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02	Email RE: Meeting between DFM and David Middleton and Fiona Robertson	15 January 2020 20:53	Free and frank exchange of views Personal Information	30(b)(ii) 38(1)(b)
03	Email RE: Briefing for the DFM's meeting with SQA's CEO on Wednesday 12 February 2020	10 February 2020 16:00	Personal Information Information not in scope	38(1)(b) -
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04	Email RE: Briefing for tomorrow's meeting between DFM and Ms Robertson	10 March 2020 15:56	Personal Information	38(1)(b)
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05	Attachment: PDF DFM letter to Chief Executive of SQA - Exam diet - 18 March 2020	18 March 2020	Personal Information	38(1)(b)
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10	Email: RE 2021 Qualifications - Letter from Fiona Robertson, Chief Executive, SQA	7 October 2020 15:24	Personal Information	38(1)(b)
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12	Email: RE Letter from the Deputy First Minister	7 December 2020 20:25	Personal Information	38(1)(b)
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13	Email: RE Letter from Fiona Robertson, Chief Executive, SQA	8 December 2020 12:47	Personal Information	38(1)(b)
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15	Email RE: DFM meeting with Chief Examiner - 12 January 2021	14 January 2021 08:25	Personal Information	38(1)(b)
16	Attachment: PDF Letter from Fiona Robertson to DFM	21 January 2021	Personal information	38(1)(b)
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17.1	Attachment: Word Document		Information not in scope	-
18	Attachment: PDF Letter from the Deputy First Minister	27 January 2021	Personal information	38(1)(b)
19	Email RE: Letter from John Swinney MSP	16 February 2021 17:35	Personal Information	38(1)(b)
19.1	Attachment: PDF		Personal information	38(1)(b)
20	Attachment: PDF National Qualifications 2021 - Letter to from Fiona Robertson to Deputy First Minister and Cabinet Secretary for Education and Skills - 16 February 2021	16 February 2021	-	-
21	Email: RE SQA Director of Communications	12 May 2021 14:25	Personal Information	38(1)(b)
22	Email: RE IMMEDIATE: Draft message from NQ21 Group	13 May 2021 10:37	Personal Information	38(1)(b)
22.1	Attachment: Word Document		-	-
23	Email: RE Letter from Fiona Robertson - National Qualifications in 2021: Appeals	14 May 2021 16:09	Personal Information	38(1)(b)

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24	Email: RE SQA Appeals Service - Further advice	22 May 2021 21:45	-	-
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25	Email: RE SQA Appeals Service - 2021	22 May 2021 11:17	Free and frank exchange of views	30(b)(ii)

Enclosure 01 – Email RE: URGENT: Briefing for the DFM's meeting with SQA's CEO on Tuesday 14 January 2020

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

Sent: 13 January 2020 13:31

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

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

Subject: URGENT: Briefing for the DFM's meeting with SQA's CEO on Tuesday 14 January 2020

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

Please find attached briefing for DFM's meeting with SQA's CEO, Fiona Robertson, on Tuesday 14 January, 16:00 - 16:45

Annex B (Summary of the meeting between DFM and Fiona Robertson on 11 December 2019) will be updated by Fiona Robertson in due course.

Best regards

[Redacted s38(1)(b)][Redacted s38(1)(b)] Senior Phase Unit | Scottish Government
2B North | Victoria Quay | Edinburgh | EH6 6QQ | T: 0131 [Redacted s38(1)(b)]
Working Pattern: [Redacted s38(1)(b)]

Enclosure 01.1 - Attachment: Word Document

[Information not in scope]

[INFORMATION NOT IN SCOPE]

[Redacted – Information not in scope]

Enclosure 02 – Email RE: Meeting between DFM and David Middleton and Fiona Robertson

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

Sent: 15 January 2020 20:53

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

Subject: Meeting between DFM and David Middleton and Fiona Robertson

All

A few points from yesterday's meeting between DFM, Fiona and David.

- Fiona is undertaking some work at SQA to ensure various internal processes are fit for purpose and supporting delivery.
- SQA are checking to see if the performance reports process is appropriate, and what the overall range of support looks like in this space. This will include working with ES and the RICS, and also will seek to deliver clarity over roles and responsibilities here.
- There is a continuing effort to make the point that SQA in the main don't make decisions on their own, decisions come about as a result of the interplay between different parties.
- Noted the updated travel expenses guidance, but did note that SQA frequently received prompts from SDI promoting working in Saudi Arabia, and Fiona felt that there could be a better alignment across government with regards to international engagement. However, SQA will seek to do more due diligence, and push education as a positive force for change.
- [redacted s.30(b)(ii)]
- Some discussion about the issue of dual presentation and the removal of RPA, including the question of when students can be presented for an N4. Presentation data will be available over the next 6 weeks, and SQA are already working with some schools where dual presentation is particularly prevalent.
- There was particular interest for SQA to be included in the Senior Phase review process. [redacted s.30(b)(ii)]
- [redacted s.30(b)(ii)]
- There was some discussion about the prescription of the number of hours per qualification and the question of whether hours from N4 learning can be banked for N5, and how the hierarchy of the qualification impacts on this. This remains an area for discussion between SQA and the SG.
- The Peebles High School correspondence was discussed, with Fiona stating that SQA are seeking to be as fair and flexible as possible, whilst operating within past precedent. DFM was clear that pupils should be treated fairly. Fiona has offered to meet with Scottish Borders Council.

There are clearly a few things here to follow-up in the short and medium term, and we'll seek to engage with SQA over these.

I'll write up the highlights for the formal minutes also.

Thanks

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] [Redacted s38(1)(b)] Scottish Government
(0131 [Redacted s38(1)(b)])
email: [Redacted s38(1)(b)]@scotland.gsi.gov.uk

Enclosure 03 – Email RE: Briefing for the DFM's meeting with SQA's CEO on Wednesday 12 February 2020

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

Sent: 10 February 2020 16:00

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

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

Subject: Briefing for the DFM's meeting with SQA's CEO on Wednesday 12 February 2020

[Information not in scope]

Enclosure 03.1 – Attachment: Word Document

[Information not in scope]

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[information not in scope]
ANNEX B

MEETING BETWEEN THE DEPUTY FIRST MINISTER, AND THE CHAIR AND CHIEF EXECUTIVE OF THE SCOTTISH QUALIFICATIONS AUTHORITY (SQA)

Scottish Parliament, 14 January 2020

Ms Robertson set out some of SQA's priorities for the year ahead.

All parties noted the updated SQA international travel guidance and how it now closely matches that of the Scottish Government.

Ms Robertson outlined SQA's plans to review National 3 and National 4 qualifications as part of SQA's regular approach to evaluating changes.

There was discussion around the planned Senior Phase review and it was agreed that SQA would have a clear role to play in this.

The Deputy First Minister noted that it was important for SQA to continue to ensure alignment between curriculum and qualifications.

Ms Robertson set out the support that SQA was providing to Woodmill and Peebles High Schools, and the need to treat pupils fairly and maintain the credibility of the qualifications system at these times was agreed.

A brief discussion was had around the Scottish budget and how this would impact on SQA.

[information out of scope] **Enclosure 04 – Email RE: Briefing for tomorrow’s meeting between DFM and Ms Robertson**

From: [Redacted s38(1)(b)] @gov.scot>
Sent: 10 March 2020 15:56
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)] @gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: Briefing for tomorrow’s meeting between DFM and Ms Robertson

Hi [Redacted s38(1)(b)]

As discussed to see briefing for tomorrow’s meeting. To note that the meeting will most likely heavily focus on contingency planning material from SQA, which officials haven’t had sight of yet – if we do see it through the course of tomorrow we will look to provide an urgent update.

Graeme and Malcolm will be attending the pre-brief at 2pm tomorrow.

Thanks

[Redacted s38(1)(b)] (0131 24)[Redacted s38(1)(b)]
email: [Redacted s38(1)(b)] @scotland.gsi.gov.uk

Enclosure 04.1 – Attachment: Word

[information not in scope]

Enclosure 05 –Attachment: PDF DFM letter to Chief Executive of SQA - Exam diet - 18 March 2020

Deputy First Minister and Cabinet Secretary for Education and Skills
John Swinney MSP
F/T: 0300 244 [Redacted s38(1)(b)]
E: dfmcse@gov.scot

Fiona Robertson
Chief Examiner
Scottish Qualifications Agency
The Optima Building
58 Robertson Street
Glasgow
G2 8DQ

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

18 March 2020

Dear Fiona

I am writing following our discussion of this afternoon. In the incredibly challenging circumstances we are facing as a nation in responding to Coronavirus outbreak, we are having to ask people to take actions that are unprecedented in order to protect lives.

