



The Scottish Parliament
Pàrlamaid na h-Alba

EDUCATION AND SKILLS COMMITTEE

AGENDA

8th Meeting, 2021 (Session 5)

Wednesday 3 March 2021

The Committee will meet at 9.30 am in a virtual meeting.

1. **Decision on taking business in private:** The Committee will decide whether to take items 4 and 5 in private.

2. **Subordinate legislation:** The Committee will consider the following negative instrument-

SSI 2021/71: The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees) (Coronavirus) Amendment Regulations 2021

3. **Coronavirus and Education :** The Committee will take evidence from—

Carrie Lindsay, President, and Steven Quinn, Chair of the Curriculum, Assessment and Qualifications Network, Association of Directors of Education in Scotland;

Gayle Gorman, Chief Inspector of Education and Chief Executive, and Janie McManus, Strategic Director for Scrutiny, Education Scotland;

Fiona Robertson, Chief Executive, and Jean Blair, Director of Operations, Scottish Qualifications Authority.

4. **Review of evidence:** The Committee will consider the evidence it heard earlier.
5. **Legacy paper:** The Committee will consider a draft legacy paper.

ES/S5/21/8/A

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The papers for this meeting are as follows—

Agenda item 2

Subordinate Legislation paper

ES/S5/21/8/1

Agenda item 3

SPICe briefing paper

ES/S5/21/8/2

Submissions pack

ES/S5/21/8/3

Agenda item 5

PRIVATE PAPER

ES/S5/21/8/4 (P)

Education and Skills Committee

8th Meeting, 2021 (Session 5), 3rd March 2021

Subordinate Legislation

Introduction

1. This paper is to inform the Committee's consideration of a Scottish Statutory Instrument (SSI)–

[The Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Fees\) \(Coronavirus\) Amendment Regulations 2021 \(SSI 2021/71\)](#)

Committee procedure

2. The instrument is subject to the negative procedure which means that it will come into force unless the Committee, and subsequently the Parliament, agrees a motion to annul the instrument. No motions to annul have been lodged for this instrument.

Purpose

3. In the [Policy Note](#) for the instrument, the Scottish Government states that its purpose is as follows:

'This SSI amends the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees) (Coronavirus) Regulations 2020 ("the 2020 Regulations").

The 2020 Regulations provide that disclosure checks relating solely to recruitment for coronavirus work in qualifying sectors are free. As a result of the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees) (Coronavirus) (Amendment) Regulations 2020 (SSI 2020/376), the 2020 Regulations were amended to cease to have effect on 25 March 2021.

This SSI make a further change to regulation 5(1) of the 2020 Regulations so that free checks relating solely to recruitment for coronavirus work in qualifying sectors will continue until 25 March 2022.'

Policy Objectives

4. The Scottish Government sets out the objectives of this change in the Policy Note:

As part of Scottish Ministers' response to the COVID-19 pandemic, a Ministerial decision suspended charging fees for disclosure products and applications to join the PVG Scheme when the application was for recruitment into a role responding to the pandemic. In the first instance that suspension ran from

Monday 30 March to Monday 11 May 2020 and was subsequently extended until Thursday 25 June 2020.

The policy aim behind the suspension of fees was to ensure that individuals and organisations recruiting individuals responding to the COVID-19 pandemic were not burdened by the cost of disclosure checks, and the administrative process associated with the fee being paid.

While that aim was achieved, the future picture about the coronavirus disease recurring remained uncertain. As such, Scottish Ministers made the 2020 Regulations which came into force on Friday 26 June 2020.

The objective behind the 2020 Regulations was to ensure that individuals and organisations recruiting individuals in qualifying sectors solely for the purpose of responding to the coronavirus pandemic do not have to pay for disclosure checks.

To achieve that objective, the 2020 Regulations waived the prescribed fees of £18 or £59 payable for PVG disclosure requests, and the prescribed fee of £59 when applying to join the PVG Scheme (set in the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees for Scheme Membership and Disclosure Requests) Regulations 2010 (SSI 2010/167), and also set a fee of £0 in relation to disclosure applications made under the 1997 Act (set in the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010 (SSI 2010/168) but only when the disclosure application or requests is solely in connection with recruitment into coronavirus work in qualifying sectors.

When the 2020 Regulations were first made, it was provided that they would end on 25 December 2021. Scottish Ministers subsequently decided that the end date should be extended, and to achieve that, amendment regulations were made in November 2020 which came into force on 26 December 2020, and which had the effect of changing the end date in the 2020 Regulations to 25 March 2021.

Due to the continued impact of coronavirus, and the recent increase in cases, Scottish Ministers have agreed that regulation 5(1) of the 2020 Regulations should be amended so that the 2020 Regulations now cease to have effect on 25 March 2022.

Consultation

5. The Scottish Government did not carry out a consultation due to the nature of the amendments.

Impact

6. The Scottish Government confirmed that there are no Equality, Fairer Scotland or Children's Rights issues associated with these Regulations.
7. The Scottish Government confirmed that a Business and Regulatory Impact Assessment was prepared for the 2020 Regulations which noted a short-term

negative financial effect on the Scottish Government, and short-term positive financial effect for local government, health boards, voluntary organisations and businesses in Scotland as they respond to the COVID-19 pandemic.

Delegated Powers and Law Reform Committee

8. At its meeting on [23 February 2021](#), the Delegated Powers and Law Reform Committee considered the instrument and raised no points.

Timescales for this Committee

9. Should the Committee wish to report on this instrument, the deadline to do so is 22 March 2021.

Action

10. The Committee is invited to consider this instrument.

Education and Skills Committee Teaching, Learning and Certification 3 March 2021

INTRODUCTION

The Committee has agreed to take evidence from representatives from the Association of Directors of Education Scotland (“ADES”), Education Scotland (“ES”) and the Scottish Qualifications Authority (“SQA”).

The focus of this paper is on: the continuing provision for teaching and learning as the phased return to in-person teaching continues; the support and mitigations in place to ensure that in person learning can proceed safely; and certification of learning this year.

TEACHING AND LEARNING

Returning to Schools

From 22 February, all P1-P3 pupils, children attending ELC settings returned to their school or nursery. A limited number of senior phase pupils also were able to return for the purpose of completing practical assessments and the intention is that there would be a small increase in in-school provision for children and young people with significant additional support needs “where there is a clear and demonstrable necessity”.¹

The [First Minister confirmed this during her statement to Parliament on 16 February](#). She said—

“We will need to monitor the impact of the change carefully before taking any further decisions, but I hope that in two weeks’ time, we will be able to set out the second phase of school reopening. However, to give as much clarity as possible at this stage, particularly for parents, I point out that the need to properly assess the impact of the limited reopening means that, at this stage, we think it unlikely that there will be any further return to school before 15 March.” (Cols16-17)

The First Minister referenced advice from the Scottish Government’s Covid 19 Advisory Sub-Group on Education and Children’s Issues (“the sub-group”) which provides advice to support and inform the development of operational guidance for providers of learning, childcare and children’s services. The sub-group’s minutes and documents can be found here: <https://www.gov.scot/publications/coronavirus-covid-19-advisory-sub-group-on-education-and-childrens-issues/>

The sub-group’s advice in relation to the phased return is set out in a [paper dated 3 February](#). The sub group’s paper stated—

“Any relaxation of measures should be undertaken in a staged/progressive way, enabling time for the education system to plan for each step change and to monitor

¹ See the [Cabinet Secretary’s letter to the Committee dated 12 February](#).

its impacts, and should be cognisant of the need for stability and sustainability of the approach.

“Decisions on the nature and timing of each new phase of return to in-person learning will depend on the balance of harms, ongoing assessment of the risks associated with the new variant, and consideration of the benefits and risks to, and needs of, different groups of children and young people to return. However, the cycle of COVID-19 infection and hospitalisation necessitates a period of 3 weeks between each phase of return to in-person learning, in order to assess the impact fully.”

The paper notes that maintaining other restrictions to suppress community transmission is crucial. While there is some evidence of limited in-setting transmission, “incidence of COVID-19 in school settings appears to be mainly affected by levels of community transmission”. (see para 18 of the sub-group paper) In other words, where children have contracted the virus, it appears to have been mainly from outside schools (the paper references several studies).

The paper also stated, “evidence on transmission of the new variant in ELC and school settings is limited due to the reduced numbers of children and young people currently attending”. A joint statement from [Public Health Scotland and the Scottish Directors of Public Health](#) published on 15 February said—

“Given the current prevalence levels and evidence of the wider harms and educational impact of the current measures on children, young people and their families, we strongly support all early learning and school children returning to face to face learning as soon as is practical ...

“We appreciate the need for the cautious approach being taken to education return and agree that all of ELC and primary school children return as soon as practically possible, with a blended approach for all secondary school children.”

The sub-group’s paper sets out why younger children have been prioritised. In brief terms, the risk to those younger groups is less and the cost of not attending school is higher than older children. As part of its recommendations, paragraph 58 stated—

“Based on the current balance of evidence, ELC and early primary could reopen in full from 22 February, subject to a continued decrease in the levels of community transmission and in the prevalence of the virus. This reflects the key developmental stage of this age-group, for socialisation as well as learning and development; the evidence that young children are less likely to transmit the virus and to have serious health effects from it; recognition that these children are less likely to successfully engage with remote learning than are older children; and that vulnerable children at this stage are less able to access other resources for their protection and wellbeing than are many older children.”

On [23 February](#), the First Minister gave an indication of when and what the next phase of re-opening schools might be. She said—

“The next phase of easing will be a minimum of three weeks [after 22 February]—indicatively, from 15 March. We hope that that will include the next phase of school return, which will start with the rest of the primary school years, from P4 to P7, and with getting more senior phase secondary pupils back in the classroom for at least

part of their learning. In that phase, we also hope to restart outdoors non-contact group sports for 12 to 17-year-olds.” (Col 11)

The Scottish Government published [a new Education Continuity Direction on 17 February](#), which created legal duties for local authorities to partially reopen schools and maintained the duties to continue with remote learning for the majority of pupils.

The Scottish Government also published updated its guidance for:

- [Schools](#)
- [Early Learning and Childcare](#)
- [School Aged Childcare](#)
- [Childminding Services](#)

These updated pieces of guidance provide a range of advice on a number of topics, including mitigation of risks, testing, teaching and learning and vulnerable children.

The guidance for schools provides advice on what to do for composite classes. Where there are composite classes, covering P3s and the years above, those P3 pupils should attend while the older children are taught remotely. However, “as a last resort, and in an event where [the school/local authority] could demonstrate it was impossible to maintain in-person and remote learning in parallel” schools may consider providing in-person learning for all children within P3/4 composite classes. Another exception is for very small primary schools with a roll of 25 or fewer pupils where the entire school is taught as a single class. In these cases, the school may have a single teacher and it would not be possible for both in-person and remote learning to be delivered. Therefore for these schools, the whole of the school may return, if it is not possible to teach the P4-P7 group separately and remotely.

School aged childcare can only open only for vulnerable children and the children of key workers. This includes wraparound care (e.g. after school clubs and breakfast clubs).

[The stay at home guidance](#) states that childminders (caring for less than 12 children) can continue for all ages. The new guidance for childminders states that childminders that care for 12 or more children are able to “plan for all children under school-age to return to their setting”.

During an evidence session on 13 January, the EIS, NASUWT and SSTA were cautious about returning to in-person schooling. A media release issued by the EIS on [16 February](#) warned that the union considered that significant concerns over school safety remain to be addressed.

Members may wish to explore with the panel:

- **What has been the experience of local authorities and schools returning to in-person teaching in February? E.g. in terms of attendance and the teaching and learning.**
- **How have schools and local authorities supported and reassured staff, pupils and parents?**

- **What work has been done with unions and individual teachers to ensure that they are working in a safe environment and that teachers and staff feel safe?**
- **What planning is being carried out looking toward 15 March and the return of pupils from Primary 4 upwards?**

Remote learning

Remote learning is intended to include a mix of Live, Recorded, and Supported learning. That is, some teaching should be in live online lessons, others through recorded lessons, and also through a range of tasks.

Guidance published by Education Scotland set out the expectations for remote learning. It said—

children and young people are entitled to:

- learning opportunities which reflect the principles of Curriculum for Excellence, allowing learners to develop their knowledge, skills and attributes in a variety of relevant contexts and across curriculum areas
- access to appropriate physical resources where needed – this might include learning materials, textbooks and / or digital devices
- on-line resources that will be consistently used across learning to aid interaction, assessment and feedback
- regular high quality interactive learning and teaching using technology or other remote methods
- a balance of live learning and independent activity
- access to key learning which is available for learners to revisit as often as necessary
- ongoing dialogue, reflection and feedback with practitioners in relation to their own learning
- daily registration/check in for every learner, recognising that the format for this may vary depending on the age and stage of learners
- regular opportunities for engagement with other pupils to support learning, as well as informal engagement
- due regard for their well-being and safeguarding.

To support schools and teachers, Education Scotland along with partners has developed a “[National elearning Offer](#)” which includes eSgoil as well as other resources and training.

Representatives of trade unions who [appeared at Committee on 13 January](#) expressed concerns at the variability of the interpretation of the guidance for remote learning. Larry Flannagan said—

“We are at the start of remote learning in this lockdown. We must share good practice as quickly as possible and stamp out any of the nonsense that might pop up. It is in everyone’s interest to ensure that remote learning works as effectively as possible.” (Col 13)

Education Scotland has undertaken and published five national overviews of practice this year. These have covered—

- Local Authorities
- Schools
- Parents, carers and learners
- Meeting needs, including Additional Support Needs
- Learning Entitlements.

Each report included recommendations and a summary document has also been published. The recommendations from the five reports have been reproduced in the Annexe A to this paper. Broadly speaking, the summary document found that the learning and teaching has improved in comparison to May/June 2020, and while there was good practice, more could be done, more consistently, to support a broad curriculum and rich learning experience for everyone. The summary document concluded—

“Local authorities, schools and parents are to be commended for the commitment and effort to deliver learning and teaching remotely in the most challenging of circumstances. It is clear that local authorities and schools have built on what they have learned from the first lockdown, and have used the experience to consider, develop and implement new ways of working. Local authorities and practitioners have learned much along the way, proactively finding solutions to everchanging situations and challenges. Currently, the delivery of high quality remote learning across schools varies.”

All the reports and the summary can be found here:

<https://education.gov.scot/improvement/supporting-remote-learning/national-overviews/national-overview-of-practice-reports/>

Members may wish to explore with the panel:

- **What are the reasons for variability of the remote learning offer? To what degree are the ability of children and families to access learning and the ability of schools to provide remote learning limiting factors?**
- **What is the picture in relation to engagement with learning across Scotland, regionally and by levels of deprivation, additional support needs etc.?**
- **How are local authority quality improvement teams ensuring consistently high-quality remote learning?**
- **Education Scotland’s documents frame their work as supporting improvement at local levels. How is the inspectorate holding local authorities or individual schools to account for the quality of the remote learning offer?**

- **How are the recommendations of these reports being followed up at the schools, local authority, regional and national levels?**
- **Will inspectors examine the quality reach and outcomes of Education Scotland's work on the National eLearning Offer? Are any further overviews planned by Education Scotland?**
- **Has there been any assessment of the teaching and learning for senior phase pupils. Is the content being covered for all candidates?**
- **What plans are there to retain the National eLearning Offer and how might it develop post-COVID-19?**

Recovery planning

All three of the organisations at the meeting are represented at the [Covid-19 Education Recovery Group](#) ("CERG"), which is chaired by the Cabinet Secretary for Education and Skills and co-chaired by Cllr Stephen McCabe in his role as COSLA's Children and Young People spokesperson. One aspect of the work of CERG is to —

"provide leadership and advice to ministers and local government leaders in developing the strategic approach to the response and recovery of the ELC and education system"

In June 2020, the CERG published guidance on [Curriculum for Excellence in the Recovery Phase](#). This comprised of 12 bullet points which ELC, primary and secondary teachers and practitioners should consider during the recovery phase. The last bullet stated that practitioners should recognise that—

"Children and young people from disadvantaged backgrounds may have faced multiple barriers to learning over the period of the school closures. Applying the principle of equity, consider how to provide additional and appropriate support where it is most needed in order to maximise engagement with learning and continue the work to close the poverty related attainment gap."

Cllr McCabe told the Committee in [July 2020](#) that the priority at that stage would be to get young people back in school and then "assessments will need to be carried out of where each individual child is, and plans will need to be put in place to support each child in terms of catching up." (Col 17)

Prior to the return to school in August 2020, local authorities developed local phasing delivery plans. A number of these discussed the need to maintain focus on wider policy objectives such as closing the attainment gap. For example, the [City of Edinburgh Council's](#) plan stated—

"The local authority has asked schools to plan how to meet key short, medium and long term outcomes. This includes how they will support equity cohorts through the delivery of targeted catch up provision to close the poverty related attainment gap." (p38)

The 2020-21 Programme for Government noted that a strategic would be needed to address the impact of the pandemic for some children. It said—

“A longer term strategy will be required to help address the impact the pandemic has had on some of the most vulnerable children and families. The implementation of an Equity Audit will deepen our understanding of the impact of on children from disadvantaged backgrounds, and set clear areas of focus for accelerating recovery.” (p97)

The [National Improvement Framework](#) published in December also reflects the challenges the pandemic has created. The Cabinet Secretary’s foreword stated—

“Education recovery will be key in the year ahead, with a continued focus on health and wellbeing, as well as intensified support for reducing inequity and enabling the highest quality of learning and teaching.

“This year’s Improvement Plan, therefore, reflects this recovery agenda and sets out the action we will take over the coming year to redress the impact of 2020 on our young people. It is, as ever, informed by input from the International Council of Education Advisers, who have detailed knowledge and understanding of how others across the world are looking to address these challenges and what is working well. The outputs from our forthcoming Equity Audit will further improve our understanding of the targeted and specific action that is needed to offset the impact on those who may have been most affected by the pandemic.”

The NIF also stated—

“It is also important that education recovery is not seem as simply aiming to return Scottish education to the way it was before the pandemic hit. Scotland’s response to the pandemic has highlighted the importance of creating a more flexible and resilient system, which can operate just as well in a crisis as it does under more normal circumstances. The need to focus on education recovery support, and build a more resilient system, is reflected throughout the improvement activities set out in this NIF and Improvement Plan.” (pp9-10)

The NIF provided case-studies of how this recovery, or building back better, is being taken forward at local levels. It also highlighted the role of Regional Improvement Collaboratives and Education Scotland in supporting the recovery. [Education Scotland’s website](#) provides resources for practitioners and leaders in relation to recovery, including links to [approaches, research and policy documents](#). [ADES’ website](#) also includes a number of commentaries on the topic.

[The report of the International Council of Education Advisers](#) published in December stated—

“This is not a time for getting back to normal. It is not even time to develop a modified new normal. It is time to look to the future to redesign Scottish education as a universally designed system for all contingencies and disruptions. This system can and should develop self-directed learners; provide access to digitally-based learning as a human right; transform assessment to be continuous, inclusive and responsive; and ensure that all students and teachers are equipped with online and outdoor capabilities that will be pandemic-proof in the future and significantly better in the present. All of this can and should occur within a universally designed system that becomes increasingly inclusive, responsive, agile and collaborative, with changes in government resource allocations that reflect this shift.” (p31)

The Scottish Government published [Coronavirus \(COVID-19\): impact of school building closures - equity audit](#) on 13 January. The Equity Audit focused on the impact of the school closures from March to August 2020. This included a literature review which found:

“Considerable differences between the educational and learning experiences of pupils from more and less advantaged backgrounds. Whilst educational concerns are widespread, as revealed for example by surveys of parents and of pupils themselves, a range of differences in the learning experiences between these two groups are suggested by the literature.”

The Equity Audit highlighted evidence that suggests that the negative impacts on attainment and “learning loss” is felt more strongly by socio-economically disadvantaged pupils or schools with higher numbers of socio-economically disadvantaged pupils. However, the Equity Audit also stated that the pandemic has the “potential for impacts on attainment and achievement for all children and young people”.

[The Commission for School Reform argued for additional teaching](#) time to catch up on learning lost due to the pandemic. It suggested that these lessons might be taught by teachers volunteering or paid, or retired teachers, or student teachers near the end of their Initial Teacher Education courses. The CSR paper stated—

“The planning of the catch-up lessons would be up to individual schools, because only the school will have an idea of how much has been lost and how best to recover from it. The needs of individual pupils will vary widely. Some will have made reasonable progress during the closures, aided by good-quality material from schools, frequent online interaction with teachers and peers, and parents who have been in a position to supervise their work. The majority have not had these advantages. When the schools return, the first task of teachers will be the very difficult challenge of finding out who needs what.”

In [January](#), Larry Flannagan from the EIS cautioned against placing too much weight on the idea of lost learning within school education. He said—

“People too often talk about lost learning, but it is delayed learning—nothing is irretrievably lost. It might mean that we have to work hard to catch up, but if we are committed to the idea of lifelong learning, we should not give the message to young people that it is the end of the world if their exams do not work out in the way that they had hoped they would this year.

