisterHEFEYET@gov.scot>; DG Education & Justice <dgej@gov.scot>; Reid A (Adam) <Adam.Reid@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; Anson S (Sam) <Sam.Anson@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Passmore E (Eleanor) <Eleanor.Passmore@gov.scot>; McLean L (Liza) <Liza.McLean@gov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; [Redacted s38(1)(b)] <[Redacted s38(1)(b)]@gov.scot>; Smith K (Kate) <Kate.Smith@gov.scot>; [Redacted s38(1)(b)]

<[Redacted s38(1)(b)]@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; Gallacher S (Susan) <Susan.Gallacher@gov.scot>

Subject: Education, Children and Young People Committee Appearance - 6 October 2021 - Briefing and Speaking Note

Importance: High

PS/Cabinet Secretary for Education and Skills

Please find attached the briefing pack and speaking note for the Cabinet Secretary's appearance at the Education, Children and Young People's Committee on Wednesday 6th October 2021.

Kind regards

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

Workforce and Professional Learning
Early Learning and Childcare
Victoria Quay, Edinburgh

Enclosure 31c – attachment 1 – PP focus list

Duplicate of Enclosure 25a

Enclosure 31d – attachment 2 – briefing for committee session

Duplicate of Enclosure 24a

Enclosure 32 – email: FM PQ Answers

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

Sent: 08 October 2021 11:44

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

Subject: FM PQ Answers

Please find attached, the answers to the FM PQs processed on 08/10/2021:-

S6F-00341

Enclosure 32a – attachment

SCOTTISH PARLIAMENT

ORAL ANSWER

7 October 2021

Index Heading: Education and Justice

Martin Whitfield (South Scotland) (Scottish Labour Party): To ask the First Minister what the Scottish Government's response is to the announcement that the SQA has entered a two-year agreement with the Equality and Human Rights Commission to improve equalities practices after the Commission established that the SQA was not routinely assessing the impact of its policies and practices against the three needs of the Public Sector Equality Duty.

S6F-00341

Nicola Sturgeon: The education secretary met the chief executive of the SQA earlier this week and impressed upon her the need to deliver against the section 23 agreement. The EHRC's findings refer to historical omissions at the SQA. Learners can be assured that all the required equality impact assessments regarding the awarding of national qualifications in the past two years were completed and published by the SQA and the Scottish Government. I welcome the SQA's action plan and its commitment to complete any outstanding equality impact assessments for all of their current policies and practices, with 28 new equality impact assessments already having been published since August.

Enclosure 32b – attachment – background note

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