You will be aware of the measures that the First Minister announced today in her statement regarding the imminent closure of our schools. Whilst we have been clear that this should be done in a manner that protects continuity of education, and particularly those students in the Senior Phase, it is clear to me that we must all now work on the assumption that it will no longer be possible to deliver the exam diet in 2020.

I am aware of how significant a step it is to cancel the exam diet. In doing so, we must do our utmost to ensure is that the interests of our young people are protected and that their hard work is rightly and fairly recognised. I am, therefore, commissioning you to develop an alternative certification model that will be able to be deployed for the pupils who would otherwise have participated in this years exam diet.

I am grateful for the work that you and your team at SQA have already done in considering alternative options and appreciate the very significant ask I am making of you and your colleagues. I want you to know that I am very grateful for your efforts and the professionalism that you are bringing to this task.

JOHN SWINNEY

Enclosure 06 – Attachment: PDF Chief Executive SQA letter to DfM - Exam Diet - 19 March 2020



19 March 2020

John Swinney
Deputy First Minister
T4.23
The Scottish Parliament
Edinburgh
EH99 1SP

By email: d1msc@gov.scot

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

Dear Deputy First Minister

Many thanks for your letter following our discussion yesterday.

I fully accept your decision that it is no longer possible to deliver the exam diet in 2020, given the imminent closure of schools. I accept your commission to develop an alternative certification model for this year.

As you know, the Scottish Qualifications Authority has recently been working through a range of scenarios in relation to the exam diet, including disruption and postponement. Work on an alternative certification model is progressing at pace and I will provide further and full details as soon as I can. The support of the wider education system will be important – and the Scottish Government may wish therefore to continue the meetings of the National Qualifications Contingency Group – but I fully acknowledge that the final decision on certification is mine as Chief Examining Officer.

To allow me to certificate, I will need to ensure that we have as much information on the achievements of learners as possible. It is therefore important that schools and colleges work with young people to ensure that any units and coursework are completed, as part of the established assessment process, and estimated grades are provided by teachers drawing on the available evidence gathered throughout the year, to existing SQA deadlines, or earlier if that is possible. For many learners, we will also have prior attainment information which will be helpful to us.

We will work to ensure that learners receive their results no later than 4 August, as planned. We are considering more fully the impact this decision will have on our exceptional circumstances and post-results services because these will need to change in the absence of a diet. However, I would like to confirm this afternoon that we will offer a free post-results service to ensure that schools and colleges continue to have a mechanism to question any result. I appreciate that there may be some operational and financial implications to

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An Toigalach Optima, 58 Sraid MìcDhòmhaich, Glaschu, G2 8DQ

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

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Chair: David Middleton CBE
Chief Executive: Fiona Robertson

consider here, which we have not yet fully worked through, and I have raised this with your officials.

I fully appreciate that this will be an uncertain time for learners who have worked hard throughout the year and will now, with their families, be worried about what this means for them. Everyone here at SQA will do their utmost to ensure that their hard work is fully and fairly recognised, and allows them to proceed to further learning or work.

Your sincerely

[Redacted s38(1)(b)]

Fiona Robertson

Chief Executive and Chief Examining Officer for Scotland

Enclosure 07 – Email RE: SQA Statement - Coursework

From: [Redacted s38(1)(b)] @gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 24 March 2020 15:03
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: DG Education, Communities & Justice <DGECJ@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; [Redacted s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)] @gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; Armstrong A (Alan) <Alan.Armstrong@educationscotland.gov.scot>; Anson S (Sam) <Sam.Anson@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>
Subject: RE: SQA Statement - Coursework

Malcolm

DFM has noted that this is welcome.

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot |
☎ 0300Mobile:(0)7Email: DFMCSE@gov.scot |
5N.07 St Andrew's House | Regent Road | Edinburgh | EH1 3DG

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From: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Sent: 24 March 2020 14:42
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: DG Education, Communities & Justice <DGECJ@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; [Redacted s38(1)(b)] @gov.scot>; [Redacted s38(1)(b)] @gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; Armstrong A (Alan) <Alan.Armstrong@educationscotland.gov.scot>; Anson S (Sam) <Sam.Anson@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>
Subject: SQA Statement - Coursework

DFM

Please see below the statement that Fiona Robertson is about to issue concerning the approach SQA is now taking in relation to coursework.

Malcolm

Following the [announcement by the First Minister on Sunday](#), that no young person with SQA coursework to complete should attend school to do so, we continue to work hard on how we should take coursework evidence into account, in determining young people's final grades.

Everyone here at SQA will do their utmost, given the current situation, and with the support of the education system, to ensure that learners' hard work is rightly and fairly recognised and allows them to proceed to further learning or work.

The current public health advice has meant that we have had to make some really difficult decisions about coursework. This means that for this year, schools and colleges are not required to submit learner coursework for marking, in Higher and Advanced Higher courses. In addition, all other National 5 coursework due to be uplifted in April and May will not now be submitted for marking.

We have taken this difficult decision to be as fair as possible to all Higher and Advanced Higher candidates, whilst taking on board the current public health advice, the many varied coursework requirements across different subjects, and how these are managed in schools and colleges across the country.

I appreciate that some learners may have already completed their coursework for Higher and Advanced Higher courses. This work can still be used as part of the suite of evidence for teachers to draw on as they consider estimated grades.

We have received coursework for a range of National 5 subjects and have contacted National 5 coursework markers to confirm marking arrangements. We will provide further details on the estimation of grades, that we will need from teachers and lecturers to inform certification and fuller details of our approach to certification, in the coming days.

This is an unprecedented situation for us all, and circumstances are rapidly changing. With every change in circumstances, we continue to consider how best to recognise learner achievement in as fair a way as possible.

Please be assured that everyone here at SQA is fully committed to working with you to deliver for Scotland's young people. Thank you for your patience and continued co-operation.

Fiona Robertson
SQA Chief Executive and Scotland's Chief Examiner

Malcolm Pentland | Deputy Director

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

| tel:+44(o) [Redacted s38(1)(b)] | o7[Redacted s38(1)(b)]

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

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

Enclosure 08 – Email: RE Meeting DFM Tomorrow

From: Fiona Robertson <fiona.robertson@sqa.org.uk>

Sent: 13 January 2020 16:50

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

Cc: David Middleton <dfmiddleton23@gmail.com>

Subject: Meeting DFM Tomorrow

[Redacted s38(1)(b)][Redacted s38(1)(b)] David Middleton, chair of SQA, will join the meeting tomorrow.

Thanks.

Fiona

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Enclosure 09 – Email: RE Letter from Fiona Robertson, SQA Chief Executive and Scotland's Chief Examining Officer

From: [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 04 August 2020 10:20
To: [Redacted s38(1)(b)]@gov.scot>
Cc: Minister for Further Education, Higher Education and Science <MinisterFEHES@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@educationscotland.gov.scot>; [Redacted s38(1)(b)]@educationscotland.gov.scot>; [Redacted s38(1)(b)]@educationscotland.gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; Armstrong A (Alan) <Alan.Armstrong@educationscotland.gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Subject: FW: Letter from Fiona Robertson, SQA Chief Executive and Scotland's Chief Examining Officer
Importance: High

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

Please see letter from the SQA.

Can you let us know if we need to do anything with this.

Thanks

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

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From: [Redacted s38(1)(b)]@sqa.org.uk> **On Behalf Of** Fiona Robertson
Sent: 04 August 2020 09:48
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

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

Subject: Letter from Fiona Robertson, SQA Chief Executive and Scotland's Chief Examining Officer

Importance: High

PS/DFM

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

Kind regards,

[Redacted s38(1)(b)]

[Redacted s38(1)(b)][Redacted s38(1)(b)]Scottish Qualifications Authority

This email has been scanned by the Symantec Email Security.cloud service.

Enclosure 09.1 – Attachment: PDF

[Redacted s25(1) – information publicly available at
https://www.sqa.org.uk/sqa/files_ccc/SQAAwardingMethodology2020Report.pdf*]*

Enclosure 09.2 – Attachment: PDF



4 August 2020

John Swinney MSP
Deputy First Minister /
Cabinet Secretary for Education and Skills
The Scottish Government
Saint Andrews House
Edinburgh
EH1 3DG

By email: DFMCSE@gov.scot

Contact: Fiona.Robertson@sqa.org.uk

Dear Deputy First Minister

On 18 March you asked me, as Chief Examining Officer, to develop an alternative approach to certification this year following the closure of schools and the cancellation of exams.