“As a teacher for 33 years, I have never said to a youngster, ‘You failed your O grade and you failed your higher. That’s you—you’re done.’ There are always ways to recover. We should be fairly positive that we can, although there are big challenges, address disadvantage that emerges from the current situation—in the long and short terms—if we are committed to doing so.” (Col 23)

However, Mr Flanagan also suggested that the Scottish Government look at “additional mentoring arrangements for young people who are clearly identified as having suffered from disrupted learning because of Covid.” (Col 22) A recent concern that the [EIS has raised has been for supply teachers](#) who are reporting being unable to find work.

A stand-alone national strategy on education recovery has not yet been produced, although the work outlined in the 2021 NIF is in the context of recovering from the pandemic. Indeed, it is not clear whether there are plans for a stand-alone strategy. A

great deal of focus will have been on responding to the changing and difficult situation over the past months. Another contingent factor may be the OECD review – any longer-term strategic work in relation to school education may wish to take account of the OECD's findings.

Members may wish to explore with the panel—

- **How schools and local authorities will assess any delayed or lost learning because of the pandemic?**
- **What assessment has been undertaken, or will be undertaken on the impact of the pandemic on the poverty-related attainment gap at national, regional and local levels?**
- **Is it expected that the range of capabilities, levels of need and wellbeing in classrooms will have widened? If so what are the pedagogic, planning and resource challenges for schools, and local authorities?**
- **What is the appetite among the panel for extending the school week or employing tutors to support pupils whose learning may have stalled as a result of the pandemic?**
- **Does the panel expect a national strategy for recovery in education? If so when does this need to be in place?**
- **How is the school education sector working with youth organisations, colleges and universities in planning for any recovery? Can the panel report on any innovative local initiatives, e.g. summer schools, outdoor education opportunities etc.?**
- **Is there work to be done to ensure young people and parents/carers understand the range of ongoing learning and certification opportunities post-school?**
- **Is the suite of qualifications available for our young people flexible enough to meet the needs of young people whose learning may have been interrupted?**

Funding

On 13 January, the Scottish Government announced £45 million of new funding was announced to further support education recovery. The First Minister [Parliament on 16 February—](#)

“We are also publishing today updated school safety guidance, developed with the education recovery group, which sets out a range of additional safety mitigations. To help implement them, we will provide local authorities and schools with an additional £40 million, as part of a wider £100 million package to accelerate school recovery.”
(Col 17)

The Equity Audit also listed ways in which the Scottish Government and others had worked to mitigate the negative effects of the pandemic under these five themes (see part 4 of the equity audit). Some of the key measures were—

- £80 million additional investment to support the recruitment of over 1,400 additional teachers and 200 support staff in 2020/21.
- £25 million investment for school aged-learners through the Connecting Scotland Programme has delivered over 58,000 devices and connectivity to people suffering from digital exclusion.
- Flexibility to redirect £182 million of Attainment Scotland Funding to help mitigate impacts on the most socio-economically disadvantaged families.
- Provision of free school meals during school building closures and school holidays – with over £37 million in additional funding to support local authorities.
- Increased support for families to engage with learning at home, including via Glow.
- Ensuring access to counsellors in every secondary school in Scotland.
- A £3 million Youth Work for Education Recovery Fund.
- Guidance for school staff on supporting mental health and wellbeing in schools.
- Continuity in Learning Guidance, which offered advice to local authorities as to how to address the impact of interrupted learning and disconnection from school.
- A range of materials to help parents, carers and practitioners support learning at home.
- The £100 million Winter Support Plan to support families on low incomes.
- £1.5 million to help school staff manage additional pressures as a result of the pandemic.

The [Scottish Government has also confirmed](#) that it would ensure a one-off payment of £400 for full-time teachers and lecturers, and will be paid on a pro-rata basis for part-time teachers and lecturers. This payment will be for all eligible teachers and lecturers at state secondary schools, colleges, and independent schools.

Members may wish to explore with the panel—

- **How successful have the funding packages been in supporting wellbeing, engagement and teaching and learning? Can this impact be measured?**
- **How have local authorities been ensuring that funds delivered through local authorities have had the most impact?**
- **What has been the inspectorate's role in monitoring local authorities' spending?**
- **Are there any key or urgent gaps in funding?**

MITIGATIONS

COVID-19 testing and guidance

The sub-group has published advice on mitigations to minimise transmission of COVID-19 during phased return to in-person learning in schools and early learning and childcare settings. The advice said that settings should “place very high priority on reinforcing the mitigations designed to reduce the risk for staff and pupils” and that—

“Scottish Government, Education Scotland and local authorities should provide appropriate support to schools and ELC settings to enable them to implement the mitigations fully, to ensure the safety and wellbeing of staff, children and young people, taking into account local circumstances and the practical constraints faced by different schools in terms of issues such as building design.”

It also recommended “as an additional protective measure, 2 metre distancing should be put in place at the current time for secondary-aged pupils, in addition to continuing to be in place for staff in secondary schools.” As before, the advice stated that in primary schools, 2 metre distancing between adults not from the same household should be maintained and there should also be 2 metre distancing between adults and primary aged children whenever possible.

The sub-group’s updated advice was reflected in the updated school’s guidance published by the [Scottish Government on 16 February](#).

The First Minister told [Parliament on 16 February](#)—

“As we consider those issues, we are of course doing everything that we can to ensure that schools are as safe as possible for children and for the education workforce. As senior phase pupils, teachers and school staff start to return, we will be making at-home lateral flow tests available to them twice a week, as part of a wider package of in-school mitigations. Comprehensive testing guidance has now been issued to schools and local authorities and, as of yesterday, more than 2,200 schools had received deliveries of test kits.” (Col 17)

The First Minister also highlighted the risk of greater social contact among adults as a result of more pupils returning to schools. She said—

“The evidence suggests that the key risk in reopening schools is not transmission of the virus within schools; instead, the risk comes from the increased contact that the reopening might spark among the wider adult population. The risk is that schools going back might lead to parents socialising more, at the school gates for example, or returning to the workplace rather than working from home. I know how difficult it is, but I am asking parents and employers to make sure that that does not happen.”

The Scottish Government has provided SPICe with a copy of an FAQs document. This sets out (among other things) the key features of the programme—

“Drawing on learning from schools testing pilots, we have worked with the UK Department for Health and Social Care (DHSC) and key stakeholders to agree a model of asymptomatic testing that is intended to be both effective and deliverable, minimising burdens on school staff while reducing risks in schools as part of a wider package of mitigations. The model involves the following:

- Schools will be provided with packs of Lateral Flow Device (LFD) test kits for staff and senior phase pupils.
- Schools will then be asked to distribute these test kits to consenting staff and senior phase pupils. Schools will be asked to keep a log of which kits have been distributed to which individuals.
- Staff and pupils will take test kits home and, twice weekly, following clear instructions for use, perform the tests on themselves or with the support of a parent or guardian. They will then register both positive and negative (and void) results on a web-based portal, with the results shared with NHS Test and Protect. The processes that should be followed by individuals depending on a positive or negative result are clearly explained in the supporting guidance.

“Schools will be able to reorder test kits when they need to do so. The precise processes for doing so are still under development and will be communicated to schools as soon as they have been confirmed.”

Vaccines

The current JCVI guidance for priority groups to get a vaccine essentially is seeking to minimise the deaths from Covid-19. In other words, the groups of people who at most risk of dying, get the vaccine first. Dr Leitch told [the Covid-19 Committee in early January](#)—

“We are now protecting individuals from dying. That is why the joint committee has given its present advice. Once we vaccinate 2 million people and begin to see reductions in transmission—whenever that happens—that might mean that the joint committee’s advice about where we should go next will change. For now, the approach is about preventing individual deaths.” (col 25)

The First Minister told [Parliament on 16 February](#)—

“All Governments take care to take and follow the expert advice so that we get the programme as right as possible. We will focus on the completion of the JCVI priority groups now and give an indication of the order of priority for the rest of the population over the course of the next few weeks.” (Col 21)

And—

“Any teacher or member of the education workforce who is in one of the initial priority groups will be getting vaccinated right now. That is important because of what we know about the vaccine. We do not yet know that it reduces transmission, but we do know that it reduces illness and death. The priority has been vaccinating most quickly those who are most clinically at risk, and that includes teachers and anybody in any profession who is in one of those groups because of their age or clinical vulnerability. After that, we need to ensure that we take account of all the clinical and expert advice that we get. ...

“As we go through the rest of the current priority list, that consideration is under way, and we will set that out as quickly as possible. It may be—I cannot say this for sure right now—that occupations will have more priority in the next phase, regardless of clinical risk, given that the first phase has focused so much on clinical vulnerability.” (Col 23)

The JCVI issued advice on the next stage of the vaccination programme on 26 February. The JCVI advice is to continue prioritisation on the basis of age. Once all at-risk groups in Phase 1 have been offered at least one dose of the vaccine, the following groups will be prioritised.

- all those aged 40 to 49 years
- all those aged 30 to 39 years
- all those aged 18 to 29 years

A [Public Health England](#) press release said—

“The committee agreed that mass vaccination targeting occupational groups would be more complex to deliver and may slow down the vaccine programme, leaving some more vulnerable people at higher risk unvaccinated for longer.

“Operationally, simple and easy-to-deliver programmes are critical for rapid deployment and high vaccine uptake.”

Members may wish to explore with the panel—

- **How have local authorities ensured that the mitigations are implemented fully? How is this being monitored and, if necessary, enforced?**
- **How successfully has the process for testing being rolled out? What challenges have there been?**

CERTIFICATION

When the Committee looked at this topic [on 13 January](#), the focus was on teaching and learning in schools. Plans for certification remained somewhat fluid. Larry Flannagan said—

“There is still a lot of contested opinion around messaging, so there are tensions around the level of quality assurance, trust and professional judgment. As a system, we want to get that right, because we want young people to be accredited appropriately. However, it would be wrong to suggest that there is a simple solution; there is a lot of hard work involved in delivering that, which an extended lockdown period will make even more challenging.” (Col 20)

Following the session in January the Committee issued a [letter to the SQA and Education Scotland on a range of topics on the alternative certification model for 2021](#). A further letter was sent to the [SQA on 3 February](#) seeking confirmation that guidance on the collection of evidence to support certificate for every National Qualification subject and level had been published. The two organisations [replied jointly](#) on 19 February covering these points.

The Committee [also wrote to teaching unions](#) for information on any “subject-specific challenges remain across the curriculum, both in subjects with a practical element and without a practical element, and to gauge what further support is necessary between now and June for teachers to provide their assessments of pupils’ attainment this academic year.” At the time of writing, those responses have not yet been received and are not reflected in this paper, however submissions have been received from EIS, NASUWT and SSTA and are included in paper 3.

A key body for the co-creation of the approach to certification is the National Qualifications Group (“NQG”). The NQG is made up of representatives of the ADES, Colleges Scotland, Education Scotland, EIS, School Leaders Scotland, the Scottish Council of Independent Schools, SQA, the Scottish Government, NPFS, and the Scottish Youth Parliament.

The joint letter noted that the [NQG had issued updated information on 16 February](#). The process is still envisaged to have five stages but the timings for these processes has been revised the new timetable is—:

Stage 1: ongoing 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.

Learners are expected to receive their SQA results on **10 August 2021**.

Stage 5: Appeals process for 2020-21 - to be advised following consultation.

The [SQA has published information](#) on the expected roles responsibilities, at each stage, different actors would be expected to undertake. This covers the role of the SQA, Education Scotland, teachers and lecturers, local authorities (and RICs), and senior management within the schools or colleges. For ease of reference these roles and responsibilities are reproduced in Annexe B of this paper.

The joint letter set out the broad approach to the ACM—

“This year, teachers and lecturers will be providing SQA with provisional results based on their professional judgement of learner assessment evidence measured against the published requirements for each subject.”

The joint letter described how moderation would involve both local and national moderation, including sampling of evidence in Stage 2. The joint letter stated—

“During May, on a proportionate basis, SQA will select courses from each school, college, and training provider for national quality assurance and will provide subject-specific feedback. We can confirm that this will involve every school, college, and training provider.

“This package of evidence can be less than that used for reaching provisional results — SQA does not need to see the final evidence gathered by teachers and lecturers to determine learners' provisional grades.”

The [SQA has produced overall guidance](#) on the approach to gathering evidence and producing estimates for national courses. This guidance stated—

“An estimate is a holistic professional judgement based on evidence of a candidate’s attainment in all aspects of the course (ie all course components) and should reflect the candidate’s demonstrated attainment of the required skills, knowledge and understanding for the estimated grade and band. Reviewing a range of evidence will help to build up a picture of the candidate’s performance as a whole, which will then enable you to decide on an estimate.”

There is subject and level specific guidance. Each course advice is different. A common theme is that good evidence is likely to be similar to an exam, perhaps using SQA exam scripts. For example, [Higher Media guidance](#) states—

“You can generate the most valid evidence for this course by using the approach exemplified in the SQA question papers and coursework tasks. However, you do not need to simulate an exam setting in order to produce evidence. You should gather evidence where candidates have had opportunities to apply the skills, knowledge and understanding they have learned from the course in unseen situations.”

[Guidance for Advanced Higher Physics](#) states—

“The closer that the evidence is to the standard, format, and duration of the physics course assessment, and the more closely the marking follows the national standard and the [Physics General Marking Principles](#), the more realistic and reliable your provisional results should be. You must base your provisional results on demonstrated attainment.”

[Guidance for National 5 Drama](#) states—

“You should focus on two key pieces of evidence when deciding a candidate’s estimated grade for National 5 Drama:

- question paper
- performance (including preparation for performance)

... Candidates do not need to produce evidence for question paper components on a single occasion, but it is important that assessment tasks should be unseen.”

As noted above, Senior Phase Pupils are able to attend school to undertake practical work in relation to qualifications. [Education Scotland has published technical guidance](#) to local authorities and secondary school staff which is intended to provide clarity and support for local authorities and secondary schools on providing arrangements for small groups of senior phase learners to return to school.

The SQA has an online course to accompany the general guidance, which is available through SQA Academy. It’s Understanding Standards website provides links to assessment resources. Generally these pages include question papers and perhaps examples of work. Again there is some variety in approaches; some subjects have quite detailed guidance on how teachers should use assessments to help with estimates (for example [Physics](#)) other subject pages take a different approach (e.g. [Accounting](#)) .

One key point is that certification will rely on evidence and that the necessary learning and course material has been covered. Larry Flanagan from the EIS told the Committee on 13 January—

“There will come a point at which, if senior phase students are not back in school, some very practical difficulties will start to emerge around how to produce the evidence on which professional judgment is made. We need to be really clear that what has not been taught cannot be assessed. Teachers are not being asked to speculate as to the potential of an individual, but to make a judgment on the evidence that has been produced, so that there is a sound basis for the accreditation. If we were in a lockdown scenario until Easter, for example, there would be significant challenges around how we could progress even the alternative assessment model.” (Col 16)

In terms of appeals in 2021, the joint letter stated—

“SQA will shortly be undertaking a public consultation about the appeals process for 2021 awarding and further details will be available thereafter.

“We can confirm that the United Nations Convention on the Rights of the Child (UNCRC) is at the centre of our considerations.”

Members may wish to explore with the panel—

- **How confident is the panel that all learners will have sufficiently covered course content? What would be the range of options to schools and individuals if not?**
- **What has been the reach of training of understanding standards among teachers?**
- **How will moderation work in practice and ensure consistency across subjects, schools, regions and nationally?**
- **Taken as a whole, are the results in 2021 expected to be in line with historic averages? Is this an aim of the alternative certification model?**
- **When will the consultation on appeals begin and how will this take into account pupil experiences of last year’s system?**
- **How will progress against the revised timetable be measured? How will different bodies be held accountable for the roles and responsibilities set out by the SQA (and reproduced in Annexe B)?**

**Ned Sharratt
SPICe Research
26 February 2021**

Note: Committee briefing papers are provided by SPICe for the use of Scottish Parliament committees and clerking staff. They provide focused information or respond

to specific questions or areas of interest to committees and are not intended to offer comprehensive coverage of a subject area.

The Scottish Parliament, Edinburgh, EH99 1SP www.parliament.scot

Recommendations in each of Education Scotland's national overviews

Local Authorities

- Ensure local authority planning, guidance and delivery for remote learning is updated to reflect the entitlements and expectations published on 8 January 2021.
- Provide further professional learning for staff in local authorities and schools with a particular focus on the pedagogy of remote learning.
- Continue work to ensure equitable access to digital devices and online access for learners and staff.
- Provide ongoing communication and engagement with parents about what remote learning is and the approach being taken by local authorities and schools to ensure a shared understanding.
- Continue to provide health and wellbeing support to learners, parents and staff.
- Develop and implement, at pace, approaches at local authority level to assure the provision of high quality remote learning delivered by individual schools.

<https://education.gov.scot/media/5ncbe2q4/national-overview-of-practice-in-remote-learning-1-local-authorities-updated270121.pdf>

Schools

- Ensure school planning and guidance for the delivery of remote learning is updated to reflect the entitlements and expectations published on 8 January 2021.
- Ensure children and young people experience high quality remote learning across the breadth of the curriculum.
- Continue to review approaches to learning and teaching to ensure learners receive an appropriate balance of live, recorded and independent learning.
- Ensure learners are aware of the progress they are making in their learning and what they need to do to improve.
- Build on existing good practice to continue to support the health and wellbeing of learners and their families, staff and the school community.
- Develop and implement approaches to continually review the quality and impact of remote learning to ensure all learners receive consistently high quality experiences.

<https://education.gov.scot/media/50qhv2vc/national-overview-of-practice-in-remote-learning-2-schools.pdf>

Parents, carers and learners

- Provide regular check-ins and opportunities for learners to meet up online with peers in order to support wellbeing, and collaboration.
- Ensure plans and guidance for remote learning are shared with learners and parents, including the balance of live learning and independent activity.
- Engage with learners and parents to gather feedback on remote learning to identify what is working well and what needs to improve.
- Continue to place an emphasis on supporting the health and wellbeing of learners, parents and practitioners.
- Provide learning that is responsive to learners' needs, including for those children and young people who require additional support for learning or may be disadvantaged.
- Provide parents and learners in the senior phase with information and support to help alleviate any concerns and worries over arrangements for assessment and National Qualifications.

<https://education.gov.scot/media/mclbckrn/national-overview-of-practice-in-remote-learning-3-parents-carers-and-learners.pdf>

Meeting needs, including Additional Support Needs

- Provide tasks and activities that provide the right level of challenge for all learners, including those with additional support needs.
- Further develop approaches to monitoring and tracking children's and young people's progress so that teachers can build on what children and young people already know.
- Ensure support planning is reviewed regularly in partnership with learners and parents to help meet the needs of children and young people.
- Share approaches taken by schools to provide personalised support for those children and young people with complex additional support needs.

<https://education.gov.scot/media/rv1iquhw/national-overview-of-practice-in-remote-learning-4-asn.pdf>

Learning Entitlements

- Ensure the curriculum provides all children and young people with breadth and depth in their learning.
- Support all children and young people to receive their entitlements to, and engage in, remote learning.
- Provide all children and young people with opportunities to revisit learning when required.

- Ensure that all children and young people receive regular feedback on their learning and the progress they are making.
- Provide support for parents to help children and young people engage in remote learning.

<https://education.gov.scot/media/n1znjsbv/national-overview-of-practice-in-remote-learning-5-learning-entitlements.pdf>

Roles and Responsibilities under the Alternative Certification Model 2021

The following is taken from the SQA's website.

<https://www.sqa.org.uk/sqa/96762.html>

The roles and responsibilities of key stakeholders at each stage are shown below.

Stage 1: Ongoing until April 2021

Teachers and lecturers access subject-specific guidance, assessment resources and Understanding Standards materials and webinars from SQA.

Role of SQA

- produce generic guidance on producing estimates (published Nov 2020) (now 'provisional results')

November/December 2020 - for National 5:

- produce subject-specific guidance clarifying assessment requirements
- publish and promote subject-specific assessment resources for centres to use
- provide Understanding Standards resources and activities

January/February 2021 - For Higher and Advanced Higher:

- produce subject-specific guidance clarifying assessment requirements
- publish and promote subject-specific assessment resources for centres to use

January - April 2021 for all levels:

- provide Understanding Standards resources and activities
- provide direct advice and support to centres, on request, where queries have not been addressed in guidance

Role of teachers/lecturers

- teaching and learning ongoing - planning opportunities for assessment, in line with subject-specific guidance from SQA
- engage with Understanding Standards activities
- participate, as appropriate, in local and/or national subject networks
- develop assessment plans and assess learners' assessment evidence when appropriate

- ensure familiarity with centre and local internal quality assurance arrangements on learner assessments (this includes pre-assessment agreement of assessment instruments, standardisation activities and sampling of learners' assessment evidence to ensure that marking is consistent with national standards)

Role of centre senior management

- support teachers and lecturers in their roles and responsibilities
- ensure that teaching staff are aware of, and using, SQA guidance on assessment and producing provisional results
- ensure that the centre's quality assurance procedures are being defined and made available to staff
- in colleges, to support course teams, set up internal quality assurance systems to support/facilitate:
 - Understanding Standards
 - centre-level assessment approaches

Role of local authorities/Scottish Council of Independent Schools (SCIS)/Education Scotland

Local authorities should consider how best to support/facilitate:

- Understanding Standards
- centre-level assessment approaches
- centre-level quality assurance
- local authority/area-based subject quality assurance
- quality assurance support by subject from Regional Improvement Collaborative (RIC), where a need is identified
- access to local SQA appointees to support identified subject areas

SCIS:

- share key messages with members
- provide a service to link schools to support external quality assurance
- facilitate a series of virtual communities of practice (V-CoPs) for subject specialists, with access to sector SQA appointees as appropriate
- facilitate virtual meetings with SQA co-ordinators and senior leaders
- share practice from across the sector to enable reflection, discussion and action

Education Scotland:

- continue supporting centres and practitioners in providing learning, teaching and assessment to inform next steps, including through remote learning
- through National e-Learning Offer, provide well-targeted and easily-accessible:
 - live, interactive webinars for study support and other provision
 - recorded lessons
 - supported materials
- work with practitioners to identify priority resources required
- arrange professional learning opportunities in using digital platforms for effective remote learning, and subject-specific webinars for delivering NQs remotely
- provide a national overview of practice in the delivery of remote learning
- support local and national curriculum networks to share practice and quality assurance approaches. Provide signposting for practitioners to support them to network with practitioners for quality assurance purposes.
- work with all RICs and local authorities to develop online solutions for sharing learner evidence to support quality assurance processes in local authorities and schools
- provide clarity and support for local authorities and centres on preparing arrangements for small groups of senior-phase learners to return to school to complete the learning and teaching of critical practical work that can only be carried out in school
- provide support to school leaders and local authorities for the leadership required to take forward the 2021 ACM arrangements through facilitated, themed online conversations, Headspace and Blethers

Existing subject-specific and other collaborative support networks such as those already set up by local authorities, RICs and Education Scotland will be used to support teachers.