I am writing today to set out the approach we have taken, drawing on my report as Chief Examining Officer. This report, together with a suite of supporting documentation, is being published in full at 09:30 this morning.

Since the outset, our approach has been based on three core principles, which reflect both how we work and the circumstances of 2020:

- ◆ Fairness to all learners.
- ◆ Safe and secure certification of our qualifications, while following the latest public health advice.
- ◆ Maintaining the integrity and credibility of our qualifications system, ensuring that standards are maintained over time, in the interests of learners.

On 20 April, I set out the four key stages to our approach: estimates; awarding; results and certification; and appeals.

The key input to our alternative certification model has been based on estimated grades. We receive estimates every year from schools and colleges. We asked for more detailed estimates — 19 refined bands — and candidate rank order within these refined bands, to provide more differentiated data to inform the awarding process. Teachers, lecturers and partners from across education helped inform the approach and the guidance.

The estimates we received were significantly above previous A to C attainment at National 5, Higher and Advanced Higher: A to C attainment rates were 10.4 percentage points higher at National 5, 14.0 percentage points higher at Higher and 13.4 percentage points higher at Advanced Higher than results in 2019. As the national awarding body, with responsibility for maintaining the integrity and credibility of our qualifications system, and ensuring that standards are maintained over time, the estimates highlighted a clear case for moderation. Overall, there was variation, but not uniform variation, between historic attainment and 2020 estimates across subjects, levels and centres.

The moderation process was undertaken at centre level, per course, and by grade using historic attainment data. Starting Point Distributions, with tolerances, set out the expected parameters for each grade and A to C attainment nationally in 2020, drawing on historic attainment, prior attainment data (where available), and feedback from SQA Qualifications teams and Principal Assessors.

For centres which had no historic attainment data for a course, estimates were accepted without moderation as there was no fair or evidential basis on which they could be adjusted.

As you know, we considered very carefully whether to conduct a professional dialogue with schools and colleges as part of the moderation process. It was concluded that it would not be possible to include engagement with centres. The reasons for this are twofold:

- ◆ The difficulty of operating a dialogue that was fair and consistent in its treatment of all centres and candidates.
- ◆ The time that would be required in what was already a very tight schedule for certification.

Of 511,070 entries across National 5, Higher and Advanced Higher, we accepted 377,308 (73.8%) estimated grades and 133,762 (26.2%) estimated grades were adjusted.

Given the profile of estimates, most of the adjustments — 124,564 or 93.1% — were moderated down, and 9,198 entries (6.9%) were moderated up. Of the total 133,762 adjustments, 128,508 or 96.1% were adjusted by one grade. 45,454 entries (8.9%) were adjusted down from grades A–C to grade D or to No Award. Of these, 43,423 (95.5%) were originally estimated to be grade C.

Full details of our methodology is provided in the SQA National Qualifications 2020 Awarding – Methodology Report, attached. Further information on the moderation outcomes for each of the 129 courses across National 5, Higher and Advanced Higher is also being published today.

Our post-certification review (appeals) process will provide for further, evidence-based consideration of grades if schools and colleges do not think awarded grades fairly reflect candidate performance. The new system goes live today.

Looking at outcomes, A to C attainment in 2020 at National 5 is 243,572 or 81.1% (225,594 or 78.2% in 2019). At Higher it is 146,643 or 78.9% (138,972 or 74.8% in 2019). At Advanced Higher it is 20,010 or 84.9% (18,627 and 79.4% in 2019).

Some variation of attainment is to be expected between courses and over time. This year, the absence of external assessment information and the moderation process has led to more significant movements in attainment than we would see in a normal year.

Throughout the development of the model we have had equalities at the heart of our thinking, and have developed and refined an Equality Impact Assessment and a Child Rights and Wellbeing Impact Assessment to inform our approaches and decisions, as well as to demonstrate our compliance with our statutory obligations. In developing these assessments, we have had due regard to the potential equalities impacts of our processes and have sought to ensure that our guidance to centres on equalities in the estimation process assisted them in fulfilling their equalities' responsibilities. Whilst the moderation process involved the use of pseudonymised data, we have ensured that the arrangements we have in place for post-certification review and exceptional consideration arrangements are also designed to address any cases of discrimination in original estimation by centres.

Our statistical analysis of available data (contained in the Equality Impact Assessment) from 2016 onwards demonstrates that, after moderation, learners in the most deprived SIMD bandings saw attainment levels for grades A to C higher than both 2019 results and the average result for 2016-2019 as well as a narrowing of the attainment gap between those in the most deprived and least deprived SIMD bandings over the same periods. We have also engaged with the Scottish Government to undertake further statistical analysis on protected characteristics, the data for which is held by them.

To conclude, this has been a very challenging year for everyone involved in Scottish education. I am very grateful to schools and colleges across Scotland who have worked with us in the most difficult circumstances to deliver for learners. Without teacher and lecturer estimates, we would not have been able to certificate this year.

I am also grateful for the patience of Scotland's learners who, together with their families, have been worried about what the cancellation of exams might mean. The results young people across Scotland receive today should reflect their achievements and allow them to progress to further study or employment.

Finally, I must thank SQA staff who have worked so hard to deliver. I believe we have:

- ◆ Delivered fairness to learners, through a consistent, evidence-based approach to awarding, supported by an Equalities Impact Assessment and a Child Rights and Wellbeing Impact Assessment.
- ◆ Ensured safe and secure certification of our qualifications, taking difficult decisions when needed, following public health advice.
- ◆ Maintained the integrity and credibility of our qualifications system, ensuring that standards are maintained over time, in the interests of learners, through judicious moderation of grades.

Yours sincerely

[Redacted s38(1)(b)]

Fiona Robertson
Chief Executive and Scotland's Chief Examining Officer

Enclosure 10 – Email: RE 2021 Qualifications - Letter from Fiona Robertson, Chief Executive, SQA

From: [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 07 October 2020 15:24
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Cc: Director of Learning <DirectorofLearning@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Subject: FW: 2021 Qualifications - Letter from Fiona Robertson, Chief Executive, SQA

Malcom,

Please see letter from Fiona Robertson in response to the DFM letter issued last night.

Can you please consider if any further action needs taken on this.

Many thanks

[Redacted s38(1)(b)]

From: [Redacted s38(1)(b)]@sqa.org.uk> **On Behalf Of** Fiona Robertson
Sent: 07 October 2020 15:00
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Director of Learning <DirectorofLearning@gov.scot>
Subject: 2021 Qualifications - Letter from Fiona Robertson, Chief Executive, SQA

Dear Deputy First Minister

In response to your letter of 6 October, please find attached letter from Fiona Robertson, Chief Executive, SQA.

Kind regards,

[Redacted s38(1)(b)][Redacted s38(1)(b)]Scottish Qualifications Authority

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

Enclosure 10.1 – Attachment: PDF

2

07 October 2020

I am very grateful to your officials for sharing an advance copy of Professor Priestley's Review and the Scottish Government's initial response to it. Following consultation with the SQA Board of Management, I will provide a more detailed response to the Scottish Government in the coming days.

To conclude, these have been very challenging times for SQA. We worked incredibly hard to deliver on your commission for 2020, and in truly exceptional circumstances, but it led to a Ministerial direction. I will keep you closely informed on our progress during the course of the year, to ensure SQA continues to fulfil its statutory functions, and with the commitment and agreement of partners and the support of learners.

Above all, as Chief Examining Officer, I want to ensure arrangements for this year deliver for learners across Scotland and maintain the integrity and credibility of qualifications in Scotland.

Yours sincerely

It is your decision to cancel National 5 exams this year. As you request, and in close consultation and collaboration with the education system, SQA will develop alternative certification arrangements. Your letter sets out your broad expectations on how that will be done and I can confirm that we will take work forward to do so. Broad guidance on evidence gathering and estimation will be published today, with subject specific guidance to follow. We will also work to provide assessment resources to schools and colleges.

Your letter also sets out that the diet for Higher and Advanced Higher should proceed. We will work on that basis, alongside the further development of contingency arrangements with stakeholders should they be needed. The diet will commence on 13 May, to allow for further learning and teaching time, and certification day will remain as 10 August. Our modifications to assessment for 2021, following extensive consultation, and also published today, should also help relieve pressure on the system this year.

We have discussed the need to ensure that standards are maintained in 2021, in fairness to learners across Scotland. To achieve this, there is an important role for everyone across the education system, through a commitment to quality assurance, guidance and support. The role of SQA is critical, and we will work on the support plan you identify, but this cannot be achieved by the actions of SQA alone. I will provide an update to you on this work as soon as possible. We will also continue to engage with officials on our budgetary position in 2020/21 and 2021/22.

[Redacted s38(1)(b)]

Fiona Robertson
Chief Executive

Enclosure 11 – Attachment: PDF

**Appendix 2 – SQA NQ 2020 Awarding
Decision Timeline Date**

Topic or Meeting

Decision or activity summary

[Redacted information not in scope]

11 June 2020

SQA staff meeting with Deputy First Minister

SQA staff provided the Deputy First Minister and an official with an overview of the awarding model for 2020. The oral updates covered: Higher National and Vocational Qualifications; National 5, Higher and Advanced Higher estimates; awarding; results and certification; post-certification review (appeals); communications; and business systems. This was a general discussion about preparations being made by SQA in relation to developing new processes.

[Redacted information not in scope]

30 July 2020

Deputy First Minister results briefing

Verbal briefing on results, including moderation, given to Deputy First Minister by SQA's Chief Executive.

[Redacted information not in scope]

Enclosure 12 – Email: RE Letter from the Deputy First Minister

From: [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** zzzDeputy First Minister and Cabinet Secretary for Education and Skills
Sent: 07 December 2020 20:25
To: fiona.robertson@sqa.org.uk
Cc: zzzDeputy First Minister and Cabinet Secretary for Education and Skills <zzzDFMCSE@gov.scot>
Subject: Letter from the Deputy First Minister

Good evening Fiona

Please find attached a letter from the Deputy First Minister and Cabinet Secretary for Education and Skills.

Kind regards

[Redacted s38(1)(b)]
[Redacted s38(1)(b)] [Redacted s38(1)(b)] Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Tel: 0131 244 [Redacted s38(1)(b)]/07 [Redacted s38(1)(b)] | E: DFMCSSE@gov.scot

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Enclosure 12.1 – Attachment: PDF

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



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

Fiona Robertson
Chief Examining Officer
Scottish Qualifications Authority

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

7 December 2020

Dear Fiona

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

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

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

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

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

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

[Redacted s38(1)(b)]

JOHN SWINNEY

Enclosure 13 – Email: RE Letter from Fiona Robertson, Chief Executive, SQA

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

Sent: 08 December 2020 12:47

To: Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Anson S (Sam) <Sam.Anson@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>

Cc: Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; DG Education, Communities & Justice <DGECJ@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: FW: Letter from Fiona Robertson, Chief Executive, SQA

Hi all,

Please see reply from Fiona along with paper regrading N5 modelling.

Grateful for a draft reply for DFMs consideration, for COP Monday the 14th. Happy discuss.

[Redacted s38(1)(b)]

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

Sent: 08 December 2020 12:29

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

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

Subject: Letter from Fiona Robertson, Chief Executive, SQA

PS/DFM

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

Kind regards,

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

Enclosure 13.1 – Attachment: PDF



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

By email: DPMCSE@gov.scot

8 December 2020

Dear Deputy First Minister

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

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

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

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

08 December 2020

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

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

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

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

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

08 December 2020

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

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

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

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

I will ensure you remain fully updated on our progress.

Your sincerely

[Redacted s38(1)(b)]

Fiona Robertson

Chief Executive/Chief Examining Officer

Enclosure 13.2 – Attachment: PDF

SCOTTISH QUALIFICATIONS AUTHORITY

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

1. Co-creation of the model for quality assurance

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

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

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

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

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

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

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

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

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

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

1.1 Co-creation Principles:

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

2. The Quality Assurance Model for N5

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

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

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

2.1 Quality Assurance Principles

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

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

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

2.2 N5 ACM underpinning elements

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

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

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

2.3 Assumptions and Dependencies

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

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

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

3.0 Stages and timelines of the N5 Alternative Certification Model Process

3.1 End of November 2020 – December 2020

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

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

3.2 November 2020 – March 2021

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

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

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

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

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

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

3.3 Mid-January – Beginning of April 2021

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

3.4 Beginning April – End May 2021

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

This should end with finalisation of provisional results within centres.

3.5 28 May 2021

Submission of provisional results by centres to SQA

3.6 June 2021

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

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

3.7 10 August 2021

Certification of N5 candidates

4.0 Appeals

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

5.0 Communication plan

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

[Redacted s30(b)(i)]

7.0 Delivering the N5 model

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

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

7.1 Sampling and selection

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

7.2 Support Plan

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

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

Enclosure 14 – Email RE: DFM meeting with Chief Examiner - 12 January 2021

From: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Sent: 13 January 2021 17:29
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: DG Education, Communities & Justice <DGECJ@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Anson S (Sam) <Sam.Anson@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; Morrison E (Elizabeth) (Education Scotland) <Elizabeth.Morrison2@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: DFM meeting with Chief Examiner - 12 January 2021

PS/DFM

DFM meeting with Chief Examiner - 12 January 2021

DFM met with Fiona Robertson yesterday. In advance of tomorrow's CERG meeting, this was an opportunity for DFM to receive an update on the scenario planning work being done by SQA on the implications of the move to a period of remote learning for most pupils in relation to the alternative certification model that has been developed for 2020/21 national qualifications. Some of the risks and issues in relation to scenarios were discussed. In the conversation the different dates on which schools finished for the summer break was raised. DFM requested detail on this, which is now provided in the attached. The vast majority of LA schools finish on 24 or 25 June. North Ayrshire finishes term 4 on 18 June, Borders and Inverclyde finish on 23 June and Argyll and Bute finished on 30 June.

Thanks
Malcolm

Malcolm Pentland | Deputy Director
Curriculum, Qualifications and Gaelic Division | email: malcolm.pentland@gov.scot
| [tel:+44\(0\)131 244 \[Redacted s38\(1\)\(b\)\]](tel:+44(0)131244[Redacted s38(1)(b)])
Learning Directorate | Area 2B North | Victoria Quay | Edinburgh | EH6 6QQ
Buidheann-Stiùiridh an Ionnsachaidh | Raon 2B Tuath | Cidhe Bhictòria | Dùn Èideann | EH6 6QQ

Enclosure 15 - Email RE: DFM meeting with Chief Examiner - 12 January 2021

From: [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 14 January 2021 08:25
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: DG Education, Communities & Justice <DGECJ@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Anson S (Sam) <Sam.Anson@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: RE: DFM meeting with Chief Examiner - 12 January 2021

Morning Malcolm

DFM has noted and said we will have to explore with LAs the issue of holidays as we need to maximise learning and teaching time.

DFM would be grateful if some informal discussions could be opened up on these questions.

Many thanks

[Redacted s38(1)(b)]

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

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[Remainder of email chain at Enclosure 14]



21 January 2021

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

By email: DFMCS@gov.scot

Dear Deputy First Minister

DELIVERING NATIONAL QUALIFICATIONS IN 2021

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

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

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

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

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

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

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

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

The Group is currently reviewing possible scenarios and options which include:

Option 1: Quality Assurance prior to submission of results by centres

- As a clear preference, continuing with work on Understanding Standards but delaying the start of a more limited exercise of national quality assurance of evidence prior to the submission of results. However, the longer that remote learning has to continue the more the opportunity reduces to undertake quality assurance, inevitably reaching a point (as schools move into their summer holidays and will not be available to take feedback) where

no quality assurance will be possible prior to submission of results. This would impact on the ability to maintain standards, locally and nationally;

Option 2: Quality assurance via Understanding Standards but no quality assurance of candidate evidence

- Should option 1 not be feasible, SQA undertaking only limited quality assurance support through understanding standards, accompanied by a professional dialogue with all centres about the assessment and quality assurance processes, but with no review of centre evidence by SQA. This could be strengthened by some local authority sign off. However, it fundamentally impacts on SQA's ability to maintain standards across the country; and

Option 3: System wide decision to push back timing of the whole model allowing pre- and post-results submission quality assurance checks per the published model

- In extremis, initiating a system wide discussion, including with the further and higher education sectors, about delaying certification and admissions to allow for teaching and learning, assessment, and quality assurance of qualifications over a longer timeframe enabling the ACM to proceed later in the year, for example delaying certification until December with admissions in January.

The clear preference of the NQ Group is for Option 1, which maintains the closest relationship to the published ACM but noting that an early return of senior phase pupils is a key factor in the deliverability of this option.