Stage 2: April to May 2021

Learning, teaching and assessment (to guide further support for learners) together with consolidation of learning, are ongoing. School, college, training provider and local authority quality assurance continues. During May, SQA requests, reviews and provides feedback on assessment evidence from each school and college as part of national quality assurance.

Role of SQA

- during May, issue selections to centres
- receive assessment evidence from centres for the subjects/levels
- externally quality assure marked learners' assessment evidence from every centre, to ensure that marking is to the national standard

- provide subject-specific feedback for National Courses to centres (and the local authority, where appropriate) on the extent to which assessment approaches were valid and marking was reliable and to the national standard, and provide advice on any adjustments that need to be made.
- obtain a declaration from the head of centre that the feedback from SQA has been acted on within the centre
- collate any common issues from national quality assurance for each National Course and publish this to inform all centres
- issue further information on how to submit the provisional results

Roles of teachers/lecturers

- learning, teaching and consolidation of learning continues
- assess learner evidence
- carry out internal quality assurance on learner assessment evidence, in line with centre procedures (and local authority / RIC quality assurance processes for local authority schools). This includes pre-assessment agreement of assessment instruments, standardisation activities and sampling of learners' assessment evidence to ensure that national standards are being applied consistently.
- if selected for SQA quality assurance for a subject/level, submit assessment instruments, marking instructions and examples of assessed learner evidence. For national quality assurance, this package of evidence will be less than that used for reaching provisional results. The assessment evidence can be partial or incomplete. For example, it could consist of one or two pieces of key evidence from a small number of learners in the subjects selected.
- act on any feedback received from SQA's quality assurance, to ensure that assessment is consistent with the national standard
- share any relevant feedback from SQA's quality assurance with others, for example through local subject networks
- start to develop provisional results based on the available evidence and feedback from local and national quality assurance

Role of centre senior management

- continue to support teachers and lecturers in their roles and responsibilities in relation to assessment and centre quality assurance
- support and facilitate teaching staff awareness and use of SQA guidance on assessment and producing provisional results
- support and facilitate the consistent application of centre's quality assurance procedures
- support teachers and lecturers in their roles and responsibilities within the national quality assurance process

- support and facilitate teaching staff to act on any feedback received from SQA's quality assurance, to ensure that marking is consistent with national standard
- act on feedback received from SQA's quality assurance process to consider the effectiveness of the centre's quality assurance process and any adjustments required
- provide a declaration from the head of centre that the feedback from SQA's quality assurance has been acted on within the centre
- carry out checks that results are consistent with evidence, to inform any initial discussions within the centre

Role of local authorities/Scottish Council of Independent Schools (SCIS)/Education Scotland

- local authorities and independent schools should consider capacity to support the national quality assurance exercise by releasing a limited number of appointees to undertake this work if required
- identify and provide any additional support based on the findings of SQA's quality assurance
- Education Scotland will continue work from Phase 1 with RICs, local authorities and schools to identify and provide further support to centres and practitioners
- Education Scotland will provide support to school leaders and local authorities for the leadership required to take forward the 2021 ACM arrangements through facilitated, themed online conversations, Headspace and Blethers

Stage 3: End May to 25 June 2021

Continuation and completion of learning, teaching and assessment in centres. Provisional results will be produced by teachers and lecturers and quality assurance will be carried out internally by centres and then more widely by local networks. This may include exploration of rationales for variances and dialogue with SQA. Any adjustments would be made based on current candidate evidence.

Role of SQA

- encourage use of existing published training materials for centres and local authorities on how best to check results during local quality assurance of provisional results, while ensuring that these are firmly based on current candidate evidence

Role of teachers/lecturers

- complete learning, teaching and assessment and continue internal quality assurance
- reflect on feedback from national quality assurance and make adjustments as appropriate

- 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
- produce provisional results for every candidate.

Role of centre senior management

- carry out centre quality assurance on provisional results, prior to submission to SQA, including checking that provisional results are based on current learner evidence.
- engage in any further local quality assurance on provisional results with the local authority, clusters/partner schools, as appropriate to the centre
- local quality assurance could also include dialogue with SQA where the centre requests further support
- make any adjustments to provisional results and/or processes required as a result of centre, local and/or national quality assurance. Any adjustments would be made on the basis of current candidate evidence.
- endorse the process and results per subject and level
- in colleges, constitute an internal quality assurance panel, building on processes implemented in 2020, support/challenge conversations
- in colleges, implement a process for endorsing the course team's results, considering:
 - the processes used by the course team
 - the outcome of the checking exercise
 - the rationale for any variances

Role of local authorities/Scottish Council for Independent Schools (SCIS)/Education Scotland

Local authorities:

- local authorities should consider how best to support/facilitate:
 - centre-level quality assurance
 - local authority/area-based subject quality assurance, perhaps through subject networks
 - RICs-level subject quality assurance, where a need is identified
- local authorities should develop and implement processes for the checking stage, building on processes implemented in 2020. This should include:
 - the processes implemented by the school/centre

- the outcome of the checking exercise
- the rationale for any variances
- this could also include engagement with schools/centres to agree a model for corresponding school/centre level checks and endorsement
- local authorities engage with schools and centres to consider centre data by subject. Internal checking processes provide a rationale for the centre's assessment judgements and may lead to a review of candidate evidence, if required, using local subject expertise.
- appropriate local authority senior officer endorses the process and notes the outcomes per centre

SCIS:

- share key messages with members
- provide a service to link schools to support external quality assurance
- facilitate a series of virtual communities of practice (V-CoPs) for subject specialists
- facilitate virtual meetings with SQA co-ordinators and senior leaders
- share practice from across the sector to enable reflection, discussion and action
- assist in awareness-raising of issues for consideration by schools

Education Scotland:

- provide further professional learning for good practice, including through technical solutions, that highlights ease of sharing learner evidence on a range of formats and supports practitioners with good practice in quality assurance
- provide support to school leaders for the leadership required to take forward the 2021 ACM arrangements through facilitated, themed online conversations, Headspace and Blethers

Stage 4: By 25 June 2021

- submission of provisional results by centres to SQA
- SQA undertakes administrative checks and addresses any queries with centres (eg potential data inputting errors)
- centres to provide a named contact who is able to deal with administrative queries regarding provisional results after the submission date
- centres retain learner assessment evidence and records

Stage 5: Appeals process

TBC

Education and Skills Committee

8th Meeting, 2021 (Session 5), Wednesday 3rd March 2021

Coronavirus and Education

Submissions pack

The Committee received the following submissions to help inform its evidence session with ADES, Education Scotland and the SQA:

- [Children and Young People's Commissioner Scotland](#)
- [EIS](#)
- [NASUWT](#)
- [NASUWT- subject specific feedback](#)
- [SSTA](#)
- [SQA Where's Our Say](#)
- [Dr Tracy Kirk](#)
- [Professor Jim Scott](#) (this is an executive summary of a longer paper which can be accessed [here](#))

Following on from the meeting on 13 January 2021. The Convener wrote to the SQA and Education Scotland. The letters to and the responses from SQA and Education Scotland can be read below.

- [Read the letter from the Convener to the SQA and Education Scotland. 19 January 2021 \(111KB pdf\)](#)
- [Read the joint response from the SQA and Education Scotland. 19 February 2021.](#)

Children and Young People's Commissioner Scotland (CYPCS)**Education and Skills Committee****SQA Exams and Appeals 2020****Submission of the Children and Young People's Commissioner Scotland.**

Established by the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner is responsible for promoting and safeguarding the rights of all children and young people in Scotland, giving particular attention to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner has powers to review law, policy and practice and to take action to promote and protect rights.

The Commissioner is fully independent of the Scottish Government.

Thank you for providing us with an opportunity to update you on outstanding issues relating to a group of young people in Scotland, whose rights and lives have been adversely affected by the cancellation of the Scottish Qualification Authority (SQA) examination diet, and the Alternative Certification Model (ACM), put in place in 2020. This submission provides an update since our last submission to this Committee in November 2020¹.

We are particularly concerned about a group of young people, some of whom have contacted our office, who have experienced disadvantage due to disability, being care experienced or young carers, living in poverty or experiencing mental or physical illness have not been provided with a right to remedy if they disagree with their centre estimated grades. When the Deputy First Minister announced that results generated by the discriminatory ACM would be replaced by centre estimated grades, it became clear that the exceptional circumstances process would no longer be available to 2020 students. This meant that some students whose 'estimated grades' under the ACM had failed to take account of students' individual, personal circumstances were told they had no right of appeal.

We repeatedly explained in our communications, including in a letter to the Deputy First Minister on 17th August 2020, that the issue is not case specific, but rather is a clear example of a systemic incompatibility with international human rights law and standards, including but not limited to, the United Nations Convention on the Rights of the Child (UNCRC)².

As Professors Laura Lundy and Jeanette Elwood have stressed,

*'there can be little doubt that international human rights law applies to assessment practices. The validity of an assessment method is based upon whether it is the best way to assess in the circumstances as well as the social consequences of the specific assessment method.'*³

We have explained to SQA that they are bound by the UNCRC, to protect, respect and fulfil children's rights, notwithstanding that the Convention is not yet incorporated

¹ <https://cypcs.org.uk/resources/sqa-exam-diet-2020-and-the-priestly-review/>

² For example, the European Convention on Human Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention against Discrimination in Education; the United Nations Convention on the Rights of Persons with Disabilities.

³ <https://journals.oslomet.no/index.php/human/article/download/2560/2849/10276>

into domestic law. Where a State puts in place a system of formal assessment and certification, this must be considered as part and parcel of its delivery on the right to education, irrespective of age. As such, within that process, children and young people have the right to participate in decision-making, to access to an effective remedy, to procedural fairness and due process in accordance with natural justice.

The State must ensure that in fulfilling its human rights and legal obligations and the wider right to education, all methods of assessment, examination and accreditation are underpinned by a human rights compliant framework which includes key principles of international law, namely accessibility, participation, fairness, deliberation, counter-majoritarian adjudication and effective remedy. We referred to the evidence and work of Dr Katie Boyle who has explained the importance of these principles in the context of incorporation of international treaties, specifically the UNCRC, and within the wider work of the Human Rights Taskforce.⁴

The 2020 certification and qualification accreditation system operating in Scotland has failed to provide adequate human rights protections by the State, as it does not permit individuals access to justice through appeals or reviews, or to any form of redress or remedy. Specifically:

- Within the first part of the ACM, teachers (on the guidance of the SQA), entirely excluded young people from the estimation, moderation and ranking process. There was no opportunity within this part of the process for the young person to raise considerations that might legitimately have influenced the estimated grade.
- This failing was then exacerbated as no process was put in place by Scottish Government or SQA for young people to challenge the Centre on their estimated grade before it was submitted to the SQA.

We note that the revised second stage of the ACM originally included provision and resource for thousands of potential appeals. As Professor Priestley notes in his review, the appeals system as originally envisaged was:

“intended for large scale application to ‘fix’ problems that are a consequence of the system of awarding grades itself...rather than its usual function as a separate post-award process affecting only small numbers of candidates.”⁵

Professor Mark Priestley, informed by the views and lived experiences of these young people, concluded that:

“The decision to limit grounds for appeal seems to us to be both unnecessary and counter-productive.”

We have consistently reiterated our calls for direct appeals as a human right to an effective remedy and procedural fairness to be permitted (for example in our evidence to the Priestley Review⁶ and this Committee), but the SQA and

⁴ Boyle K, evidence to Equality and Human Rights Committee in the UNCRC (Incorporation) (Sc) Bill

⁵ M. Priestley, M. Shapira, A. Priestley, M. Ritchie, C. Barnett, [Rapid Review of National Qualifications Experience 2020](#), September 2020

⁶ <https://cypcs.org.uk/resources/sqa-exam-diet-2020-and-the-priestly-review/>

Deputy First Minister have, to date, failed to provide access to justice for these young people.

We are concerned to note an assertion in the Deputy First Minister's letter to the Committee last week that he was waiting for information from our office before making a decision on the 2020 appeals, and that our office is 'working closely' with SQA on the new 2021 appeals model. On the contrary, we have undertaken one meeting in which we set out to SQA staff our significant concerns that the SQA has so far failed to ensure compliance with its international human rights obligations and our expectations about what needs to be in place to remedy this.

We had presumed from our conversations and the Deputy First Minister's parliamentary evidence that this matter had been under active consideration by the Deputy First Minister since September. Yet, despite this level of engagement and the reassurances from the Deputy First Minister that young people's rights to appeal were 'under consideration', a decision appears to have already been taken. On 19 February 2021 in joint correspondence from the SQA and Education Scotland, this Committee was informed:

*'Information on the 2020 appeals process was published on 2 December 2020 and is now closed as we focus on arrangements for 2021.'*⁷

We continue to call on the Deputy First Minister to direct SQA to accept appeals for the 2020 cohort on the following grounds (as we set out in September 2020):

1. There is evidence that the centre's estimated grade is inconsistent with previous attainment and/or the teacher's estimate to UCAS
2. Evidence is available that did not form part of the centre's assessment (for example returned unmarked coursework, or failure to take account of exceptional personal circumstances including bereavement, illness, care experience, disability, etc...)

We urge the Committee to defend and uphold the human rights of these young people by calling upon the Deputy First Minister to direct the SQA under section 9 of the Education (Scotland) Act 1996 to accept direct appeals from young people in the 2020 cohort.

26th February 2021

⁷ [SQA and Education Scotland. Joint Response.](#)

EIS**Submission to the Education and Skills Committee on the Roles of ADES, Education Scotland and the SQA in Supporting Education Delivery, Learning and Assessment During the Covid 19 Pandemic**

The Educational Institute of Scotland (EIS), Scotland's largest teacher trade union, representing members in all sectors and across all career levels, welcomes the opportunity to provide a written submission ahead of the appearance of representatives of the Association of Directors of Education (ADES), Education Scotland (ES) and the Scottish Qualifications Authority (SQA) on Wednesday 3rd March.

In preparing this submission, the EIS consulted Local Association Secretaries, in addition to Secondary members of EIS Council and Subject Specialist Networks.

Support for Education Provision in Schools**ADES/Local Authorities**

Regarding the role of local authorities in supporting education provision, this school session thus far, the feedback from our networks was variable. Within and across local authorities it was reported that there have been different amounts and types of support provided to schools, with resultant disparity in terms of positive impacts felt or observed by schools and teachers. The key areas around which Local Associations in particular provided comment were as follows:

Supporting Recovery and Covid Secure Pedagogy

Cited among the supports provided by local authorities between August and now were, in one locale, directorate teams and QIOs keeping in weekly touch with headteachers as they endeavoured to manage school reopening and then the maintenance of Covid-secure pedagogy. The same local authority had also been proactive in providing good quality risk assessment templates and updating these as required.

In another area, it was reported that the local authority had offered good support around education recovery on the reopening of schools in August, encouraging an emphasis on the wellbeing of pupils and discouragement of formal assessment. This was relatively short-lived, however, with the same authority driving a 'business as usual' approach from October onwards- tracking and monitoring, formal assessments, and local moderation activities, at a time when teachers continued in their endeavour to find creative ways of teaching and assessing while grappling with the restrictions of health and safety mitigations. The same local authority is now advocating the use of SNSAs for P1 on their return to school from 22nd February.

The 'business as usual' mantra was referenced as being prevalent across another local authority, also, grossly failing to take account of the

extremis of the Covid context. This has been a familiar complaint from Local Associations to the EIS national body since school reopening in August.

Only one Local Association referenced additional staff having been employed, mostly to cover absence, so little additionality to the core staffing complement had been achieved.

Supporting Remote Learning

Whilst a small number of local authorities had made available good quality online learning and teaching resources and opportunities for good practice sharing within local digital hubs, others had provided nothing additional to the national e-learning offer, which was felt by some Local Associations to have been a shortcoming, especially given the gaps in provision that they had found within the national e-learning offer for Primary education.

Other means by which local authorities have sought to support remote provision is by offering teachers professional learning around the use of digital platforms, and technical support where difficulties were encountered in using devices and digital media. One Local Association reported strong collegiate working with the local authority in producing guidance on remote learning, including live teaching.

Digital Provision

Highlighted among the responses we received was that some local authorities' digital infrastructure requires to be updated, its current condition hindering the effective delivery of remote learning and teaching. Teachers expressed concern about the associated equity issues around some learners in some parts of the country benefitting well from the remote learning being offered via several digital platforms while others in some parts of the country do not, and where teachers have additional challenges to face in meeting the needs of their learners compared to colleagues in other locales.

It was reported that a few local authorities had made progress in addressing digital exclusion, most commonly by providing senior phase pupils with devices, and in some cases internet connectivity, to enable their access to their schools' online learning provision. One Local Association indicated that whilst the local authority had ordered devices, there had been problems with supply, which meant that the young people in the authority were still without devices at this stage. Another Local Association indicated that the initiative had been funded by PEF money by the agreement of Headteachers in the authority, rather than being paid for with additional local authority spending.

Education Scotland

On the whole, EIS Local Associations did not have much to report in terms of the visibility of Education Scotland in providing support to schools within their locales.

One Local Association indicated a supportive presence of Education Scotland both in relation to local authority and RIC activity.

In the main, feedback was that other than written guidance having been provided by Education Scotland, which was met with mixed response in terms of perceptions of its utility, and online resources curated by them, there was general expression of a lack of awareness of anything in the way of on the ground particular support being offered by ES in local areas.

One Local Association articulated some frustration that what has been provided by Education Scotland falls short of what was promised earlier in the pandemic in terms of supporting remote/blended learning. The reality is that the biggest weight of responsibility in designing online learning has fallen to schools and teachers.

Challenges Remaining and Support Required

Teachers cited a number of challenges that they have faced and continue to face in providing learning and teaching during the pandemic.

The most commonly signalled challenge was in relation to the significant workload demands around delivering a remote learning provision, with teachers stressing the much greater time demands in terms of preparing for lessons and providing feedback to learners remotely.

For many, this reality is coupled, again, with a 'business as usual' expectation that most other priorities remain to be overtaken- tracking, monitoring, report writing, parents' evenings, etc. There is also additional bureaucracy associated with the greater focus this session on tracking and monitoring levels of pupil engagement with the online learning provision. Many teachers have struggled with this additional workload burden and report that it has had a detrimental impact on their mental health and on their general wellbeing.

Another challenge highlighted is in relation to the expectation that teachers can be responsible for providing in-school and remote learning at the same time, which in the EIS view, is wholly unreasonable in terms of the associated workload, in addition to being pedagogically unsound.

With regards to these challenges, there is a role for local authorities in ensuring that priorities are sufficiently streamlined with all non-essential activities being deprioritised in support of the remote learning and phased return to school provision; and in ensuring that sufficient numbers of additional staff, with the requisite sectoral and subject specialisms, are employed to enable the proper delivery of face to face and remote learning by different members of staff. Employment of additional staff

would also facilitate the adoption of a blended learning approach would enable the safe return of pupils to classrooms and face to face learning in a way that would place less workload strain upon teachers.

Some teachers reported being under-skilled in using technology to enable their delivery of remote learning, indicating the need for the provision of CLPL by the local authority/Education Scotland in this regard.

In one area, digital exclusion of both pupils and staff remains a difficulty that requires to be overcome by local authority provision of devices and internet connectivity.

One matter which was frequently raised as a concern was the lack of engagement with remote learning by some young people, particularly those who would normally receive greater support with their learning in school. This coupled with the fact that a significant number of pupils had their in-school learning disrupted between August and December points to a need for increased levels of Additional Support Needs provision throughout the period that young people are returning to face to face learning and on into the period of Recovery. In the meantime, teachers are keen to have advice on how to engage learners for whom the remote learning experience is more difficult to access. There is a role for Education Scotland here.

Teachers also expressed concern about the mental health of senior students in particular as a result of the prolonged uncertainties in relation to course content and assessment. Local authorities, ES and SQA each need to consider their roles in responding to these concerns about young people's wellbeing and in minimising any further negative impacts.

Many teachers are concerned about the impact of the reduction in face to face teaching time and are urging the need for maximisation of time for learning and teaching as pupils return to the classroom. Again, there is a role for local authorities in ensuring enhanced staffing levels and that lesser priorities are set aside to enable this; and for the SQA to play its part in cutting out non-essential assessment and quality assurance activity in order that no time that should be devoted to learning and teaching is lost to needless bureaucracy.

In all areas of the curriculum that contain a practical element, there have been difficulties posed by the current public health restrictions. Teachers are anxious about the fact that they have simply been unable to cover significant aspects of learning in these subjects-Drama, Music, Practical Woodwork, Metalwork and PE, for example- and worry about the implications, particularly for senior phase learners who are undertaking qualifications.

Support for Assessment

Responses from Local Associations, EIS Council members and Subject Specialist Networks largely focused on the role of the SQA in relation to senior phase assessment within practical and non-practical subjects.

Responses covered the challenges around assessment and quality assurance processes, and the support that is required to overcome these.

The feeling conveyed by the majority of Secondary teachers who contributed to our consultation was deep anxiety about the timescales remaining for assessment to be undertaken by senior phase students. As each day passes with the majority of senior phase pupils not able to be in school for the majority of the time, there is less time to prepare students adequately for the assessments upon which teachers will base their judgements of provisional results. There are several risks associated with this:

- 1) Young people will sit assessments before they are sufficiently prepared and their performance will be compromised
- 2) Young people will, a short time after their return to school, be sitting multiple assessments across multiple subjects all within the same tight timeframe
- 3) The pressure on teachers to deliver, mark and quality assure this volume of assessment in such a short timeframe will make the alternative certification model undeliverable.

These risks are particularly critical for practical-based subjects, some of which are not able to deliver the full course content and associated SQA assessment requirements, as a result of public health restrictions.

There is a role for SQA, ADES and ES in addressing these challenges and risks.

As mentioned previously, local authorities are required to ensure that all other non-essential priorities are set aside and that additional staff are employed to ensure the deliverability and effectiveness of the quality assurance process.

Anticipating the likelihood of further disruption to education and the strain that this would place on timescales and upon teacher and student workload, the EIS had initially suggested that items of assessment undertaken by young people in school could be sent to the SQA for external marking. SQA was resistant to this from the outset and has remained so throughout discussions around the alternative certification model. Teachers continue to cite this as something that would support them in at this time.

Short of taking responsibility for external marking, SQA is required to pare back assessment and evidence sampling requirements such that teachers and schools are able to devote the requisite time to learning, teaching and sound assessment in the classroom, and to meaningful engagement with the quality assurance process both locally and nationally.

Teachers have been deeply frustrated by the quality of support from the SQA throughout this session. They have complained repeatedly about

SQA inertia in terms of supplying guidance around course content and assessment; and about a lack of completeness to some of the guidance that has been produced late in the day. For example, whilst SQA has provided some question papers which many schools intend to use for key pieces of assessment, there have been no cut-off scores indicated by the SQA within the marking schemes. Teachers are also seeking greater clarity on what constitutes acceptable assessment practice within the terms of the alternative certification model.

The EIS view is that schools, in the interest of pupils, should be afforded maximum flexibility in utilising assessment evidence to arrive at their judgements of candidates' provisional results. For example, for Advanced Higher Modern Languages, the SQA has decided that the Speaking element will no longer count towards the final grade, though many schools have spent significant time already in developing skills in this area. The reinstatement of Speaking as a component of course assessment would be a time-saver in terms of learning, teaching and assessment of AH Modern Languages.

In light of the duration of the current remote learning phase and subsequent pressure on in-person teaching and learning time, teachers are anxious to have new updates from the SQA around minimum course coverage and on the detail of the SQA national sampling exercise.

Teachers have also expressed concern about learners who are undertaking National 4 qualifications this session. Whilst in some N4 courses the Added Value Unit as a mandatory element was removed earlier in the session, it has remained in others. Teachers are concerned that pupils have been unable to work effectively on the AVU Unit in the remote learning context and will have insufficient time to compete it when they return to school. The EIS raised this as an issue with the SQA some weeks ago; SQA indicated that the issue was being considered internally. The EIS understands that a decision has been taken to remove the mandatory aspect of the AV Unit but this has not been communicated to teachers or learners. Once again, anxiety for both has unnecessarily been prolonged by SQA's sluggish response.

The lack of timely and complete information and support materials from the SQA has been a constant challenge and source of significant stress for teachers this session. That said, in part, the timing of the actions of the SQA has been bound together with that of the Scottish Government which has also taken too long to deliberate over critical decisions around the cancellation of exams and details of the alternative certification model.

Some teachers are also anxious about the practicalities of administering assessments to senior phase students at the same time as enabling the requisite physical distancing between young people and between young people and staff. This has implications for space, the number of adults required to supervise assessment and the security of the assessment material if assessments cannot be scheduled to take place for all

candidates within a course simultaneously. Pupil absence on days when key assessment is taking place is another issue that teachers will be required to manage. There is a role for local authorities in supporting schools to manage these practicalities and for the SQA in providing additional assessment material.

The current public health restrictions have significant implications for assessment within practical subjects such as PE and Drama. Teachers and students of these subjects are crying out for clarity as to how assessment will be modified by the SQA to enable course completion. It is simply not possible for schools to meet the assessment requirements as they currently sit, at odds with the advice issued by Education Scotland on teaching practical subjects.

There is also a role for local authorities in ensuring that the recently issued Education Scotland guidance on prioritising the return of senior phase learners is followed such that students are only in school buildings to complete essential practical tasks which cannot be done at home. Teachers have reported some disparities in terms of how the guidance is being interpreted within and across local authorities, potentially resulting in inequity for students of subjects which are not strongly practical-based, for example, Modern Languages, due to some in some areas being encouraged to come into school whilst others in other areas, rightly, are not. Teachers have suggested that reinforcement of the ES messaging regarding this is necessary to ensure greater equity of experience for students.

Support for Quality Assurance

Finally, our consultation with our networks on this theme elicited a number of responses around quality assurance as a major component of the alternative certification model. Three main concerns were recurring within the feedback:

- 1) Insufficiency of Understanding Standards material provided by the SQA;
- 2) Lack of clarity around how local and national quality assurance processes will work;
- 3) How time will be created to enable teachers to participate in the three layers of quality assurance within the alternative certification model- centre-based, local authority- based and national.

In terms of the support required, teachers are seeking more Understanding Standards material, including further exemplification of standards, and webinars from the SQA. Some teachers have indicated that it would be particularly helpful to have more 'Markers' Meeting' type activity and sessions in each subject area that focus on the use of assessment approaches that are similar to those suggested for each subject and level by the SQA.

There is a role for both local authorities and for SQA in providing absolute clarity around how quality assurance processes will work in practice on the local and national levels, respectively.

There is a critical role in this for local authorities. Firstly, as mentioned previously within this submission, they need to employ additional staff to support the efforts to deliver the alternative certification model, at the same time as ensuring that they do all that they possibly can to prevent teachers' time being taken up by lesser priorities otherwise the alternative certification model will simply be undeliverable within the current already very compressed timescales.

Teachers need time to set up networks for local moderation where they do not already exist (this is particularly critical for single-teacher departments) and to engage meaningfully with colleagues in other schools around discussion of standards.

Clarity around the timing of the two additional in-service days that have been granted for assessment support would also be welcome at this time to enable proper planning of quality assurance approaches. The EIS would wish maximum flexibility for schools in determining the timing of the in-service days in order to maximise their utility to the process and to avoid scenarios whereby the assessment of students is driven by dates that have been fixed nationally or local authority-wide.

In supporting local quality assurance activity, local authorities are also required to ensure that this is done safely- virtually where it can be and where it cannot, with all mitigations that require to be observed fully in place.

SQA, also, must resist the temptation to offload more tasks associated with the alternative certification model onto schools and teachers, in order to lighten the burden for SQA as an organisation. For example, submission of candidate evidence to the SQA for sampling purposes should be by whatever means is most practical and efficient for schools, not which would best suit the SQA.

Education Scotland also has a role to play in the quality assurance process. It requires to be more visible than it has been in local areas throughout the pandemic so far and should ensure that it actively supports schools and local authorities in carrying out the requisite quality assurance, for example, deploying the expertise of its Quality Assurance and Moderation Support Officers to support this effort.

As can be seen from the detail of this submission, the challenges that Secondary teachers delivering NQs are facing currently are many and deep; and the support that they require in meeting these challenges, from ADES, SQA and Education Scotland, (and Scottish Government) is extensive.

A way of alleviating the extreme pressure on the whole system at this time would be to cancel certification for S4 students who are not leaving

school at the end of S4 (more than 90%). Certification is not required for their onward progression into S5 and, in many cases, attainment in S5/6 supersedes that obtained in S4. At the very least, local quality assurance for this cohort could be scaled back and plans for SQA sampling scrapped. Certification of the vast majority of S4 candidates in August is an unnecessary expense in terms of time and resources given the current severe constraints.

The Role of the SQA in the Delivery of Qualifications within Further Education

Across Scotland, colleges provide a whole range of courses for FE students from non-award bearing courses to degree-level qualifications. A wide range of courses is delivered, including academic and vocational courses.

The majority of college courses are delivered in units, and accreditation is carried out by the SQA – these courses include: Skills for Work, National Progression Awards, National Certificates, Higher National Certificates/Diplomas (including Graded Units), Advanced Certificates/Diplomas and Professional Development Awards. The SQA thus accredits around 800 group awards – which means that it sets the unit and course aims, the assessment criteria and method.

The amount of learning in 2020-21 was reduced by the lockdown and assessment and accreditation was amended to allow the successful completion of most courses. Many lecturers found how the SQA did this to be stressful and workload intensive. The SQA did not seek to systematically work with the EIS in 2019-20 regarding assessment concerns – with contact being driven by the EIS.

When the colleges reopened in August 2020, students were required to be physically distanced from each other and staff. This led to less teaching time in colleges and continued reliance on remote learning to complement face-to-face college provision. At the start of the 202-21 academic year, the SQA stated to colleges that its usual assessment/accreditation method would be applied but sought to alleviate the assessment concerns of practitioners and learners by: the introduction of a combined assessment toolkit to assist practitioners to reduce assessment load; subject-specific guidance on adaptations to assessment; and removed the requirement to complete the assessment for Graded Units with HNC/D and ACD. These measures were found insufficient in December 2020.

In early 2021, the SQA announced an alternative assessment approach that will allow Awards to be certificated based on course aims and key critical competencies/evidence identified in the units of the award. This will require an holistic approach using professional judgement confirming that the candidate has demonstrated overall competency in all the identified alternative requirements. This alternative assessment model is being rolled out now – with general guidance having been recently published and subject-specific guidance being developed and published.

The SQA formed an HNVQ21 Steering Group and HNVQ21 Working Group in January 2021 to oversee the implementation of the alternative assessment approach. Both groups have wide stakeholder membership that includes the EIS. The EIS welcomes the formation of these groups and believes they are the best way to lead these workstreams.

The alternative assessment approach is still being developed and rolled out for courses that end in less than four months. This is a matter of concern to the EIS. The EIS believes that a more realistic alternative assessment approach should have been introduced in August 2020. The EIS had previously advised the SQA that its mitigations were insufficient.

The EIS believes that SQA support to lecturers during the whole pandemic has been poor and behind the curve. The EIS believes the SQA should reduce assessment loads faster and more deeply. Also, the EIS has asked the SQA to provide a bank of prior-verified assessments authored by lecturers across Scotland to be made available to all colleges via their secure administrative download site to assist with sharing of assessment resources and avoid unnecessary repetition of lecturer work. Little or no progress seems to have been made in this regard.

NASUWT**Evidence to the Scottish Parliament Education and Skills Committee****Support for Education Learning and Assessment**

The NASUWT's submission to the Scottish Parliament Education and Skills Committee sets out the Union's views on the key issues which should be explored by the Committee in its examination of the work of the Scottish Qualifications Authority (SQA), Association of Directors of Education in Scotland (ADES) and Education Scotland in relation to ongoing developments in school education and support for learning and assessment. The NASUWT's evidence is informed directly by serving teacher and headteacher members and also by the work of its representative committees and consultative structures, made up of practising teachers and school leaders working in the education system.

1. The Union welcomes the Education and Skills Committee's dedication to the ongoing scrutiny of supports for school education, learning and assessment.

Key messages on qualifications for summer 2021

2. Managing the cancellation of qualifications has created significant challenges for the education system and has raised serious questions about the resilience, fairness and fitness for purpose of the current qualifications framework. The NASUWT remains clear that it is important that lessons are learned in the longer term from the experiences of awarding qualifications in 2020 and 2021. In the short term, the NASUWT has identified ten key messages for the Government, regulators and centres on the awarding of qualifications in the summer of 2021:
 - i. It is imperative that the solution for qualifications in the summer of 2021 is deliverable in practice, taking full account of the unprecedented pressures on teachers and school leaders and avoiding the imposition of excessive and unnecessary workload burdens on them. The solution should not be reliant upon any extension of working time of already overburdened teachers and school leaders.
 - ii. Serious consideration should be given to the use of external marking for these assessments, not only as a means of limiting workload burdens but also to

ensure that fair and consistent assessments are undertaken according to clear criteria.

- iii. There should be an expectation on centres for all candidates to undertake these assessments, apart from those individual candidates whose circumstances would impair their ability to access these assessments meaningfully and fairly.
- iv. It is critical to recognise that professional, candidate and public confidence in the awarding process this summer will necessitate assessments that are unambiguous and applied according to well-understood, common criteria.
- v. Centres must ensure that they take all possible steps to create sufficient time to allow assessments to be carried out effectively and for staff to access relevant training, time and support.
- vi. The Government must make clear that centres should support the work of teachers and school and college leaders by allowing them to focus their attention on teaching and leading teaching and learning, and to use their professional judgement to support awarding.
- vii. It should be made expressly clear that teachers and school leaders should not be required to undertake tasks related to awarding that do not require the skills, talents and expertise of a qualified teacher. It should further be made clear that they should not be required to undertake training or other activities outside their contracted time.
- viii. It should also be made clear that assessment evidence provided to awarding bodies is submitted by centres on a corporate basis and is not the responsibility of any individual teacher or school leader.
- ix. Arrangements should be robust and established in such a way that deters groundless or speculative appeals and does not encourage second-guessing of centres' assessments.
- x. The SQA must work with the NASUWT and other legitimate stakeholders to develop manageable contingency options if further disruption to centres creates problems in completing teacher assessments effectively.

Teacher workload, mental health and wellbeing

- 3. Prior to the COVID-19 outbreak, excessive workload and poor wellbeing were some of teachers' main concerns about the quality of their working lives. Not only

have many of the causes of teachers' concerns remained relevant during the pandemic, but they have also been exacerbated by the extraordinary pressures that COVID-19 and the Scottish Government's response has placed on schools and the staff who work in them.

4. The Union is deeply concerned that the pandemic has resulted in entirely unprecedented pressures on teachers and school leaders and caused massive uncertainty, anxiety and workload pressures which are unsustainable.
5. Some lessons could have been learned to better support the profession during 2020/21, as the impact on teachers and lecturers was referenced throughout the Professor Priestley independent review of the awarding process in 2020. The evidence gathered as part of that review clearly pointed to teachers having been subjected to high levels of stress and anxiety, as well as feeling undermined and denigrated. A significant part of this stemmed from the lack of clarity by the SQA over the balance between estimation and moderation. Teachers were also left confused and uncertain over the guidance on estimates and local moderation. The review noted that a more comprehensive set of guidance around this would have been helpful and potentially removed some of the complexity from the system, which led to teachers feeling under excessive pressure and suffering from stress. It is inescapably true that some of the decisions made by the SQA last year led to an erosion of trust and confidence in the organisation amongst teachers.
6. Teachers are looking to national bodies, such as the SQA, to lead decisively and remain concerned with the level of communication and information received post the Priestley review. Undoubtedly, the SQA has faced a gargantuan task, in a rapidly changing environment; however, members have queried why in these circumstances the SQA has relinquished funds back to the Scottish Government rather than investing this money to support the provision of greater and better communication and clarification to teachers and schools, along with practical support for assessment and marking.
7. Teachers are dedicated to ensuring that their pupils are provided with every opportunity to succeed, and are worried that their concerns are not being

addressed timeously, which is further contributing to stress and anxiety, in addition to a veritable tsunami of workload. For example, in some practical subjects, pupils would ordinarily be developing practical skills over a period of time. With the limited opportunities for pupils in schools, concerns have been raised that the system will essentially be asking pupils to take a driving test without taking any lessons, then telling them they have failed.

8. Clear communication, timing and consistency are critical foundations to a successful system. While the SQA has acknowledged there is a spectrum around flexibility and prescription and a balance to be struck, this messaging has not resonated with practitioners.
9. The NASUWT held a successful online engagement event, 'NASUWT Scotland in conversation with the SQA', on 20 January 2021, and attendees were seeking:
 - further and better details on grade prediction and certification;
 - assessment papers, marking instructions and supporting materials in order to support frontline teachers in undertaking assessments and reducing their workload burden;
 - guidance to schools and managers supporting the fact that requirements for verification of assessment evidence should not become bureaucratic and produce an overly burdensome workload;
 - guidance which supports teacher professional judgement and makes the process of predicting grades manageable;
 - specific information for schools who will not have any Prelim evidence for their pupils and may have limited assessment evidence;
 - all guidance to schools and managers to stress the importance of administering assessments in a COVID-safe manner;
 - greater clarification on how the SQA will ensure consistency in the 2021 exam diet;
 - details on any normalising process, which might disproportionately affect the predicted grades of pupils from schools in disadvantaged areas;
 - the quality assurance procedures which the SQA would consider appropriate;

- a clear statement on the position where it is unlikely or impossible that course content will be completed; and
- a national decision on timetable changes to support and manage workload.

10. In addition to ensuring that the Scottish Government and employers protect the physical and mental health and safety of teachers in all workplaces and provide them with a pay award that recognises and rewards the contribution of the teaching profession throughout the pandemic, the NASUWT is clear that the Scottish Government must introduce a robust, fully-funded recovery programme to repair the damage caused to the mental health and wellbeing of teachers.

Teacher supply and demand

11. Supply teachers must be part of the solution to the safe and sustainable return of more pupils to schools in Scotland. The NASUWT has been calling for schools and employers to utilise the army of supply teachers to support the phased return to school of more pupils in order to better support smaller class sizes and physical distancing requirements, as well as assist in helping pupils to recover their education from the impact of the pandemic. This would not only benefit the safety and education of pupils, but it would also provide employment opportunities for the large number of skilled and experienced supply teachers, many of whom have been left facing financial hardship as a result of the COVID outbreak.

12. In tandem, the NASUWT is calling on the Scottish Government and the Convention of Scottish Local Authorities (COSLA) to reinstate a system of financial support for supply teachers who are unable to access work, as NASUWT research has found that half of supply teachers have had assignments withdrawn during the current lockdown and that a further 14% have had their hours reduced.

13. The First Minister stated in Parliament on 02/02/21 that:

'There should be no reason why supply teachers are not able to get work right now. We have already made £45 million available to local authorities to employ additional staff. Local authorities should be making full use of any offers of supply

teachers that come their way, because the funding is there for that—let that message go out loudly and clearly.’

Unfortunately, that message has not been received by all employers, and supply staff are an untapped resource.

Equalities

14. The Priestley review concluded that equalities issues were considered at various stages, including discussions relating to bias in the estimation process as early as March, as well as the delivery of unconscious bias training to centres. However, it seems that this initial focus on equalities work was on the area of bias in assessment, with less consideration given to how the moderation process itself might produce inequality. There was also little evidence found to suggest that equalities issues were systematically considered or built into the development of the Alternative Certification Model (ACM) from the onset. Compounding this, the Equalities Impact Assessment (EIA) and Child Rights Impact Assessment (CRIA) were produced very late in the process. This was disappointing to the NASUWT, given that the Union pressed the SQA from the very start of the process to publish the details of any EIA. This was particularly in respect of the extent to which equalities issues were taken into effective consideration throughout the design and implementation of the moderation process for 2019/20. The review recognised and supported the NASUWT’s concern that it is difficult to understand how decisions were taken in the absence of any completed EIA.

15. The SQA, in the 2020/21 diet, has published an impact assessment at the point of modification and has committed to ensuring that equalities formed part of the alternative certification approach. However, there remains a question over the timing of this assessment and the data used. The SQA does not routinely collect equality data, which means it could not truly examine the 2020 approach to identify the possible impact on protected characteristics. This absence of data last year ultimately led to a situation where some of the impacts of the moderation model were not fully predicted or mitigated. More focus was seemingly placed on debating

whether the model advantaged or disadvantaged cohorts from schools in socially and economically disadvantaged areas.

16. An issue the NASUWT has consistently raised is that the lack of collaboration and engagement from the SQA. The Union had hoped, given the controversies caused by the decisions made in 2020, that the SQA would recognise the need to become more inclusive of other stakeholders. While informal dialogue continues with the SQA, the NASUWT remains excluded from the SQA's National Qualifications 2021 Group, suggesting that the SQA and the Scottish Government are continuing with their selective approach to engagement from stakeholders.
17. Moving forward, the model this year must consider the impact on young people's future direction, including university offers and college places, and a genuine and meaningful commitment must be given to embedding equalities in all aspects of the development of qualifications systems.