In order to assist with the delivery of Option 1, there is a strong majority view within the NQ 2021 Group (including EIS, SLS and ADES) that the date for submission of evidence should move close to the end of the summer term - at or around 18 June - to allow maximum time for learning and teaching and consolidation of learning before summative assessment and quality assurance take place. There is also a strong view that this should be signalled now. In the circumstances, I consider this to be a sensible step, but the decision cannot be taken in isolation without consideration of the wider implications. Before taking steps to communicate this to the wider system, I would wish request that you give your agreement to this proposed change to the model that you commissioned us to develop.

While the proposed change would allow more time for teaching, learning and (at an appropriate stage) assessment, it would also mean that national quality assurance checks of centre evidence by SQA would not be possible post submission of results by centres and prior to certification on 10 August. This is a consequence of the number of schools commencing their summer holidays by this date, the unavailability of centre staff to assist with the required actions or follow up (unless there was to be some movement from previously announced summer holiday dates) and the need to secure the appropriate subject experts to carry out quality assurance of evidence during summer holidays.

4
21 January 2021

The practical effect of the change of submission date would be that provisional results would effectively become the final results. This could give rise to concerns about fairness and equity of results across Scotland, particularly if quality assurance was compromised earlier in the process, and could negatively impact on public confidence in the certification process and raise doubts about the credibility of the evidence which generated the results.

The change could also have implications for any appeals process, including the authenticity and sufficiency of evidence available to support appeals regardless of their consideration by centres and/or by SQA.

To conclude, the combination of a delay to the submission of results, any further refinements to the published model and any protracted delay in a return to face-to-face learning creates challenge, risk and uncertainty. The core issues of sufficiency of evidence, standards and fairness and equity remain. SQA remains fully committed to delivering certification for learners in August 2021. However, given the risks I have identified, there may come a point beyond Option 1 above where I conclude that SQA cannot properly and fairly exercise its statutory functions to determine the entitlement of individuals to national qualifications - and to award those qualifications.

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

I am happy to discuss further.

Yours sincerely

[Redacted s38(1)(b)]

Fiona Robertson
Chief Executive and Scotland's Chief Examining Officer

Enclosure 17 – Email: RE URGENT: National Qualifications 2021 - Advice on Letter from Chief Examining Officer

From: Anson S (Sam) <Sam.Ansan@gov.scot>
Sent: 25 January 2021 07:00
To: [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>
Subject: FW: URGENT: National Qualifications 2021 - Advice on Letter from Chief Examining Officer

For info.

Sam Anson | Improvement, Attainment and Wellbeing Division| Learning Directorate | 07[Redacted s38(1)(b)]

From: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Sent: 22 January 2021 19:01
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: DG Education, Communities & Justice <DGECJ@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Pooley L (Linda) Dr <Linda.Pooley@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Anson S (Sam) <Sam.Ansan@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; Morrison E (Elizabeth) (Education Scotland) <Elizabeth.Morrison2@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; SGLD School Education <SGLDSE@gov.scot>; McKay D (Denise) <Denise.McKay@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gov.scot>; Armstrong A (Alan) <Alan.Armstrong@educationscotland.gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>
Subject: URGENT: National Qualifications 2021 - Advice on Letter from Chief Examining Officer

PS/DFM

Copy: as above

URGENT: National Qualifications 2021 – Advice on Letter from Chief Examining Officer

Please find attached urgent advice to DFM in relation to the correspondence received last night from the Chief Examining Officer (also attached) . We would

welcome the opportunity to discuss this further with DFM at the start of next week if possible.

Thanks
Malcolm

Malcolm Pentland | Deputy Director
Curriculum, Qualifications and Gaelic Division | email: malcolm.pentland@gov.scot
| [tel:+44\(0\) 131 244 \[Redacted s38\(1\)\(b\)\]](tel:+44(0)131244[Redacted s38(1)(b)])
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Enclosure 17.1 –Attachment: Word Document

[Information not in scope]

Enclosure 18 – Attachment: PDF Letter from the Deputy First Minister

Fiona Robertson
Chief Examiner
Scottish Qualifications Authority

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

27 January 2021

Dear Fiona

DELIVERING NATIONAL QUALIFICATIONS IN 2021

Thank you for your letter of 21 January setting out the considerations of the National Qualifications 2021 Group and your views in relation to the delivery of qualifications this year. I appreciated the opportunity we had to discuss this in more detail on Monday 25th.

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

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

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

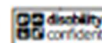
The Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire
Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

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

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

[Redacted s38(1)(b)]

JOHN SWINNEY

Enclosure 19 –Email RE: Letter from John Swinney MSP

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

Dear Fiona,

Please find attached a letter from the Deputy First Minister and Cabinet Secretary for Education and Skills.

Kind regards

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

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

[Redacted s38(1)(b)]

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

Many thanks and best wishes.

Fiona

Fiona Robertson
Chief Executive
Scottish Qualifications Authority

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

The Optima Building, 58 Robertson Street, GLASGOW G2 8DQ | 24 Wester Shawfair, Lowden,
Dalkeith, Midlothian EH22 1FD

Enclosure 19.1 – Attachment: PDF

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

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

16 February 2021

Dear Fiona

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

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

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

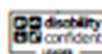
Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire
Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

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

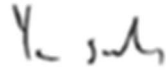
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I look forward to receiving further updates on how the model is being implemented and how planning for appeals this year is being developed to complement the ACM.



[Redacted s38(1)(b)]

JOHN SWINNEY

Enclosure 20 – Attachment: PDF National Qualifications 2021 - Letter to from Fiona Robertson to Deputy First Minister and Cabinet Secretary for Education and Skills - 16 February 2021

The Optima Building, 58 Robertson Street, Glasgow, G2 8DQ Lowden, 24 Wester Shawfair, Dalkeith, EH22 1FD An Togalach Optima, 58 Sràid MhicDhonnachaidh, Glaschu, G2 8DQ Lowden, 24 Shawfair an Iar, Dal Chè, EH22 1FD T: 0345 279 [Redacted s38(1)(b)] F: 0345 213 [Redacted s38(1)(b)] Chair: David Middleton CBE E: customer@sqa.org.uk W: www.sqa.org.uk Chief Executive: Fiona Robertson

Scottish Qualifications Authority
Ùghdarras Theisteanas Na H-Alba

16 February 2021

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

by email: DFMCSSE@gov.scot

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

Dear Deputy First Minister

DELIVERING NATIONAL QUALIFICATIONS IN 2021

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

The proposed model consists of five stages which are:

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

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

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

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

Stage 5: Appeals process for 2020-21 - *to be advised following consultation.* 2 16 February 2021

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

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

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

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

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

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

I will provide further details to you on our proposed consultation on the appeals process very shortly and following discussion with your officials. 3 16 February 2021

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

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

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

Yours sincerely

Fiona Robertson
Chief Executive and Scotland's Chief Examining Officer

Enclosure 21 – Email: RE SQA Director of Communications

From: McAllister C (Colin) <Colin.McAllister@gov.scot>
Sent: 12 May 2021 14:25
To: 'Fiona Robertson' <fiona.robertson@sqa.org.uk>
Subject: RE: SQA Director of Communications

Great Appointment!

Regards

Colin McAllister

0131 244 [Redacted s38(1)(b)]
07[Redacted s38(1)(b)]



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

From: Fiona Robertson <fiona.robertson@sqa.org.uk>
Sent: 12 May 2021 12:13
To: Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot; McAllister C (Colin) <Colin.McAllister@gov.scot>; [Redacted s38(1)(b)]@gov.scot
Subject: SQA Director of Communications

Colleagues

We have now concluded the process for recruiting our new Director of Communications. Following a highly competitive recruitment and selection process, John Booth will be joining SQA on Monday 14 June.

John joins SQA from his current role as Director of Corporate Affairs and Marketing at Scottish Enterprise. Many of you will know John from his many years at the Scottish Government including, latterly, as Head of Communications.

Fiona Robertson
Chief Executive
Scottish Qualifications Authority

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

The Optima Building, 58 Robertson Street, GLASGOW G2 8DQ | 24 Wester Shawfair, Lowden, Dalkeith, Midlothian EH22 1FD

Enclosure 22 – Email: RE IMMEDIATE: Draft message from NQ21 Group

From: [Redacted s38(1)(b)]@gov.scot>
Sent: 13 May 2021 10:37
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Fiona Robertson <fiona.robertson@sqa.org.uk>; [Redacted s38(1)(b)]@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: [Redacted s38(1)(b)]@sqa.org.uk>; Communications Education & Skills <CommunicationsEducation&Skills@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>
Subject: RE: IMMEDIATE: Draft message from NQ21 Group

Morning

Some suggestions from us in the attached version.

[Redacted s38(1)(b)]

[Redacted s38(1)(b)][Redacted s38(1)(b)]Communications DFM & Education

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

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

From: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>
Sent: 13 May 2021 10:09
To: Fiona Robertson <fiona.robertson@sqa.org.uk>; [Redacted s38(1)(b)]@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: [Redacted s38(1)(b)]@sqa.org.uk>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>
Subject: RE: IMMEDIATE: Draft message from NQ21 Group

Fiona – you, Graeme and I are due to speak at 10.30 anyway.

The latest version, as it stands, is attached. SG Comms colleagues are reviewing and making some changes now with centres and teachers/lecturers as the primary audience for this particular message. We will need something else for learners.

Malcolm

From: Fiona Robertson <fiona.robertson@sqa.org.uk>
Sent: 13 May 2021 10:03
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: [Redacted s38(1)(b)]@sqa.org.uk>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>;

[Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>
Subject: RE: IMMEDIATE: Draft message from NQ21 Group

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

Fiona

Fiona Robertson
Chief Executive
Scottish Qualifications Authority

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

The Optima Building, 58 Robertson Street, GLASGOW G2 8DQ | 24 Wester Shawfair, Lowden, Dalkeith, Midlothian EH22 1FD

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

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

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

- the SQA will not change any learners’ grades (judged by their teachers or lecturers) as a result of the moderation process in May and June, however, the SQA is engaging with schools, colleges and local authorities to offer feedback on local quality assurance of provisional results, while ensuring that these are firmly based on current candidate evidence

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

Thanks for sight.

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

I'd favour a more direct approach with a different tone. It is telling young people something they might not be experiencing. So we need more empathy and to avoid an accusation we are blaming young people (or the media for that matter).

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

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

If this is to provide reassurance to learners, I am not convinced this works.

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

[Redacted s38(1)(b)]

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

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

Thanks
Malcolm

National Qualifications 2021 – a message from organisations working across Scottish education

In recent days there have been some concerns raised in the media and elsewhere about arrangements for awarding National 5, Higher and Advanced Higher courses this year. We are acutely aware that this is a challenging time for learners across Scotland. However, we are very concerned that some of the commentary is inaccurate and causing additional anxiety at this time. Please be assured that everyone in Scottish education is working hard to ensure learners achieve fair and credible results, allowing them to progress to further learning or work, whilst also ensuring steps are taken to ensure young people's wellbeing is protected through the process.

The National Qualifications 2021 Group, established last autumn, chaired by the SQA and including key representatives of young people, parents and teachers, has been meeting weekly to develop the Alternative Certification Model for this year following the cancellation of the SQA examinations diet. The model has been designed to be based on teacher and lecturer judgement of pupil and student achievement over a number of assessments rather than an end of year exam. Demonstrated attainment through these assessments is important in ensuring results are based on evidence of learning and skills and it is why many learners are undertaking some assessments just now. However, it is very important to highlight the followings facts about the model:

- the model has the flexibility around the timing and nature of assessment to ensure that, as far as possible, there is maximum opportunity for learners to undertake the required learning and be given the best chance to succeed in any course assessments.
- the timeline for schools, colleges and training providers to submit provisional results has been extended to 25 June, providing more time for consolidation of learning and teaching and assessment
- most subjects have had their evidence requirements reduced, assessment components removed and/or content and context reduced
- subject-specific guidance has been published on the appropriate assessment evidence for all subjects and optional assessment resources have been published to help inform assessment planning and evidence gathering
- local and national support is in place to ensure provisional results are based on national standards
- the support available on e-Sgoil has been extended to learners who, for a variety of reasons, have experienced extreme disruption to their learning. A later certification contingency is being developed for those learners who have incomplete assessment evidence due to extreme disruption
- an appeals process for learners is being developed and will be published shortly.

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

We all remain committed to continuing to work together to deliver for Scotland's learners and the Alternative Certification Model has been designed by the organisations noted below to best achieve that in the circumstances faced this school year, ensuring that learners get the national qualification grades that they deserve.

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

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

Sent: 13 May 2021 08:27

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

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

Subject: RE: IMMEDIATE: Draft message from NQ21 Group

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

From: Fiona Robertson <fiona.robertson@sqa.org.uk>

Sent: 13 May 2021 08:20

To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

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

Subject: RE: IMMEDIATE: Draft message from NQ21 Group

Thanks Malcolm

We spoke.

I think the line in bold, while designed to be helpful, could be picked apart as it stands. Simplest amendment would be:

....your grades will be judged by your teachers, based on assessment evidence.....

Fiona Robertson
Chief Executive
Scottish Qualifications Authority

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

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

Apologies, minor change made in text within highlighted section.

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

Fiona, Colin

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

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

Thanks
Malcolm

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

In recent days there have been some concerns raised in the media and elsewhere about arrangements for awarding National 5, Higher and Advanced Higher courses this year. We are acutely aware that this is a challenging time for learners across Scotland. However, we are very concerned that some of the commentary is inaccurate and causing additional anxiety at this time. Please be assured that everyone in Scottish education is working hard to ensure learners achieve fair and credible results, allowing them to progress to further learning or work, whilst also ensuring steps are taken to ensure young people's wellbeing is protected through the process.

The National Qualifications 2021 Group, established last autumn, chaired by the SQA and including key representatives of young people, parents and teachers, has been meeting weekly to develop the Alternative Certification Model for this year following the cancellation of the SQA examinations diet. The model has been designed to be based on teacher and lecturer judgement of pupil and student achievement over a number of assessments rather than an end of year exam. Demonstrated attainment through these assessments is important in ensuring results are based on evidence of learning and skills and it is why many learners are undertaking some assessments just now. However, it is very important to highlight the followings facts about the model:

- the model has the flexibility around the timing and nature of assessment to ensure that, as far as possible, there is maximum opportunity for learners to undertake the required learning and be given the best chance to succeed in any course assessments.
- the timeline for schools, colleges and training providers to submit provisional results has been extended to 25 June, providing more time for consolidation of learning and teaching and assessment
- most subjects have had their evidence requirements reduced, assessment components removed and/or content and context reduced
- subject-specific guidance has been published on the appropriate assessment evidence for all subjects and optional assessment resources have been published to help inform assessment planning and evidence gathering
- local and national support is in place to ensure provisional results are based on national standards
- the support available on e-Sgoil has been extended to learners who, for a variety of reasons, have experienced extreme disruption to their learning. A later certification contingency is being developed for those learners who have incomplete assessment evidence due to extreme disruption
- an appeals process for learners is being developed and will be published shortly.

In summary our key message for learners is: your grades will be judged by your teachers, based on your work.

We all remain committed to continuing to work together to deliver for Scotland's learners and the Alternative Certification Model has been designed by the organisations noted below to best achieve that in the circumstances faced this

school year, ensuring that learners get the national qualification grades that they deserve.

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

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

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

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

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

Graeme.

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

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

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

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

Thanks
Malcolm

National Qualifications 2021 – a message from organisations working across Scottish education

In recent days there **have** been **some** concerns raised in the media and elsewhere about arrangements for **awarding** National 5, Higher and Advanced Higher courses this year. We are acutely aware that this is a challenging time for learners across Scotland, ~~and after a very challenging year.~~ However, we are very concerned that some of the commentary **is inaccurate and causing additional** anxiety at this time. Please be assured that everyone in Scottish education is working hard to ensure learners achieve fair and credible results, allowing them to progress to further learning or work, **whilst also ensuring steps are taken to ensure young people's wellbeing is protected through the process.**

The National Qualifications 2021 Group, established last autumn **and including key representatives of young people, parents and teachers**, has been meeting weekly to develop the Alternative Certification Model **for this year** following the cancellation of the SQA examinations diet. The model is based on teacher and lecturer judgement of demonstrated learner attainment. **It is important that results are based on evidence of learning and skills so there is confidence in them.** Demonstrated attainment in the form of evidence is the basis for that judgement and that is why many learners are undertaking some assessments just now. However, it is very important to highlight **the followings facts about the model:**

- the model has the flexibility around the timing and nature of assessment to ensure that, as far as possible, there is maximum opportunity for learners to undertake the required learning and be given the best chance to succeed in any course assessments.
- the timeline for schools, colleges and training providers to submit provisional results has been extended to 25 June, providing more time for consolidation of learning and teaching **and assessment**
- most subjects have had their evidence requirements reduced, assessment components removed and/or content and context reduced
- subject-specific guidance has been published on the appropriate assessment evidence for all subjects and optional assessment resources have been published to help inform assessment planning and evidence gathering
- local and national support is in place to ensure provisional results are based on national standards
- the support available on e-Sgoil has been extended to learners who, for a variety of reasons, have experienced extreme disruption to their learning. A

later certification contingency is being developed for those learners who have incomplete assessment evidence due to extreme disruption

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

In summary our key message for learners is: your grades will be judged by your teachers, based on your work.