Education Scotland

18. A closer examination of the role of Education Scotland during the course of the pandemic is also required. Members have raised concerns regarding the quality of subject specific training events run by Education Scotland as well as some of the materials on the Scotland Learns section of their website. It is critical that Education Scotland provide high quality, effective and timely support for classroom teachers.
19. It is right that, as a publicly funded universal service, the education system should be subject to an appropriate, constructive and proportionate system of accountability. There is however an important discussion which should have taken place with all key stakeholders about the role of inspection during a global pandemic. The Union is clear that accountability systems should not place unnecessary or excessive workload and bureaucratic burdens on teachers and school leaders.
20. Education Scotland must also look to mainstream and embed equalities: a closer, collaborative approach with trade unions and practitioners would support this outcome.

21. Finally, the Union's response to the Education (Scotland) Bill in January 2018 stated that Regional Improvement Collaboratives (RICs):

'...must avoid simply introducing an additional layer of bureaucracy to the system, particularly in the context of there being no new money available to establish them. The Union is very concerned that RICs, without a significant injection of funding and simply financed by diverting existing money from Education Scotland and local authority resources, will dilute the level of support available for teachers in the classroom. Indeed, with the high level of cuts to all support resources that local authorities have implemented in the last few years, where will the support be drawn from? There is a clear need for sustained investment in the education workforce.'

22. The Union signalled a cautionary note about structural reform and advised education policymakers not to set too much store or spend too much time on the creation of new structures rather than on ensuring that the appropriate support is provided to enable and develop teachers to concentrate on their core role of teaching and learning. The NASUWT also advocated for reform evaluation:

'The principles or factors on which the Scottish Government should evaluate reform strategies are quite simple:

- Is the reform needed?*
- Is it democratically accountable?*
- Will it enhance the teaching and learning of pupils?*
- Will it add to workload burdens of schools?*
- Will it require additional resource?*

Any reform must enhance the teaching and learning experience of pupils and improve their life chances'.

It is crucial that both the RICs and Education Scotland are subject to robust and regular review against these principles.

NASUWT- Subject specific feedback**Evidence to the Scottish Parliament Education and Skills Committee**

The NASUWT's submission to the Scottish Parliament Education and Skills Committee sets out the subject-specific challenges members have raised with us in order to help inform the Committee's scrutiny of the support for teacher assessment in 2020-21 by both the Scottish Qualifications Authority (SQA) and the Scottish Government. The NASUWT's evidence is informed directly by serving teacher and headteacher members and also by the work of its representative committees and consultative structures, made up of practising teachers and school leaders working in the education system.

The Union welcomes the Committee's scrutiny of the SQA guidance for individual subjects. In order to support the Committee's understanding of the subject-specific challenges which remain across the curriculum, both in subjects with a practical element and without a practical element, and to evidence what further support is necessary between now and June for teachers to provide their assessments of pupils' attainment this academic year, please find below direct member feedback which best highlights the key concerns.

ART AND DESIGN

"The bulk of the folio work has to be done in school, and pupils have not had access to this since before the Christmas holidays. Provided pupils come into school when permitted to do so for practical subjects, we will be able to gather sufficient evidence."

DANCE**Dance is only able to be undertaken outdoors:**

"We are not allowed to dance indoors at all. We were also not allowed to dance indoors in 2020 when in Tier 4, which was quite a lot of my teaching time.

"Though dance is allowed outdoors, it must be kept at a two-metre distance. The weather is one massive barrier to this being done efficiently, as well as suitable surfaces. Many schools do not have any AstroTurf/any weather surfaces outdoors, and so the suggestion is that dancers dance on either concrete (not suitable at all, and removes the option of floorwork) or by taking mats outside. How these mats are dragged outside, by a single staff member, cleaned prior and after use, is a massive

barrier, as well as their general efficiency (restricting dancers to just the space of the mat).”

“Dance is not allowed indoors. Why not? Where is the science behind this? It is possible to distance and access fresh air. If brass, singing and woodwind are now allowed inside then why not Dance? This decision, without justification, is making a mockery of the qualification. An email to the SQA was met the with guide to focus on learning and teaching.. the learning and teaching is the dancing!”

Course content has not been adapted or removed:

“The SQA has not removed/adapted anything for Dance at N5 or higher. Pupils are still expected to produce:

- N5: A solo routine, a choreography (that is performed by two other class members), an essay about this routine and a full written paper.
- H: Two solos, a choreography (that is performed by one to four other people), an essay about this routine and a full written paper.

Even on a non-COVID year, these courses are absolutely saturated. Every year, I find myself dedicating at a conservative estimate at least 36 hours outside of class teaching time per level between January and March in order to support every student in accessing and completing each component. This is obviously not attainable in any normal work-life balance, and certainly not feasible this year, making me very nervous about students completing all components.”

Challenges of gathering evidence online:

“Many colleagues have not had any opportunity to film solos even for unit evidence, never mind contributing towards final assessments.

“The continuation of the choreography element of these courses is a farce. Students are 'advised to stay two metres apart' and only use 'appropriate spatial elements and devices', which totally removes the chance for partner work and proxemics - two things that are key to delivering an engaging story and choreography.

“Trying to support students in this online is very difficult, and even more so for them as they try to teach their peers via team video calls.

“I feel very strongly that Dance has been severely impacted in a very negative way, but also that we have been forgotten about.”

DRAMA

How to assess facial expressions and voice in drama:

“A real issue for Drama is assessing our students fairly on facial expressions and voice if we are not allowed to film them without wearing masks.

“How can we grade facial expressions if students are required to wear masks for their performances? It also obscures voice as well; another aspect of performance needed to be graded.

Ability to come into school to do practicals:

“Provided pupils come into school when permitted to do so for practical subjects, we will be able to gather sufficient evidence. But if they do not engage with in-school opportunities, there will be no chance that we can gather enough evidence for them in order to pass; any evidence that we have from before Christmas will not be of the appropriate quality for a pass in this subject.”

ENGLISH

There is insufficient time available:

“The major issue in English remains one of time: four separate pieces of evidence are required, only one of which is coursework, which can be progressed by pupils right now. The other three (Reading for Understanding, Analysis & Evaluation, Scottish Set Text and Critical Essay) all need to be assessed under timed conditions, in a closed-book assessment using unseen papers.

“When we eventually return to school buildings, English teachers will want to consolidate Remote Learning and then offer pupils at least one practice at each of the

three elements in assessment conditions. All of this work will need to be marked and feedback given before the final assessment opportunities are offered.

“This undoubtedly means that most English Departments will be running a set of assessments in May which are, essentially, internal exams which need to be marked and quality assured by teachers while they are still running a full timetable of classes. This seems completely unrealistic and unworkable.”

GEOGRAPHY

Insufficient time available and increased workload compounded by inconsistencies between National 4 and National 5:

“National 4 Added Value Unit (AVU) – why hasn’t this been removed as a requirement in line with other subjects such as science (which often require a practical element for this)? The Assignment was removed for National 5 Geography, and often this is based upon practical fieldwork which also provides the basis for National AVU assessment. This is particularly the case (which is quite common) where both National 4 & 5 are delivered in the same class. Retaining National 4 AVU is an unnecessary workload burden as it will involve redesigning assessment material and activities, and it does not parallel the rational applied for National 5.”

Challenges in finding up-to-date information from the SQA:

“The SQA website subject pages need to be updated as a one-stop location for all of the information on changes to courses and assessment for 2020/21, e.g. when trying to find details on the changes to National 5 geography course content, the subject page provides a pdf from October 2020 called National Course Modification Summary Geography, which does not provide specific details for National 5 but instead has an embedded link which then takes you to a web page with ten tile options (one of which takes you back to subject pages in a circular route). After this, there is no clarity where to find the information. From the pdf, it would suggest a consultation response which is 140 pages long. The amount of time wasted on trying to source such basic information is ridiculous.

Clearer messaging around prelims for Higher:

“We need clarity that a prelim (or anything like a prelim) is not required for Higher geography. This clarity is provided for National 5 in currently published SQA documentation, but it is not explicit for Higher. Clear messaging around this needs to be provided, as despite the SQA language around quality rather than quantity of evidence, the approach of many school managers is to default to the later. If prelims are not explicitly discouraged clearly in SQA documentation and messaging, then an unsustainable workload burden will potentially be put on young people and their teachers.”

Map extracts required:

“The SQA needs to provide all of the OS Map extracts required to support the 2020/21 papers which they have provided, as they are likely to be the primary basis of quality assessment evidence for estimates. These need to also be provided in electronic (as well as hard copy) format.”

HEALTH IMPROVEMENT**Cake Craft/Practical Cookery/Health and Food Tech**

“Happy with guidance as long as there is a chance to be in school and cook to do the practical cookery assessment.”

HISTORY**Confusion surrounding candidate evidence:**

“The SQA updates mention that ‘the evidence does not need to be produced on a single occasion; however it should be produced under supervision and control, where possible’. I would like some clarification about whether or not candidate evidence must be under timed conditions, and in what circumstances would evidence, which has been completed otherwise, would be admissible. What mechanisms are in place to prevent teachers from presenting evidence which has not been completed under timed arrangements as evidence which has? The SQA has already indicated that it will

accept evidence which has been typed by candidates, which throws open the difficulty of distinguishing 'exam' evidence from other evidence."

HOSPITALITY

Generic guidance:

"Guidance for the skills for work courses seems to be generic, even though the challenges are very different for the different subject areas. Hospitality faces very distinct challenges."

Need clarity on sound evidence base:

"We do not have any clear guidance on what we are allowed to accept as evidence online (i.e. pupil reviews over a live google meet etc.)."

National leadership is required:

"There is no combined thinking; schools are all trying to come up with solutions individually, which will ultimately lead to very different experiences for the pupils from different schools and very different levels of evidence for assessment purposes. We need a Scotland-wide standard for each of the Units making up this course."

Assessment support packs need to be updated:

"We had very detailed and prescriptive assessment support packs before COVID, but these have not been updated in any way to reflect the current situation."

Equity across subject areas required:

"It seems as if Skills for Work: Hospitality has been forgotten."

LANGUAGES

Quantity of assessment required in remaining time:

"The main concern is our senior pupils and the quantity of assessing which we have to do in languages. Since we have only had the writing assignments removed for both

N5 and H, we still have to issue a reading paper, a writing paper, a listening paper and a speaking performance. The reading, listening and writing in themselves will be challenging enough. Ordinarily, we would have ample time to do practice papers, and teaching topic-based vocabulary would have been quicker without many phases of interrupted learning, such as still being in the first lockdown in June last year, pupils self-isolating throughout the Autumn term and now a second lockdown.

“Modern languages have four assessments - Reading, Writing, Listening and Talking. Given the time scale, this will be difficult to achieve. The Talking Performance is particularly difficult to prepare for at a distance. It is very time consuming; pupils need to practise one-to-one with their teacher to ensure accuracy and pronunciation. Pupils who have not engaged much with learning will find talking particularly stressful. Even those who engage fully with their learning under normal conditions find it stressful.”

Inconsistencies across Advanced Higher, Higher and National 5:

“This is usually the time of year where teachers will have spent ample time preparing pupils for their speaking performances and ensuring enough practice is given before sitting the exam. With news that the AH speaking exams have been cancelled, it seems bizarre that the expectation is still there for the H and N5 speaking exams to go ahead. We do not know yet when we will be back in the classroom to ensure all pupils are fully prepared for it. In my school for certain, there are still some engagement issues with S4 pupils and I am sure this is the case elsewhere too, so preparation at home in advance is not going to work out for all learners. We then have the issue of what measures will need to be put in place in order to support health and safety of staff and pupils during speaking exams.

“AH talking has been removed, so now pupils have to do more to achieve N5 or H than AH. This does not make sense.”

Lack of guidance on remote assessment from the SQA:

“The SQA has not said if we can assess remotely, so the assumption is that it has to be done in school and a level of social distancing and effective recording will need to be considered.”

Shifting sands of expectations from the SQA:

“Since speaking is a stressful and time-consuming skill/exam to prepare for, and with pupils being required to catch up with assessments for lots of other subjects too, is there a value in us still doing it? Will the SQA likely drop that exam at the last minute?”

“It would relieve a lot of pressure from pupils and teachers if the Talking Performance was removed from N5 and Higher Modern Languages.”

Unsuitable French N5 paper:

“The SQA-issued N5 French papers are unsuitable for use - they included a topic that is not usually taught at N5 (gap year) and the level of the language is far trickier than usual, with several more technically specific pieces of vocabulary being included which does not support pupils who may have large gaps in their learning due to non-engagement with remote learning. This means that we will then be limited to solely our prelim papers and have no choice in getting the best grades possible for our learners.”

MATHS**Engagement remotely:**

“We have some learners whose engagement during lockdown has been exceptional and we have some who have struggled to cope with the experience for many reasons and we have some who have not engaged at all, despite various strategies being tried to offer support. Week upon week, the engagement is dropping, even from some of our best pupils – some of the pupils are reaching out and letting their teacher know that they are struggling with mental health or just finding it hard to be motivated, or they just do not see the point as they think they might not get back to school before the Summer. From what I am hearing from colleagues in other schools and authorities, it is a similar picture across the country.”

Insufficient time:

“Blended learning may sound good in theory but in practice, in my opinion, it may be more of a hindrance than a help. When planning for the possibility of blended learning

last August, timetables were reworked as best we could, but I would have saw my Higher pupils once a week at most and in different groups. Online learning is a far superior option to this, despite the drawbacks.

“I am really worried about the timescale for everything! To make any of this feasible, we need the senior phase pupils back full time ASAP. If they return on 15 March, that is 14 school days until Easter break and would allow us to get into consolidation/finish courses/revision, but would not be realistic for doing assessments (I don't think?). Post-Easter break, there are 28 school days until the May weekend and (even if there is a return before Easter) this is a very tight window for all subjects to implement assessments and conduct Quality Assurance.”

Workload:

“I am extremely concerned about the workload and wellbeing for teachers and pupils when face-to-face learning returns. Online learning is far from ideal for young people and the reality is that teachers will need to revisit much of what has been covered when normal schooling resumes. I know that teachers are feeling anxious about meeting pupils' needs educationally without overloading them and whilst rebuilding their confidence. I am also really worried about our senior phase pupils in particular, as it looks like (in time) they will be facing a number of assessments across subjects in order to inform the provisional results.

“For the S5/6, we really need to do two assessments to fit the SQA criteria as we do not have any prelim evidence. One late April/early May and one at the end of May? If all departments are on a similar timescale, this will be major pressure for the pupils.”

Balance of grade A to C questions:

“The SQA guidance on producing a maths assessment is to have approximately 65% grade C and 35% grade A questions. I do not believe it is fair to expect this session's cohorts at N5/H/AH to be able to cope with the same proportion of grade A questions as in a normal maths exam. These pupils have missed at least six months of face-to-face teaching in the past year and this will have an impact. I appreciate that the SQA has already taken positive steps in maths by reducing the expected time for

assessments and optionality sections, but I would ask that the balance of grade A to C questions is reconsidered.”

Insufficient quality assurance guidance:

“It would be helpful to have more details on how Quality Assurance will work, taking into account the impact of lockdown and extension deadline for provisional results.

“There is a suggestion that there should be quality assurance across the authority. Could we have more details about the expectation for this? Moderation would involve passing papers between schools and meeting to discuss - all a concern when trying to meet the COVID health and safety requirements for social distancing, sanitising, and quarantining papers etc. Also, this would require time – when face-to-face teaching returns, we are going to be extremely busy with ongoing L&T and preparing, implementing and marking assessments for our senior phase pupils which will undoubtedly be our priority.

“How will the SQA Quality Assurance system work? Will staff involved in carrying out the QA process for the SQA undertake training? How many candidate scripts will be requested and will these be requested for named candidates? What is the timescale for departments receiving feedback on evidence? There is concern that if a candidate evidence was deemed unsatisfactory at a later stage, this would require additional assessment to meet any required action with limited time to prepare, administer, mark and quality assure new assessments.”

Internal Assessment Concerns:

“The guidance is vague, the Maths team state at Higher “there are no level A topics, level A questions are more involved and cover several areas (not an exact quote). This may sound ok, but in reality and based on previous experience (most Maths prelim paper appeals years back were rejected due to “insufficient quality/difficulty of paper”, far more than in other subjects, I fear that this vagueness at Higher is a cover to reject results that the SQA do not want.

“There is only one new paper issued on SQA Secure. The SQA must have three ready: 2019, 2020 and there is always a spare. There should be at least two, more

likely three issued to departments so that we can make up effective and secure papers to assess pupils. These papers have already been paid for by schools in the entry fees, why are they not issued.

“Three papers to select from would also lead to more secure assessments, tutors will “help richer students that can afford them” with these questions, whether they should or not - having three would make that much harder. Allowing the current situation will disadvantage the poorer students.

“SQA could issue an unseen paper for all pupils to sit in Maths on a specific date. Marked internally. Much more secure.

“The process where we award grades, then SQA review our materials and may not like it puts too much stress on staff making these papers up. We do not have the resources of the SQA, so it can never be as good. It is not a fair situation, if they want to verify the evidence, they should ask to see the papers before issued - could send them in in April, feedback and sit assessments in May.

“Overall, some has been done but too little. There are not enough question papers on SQA secure and the auditing/moderation process is a big concern.”

MEDIA

“Changes are mostly mergers and have become confusing. Exam paper 1 - much fairer though.”

MUSIC

“For the performance element (60%), pupils still have to record a substantial amount of music (10 minutes for Higher for example). Many of our pupils do not have instruments at home and have been unable to practise since before the Christmas holidays. If these pupils do not/cannot engage with the in-school opportunities over the next few weeks as we enter a phased return for pupils in practical subjects, there will be no chance that we can gather enough evidence for them in order to pass.”

“Drama & Music: N4 requirements (minus tonight's update about the removal of AVU) still don't bring it in line with N5. In Music they now must do more at N4 than N5. Why is there no vertical streamlining? Why are we still waiting in February for this information with N5 was updated in December?”

MUSIC TECHNOLOGY

“In order to complete the project (70%), pupils need access to software and hardware that is only available to them in school. They have been unable to make any progress with their projects since before the Christmas holidays. If these pupils do not/cannot engage with the in-school opportunities over the next few weeks as we enter a phased return for pupils in practical subjects, there will be no chance that we can gather enough evidence for them in order to pass.”

PHOTOGRAPHY

“A few pupils do not have a camera at home and are clearly disadvantaged.”

PHYSICAL EDUCATION

Due to restrictions, pupils have been unable to train or participate in their sport:

“In my authority, we have had very restricted physical education for the majority of the school year so far with a significant number of young people unable to train or participate within their sport now for close to a year. We had a brief two-week period for indoor sports before returning to Level 4 restrictions. This is a particularly worrying issue as 50% of Physical Education at National 5 and Higher level is based on their one-off performances in two activities of the pupils choice. Fortunately, SQA reduced the two activities down to one, but this remains concerning for those who are basketballers, gymnasts, and badminton players to name a few.

“We are still expected to do a ‘special performance’ to assess practically. However, some pupils have not been able to train all year for their sport (netball, badminton, swimming etc.).”

Theory is based upon practical work:

“In regards to Advanced Higher, 30% of their final grade is made up with their practical assessment and much of their theory is based on practical work that they have had very limited and restricted access to.”

Gender inequality:

“Physical Education, particularly within the National 5 and Higher/Advanced Higher levels, are facing extreme equity, fairness and integrity issues for our young people.

“In my authority, only 34% of candidates currently have had access to development or assessment in their first choice activity. Within that 34%, there is a real gender inequality issue, with the majority of the 34% being male candidates. A worrying 66% of our young people are being disadvantaged in regards to assessment, which poses a great threat to attainment prospects of the young people.”

Variability across the country:

“Due to the varied restrictions placed on sport across Scotland, there is a clear difference in the restrictions for pupils in my authority compared to those in less restricted areas. This then results in some pupils being severely disadvantaged to their peers around the country. Despite this concern being highlighted to the SQA, they have responded that in a normal school year there are many inequality factors for all pupils and that their procedures are as far as they can go.”

Using evidence from previous years:

“We had requested that for those who are unable to train or partake in their sports such as badminton, gymnastics and basketball, that teachers be allowed to assess a performance from the previous school year. This request has been denied.

“Is there no way of using prior performances and trying to make a judgement based on that? There is no guarantee we will actually be able to play certain sports before the Summer, this could be a pupil dropping from an A to a Fail if they have to do a sport they have never trained.”

PRACTICAL COOKERY**Insufficient time to undertake assignments:**

“I am teaching this at three levels in two classes. In order for the pupils to do their assignments, they will need to be brought in at each level only. I can only take four at any one time due to two-metre social distancing rules.

“Pupils in my authority have been severely restricted for practical work. Each pupil will need to make each dish once before any assignment can take place. This will mean even more time in school.”

SCIENCES**Challenges relating to evidence undertaken in exam conditions:**

“Unlike other subjects, the updated guidance for all sciences, at all levels, states explicitly that evidence must be done under exam conditions and is to be closed book, which reads as it must be done in school and cover 70% of the course. So we are very restricted until we return to school.”

Insufficient time to produce material:

“Having the time to gather at least two robust assessment pieces for evidence will show that a candidate can pass at a specific level. Although the SQA have supplied one of these pieces of evidence in the sciences, schools still need to produce another assessment. This is difficult and time consuming as although we have been given a list of A-type questions, these cannot be used as they are all in the last few years past papers.

“Timescales. There is a real fear that we will struggle to maintain momentum in assessment as we approach the deadlines for SQA submission.

“My biggest concern comes where the SQA have only provided one holistic assessment per level, but are requesting at least two pieces of evidence, so secondary schools are having to write prelim style assessments (with a view to chunking them), which is a massive workload given they have to be skills tagged, A-C question level

tagged, moderated at school level then moderated at LA level - all before pupils have even sat them! Then they will need to be moderated and cross-marked at LA level, grade boundaries discussed/changed and then grades submitted. The workload is massive for staff and this has been discussed at length in centre assessment grades (CAGs). Especially given our timeline is realistically only about six weeks if we have a full return to school in April.

“The push back of the SQA date to June 25 is all well and good, but our estimate grades will have to be ready weeks before this in order to allow for moderation at PT/SLT level and then LA level.”

Guidance needed on the content of papers:

“There is no guidance on what proportion of papers should be specific skills, making it hard to meet the requirement of making the assessments as close to the exam as possible, i.e. the correct balance of questions.

“Note that not all of the sciences have the documents that allow identification of A-grade questions. Physics seems to be further ahead than chemistry and biology with this regard.

“Higher removal of the assignment is really helpful. Just like the understanding standards documents detailing what each question is in terms of type and whether it is A-type. Since the prelim has not been sat, time will be spent on trying to ensure the criteria set out is met. Again, this is slightly unfair as we are not experts in exam compilation. I like the idea of the exam being made available for testing later in May.”

Clarity needed to ensure fairness and equity:

“The idea that if assessments are given over a number of periods that the notional pass marks should be raised. However, there is no guidance on how this is to be done, thereby creating ambiguity across Scotland. Candidates have already been adversely affected by home schooling, making it harder to achieve the notional 70% for an A. Increasing that further seems unfair to those candidates in comparison to previous year groups.”

May not be able to cover the course:

“As no content was removed in the sciences, many pupils are still struggling to complete the courses. This material will need consolidated on return to school.

“There are major concerns about how we are realistically going to assess pupils the longer this online learning goes on.

“National 4 pupils are generally not engaging at all and therefore are unlikely to be able to catch up with the work missed and pass unit assessments. The removal of the AVU is certainly helpful.

“The good news is all practical has been removed from the sciences in terms of assessment. But stress levels are extremely high due to the extra demands in terms of assessment creation, moderation and due to some pupils not engaging at all in the subject. Work is being done by the school to try and get as many pupils to engage as possible, but there is still significant stress and strain on all staff at this time.

"Added to the assessment stresses, of course, will be the stress of teaching almost three months of work to those pupils whose engagement has been minimal or non-existent during this period of lockdown. I cannot see a way that it will be possible to get these pupils up to speed prior to assessment as the assessment window will have to start almost immediately."

“We actually need to finish teaching the course in order to complete the SQA assessment provided!”

Coherence with N4 and N5:

“Due to difficulties this year related to COVID, we have been unable to change level, e.g. from N5 to N4, as there is little evidence to support this (candidates often change level after the Jan prelims). As a result, there has been little/no evidence gathered for N4. For this year, it would help with assessments/workload that if a candidate passed N5 unit 1, it would also count as a pass at N4 unit 1. This will reduce the level of testing, marking and workload on return to school. It may also reduce the number of learners needing to return to complete assessments.”

Timing of guidance impacts on assessment:

“National 5 pupils are in different states due to S4 pupils having done their prelim prior to Christmas and, therefore, there is some evidence. The publishing of what questions are A-level and what skill they test was extremely useful but too late to allow our prelim to be modified as our prelim was in December when the documents were published. A review of the prelim against the criteria set out in the SQA prelim advice is ongoing. The S5/6 pupils doing N5 still have to do their prelim. It seems unfair that we, not being experts in the creation of exams, are expected to have the knowledge and skills to create a balanced prelim. I do welcome the exam paper, which I will use if we get back into school to do this assessment.”

SQA guidance out of date:

“In Physics (but mirrored in Chemistry and Biology), the existing SQA guidance is now verging on obsolete as we will have very restricted timescales to assess:

Types of key evidence and assessment resources

The closer that the evidence is to the standard, format, and duration of the physics course assessment, and the more closely the marking follows the national standard and the [Physics General Marking Principles](#), the more realistic and reliable your estimates should be.

You **must** base your estimates on demonstrated attainment.

Component 1: question paper

For physics, the key pieces of evidence are:

- ◆ an examination, covering as much of the course as possible
- ◆ a second, top-up examination or an extended test, that includes those areas not assessed in the first examination
- ◆ end-of-topic tests, including grade A marks, which you may use as supplementary evidence only, as they are not as reliable for estimating grades

You must gather key evidence in closed-book conditions and conducted under a high degree of supervision and control. The [National 5 Physics course specification](#) details what is meant by a high degree of supervision and control.

Will concessions be made for this? Could certification be prioritised for only those who need it (school leavers etc.), with the remaining cohort being certified through the Autumn term?”

TECHNICAL

“For all subjects, the revised guidance was very different to what was proposed following consultation and did not match up with the recommendations made in the first place.”

Graphic communication:

“Although the SQA has removed some content (very little), this still overlaps into other areas of the course and therefore it is very woolly about what will be assessed. The practical assignment is still being recommended as a way to gather evidence, although pupils have missed vast amounts of time having access to specialist software due to both isolating and then learning from home due to school closures. These skills, alongside all of the theory, elements cause concerns about ability for some pupils to be ready to complete assignments etc.”

Design and manufacture

“N4/H have had practical elements removed due to having limited access to workshops, but N5 still has that included. They have given one small element to the pupils for their folio (research given this year), but this only amounts to five marks being removed out of a total of 55. This year, it will be out of 50. No other content has been removed. All three elements (folio/model/question paper) are still to be gathered for evidence although pupils have not had access to workshops and missed various times for isolations etc. They also said N4 would be provided with research (like the N5 was), but this has not been released and there was no response when I emailed the SQA about this. The only additional provision is that the practical model does not need to match the designed folio piece, but there are still issues around this. Classes also need to be split up to allow for social distancing, so pupils are still not getting the same amount of workshop time they normally would.”

Practical woodworking

“No adjustments have been made for N4. Although pupils have had no access to workshops - they are still expected to complete all three units and a final model for the course award. Concerns around pupil numbers in workshop - some schools only have

a few workshops and classes need to be rotated to accommodate social distancing. N5 is still expected to produce the same level of work - concerns also around machine use (wood lathe) as pupils need direct supervision but need to maintain two-metre distancing. Some pupils are missing weeks of workshop time but are still expected to produce the same content as normal.

“Many subjects have had a considerable volume of work removed from their course requirements/assessments this session. This is not the case with Practical Woodworking. The N4 PWW course has had no content removed. This is a 100% practical course apart from a logbook. This means that if a candidate does not complete all of the units including the AVU to the required standard, they will fail the course. One aspect of this course, for example, is the turnery. When a pupil is at the lathe, there is an expectation that staff are within close vicinity to offer support and for health and safety purposes. I have previously emailed the SQA regarding this and received a no change response. Therefore, I potentially will have to breach COVID rules regarding this, otherwise pupils will fail the course.

“The N5 PWW course has had no content removed. This is a 70% practical course. Again, I cannot assist pupils or stand in close proximity to support them. I am extremely concerned that the SQA PWW teams will not give any dispensation for PWW pupils. I believe that this is also the case with PMW.”

TECHNICAL THEATRE

“This only involves one pupil. Nonetheless, there are units (e.g. Theatre Design) that have been impossible to access/undertake due to COVID restrictions and school closure. It would appear that it will be impossible to achieve a full course award this year. The SQA have not been forthcoming with much advice about NPAs. I have contacted them for advice but have had no response yet.”

SSTA

Introduction

The Scottish Secondary Teachers' Association (SSTA) represents and speaks on behalf of Scottish secondary teachers only. The 6,500 SSTA membership consists of teachers in all roles in the secondary sector as well as Headteachers, Deputies and local authority officers.

The SSTA believes that the Covid-19 pandemic has highlighted the work of SQA, ADES and Education Scotland and is the focus of this short submission to the Education and Skills Committee.

Following the 'lockdown' of schools in March 2020 the DFM established the Covid Education Recovery Group (CERG), a large group that had a range of bodies predominantly Government, 'arm-length' bodies and education management representatives. All three organisations are represented on the CERG.

Unfortunately, the DFM restricted trade union representation to just one from a teachers union and one education support union. As a consequence, the SSTA was unable to present the views of its members and work in partnership to support education during the crisis. The SSTA has been confined to a minor input into some of the working groups.

Scottish Qualification Authority (SQA)

The attitude of the SQA has been to proceed as normal throughout the pandemic and not accept that teachers needed to be supported in delivering the qualifications by responding positively to the difficulties that they faced. The SSTA has advocated the cancellation of the exam diet in 2020 and 2021 due to the practical difficulties created by the pandemic. The SSTA has pressed for a number of years that teacher professional judgement should be the priority, particularly during the pandemic. In 2020, following the cancellation of examinations, the SSTA urged the SQA to engage with schools to resolve discrepancies with estimated grades prior to the publication of the results in August in an attempt to reduce the needs for individual appeals and the process to go well.

The SQA established the National Qualifications 21 Group (NQ21) and drew upon only members from the CERG thereby excluding the SSTA from being involved and expressing the views of its members delivering the qualifications in schools. By failing to include a significant body of teachers focused entirely on secondary education and ensuring the success of national qualifications the NQ21 group has missed out on an important and valuable source of expertise. The SSTA was keen to seek a solution to the forthcoming qualification crisis that would be achievable and approved by teachers in schools. The SQA continued to focus on the implementation of the exam diet and not consider alternatives.

The general view from teachers is that the SQA is adrift from teachers and, as an organisation, has not led the way during the crisis nor anticipated the challenges that teachers have faced. The guidance has been seen by many members as too little and too late. Unfortunately, this has been a view held by many teachers for a number of years.

Delivering the qualifications is a partnership between schools (and their teachers) and the SQA and can only be to the benefit of all if this approach is used in future.

Association of Directors of Education (ADES)

Within CERG ADES plays a major part through the involvement of local authority representatives/managers.

The CERG has met on a weekly basis for most of the last year agreeing strategy and developing guidance. The guidance to schools has been very detailed in some areas whilst vague in others. It always worked on the minimum provisions and not on the additional measures that would have helped to protect everybody in schools. It allowed a level of discretion to local authorities that was often influenced by the provision of Government funding. This approach created inconsistencies across local authorities that had not been the Government's intentions

Unfortunately, the SSTA, with other trade unions has, throughout the pandemic, had to fight to get a consistent approach in all local authorities such as risk assessments, mitigations and supportive measures for education staff particularly those from vulnerable groups and shielding.

Additional examples:

Supply Teachers - There has been a constant struggle with local authorities to engage supply teachers to support education recovery particularly since January. A recent SSTA supply teacher survey found that 56% of supply teachers had not had work since January 2021. Equally 67% of supply teachers had not been contacted by their employers seeking their availability.

Remote Learning – The current success of remote learning would not have happened if it were not for teachers using additional time and their own ICT hardware. A SSTA survey found that 63% of teachers had ICT equipment provided by their school for remote learning with many having to resort to using their own ICT equipment. 39% of teachers had to share their ICT equipment with members of their families.

Local authorities paid lip service to decreasing the stress of teachers working at home with family and the pressures faced. Teachers with childcare issues worked often over weekends and into the small hours. 41% of teachers had child caring responsibilities but only but only 12% of employers made any adjustments to their work to accommodate child care responsibilities.

Education Scotland (ES)

Education Scotland acknowledged this and relieved the pressure on teachers early in the pandemic by not continuing with school inspections to allow a greater focus on teaching and learning. This decision was welcomed by schools but unfortunately some still tried to focus on school improvement plans in the event of the resumption of inspections.

ES addressed the needs of schools by a period of reorientation and focus on supporting teaching and learning. This came to the fore in January 2021, the second lockdown, with detailed guidance and a collection of teaching materials to support remote learning.

Teachers who engaged in the professional learning opportunities provided by ES found them very professional and extremely useful. Unfortunately, many members

found it very difficult to find the time to participate due to the demands of teaching and preparing for the forthcoming qualifications. Members would welcome the continued focus by ES on teaching, learning and the provision of teaching materials in the future.

Conclusion

The Covid-19 pandemic has shown how important teachers are in the education and wellbeing of the nation's children and have often been taken for granted. The education establishment is not immune from this view. There needs to be a change of approach in the future that sees teachers and their unions as partners in education.

Seamus Searson
General Secretary

SQA Where's Our Say?

Dear Education and Skills Committee,

On the 19th February 2021, Education Scotland and the SQA sent you a joint letter regarding recent issues which had been raised surrounding education and the upcoming exam season. There are some parts of the letter we left less than satisfied with. In the section of the letter headed 'appeals' the SQA and Education Scotland state:

'SQA will shortly be undertaking a public consultation about the appeals process for 2021 awarding and further details will be available thereafter. We can confirm that the United Nations Convention on the Rights of the Child (UNCRC) is at the centre of our considerations.' During the consultation in October 2020, carried out by the SQA to gain feedback on the proposed academic changes for the 2020/21 year, around 21% of respondents were candidates while 60% of people who replied to the surveys were practitioners. This means a massive amount of young people's voices were missed, and assurances are needed to make sure young people are at the heart of this process especially if the UNCRC is going to be at the centre, just as the SQA and Education Scotland claim it to be.

Furthermore, the letter also states 'Information on the 2020 appeals process was published on 2 December 2020 and is now closed as we focus on arrangements for 2021'. This simply implies that the SQA have simply turned their backs on the students affected last year, some of whom have been left with no redress, with doors slammed shut behind them with no to get justice, something the UNCRC promotes for young people. The young people affected have told us at 'SQA: Where's Our say' that they feel 'left alone' and that they 'got not that much help from the Scottish Government'. This is related to a request these young people made in December 2020 to have a meeting with the Cabinet Secretary for Education and Skills. This letter and its request ha been ignored. The SQA may have closed the door on the matter but for the young people affected, it's going to be around for years to come.

In the upcoming consultation by the SQA, I urge to highlight the importance of having, proper and meaningful engagement with young people, remind the SQA these young people are not just candidate numbers, grades, or stats, they are real people, with real lives and feeling the real impact of this situation. It's time the SQA and all the other bodies involved prove they welcome and understand the contributions that come from Scotland's young people.

Thank you,

Rachael Hatfield,
Of SQA Where's Our Say?

Dr Tracy Kirk**Failure to meet International Human Rights Obligations: SQA and COVID 19
Submission to the Scottish Parliament Education and Skills Committee
March 2021**

This piece of research is inspired by the many young people I have worked with and spoken to over the last year. Their voices outline the issues in a much better way than I ever could - these can be found after the executive summary. Many of these young people have asked to meet with the Deputy First Minister and the Scottish Qualifications Authority (SQA) to ensure that the mistakes made in 2020 are rectified and not repeated. This group of young people, described by the Priestley review as small numbers' who have 'created a great deal of controversy',⁸ met with Clare Adamson MSP, Jamie Greene MSP and Rona Mackay MSP on Tuesday 12th January as part of an outreach event for the Education and Skills Committee. The young people would like to repeat their offer to meet with the SQA and the Deputy First Minister.

This research brief is intended to inform an understanding of key legal issues which the SQA still appear to be having difficulty with. To be clear, the issues discussed here are legal obligations that the SQA and the Scottish Government have now – the matters contained in this paper are not dependent upon the incorporation of the UNCRC into domestic law. The failure to appreciate obligations under international human rights and the Equality Act 2010 have previously been identified by the Priestley Review, CYPCS, SQA Where's Our Say?, and I but as yet no positive action has occurred.

From the outset, it is important to state that the those due to sit exams in 2020 and 2021 deserve better than they have been given so far. This group of young people quite literally need the SQA and the Scottish Government to do the right thing to ensure their future prospects are not undermined for many years to come. The First Minister stated on 5th August: 'where an individual felt they had been disadvantaged by the SQA due to personal circumstances, they can appeal',⁹ we now need this to be the case to prevent the students of 2020 and 2021, and their younger counterparts, becoming the COVID generation.

If Scotland truly wants to be the best place in the world to grow up in, it is important to consider how the rights of older children can be realised. This is something Scotland can be world leaders in but to do so we must engage with the fact 16 and 17 year olds are allowed to vote in Scottish elections,¹⁰ they are old enough to consent to marriage,¹¹ have sexual intercourse,¹² and are no longer subject to most parental rights and responsibilities.¹³ However, they are not able to directly appeal to

⁸ M. Priestley, M. Shapira, A. Priestley, M. Ritchie, C. Barnett, Rapid Review of National Qualifications Experience 2020, September 2020, page 30.

⁹ Nicola Sturgeon, Daily News Briefing,

¹⁰ Scottish Elections (Reduction of Voting Age) Act 2015, s.1.

¹¹ Marriage (Scotland) Act 1977, s.1.

¹² Sexual Offences (Scotland) Act 2009

¹³ Children (Scotland) Act 1995, s.1-2. The only exception here is the parental responsibility to provide guidance to their child which lasts until a child is 18, under s.1(b)(ii).

the SQA, they do not receive direct communications from the SQA and they have had to rely upon advocacy to ensure their rights are front and centre in 2020 and 2021. We must do better if we want human rights to underpin our approach in Scotland.

Executive Summary

Here I have summarised the key points to aid the committee, with further details outlined after the views of young people.

- The SQA have breached, and continue to, breach the Equality Act 2010. Students who were disproportionately disadvantaged by the SQA processes of 2020 were identified by the Priestley Review, SQA Where's Our Say, CYPSC and I. However, no action has been taken to rectify this.
- The SQA process of 2020 has adversely impacted the lives of students – this has been amplified by the Deputy First Minister advising that appeals were under review.¹⁴ He stated, when responding to Iain Gray MSP while appearing before this Committee in November: *'I am perfectly happy to consider the issue but, equally, Mr Gray must accept the caveat that there must be an evidence base to enable the issue to be judged'*.¹⁵ However, despite evidence being available for all the young people quoted below, no such appeal has been forthcoming.
- Some students have, in the last few weeks, had emails from the Deputy First Minister's office stating that 2020 appeals were still under review;¹⁶ they have lost places at Scottish universities because no appeals process has been forthcoming, and they have also seen the SQA advise there would be no change to the appeals process for 2020.¹⁷ This lack of clarity despite ample support offered by those advocating for a rights based approach highlights how Scotland is treating these young people.

Myself, SQA Where's Our Say and CYPSC have already called for the Deputy First Minister to direct the SQA to accept 2020 appeals where:

1. There is evidence available that did not form part of the centre's assessment (for example returned unmarked coursework, or failure to take account of exceptional personal circumstances e.g. bereavement, illness, being looked after, disability, etc...)

¹⁴ John Swinney MSP, Evidence to Education and Skills Committee, Examinations Diet 2020 and 2021, after 10:50am, 11 November 2020, accessible here:

<https://www.parliament.scot/parliamentarybusiness/report.aspx?r=12937>

¹⁵ Ibid.

¹⁶ We are happy to share these with the Committee if this would be helpful.

¹⁷ SQA Letter to the Education and Skills Committee, 19 February 2021, page 7 accessible here: https://www.parliament.scot/S5_Education/General%20Documents/20210219Joint_reponse_from_SQA_and_Education_Scotland.pdf

2. There is evidence that the centre's estimated grade was a downgrade from previous attainment and/or the teacher's estimate to UCAS and in support of the young person's personal statement.

- In terms of the 2020 failures, the Deputy First Minister could rectify the breaches in the Equality Act 2010 by making an order under section 9 of the Education (Scotland) Act 1996. Not to do so undermines the long held commitment to rights and wellbeing which the Scottish Government are so passionate about.
- The continuing failure by the SQA to accept they have breached the Equality Act 2010 will lead to the same groups of young people being discriminated against in 2021.
- The SQA still do not appear to appreciate the individualised element of assessment and the need to hear from students disproportionately disadvantaged. This includes their mention of 'a meeting with CYPs' and 'some conversations with young people'.¹⁸ The SQA have a duty to speak to young people about their futures. The evidence from young people below highlights the failures of the SQA.
- SQA must ensure that their assessment model for 2021 is truly individualised. This includes clear direction on how grading will take account of different learning opportunities for young people and the different learning needs of students after lockdown. Universities have taken steps to ensure there is no detriment caused to students due to COVID 19 and this is something that should be in place for SQA students now.
- The SQA should not be using the excuse of needing to 'consult' on the appeals process for 2021 in correspondence to this Committee in February 2021.¹⁹ This is a failure to appreciate the significance of an appeals process as well as a failure to appreciate the very real impact SQA processes are having upon the mental health of our young people.
- The 2021 process should take an individualised approach with clear mitigations for those who have been disproportionately disadvantaged by COVID and online learning, as previously advocated by Oliver Mundell MSP.²⁰

¹⁸ Fiona Robertson, Evidence to the Education and Skills Committee, Covid-19: learning and Teaching in the Senior Phase, 13 January 2021, accessible here:

<https://www.parliament.scot/parliamentarybusiness/report.aspx?r=13053>

¹⁹ SQA Letter to the Education and Skills Committee, 19 February 2021, page 7, accessible here:

https://www.parliament.scot/S5_Education/General%20Documents/20210219Joint_reponse_from_SQA_and_Education_Scotland.pdf

²⁰ Oliver Mundell MSP, Covid-19: learning and Teaching in the Senior Phase, Education and Skills Committee, 13 January 2021, accessible here:

<https://www.parliament.scot/parliamentarybusiness/report.aspx?r=13053>

- In 2019 there were 11528 appeals requested.²¹ In 2020 there were 664 appeals requested.²² In an exceptional year where an exceptional response was required by the SQA, we should all be seeking answers for those young people awaiting redress due to exceptional circumstances that were beyond their control.