We all remain committed to continuing to work together to deliver for Scotland's learners and the Alternative Certification Model has been designed by the organisations noted below to best achieve that in the circumstances faced this school year, ensuring that learners get the national qualification grades that they deserve.

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

From: Fiona Robertson <fiona.robertson@sqa.org.uk>

Sent: 12 May 2021 17:30

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

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

Subject: RE: DRAFT message

Importance: High

Graeme and Malcolm

With thanks to [Redacted s38(1)(b)], here is a first draft. I have made a couple of minor tweaks.

I think there is merit in this being specifically directed at learners, so the language could change as a result (more 'you' and less 'learner', 'they/them'). That might work better?

Fiona

Fiona Robertson
Chief Executive
Scottish Qualifications Authority

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

The Optima Building, 58 Robertson Street, GLASGOW G2 8DQ | 24 Wester Shawfair, Lowden, Dalkeith, Midlothian EH22 1FD

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

Hi Fiona

As requested, here is a suggested message:

National Qualifications 2021 – a message from the Scottish education system

In recent days there has been concerns raised in the media and elsewhere about arrangements for National 5, Higher and Advanced Higher courses this year. As a system, we are acutely aware that this is a challenging time for learners across Scotland, and after a very challenging year. However, we are very concerned that some of the commentary may be causing further anxiety at this time. Please be assured that everyone working in Scottish education is working hard to ensure learners achieve fair and credible results, allowing them to progress to further learning or work.

The National Qualifications 2021 Group, established last autumn, has been meeting weekly to develop the Alternative Certification Model. The model is based on teacher and lecturer judgement of demonstrated learner attainment. Demonstrated attainment in the form of evidence is the basis for that judgement and that is why many learners are undertaking some assessments just now. However, it is very important to highlight that:

- the model has the flexibility around the timing and nature of assessment to ensure that, as far as possible, there is maximum opportunity for learners to undertake the required learning and be given the best chance to succeed in any course assessments.
- the timeline for schools, colleges and training providers to submit provisional results has been extended to 25 June, providing more time for consolidation of learning and teaching
- most subjects have had their evidence requirements reduced, assessment components removed and/or content and context reduced
- subject-specific guidance has been published on the appropriate assessment evidence for all subjects and optional assessment resources have been published to help inform assessment planning and evidence gathering
- local and national support is in place to ensure provisional results are based on national standards
- the support available on e-Sgoil has been extended to learners who, for a variety of reasons, have experienced extreme disruption to their learning
- a later certification contingency is being developed for those learners who have incomplete assessment evidence
- an appeals process for learners is being developed and will be published shortly.

We all remain committed to continue to work together to deliver for Scotland's learners.

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

-ends-

Enclosure 22.1 – Attachment: Word Document

National Qualifications 2021 – a message from organisations working across Scottish education

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

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

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

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

Demonstrated attainment through these assessments is important in ensuring results are based on evidence of learning and skills and it is why many learners are undertaking assessments now.

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

- the model has the flexibility around the timing and nature of assessment to ensure that, as far as possible, there is maximum opportunity for learners to undertake the required learning and be given the best chance to succeed in any course assessments
- the timeline for schools, colleges and training providers to submit provisional results has been extended to 25 June, providing more time for consolidation of learning and teaching and assessment
- most subjects have had their evidence requirements reduced, assessment components removed and/or content and context reduced
- subject-specific guidance has been published on the appropriate assessment evidence for all subjects and optional assessment resources have been published to help inform assessment planning and evidence gathering
- local and national support is in place to ensure provisional results are based on national standards
- the SQA will not change any learners' grades (judged by their teachers or lecturers) as a result of the moderation process in May and June. However, the SQA is engaging with schools, colleges and local authorities to offer feedback on local quality assurance of provisional results, while ensuring that these are firmly based on current candidate evidence

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

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

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

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

Enclosure 23 – Email: RE Letter from Fiona Robertson - National Qualifications in 2021: Appeals

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

Sent: 14 May 2021 16:09

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

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

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

Hello,

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

Many thanks

[Redacted s38(1)(b)]

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

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

Sent: 14 May 2021 15:57

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

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

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

PS/DFM

Please find attached letter and paper from Fiona Robertson

Kind regards

[Redacted s38(1)(b)][Redacted s38(1)(b)] Scottish Qualifications Authority

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

NQ 2021 Appeals Model

Introduction

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

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

Context

About SQA — our functions and responsibilities

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

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

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

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

7. SQA also takes steps to ensure that all learners can show that they have reached the national standards for their qualification, and that no one is unfairly disadvantaged. For example, SQA oversees arrangements for reasonable adjustments to be made for learners with additional support needs. These adjustments that aim to mirror support for learning are based on the individual assessment needs of the learner and can include such things as

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

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

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

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

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

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

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

2021 approach to awarding

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

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

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

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

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

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

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

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

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

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

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

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

Appeals — the final stage of the ACM

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

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

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

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

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

Carrying forward principles from the ACM

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

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

Regulatory and legal considerations

SQA's equality duties

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

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

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

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

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

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

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

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

[Redacted s30(b)(ii)]

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

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

[Redacted s30(b)(ii)]

SQA and children's rights

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

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

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

United Nations Convention of the Rights of the Child

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

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

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

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

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

Operational deliverability

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

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

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

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

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

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

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

Gathering views

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

Public consultation

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

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

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

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

Stakeholder engagement

NQ Working and Steering Groups

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

Insights from these groups are described in the sections below.

SQA Learner Panel

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

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

Insights from the panel are described in the sections below.

Equality and Inclusion Key Partners Group

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

SQA Groups

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

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

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

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

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

Key issues in detail

Fundamental aspects of the appeal process

What is an appeal?

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

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

What can an appeal outcome be?

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

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

Who can appeal?

67. All learners can appeal.

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

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

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

What will it cost to appeal?

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

Conclusion

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

Grounds for appeal

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

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

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

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

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

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

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

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

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

Appeals against an administrative error by the centre or by SQA

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

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

Appeals on grounds of discrimination contrary to the Equality Act 2010

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

93. There are three types of appeal:

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

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

Demonstrated attainment and symmetric appeals

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

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

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

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

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

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

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

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

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

104. Higher volumes of appeals would also increase the demand on schools and colleges as the steps required in centres — not least the collation of evidence to pass to SQA — would risk becoming problematic, noting this would be at the beginning of the 2021/22 academic year where centres' priority will undoubtedly be on making a good positive start to the new academic year for everyone's benefit.

105. So, no detriment appeals risk a very high volume of appeals, meaning longer fulfilment times for appeals in 2021, a strain on the education system at the start of the new academic year.

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

Conclusion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

Defining priority appeals

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

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

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

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

Conclusion

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

Running the process for priority appeals from June

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

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

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

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

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

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

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

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

Conclusion

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

Opening the appeals service for all learners in June

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

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

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

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

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

Conclusion

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

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

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

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

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

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

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

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

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

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

Conclusion

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

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

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

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

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

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

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

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

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

Conclusion

- College representatives were clear they did not wish to depart from a model that had worked for them over time.
- SQA also acknowledges that, in having an internal appeals process, colleges are implementing an SQA requirement.
- As such, the position that colleges will carry out any internal appeals-like processes ahead of the 25 June provisional results submission means they are effectively incorporating that into their ACM quality assurance processes.
- It should also be noted that SQA's liaison managers have reported that a number of schools are also planning to take a very similar approach.
- An internal appeal process that is part of the ACM stage can be anticipated to help reduce the number of appeals received by SQA from centres that operate them. However, the existence of an internal appeals process in a centre does not fetter any learner's ability to access the SQA appeals process in the same way as all other learners.