Young people and their views of SQA process in 2020 and 2021

This section has been anonymised. However, all the young people in group 1 have offered to meet with the SQA and Deputy First Minister.

Group 1: individuals who were adversely impacted by 2020 SQA exam process who continue to ask to meet with the SQA and the Deputy First Minister.

Group 2: a group of final year students at a secondary school in the West of Scotland.

The Committee have previously supported these young people to share their views. In addition, Iain Gray MSP and Daniel Johnson MSP have spoken about the importance of these views several times within the Chamber of the Scottish Parliament.²³

Group 1:

Student A:

I was fortunate to be offered the chance to study Medicine at St Andrews University in 2020 and I was looking forward to studying for my final exams to achieve the grades I needed to meet the offer. **I feel that I have been robbed of that chance through no fault of my own and there is no pathway to resolve this damaging issue that will affect Scottish students in the long term.** There was no option to prove myself apart from evidence in prelims that I wasn't aware that accounted for anything.

²¹ Scottish Qualifications Authority, appeals Report 2019 Summary, (Dec 2019) accessible here: https://www.sqa.org.uk/sqa/files_ccc/Results_Services_Report_Statistical_Summary_2019.pdf

²² Scottish Qualifications Authority, Appeals Report 2020 Summary (Dec 2020) accessible here: https://www.sqa.org.uk/sqa/files_ccc/appeals_report_summary_2020.pdf

²³ Daniel Johnston MSP, First Minister's Questions, Scottish Parliament, 2 September 2020, accessible here:

<https://www.parliament.scot/parliamentarybusiness/report.aspx?r=12782&i=115579>; Iain Gray MSP, Scottish Qualifications Authority National Qualifications 2020-21, Scottish Parliament, 7 October 2019, after 16:03, accessible here:

<https://www.parliament.scot/parliamentarybusiness/report.aspx?r=12878>; Iain Gray MSP, United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill: Stage 1, Scottish Parliament, 19 January 2021, after 17:17, accessible here:

<https://www.parliament.scot/parliamentarybusiness/report.aspx?r=13062&i=118209>;

I feel worse off as the government haven't listened to me and my individual circumstances. I and others feel as if we have been ignored and slipped through the cracks of the education system.

Scotland's approach for the Curriculum say they want to help us to become successful learners and confident individuals. In my situation becoming a confident individual has been compromised as I have lost the right to a fair examination which has prevented me from my career path and completely knocked my confidence in striving to follow what I want, how is this fair?

Nothing has been put in place to protect the rights of children and young people in a similar situation to me. Why should I have to change my career path because of a situation completely out of my hands? How can students put their confidence into the SQA and the government to become successful individuals if there is no clear pathway set in place for the future.

Student B:

The SQA in 2020 and continuing into 2021 have caused myself and many others **unnecessary anxiety and stress**. Last year, they let down the majority of Scottish young people on results day and have not provided a system for appeal, leaving many young people like myself without any help or method of appealing. When results were overturned to match teacher estimates, the appeal system was changed to one that was extremely limited and really only focused on 3 areas of correcting administration mistakes, not an appeal system at all!

As a young person going through these final vital years at school, no one has seemed to care to engage on how I have been directly affected. I was not consulted by my school as a pupil last year and the same has happened this year. I've had no teaching since the end of last year, nothing face to face as yet and just emails about assessments being due on our return, which isn't known, so just a need to keep studying. How does it seem fair or right to treat young people like this, especially after 11 months?

I am working independently during the day with work set by teachers, don't really have much communication with them and then I'm expected to continue in the same environment (lucky to have my own room) and then focus on extra study for subjects that are almost not real and that I don't know when I'll be tested on them. I'm worried that we'll be back in school for 2 weeks 'face to face' teaching then expected to sit our assessments.

Going forward this year I feel that the SQA has not provided a clear method of assessment and how grades will be given out with respect to ranking etc. Considering National 5 exams were cancelled in October and Higher exams in December **there has been a lack of communication about how they are going to assess pupils this year**. Equity across Scotland is worse than ever, some schools are having more class time at the moment than others. My school is large and so has to split classes, so less face to face for pupils. Each school will have their own standard for assessment and ranking and given that last year I was very unfairly

treated and, I believe, marks downgraded to 'fit' the ranking I feel very anxious about how this will unfold.

Ultimately, for almost a year I have not been in control of my own path at the end of 13 years of school education and I quite possibly will not have a voice should my results go against me again. I believe that if exams had happened last year, barring a disaster, I would definitely have better grades and may even be sitting with an unconditional for University right now with none of the uncertainty that I have at the moment. Since exams are cancelled again but assessments/prelims happening, then should we all at least be sitting the same assessment as set by SQA, after all the CEO Fiona Robertson said in her evidence to Ed Skills Committee in January that since they (SQA) would be issuing the certificates then they would need to make sure that standards were met.

Student C:

I am a 2020 school leaver and I never received the grades my teachers said I would achieve formally on my UCAS form and verbally at parent's nights as well as in class throughout the year. As a result of this, I have been denied a university interview invite for dentistry. I asked my school for an appeal; however, this was denied and after going through all of the complaint's procedure stages, nothing has materialised that would enable me to receive the grades I worked so hard for. Article 12 of the UN Convention on the Rights of the Child state that young people must be involved in decisions which affect them, and I feel especially let down by the SQA as they expressly directed teachers not to have conversations with their students about their estimated grades and personal circumstances that may have hindered their results in assessments and prelims. The delivery of grades last year seemed to be estimated on the basis of the prelim score and not that of previous grade attainment, personal circumstances and the formal teacher estimate which is put on the UCAS form. **My hopes for 2021, is that the SQA will implement an appeals system** that will comply with Article 12 rights and involve young people being able to directly appeal their grades from this year and last.

Student D:

The SQA has given me worry and anxiety over the exam and appeal process from 2020 and 2021. I am unsure when I need to submit evidence and what kind of quality the evidence must be. Last year I was let down by the SQA, I had to drop a subject because I didn't have enough evidence, **this year I am hoping for a better appeal process because many unis only accept first sittings and without an appeal process many people's futures can be hindered.**

Other comments:

In terms of the SQA processes of 2020 and 2021, both groups mentioned the **lack of redress** as an example of a time where their voices are ignored.

One young person in group 2 stated that the 2020 SQA process had been 'a kick in the teeth'. There were discussions about the feelings experienced on exam results day 2020 and how this impacted upon mental health.

Another young person in group 2 stated that the lack of direct plan for 2021 and the failure to help those impacted by 2020 processes left them scared and uncertain. The student said they wanted certainty but that the **Scottish Government and SQA 'don't understand it is our future, not statistics'**.

Legal Analysis

This section looks at some of the legal issues relating to the disproportionate disadvantage faced by our young people during 2020 and 2021. The focus on the Equality Act 2010 is intended to help the SQA appreciate the issues concerned. The recent paper published by them on the UNCRC missed the points outlined here which have been communicated to the Committee previously.²⁴

Breach of Equality Act 2010

The Priestley review highlighted that those most adversely affected by the 2020 alternative certification model included: children with disabilities, young carers and care-experienced young people, and those with extenuating circumstances.²⁵ Most of these are groups are protected by the Equality Act 2010. The SQA acknowledged this in October 2020 they stated: 'provided the SQA's duty to provide reasonable adjustments under Section 96 of the Equality Act 2010 continues to be met, no different impacts on different children and young people have been identified'.²⁶ There have been different impacts on different young people – the evidence provided to the committee by young people, SQA Where's Ours Say?, CYPCS and myself confirms this. Indeed, the Priestley review itself highlighted this.²⁷ However, The SQA have not engaged with the Priestley Review correctly. As a result, there is a very real prospect of this happening again, indeed as I write this on 24th February, these young people still do not have a form of redress.

There has been no recognition of this group by the SQA, the Deputy First Minister or the Scottish Government. On 7 October, Mr Swinney said that the Scottish Government 'did not get it right for all young people' but that they had apologised and acted to fix this situation.²⁸ Unfortunately, this is not the case for all young people as highlighted by the Priestley report. Crucially, those who are protected under the Equality Act 2010 have not had the right to redress which the law demands they have

²⁴ SQA, Appeals and the UNCRC, SQA, January 2020, accessible here:

https://www.sqa.org.uk/files_ccc/Appeals-and-the-UNCRC.pdf

²⁵ M. Priestley, M. Shapira, A. Priestley, M. Ritchie, C. Barnett, Rapid Review of National Qualifications Experience 2020, September 2020, page 39.

²⁶ 2020 Alternative Certification Model: Child Rights and Wellbeing Impact Assessment, August 2020, page 3. Accessible here: https://www.sqa.org.uk/sqa/files_ccc/2020-sqa-alternative-certification-model-child-rights-wellbeing-impact-assessment.pdf

²⁷ M. Priestley, M. Shapira, A. Priestley, M. Ritchie, C. Barnett, Rapid Review of National Qualifications Experience 2020, September 2020, page 39.

²⁸ SQA Awards 2021: Deputy First Minister's speech, 7 Oct 2020 accessible here: <https://www.gov.scot/publications/deputy-first-ministers-speech-sqa-awards-2021/>

Failure to provide redress

The Priestley review made clear that those who were disadvantaged represented 'small numbers' who have 'created a great deal of controversy'.²⁹ This surely should help the SQA appreciate the substantial difference an appeals process would make for these young people.

An appeals process would provide the necessary mitigation for the disproportionate disadvantage faced by this group, consistent with the Equality Act 2010. However, despite the exceptional circumstances of 2020, the SQA processes have failed to adapt to ensure no student is adversely impacted through no fault of their own. The fact students needed to ask their schools to put in appeals despite the schools being the potential discriminator was raised by Daniel Johnston MSP in September.³⁰ However, there seemed to be a lack of understanding on the part of the Scottish Government and SQA on the importance of direct appeals.

In 2020 there was a total of 664 appeals requested. Of these, 557 appeals were accepted. 97 were brought forward on the ground of centre discrimination. Only 2 appeals were brought on the ground of SQA error. The SQA's own figures show that only 6.1% of those appeals resulted in either no-change or a lower grade being awarded. Surely this highlights the important role an effective appeals process can provide to the long term chances of our young people.

The lack of appeals process was emphasised by the Priestley Review which stated that the 'decision to limit the grounds for appeals seems to be both unnecessary and counter-productive'.³¹ Further, the independent CRIA highlighted that 'gaps in data mean that it is hard for the Government to be confident that its decisions are delivering on human rights obligations'.³² This was reiterated by the Priestley review which emphasised that 'a lack of access to equalities data is evident in correspondence between the SQA and the government'.³³ There was also confirmation in the Priestley review that an internal government email acknowledged that 'SQA do not hold equalities data and therefore cannot examine the 2020 approach for impact on protected characteristics'.³⁴ Surely, that should be enough for the SQA to appreciate the need to prevent history repeating itself.

To be frank, the SQA do not have the data they require and therefore they cannot say they are acting in compliance with the Equality Act 2010. Evidence provided to

²⁹ M. Priestley, M. Shapira, A. Priestley, M. Ritchie, C. Barnett, Rapid Review of National Qualifications Experience 2020, September 2020, page 30.

³⁰ Daniel Johnston MSP, Education and Skills Committee, Wednesday 16 September, Page 32, accessible here: <https://www.parliament.scot/parliamentarybusiness/report.aspx?r=12825&mode=pdf>

³¹ M. Priestley, M. Shapira, A. Priestley, M. Ritchie, C. Barnett, Rapid Review of National Qualifications Experience 2020, September 2020, page 30.

³² Independent Children's Rights Impact Assessment on the Response to COVID-19 Scotland, Observatory of Children's Rights, July 2020, page 4 accessible here: <https://cypcs.org.uk/wp-content/uploads/2020/07/independent-cria.pdf>

³³ M. Priestley, M. Shapira, A. Priestley, M. Ritchie, C. Barnett, Rapid Review of National Qualifications Experience 2020, September 2020, page 33.

³⁴ M. Priestley, M. Shapira, A. Priestley, M. Ritchie, C. Barnett, Rapid Review of National Qualifications Experience 2020, September 2020, page 33.

the committee by CYPSC, the Priestley Review, SQA Where's Our Say? And I show the lack of compliance with the human rights of children.

If the SQA has acquired this data, it would be helpful to know how they have done so and how they are mitigating against repeated failures in 2021. It would also be helpful to know how they plan to redress the failures in 2020. Mistakes happen, especially in a pandemic, but we cannot allow SQA mistakes to adversely impact the lives of our young people. Transparency should be the default given difficulties in 2020 and the legal obligations the SQA have.

Human rights summary

To be clear, the SQA alternative grading process and the appeal process are simply not human rights compliant. This has been compounded by a lack of redress, an international human rights mechanism which seeks to ensure that there are mitigations put in place for those who have been disproportionately disadvantaged. This has not occurred. Unfortunately, the SQA have tried to justify this lack of appeal by outlining the ways appeals are handled in other countries.³⁵ This approach is surely incompatible with the Scottish Government commitment to ensure Scotland becomes the best place in the world to grow up. It certainly fails to appreciate the international human rights obligations which Scotland already have.

Importantly, it would be possible for the Deputy First Minister to exercise his powers under section 9 of the Education (Scotland) Act 1996 to 'give SQA directions of a general or specific character with regard to the discharge of its functions and it shall be the duty of the SQA to comply with such directions'. This would allow the Deputy First Minister to advise the SQA to act in a manner which is compliant with international human rights by placing the child at the centre of the process. This is also consistent with the CRC and the Getting It Right for Every Child (GIRFEC) framework.

Ensuring fairness in 2021

It is important that the SQA urgently consider how fairness can be achieved in 2021 assessments. Several members of your committee raised the importance of taking account of individual circumstances when Fiona Robertson appeared before this committee in January.³⁶ However, there was a reluctance to answer this question.

It is no secret that life has been different for all of us since 2020. This clearly means that students have interrupted periods in their education including working from homes with differing levels of support; variable study environments; lack of access to materials due to digital poverty; difficult family circumstances including bereavement and additional caring responsibilities; as well as variable periods of self-isolation prior to school closures.

³⁵ SQA, Appeals and the UNCRC, SQA, January 2020, accessible here: https://www.sqa.org.uk/files_ccc/Appeals-and-the-UNCRC.pdf

³⁶ Covid-19: learning and Teaching in the Senior Phase, Education and Skills Committee, 13 January 2021 accessible here: <https://www.parliament.scot/parliamentarybusiness/report.aspx?r=13053>

All of these circumstances have occurred at a time when these young people have been unable to socialise with their friends or take part in different activities which help them to develop and transition from childhood to adulthood.³⁷ This must be borne in mind to ensure that we appreciate the responsibilities upon the SQA and the Scottish Government to ensure no student has their life chances impacted through no fault of their own. Many universities across the UK have taken this approach. SQA Where's Our Say and I have advocated for this since August 2020, and we know Ross Greer MSP has advocated for this too. A similar approach should be utilised by the SQA.

Ultimately, we need the SQA to appreciate the legal and moral responsibilities it has to the young people who are examined by them by providing a system which is individualised, with a direct appeal process available for those who require it. Mitigation against disproportionate disadvantage must occur now. It is clear from the SQA's treatment of those who continue to suffer as a result of the 2020 results, that rectifying mistakes is not high on their priority list. This approach cannot be allowed to continue. It is the lives of young people at risk.

I would be very happy to speak with the committee about how the rights of these young people could be realised. I specialise in the intersection between other disciplines (including, biology, neurology, education and sociology) and to ensure the transition to adulthood achieves what is required for society and importantly for the young people themselves. The need for the law to reflect the unique position this age group finds themselves in has never been more important, especially as COVID continues to have an extreme impact upon them. As the incorporation bill becomes law, understanding of this group will be required to ensure that policy and practice reflects the requirements contained within the Convention.

³⁷ This is an area a lot of my research covers – the intersection between biology, neurology, sociology, education and law to ensure the rights of older children, contained within the CRC and elsewhere, are realised. Very happy to share more if this is of interest.

Professor Jim Scott

An Impossible Situation

The Impact of Governance Challenges and Decisions on Overall and Subject Pass Rates and on the Validity of 2020 SCQF Level 5-7 Qualifications in Scotland.

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Stand-Alone Executive Summary

Overview

As well as offering readers a summary of many of the key findings of the main paper, this Executive Summary provides signposting to the detailed findings of the paper through the eight key governance issues of Part A below, the summary analysis of overall and subject-based attainment in both versions of the 2020 qualifications in Part B and the five questions which follow. All of these link to sections of the main paper, to which readers are referred for detailed data and analysis.

The paper examines governance challenges, constraints, decisions and actions at all levels of Scottish educational governance and the outcomes achieved (in terms of the nature and validity of learner qualifications in 2020 and of societal reaction to governance actions). All stages of both 2020 qualifications models are analysed but, due to their crucial nature, the processes of estimating, moderating and awarding grades are analysed in particular detail.

Part A of the paper parallels the investigations of the recent *Rapid Review* (Priestley et al., 2020), drawing on its sources, plus further evidence, in identifying the successful and unsuccessful aspects of SQA's Alternative Certification Model, as well as the complex interplay of factors which led to the failure of version 1 of the 2020 Qualification process and the consequent less accurate version 2 process. The paper verifies many of the *Rapid Review's* findings but adds further findings, providing a more complete view of 'what worked' and 'what didn't work' within the Scottish educational governance system in 2020.

Part B of the paper carries out the attainment analysis which the *Rapid Review* did not undertake due to its remit from the Scottish Government. In so doing, the paper identifies a range of significant and highly significant issues within both versions of the 2020 qualifications, identifying both overall and specifically subject-related issues. Of particular concern are the extreme variations in pass rate (compared to previous years' pass rate changes) seen in several subject groups, particularly the STEM (Science, Technology and Mathematics) subjects..

Although the main paper is long and complex, it is smaller than the *Rapid Review*, while offering greater breadth of information and, in several areas, greater depth.

Context

The last quarter of the Scottish educational cycle of 2019-20 was severely disrupted by the SARS-CoV-2 pandemic. The pandemic presented Scottish schools, local authorities (LAs), the national examination agency, the Scottish Qualifications Authority (SQA) and the Scottish Government with highly significant challenges in completing teaching and learning, but more significantly in completing the annual evidence-based qualifications process. In 2020, an Alternative Certification Model (ACM) was iteratively developed and employed within a limited timescale to generate Scottish National Qualifications results at National 5, Higher and Advanced Higher levels. The publication of those results resulted in a national uproar and significant political and educational debate.

Summary of Findings

The findings of this paper are in two parts:

- Part A builds on the evidence and findings of the recent *Rapid Review of National Qualifications Experience 2020* (Priestley *et al.*, 2020), commissioned by the Scottish Government, as well as documentation from SQA and other relevant sources. This paper agrees with many of Priestley *et al.*'s findings but reaches different conclusions in certain key areas and also highlights some areas apparently not considered or fully examined by the authors of the *Rapid Review*.
- Part B continues this process by analysing the overall and subject-based attainment outcomes of the 2019-20 qualifications process. The paper considers individual learners and their qualifications, examining the impact of the Alternative Certification Model (ACM) upon version 1 (August 4, 2020) of the 2020 results and how the Scottish Government's decision of August 11 significantly changed version 2. (August 31, 2020) Overall and subject-based pass rates (for Grades A-C) in National 5, Higher and Advanced Higher qualifications are used in analysing the first and second versions of the 2020 qualifications outcomes.

Part A: Governance Successes and Failures

Evidence of some good governance practice and commendable individual/ group effort is evident in the findings of this part of the paper. Equally, there is evidence of rushed, abandoned and inappropriate governance - particularly in the latter stages, as time became crucial. Despite workload issues, teachers were highly engaged, very positive about their pupils' prospects and "followed SQA evidence guidelines assiduously", although with inevitable variability of practice. Governance actors - in schools, LAs, SQA and the Scottish Government itself – made strenuous, if not always well coordinated or executed, efforts to generate "results". Despite all of this well-intended work, its ultimate failure for many (or most) individual learners - in terms of the accuracy of their results – undermined the intent.