Conclusion and key elements of the appeal process

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

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

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

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

Enclosure 23.2 – Attachment: PDF

Scottish Qualifications Authority
Ùghdarras Theisteanas Na H-Alba

14 May 2021

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

Dear Deputy First Minister

NATIONAL QUALIFICATIONS in 2021: APPEALS

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

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

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

The key elements of the appeals service are as follows:

- An appeal will be a request to reconsider the provisional result provided to SQA by centres by 25 June. This will consider changes to grade only, except in one specific exceptional context (at Upper A Band for University entry, where required).
- All learners will be able to appeal directly or through their centre. It is their decision whether to do so or not, and the service will be free of charge.
- Some centres, in particular colleges, may choose to implement an internal appeal process ahead of the submission of provisional results to SQA. This will in no way prejudice learner's ability to access SQA's appeals service should they wish to do so.
- There are three grounds for appeal:
 - o Disagreement with the centre's quality assured academic judgement;
 - o Contested administrative or procedural error within SQA or the centre; or
 - o Appeals related to the Equality Act, including assessment arrangements.

- Except in appeals relating to the Equality Act, learners will not be able to appeal against the centre's approach to planning or selecting the evidence on which the provisional result was based.
- Appeal decisions will be evidence-based and symmetric, meaning grades can move up, move down, or stay the same.
- The appeals service will open to allow learners to intimate their intent to appeal from late June.
- From 10 August, centres will be able to provide the necessary information to SQA to enable appeal requests to be progressed.
- Priority appeals will be concluded in time to meet UCAS requirements.
- Appeals eligible for the priority appeal service will continue to be for those learners with an immediate progression opportunity dependent on the outcome, with the definition widened slightly to explicitly include learners where the progression opportunity is into the workplace.
- SQA and stakeholders recognise the unique pressures that may be felt by learners who are advised of their provisional result in June but will not be certificated until August. Stakeholders will therefore work together to ensure support is available over the summer period to support and signpost learners, and we would seek your support in co-ordinating the system wide response.

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

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

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

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

A 'no detriment' approach would break the relationship between demonstrated attainment and the awarding of a qualification and may lead to an increase the volume of appeals,

which could impact on academic year 2021/22. However, we are very aware that this position may be criticised and perceived as placing the needs of the education system above the interests of learners and is very likely to be unfavourably received by some learners, parents, and their representative organisations. Your consideration of this element of the appeals process in particular is therefore important.

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

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

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

Yours sincerely

Fiona Robertson
Chief Executive and Chief Examining Officer

Enclosure 24 – Email: RE SQA Appeals Service - Further advice

From: Fiona Robertson <fiona.robertson@sqa.org.uk>
Sent: 22 May 2021 21:45
To: Griffin J (Joe) <Joe.Griffin@gov.scot>
Cc: Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: SQA Appeals Service - Further advice
Importance: High

Confidential – Advice to Ministers

Joe

I attach some further advice, for the attention of the Cabinet Secretary, following our conversation earlier today.

Fiona

Fiona Robertson
Chief Executive
Scottish Qualifications Authority

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Enclosure 24.1 –Attachment: PDF

Confidential – Advice to Ministers

SQA Appeals 2021: Further Advice

Purpose

1. At the request of the Cabinet Secretary, to provide further urgent advice in relation to final decisions on an appeals service, for consideration at Cabinet on 25 May. [redacted s.30(b)(ii)]

Background

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

3. The potential capacity in the system is determined by the subject and level mix of appeals and the availability of appointees and staff. The availability of appointees is based on appointee experience, availability by subject, willingness to work with us at any one time and employer willingness for release. The less employers are willing to release in school time, the more the burden falls in evenings and weekends, which slows things down. There are capacity implications for SQA employees - these are small teams, also involved in overseeing assessment arrangements for 2022 across NQ and HNVQ. Working on appeals beyond mid-October presents some significant risks to legacy processing systems between academic years – data cleansing - which could impact on the accuracy of certification.

Suggested Handling- Timeline

Announcement (27 May tbc) to submission of provisional results on 25 June

4. We suggest the positioning of appeals might include:

- Highlighting the importance of the professional judgement of teachers, supported by local and national quality assurance, to deliver the right grade, first time;
- Encouraging further formal discussions between the learner and the school or college to inform a final judgement on whether to appeal;
- Reminding centres of the important role they play in managing expectations of learners - high volumes of speculative appeals will impact on them too;
- Reminding learners who are progressing to S5/S6 that progression may not be impacted by any outstanding appeals;
- Considering the role of the FE/HE sector further in providing messages of reassurance to learners at this time.

5. This may help manage expectations and discourage speculative appeals [redacted s.30(b)(ii)]

6. Considering further levers to help manage initial demand would involve changing broader aspects of the appeals process, for example more limited grounds of appeal, or an

enhanced formal role for the school. Giving young people the direct right of appeal is new to the system and presents the most uncertainty around take-up. We have, thus far, considered this to be a non-negotiable element of the new appeals process.

7. We will also issue communications to current and prospective appointees. We will need to recruit and train new appointees and encourage employers to allow for some release. Without release, the challenges and timescales become very demanding, including for SQA as all work will need to be done out of hours and at weekends. This will slow down the process and may impact on the willingness of appointees to work with us in what has already been a challenging year. As highlighted above, detailed operational planning can only be done when the final shape and volume of appeals becomes clear.

8. Appointee training (during August) will also be particularly important this year, since we will be reviewing non-standard evidence, rather than exam scripts, which would normally involve only the most experienced subject specialists. As volumes increase, we would have to involve a wider pool of less-experienced appointees, with appropriate quality assurance in place.

From 25 June

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

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

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

Scenarios beyond August deadlines

12. [redacted s.30(b)(ii)] There has been no change in our capacity and capability to handle a greater volume of appeals by mid-October for this year to that of last session; we continue to face the same risks and constraints.

13. There are a number of potential scenarios to consider:

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

Conclusion

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

There are some mitigations that can be considered further, but these are not straightforward, and these issues could impact materially on public confidence in our qualifications system, following a very challenging year.

Scottish Qualifications Authority
22 May 2021

Enclosure 25 – Email: RE SQA Appeals Service - 2021

From: Griffin J (Joe) <Joe.Griffin@gov.scot>
Sent: 22 May 2021 11:17
To: Fiona Robertson <fiona.robertson@sqa.org.uk>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>
Subject: RE: SQA Appeals Service - 2021
Importance: High

Hi everyone. Sorry for Emailing at the weekend. I'm so grateful for all the hard work going into this – on the back of a really intense year already.

I wonder if I could just clarify timescales on the back of a call with Ms Somerville's office this morning. We are hoping for a possible Cabinet Secretary statement this coming week, probably on Thursday. I think that means having a clear policy position during the course of Monday, ahead of Cabinet on Tuesday. This may well mean an early meeting with Ms Somerville on Monday morning.

So, with apologies, I do think we'll need to move this on over the weekend. I've just texted Fiona to see if she and I can get a discussion today, as part of that.

Best wishes,

Joe

From: Fiona Robertson <fiona.robertson@sqa.org.uk>
Sent: 21 May 2021 23:24
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>
Cc: Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>
Subject: RE: SQA Appeals Service - 2021

Thanks Malcolm

I fully understand the points you are raising, but the answer is not straightforward and I allude to that in the paper.

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

Bottom line is there are many moving parts here. I will discuss further with colleagues –I agree that some illustrative scenarios may be helpful - and happy to discuss further over the weekend or Monday morning.

Many thanks.

Fiona

Fiona Robertson
Chief Executive
Scottish Qualifications Authority

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From: Malcolm.Pentland@gov.scot <Malcolm.Pentland@gov.scot>
Sent: 21 May 2021 21:58
To: Fiona Robertson <fiona.robertson@sqa.org.uk>; DirectorofLearning@gov.scot;
Colin.McAllister@gov.scot; Joe.Griffin@gov.scot
Cc: Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>
Subject: RE: SQA Appeals Service - 2021

Thanks Fiona.

This note has been shared with Ms Somerville's office this evening. We will provide any feedback as quickly as possible, however, in meantime, and accepting the various assumptions that need to be made, [redacted s.30(b)(ii)]

From our discussions with the Cabinet Secretary, an understanding of these points will be important in her consideration of the options in relation to appeals for this year and I would be grateful if could provide a response of these points during the course of Monday. Very happy to discuss further.

Best wishes
Malcolm

From: Fiona Robertson <fiona.robertson@sqa.org.uk>
Sent: 21 May 2021 20:59
To: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>
Subject: SQA Appeals Service - 2021
Importance: High

In confidence

Colleagues

Please see attached paper for the urgent attention of the Cabinet Secretary. I hope this is helpful and I would be happy to discuss further.

Fiona

Fiona Robertson
Chief Executive

Scottish Qualifications Authority

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

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