Limited time, planning/design iterations (due to increasing external constraints), poor partnership (Headteachers and LAs tried to help remedy several issues but were not used), poor communication between SQA and the Scottish Government, a very limited ACM model which was forced further and further (by external

circumstance) from any ability to accurately grade individuals, teacher over-estimation of learner performance, a labyrinthine national Moderation process which managed to under- grade a minority of learners while facilitating over-estimation of a majority of learners, little or no sense-checking of individual outcomes, an 'information gap' within and between SQA and the Scottish Government and a failure to inform and engage key stakeholders (learners, parents, the media) with respect to the radical changes in the initial 2020 'system' contributed greatly to a situation where, ultimately, the Scottish Government was required to make a decision on how to resolve the uproar surrounding the version 1 2020 results. Unfortunately, the decision made was a particularly poor one.

These governance actions and outcomes are set out in Part A of the main paper but key governance issues which impacted upon the system's ability to deliver accurate grades are summarized here. Issues 1 and 3-6 are the most significant causes of the failed version 1 outcomes. Issues 2, 7 and 8 are pertinent to both versions and Issue 9 (with Issues 4, 7 and 8) is the direct cause of version 2's major inaccuracies.

1. Time pressures on key governance organisations and actors

The intense concentration of time (14-15 weeks) for planning and action in 2020 contrasts with the several years available to SQA for previous major qualifications changes. Given the complexity of 'normal' qualifications processes, plus 2020's rapidly evolving constraints and pressures, it is not surprising that governance bodies and/or actors made mistakes or that sudden changes of direction took place. The predominant issue of time overshadows almost all subsequent issues and is the major cause of several of them. The combination of limited time, developmental repetitions (due to growing external constraints) and untried processes caused several later governance actions such as sense-checking and the post-certification review (PCR) to be rushed or abandoned, with detrimental outcomes.

2. Issues of strategic planning and communication

The 5 Planning and Support Tasks of Part A (ii): clarification, cooperation & partnership, strengthening SQA to cope with the task, sense-checking and communication/publicity, were crucial to ensuring that the makeshift ACM started well and proceeded at the best possible speed. Although SQA tried to address most of these issues itself, with very mixed success, the Scottish Government had greater communications capacity to explain major differences in the system to stakeholders and the press and how individual learners would be supported. It is, however, not clear if SQA explained these issues to the government. Equally, it is not clear whether the Scottish Government checked if there were problems or whether SQA needed further assistance. Some *Rapid Review* respondents blamed SQA for several of the resulting issues but neither time pressures, the Scottish Government's underused capacity to pre-emptively handle public communication and press reaction nor the sudden clarity of respondents' hindsight can be ignored here.

3. The increasingly restricted ACM design process

External constraints grew with the successive disappearance of SQA's 'normal' data sources. All 4 stages of the ACM – estimation, moderation, awarding & certification and PCR/appeals – suffered significant difficulties as SQA tried to adapt. Difficulties with the two technical processes, estimation and moderation,

combined to cause severe problems for SQA (and more so for individual learners). Some issues entered the public domain, causing growing concern about the Awarding stage. As uproar intensified, the crucial but unexplained PCR process was abandoned, removing any hope that most individual learners' grades would be (reasonably) accurately identified. This end-phase crisis was compounded by SQA's apparent unwillingness to accept offers of help from school and LA partners.

The version 1 results were the output of the ACM: basically, the original SQA National Moderation Model, but with an attempt to make its overall outcomes conform to 1 or 2 years of prior national data (but with no consideration for individuals). Although a political decision rather than the output of the ACM, the revised version 2 did approximate to SQA's initial Model 1 in that teacher estimates were simply accepted, but with a minority increased. This action further inflated grades already perceived by SQA to be (much) too high due to significant over-estimation by some teachers, schools and/or LAs. Both versions 1 nor 2 are unsatisfactory, not least in inaccurately grading individual learners/subjects or in achieving SQA's goal to "maintain standards".

Version 2 is significantly worse than version 1 in both contexts (although it "solved" a known and much publicised equity-related aspect of the first version - at the expense of most other learners).

4. Teacher estimation and SQA's inability to deal with this known issue

SQA knew from wider research and its own long-term analysis that, annually, 40-50% of teacher estimates were inaccurate - in that they did not accurately predict learners' performance in examinations

- and so made little or no use of them in 'normal' years. This does not imply inappropriate practice by teachers; it is a known (by SQA and others) consequence of varying individual experience and individual professional perception of standards. SQA identified that teacher estimates appeared less accurate (i.e. higher-to-much higher) in 2020 than in previous years, leading to the drastic 'sledgehammer' measures of the ACM's moderation stage and to considerable grading inaccuracies (upwards more than downwards, as 74% of estimates were not moderated). Since estimates became the "linchpin" of the assessment system in 2020, their inaccuracy became a highly significant problem

5. issues related to the inputs, conditions and function of the Moderation process

The estimation issues above generated a significant element of error in the main input to the ACM. The narrowly based Starting Point Distributions and rather crude "sledgehammer" algorithms of the ACM were designed to counteract over-estimation. However, the significant widening of tolerance ranges by SQA overrode this, leading to acceptance without moderation of 74% of version 1 estimates and leaving many learners with significantly over-graded results. Meanwhile, the ACM's algorithmic "avalanche" (which variably affected the remaining 26% minority of learners) was designed to constrain the overall distribution of grades to something akin to the previous one or two years' patterns. Since 74% of grades were raw estimates, the "avalanche" significantly downgraded some learners in schools where over-estimation was traditionally high. Unfortunately, only the minority problem was publicly identified or addressed.

6. issues surrounding checking processes, including Awarding Meetings, failures to work with local authorities to sense-check the output from Moderation and a lack of any significant checks on the attainment of individual learners

Given their centrality to Awarding and their stated (by SQA) freedom of action, the failure of Subject Awarding Committees to identify major inconsistencies in overall, subject or individual attainment is a key factor in why many version 1 grades were inaccurate. From their documentation, it appears that SQA may have more centrally managed this traditionally disaggregated process in 2020; if so, this was not successful (see Part B). Together with an absence of checks on the attainment of individual learners

- as involvement of at least local authorities would have provided - these checking failures mean that many learners would not have received accurate version 1 grades at Levels 5-7 in 2020.

7. The apparent failure by the Scottish Government (and possibly SQA) to hold and evaluate necessary information at crucial points

The author of this paper does not make Freedom of Information (FoI) requests but, fortunately, the response to FoI 202000070655 by another questioner was published in time to provide evidence that the Scottish Government appeared to be unaware of what information they and/or SQA held about a range of issues crucial to the accurate assessment of learners. This still appeared to be the case some months after initial stakeholder questions about the accuracy of the ACM. If so, it suggests the government was ill-prepared for making the decision considered in Issue 9 below and that they may not have had a satisfactory overview of the developing qualifications process, or issues, at several stages.

8. Failures by SQA and the Scottish Government to engage effectively with four months of public concerns or to explain and implement the Post-Certification Review (PCR) process to provide accurate gradings for many Scottish learners

As with Issue 7, it is unclear why SQA and the Scottish Government acted to diffuse months of public concerns, only then to trip up on these very issues upon publication of the results. SQA also appears to have turned away those who were in the best positions to actively assist them – LAs and headteachers

– but whether on the basis of time pressure, belief that only they could deal with the problem, mistrust or other reasons is unclear.

The Scottish Government faced many Covid priorities, but the politicians and officers responsible for education should have been aware, if only from their inboxes, of developing qualifications issues and concerns. Even accepting the *Rapid Review's* view that government and agency alike adopted a defensive posture, it appears inexplicable that the PCR process was neither publicly explained before August nor implemented with appropriate support offered to LAs, schools and learners. Had this been done, it would have provided (potentially far) more accurate gradings than v.1 or v.2 and might have avoided public uproar, a Vote of No Confidence or the need for a *Rapid Review*.

9. Political Crisis

The failures of communication and action noted above generated a ninth, solely political governance issue. After August 4, 2020, the Scottish Government was beset by learners, parents, the press and the for-once-combined Opposition parties,

resulting in a vote of No Confidence in their handling of the matter. It is unclear if the Scottish Government asked for, or was offered, data from SQA on the likely effects of simply awarding teacher estimates, including the likelihood of highly significant inflation of attainment figures and even greater inaccuracy in individual grades, but SQA's documentation suggests that it knew this would be the result. The government instructed SQA to accept teacher estimates but left learners whose v.1 grades had been increased by moderation at the higher level, thus further compounding the already extensive inflation of a majority of learner grades inherent in the 2020 estimates. This issue is the main cause of the highly significant issues of version 2, although issues 1 4, 7 and 8 are also valid here.

It must be acknowledged that the achievement of *any* qualifications process and outcomes within the few weeks available in 2020 was a significant success. Unfortunately, much of this achievement was undermined due to the inaccuracy of individual learners' results (see Part B) and the potential longer- term consequences for those learners.

Part B: Attainment Outcomes from 2020 Versions 1 and 2.

The second set of findings relates to the 'core business' of SQA – the grades gained by learners. Most surprisingly, this is not covered by the *Rapid Review*, apparently as a consequence of the remit defined by the Scottish Government (Priestley *et al.*, 2020, p.7), although Priestley *et al.* (*ibid.*, p.48) did stretch this to identify some individual learner issues and recommended "a thorough independent analysis of the application of the ACM". This recommendation was the only *Rapid Review* recommendation declined by the Scottish Government.

The second set of findings demonstrates:

1. the impact of the ACM on version 1 outcomes (04/08/20), mainly the attempt made to 'normalise' overall pass rates and the absence of work to provide accurate individual outcomes (except in the non-implemented PCR).
2. the impact of the political version 2 (11/08/20) 'solution', conceived in an attempt to resolve a mis- grading problem experienced by a minority of learners, but resulting in highly significant distortion of overall and subject-based pass rates (and thus of grades) for most learners.

1. Overall Attainment in 2020

SQA's documentation suggests its main focus in 2020 lay in overall attainment rates and preserving the validity of Scottish qualifications, rather than the accuracy of individual learners' grades. Much of this stance was due to external factors, particularly the absence of meaningful input data - other than teacher/lecturer estimates, with their known issues.

SQA was clearly aware that the 2019 teacher estimates of A-C grade passes at National 5, Higher and Advanced Higher respectively exceeded the final 2019 results by 0.4%, 2.2% and 5.6% (SQA, 2020c, p.13), whereas the 2020 estimates of A-C grade passes exceeded the 2019 figures by 10.4%, 14.0% and 13.4%. Trend analysis at Higher and Advanced Higher (see Part B, section (a)) suggests that the 2020 cohorts would largely have been unlikely to improve on their predecessors, given the 2019 National 5 and Higher results. Thus, the increases embodied in the

2020 teacher estimates threatened SQA with a uniquely large discontinuity in what it tried to maintain as “a relatively stable national system”.

Year-on-year changes in percentage pass (A-C) rates at National 5, Higher and Advanced Higher are analysed in the paper to form a baseline for analysis of changes in pass rates from 2019 to 2020. Consideration of the previous 23 annual pass rate changes shows that, at Advanced Higher 15/23 (65%) lay in the range +/- 1% from the previous year, 4/23 were +/- 2% and 4/23 were +/-3%. At Higher 18/23 (78%) lay in the range +/- 1%, with 4/23 being +/- 2% and 1/23 being +3%. National 5 follows a similar pattern, except for discontinuity around the introduction of new National Qualifications.

In 2020, overall pass rates increased under both versions of the “results”, although the highly significant difference between versions 1 and 2 (see Tables 7, 9 and 11) is summarised here:

- At National 5, a 3% pass rate rise from 2019-2020 (v1) resulted from the ACM process. Although this was the highest increase since 2013, it lay within the outer reaches of normal year-on-year changes. The version 2 increase over 2019, being **almost 11% above the 2019 figure**, is an unparalleled rise. However, this was exceeded by outcomes at Higher and Advanced Higher.
- At Higher, a 4% rise over 2019 resulted from the version 1 ACM process: this was the highest increase for at least a quarter-century but lay just beyond the outer reaches of normal year-on-year changes. Both this figure and the corresponding National 5 figure would have been seen by SQA as “plausible” and might have been accepted by the public, but for the outcry about certain learners’ outcomes. Unfortunately, the version 2 Higher increase over 2019 was **almost 15% above the 2019 figure** – again, an unparalleled rise.
- At Advanced Higher, the 6% rise over 2019 of version 1 was also the highest for at least a quarter-century, lying well beyond the outer reaches of normal year-on-year changes. The version 2 increase over 2019, was **almost 14% above the 2019 figure** – again, an unparalleled rise.

If issues with individual learners’ grades had been addressed through the Post-Certification Review, sense-checking by LAS/HTs and/or improved algorithms and constraints, then the version 1 figures might well have been perceived by learners, parents and the wider community as valid – albeit leaning to some extent towards learners, but not unreasonably so (except at Advanced Higher). However, the version 2 figures, generated by a purely political approach to a complex educational issue, appear to have departed from any semblance of normality.

2. Subject-Based Attainment in 2020

The overall statistics and outcomes above are, of themselves, a significant concern. However, subject-based pass rates follow a parallel pattern - but with more extreme outcomes. Different subjects’ pass rates normally vary to different extents, with SQA’s conventional wisdom being that large-uptake subjects would experience much smaller fluctuations in pass rate than small-uptake subjects (or where new subjects/presenting centres are involved). Unfortunately, this was virtually reversed in 2020, particularly in version 2 where several groups of large subjects displayed significantly greater (or, in some cases, extreme) fluctuations in pass rate, while some smaller groups of subjects (e.g. Arts and Languages) continued near to their

normal patterns.

Version 1 subject outcomes demonstrated a range of problems, some significant. As with the overall figures, this might have been explained to parents (had any governance body tried to do so) as a consequence of the educational system bending positively towards learners in a challenging year in order to ensure that no learner was wrongly graded. Unfortunately, some learners *were* under-graded by v.1, although not nearly as many as were over-graded. The cause of this lies in increased mis- estimation and the range of poor decisions made regarding the inputs, constraints and tolerances built into the Moderation phase of the ACM to combat mis-estimation. Since the attainment of individuals did not feature within the ACM to any extent until the final, unimplemented PCR stage, none of these issues could be corrected. Equally, the scale of over-grading in a range of large, fundamental subjects appears to have simply gone unnoticed or, at least, uncorrected by SQA or the Scottish Government.

The issues of version 1 are, however, insignificant when set against the issues generated by the combination of initial misestimation, failure to analyse outcomes of individual learners and direct political intervention into the awarding process which generated version 2 of the 2020 results. Version 2 pass rate inflation in some subject groups, particularly the STEM subjects (Science, Technology and Mathematics) and, to a lesser extent, the Social Subjects is highly significant to extreme, despite the SQA view that these groups would normally be most stable. Of course, version 2 was not the product of SQA's processes.

In several subject areas, the results are sufficiently inflated to be of questionable validity. Tables 7-12 and, particularly, Table 13 of the paper demonstrate the scale of these issues fully, but some summary data is supplied here for versions 1 and 2:

- Of the 48 National 5 subjects, the number with at least double their previous highest change in pass rate rose from 9 in v.1 to 26 in v.2. Of these, only 2 version 1 Nat.5 subjects with pass rate inflation were large-uptake subjects, whereas this grew to 14 subjects in version 2. In total, **86%** (229,594 from the total of 267,558) of version 2 National 5 A-C passes occurred in subjects whose pass rate increase was 2 to 16 times greater than the previous (post-2015) highest increase in pass rate.
- Of the 46 Higher subjects, the number with at least double their previous highest change in pass rate rose from 4 to 38. Of these, only 1 version 1 Higher subject with pass rate inflation had been a large-uptake subject, whereas this grew to 13 subjects in version 2. In total, **98% (163,207 of the 166,208) of version 2 Higher passes occurred in subjects whose v.2 pass rate increase was 2 to 13 times greater than the previous highest increase in pass rate.**
- Of the 34 Advanced Higher subjects, the number with at least double their previous highest change in pass rate rose from 11 to 23. Of these, 2 version 1 subjects with pass rate inflation had been large-uptake subjects, whereas this grew to 6 subjects in version 2. In total, approximately **89%** (19,439 of the 21,935) of version 2 Advanced Higher passes were in subjects whose v.2 pass rate increase was 2 to 29 times greater than the previous highest increase in pass rate.

Table 13 of the paper demonstrates that in version 2 of the National 5, Higher and Advanced Higher 'results', three of the four principal STEM subjects display consistent and highly significant instances of pass rate inflation, as do some of the Social Subjects. In each case the number of times by which the National 5, Higher and Advanced Higher pass rate increases for 2020 version 2 exceed the previous highest pass rate increase since 2015-16 are shown as a multiple (e.g. 15 times = 15x and as a percentage of the previous highest pass rate change = 1500%). The most extreme pass rate changes are in bold type:

	National 5	Higher	Advanced Higher
Mathematics:	15x (1500%),	5x (500%),	19x (1900%)
Chemistry:	16x (1600%),	11x (1100%),	7x (700%)
Physics:	6x (600%),	7x (700%),	15x (1500%)

Given the core importance of Mathematics for almost all learners – and Science for many - these extreme increases in pass rate across the full range from National 5 to Advanced Higher will be of major concern, both to learners and to the principal users of qualifications such as colleges, universities and employers. The fourth main STEM subject, Biology (5x, 4x and 2x) is less inflated but has still suffered significant increases. Other Technology subjects, including Administration and IT, Business Management, Computing Science, Graphic Communication and Health & Food Technology all demonstrate significant patterns of pass rate inflation, although not as extreme as those seen in Maths and Science. The Social Subjects - Modern Studies (3x, **13x**, 6x), History (7x, 2x, 5x) and Geography (3x, 5x, 3x) - also suffered significant pass rate increases, as did Religious, Moral and Philosophical Studies (**14x**, 4x, 2x).

Beyond the STEM and Social subjects, version 2 pass rate inflation is not as pronounced, but the main core Language, English (2x, 5x, 3x), suffered significant pass rate inflation, particularly at Higher, where it equalled Mathematics. The two largest foreign languages, French (3x, 6x, 1.1x) and Spanish (3x, 3x, 4x) have also suffered significant pass rate increases. German (3x, 5x, 0.25x) and Italian (0.67x, 3x, 2x) are smaller subjects (but display less pass rate inflation,) completing a pattern that suggests that Language grades are among the least inflated and that the smaller the Language subject, the less inflated its grades. In general, Languages and the Arts display less pass rate inflation than other subject groups.

Teachers and lecturers in the Arts and Languages aspects of the curriculum produced estimates that, although still prone to some pass rate inflation, were notably more 'plausible' (to quote SQA) than those of their colleagues in the STEM or Social Subjects. Although SQA did not cause the problems of version 2, it would be most helpful to key users of qualifications if SQA can identify whether the extreme grade inflation particularly evident in Mathematics, Chemistry and Physics is uniform across candidates or whether there are significant school, LA or equity-related fluctuations within these extreme figures. Without access to the data, this question is impossible to answer, but many of these learners are, or will soon be, in tertiary education and could be misplaced in their courses. They are deserving of any assistance which can be given.

Further Questions

Part B identifies 7 Key Questions relevant to outcomes of the governance carried out by members of all governance levels from the Scottish Government to the classroom. Since there are some close similarities, these are condensed here to 5 questions:

1. Why has no previous research been carried out by academics, the press or politicians to establish the full extent of mis-grading of individual learners in 2020?
2. Why has the much greater scale of over-grading of performance not been publicly noted when under-grading was quickly identified?
3. Why did the Scottish Government decline to follow up the flawed 2020 results processes with research and analysis of how grades were derived when it is evident that a highly significant extent of over-grading and a lesser extent of under-grading resulted from errors **at all stages** of the ACM and version 2 processes?
4. Why was very highly significant pass rate inflation of 3 to 29 times the previous highest annual pass rate increases of most major National 5, Higher and Advanced subjects due to the Scottish Government's intervention of August 11 not foreseen? If foreseen, why were these major disruptions to qualifications standards and thus learner progression to work and tertiary education allowed to stand – and, again, why were learners, universities and colleges not warned of this?
5. Why was no sense-checking of the impact of version 2 (or version 1) carried out within subject areas or specific subjects?

Some, but not all, of the answers to these questions may be found in the paper. The questions relate to two main areas and are therefore addressed in groups (1- 3; 4-5).

Questions 1 and 3 seek answers to related questions. It is quite difficult for the press or politicians to fully understand the processes and relationships inherent in examining qualifications data, or to find the time to carry out such processes. They therefore tend to turn to SQA, government statisticians or, occasionally, academics for such analyses. Academics may take time to address areas such as that of this paper, as rapid analysis may miss key aspects of the problem or its solutions. It would, however, have been helpful, not least to the learners concerned, if some national agency had addressed the 2020 results before August 4 and certainly before the decision of August 11. Why the Scottish Government turned down the request of Professor Priestley and his colleagues to carry out post-mortem analysis of the processes and outcomes of 2020 *Rapid Review* (Recommendation 8) is unclear, given that some aspects of the 2020 process will now be paralleled to some extent in 2021. The answer to Question 2 is a by-product of questions 1 and 3, as it appears that either no group or individual has chosen to do this analysis voluntarily or has been funded externally. It appears unlikely, however, that SQA is unaware of the issues concerned, although they may have chosen not to analyse the version 2 outcomes.

In Question 4, if these highly erroneous sets of results were not foreseen, this could be due to a lack of information and thus to the issues considered in questions 1-3. If this information *WAS* known and the scale of grade inflation was understood, it seems inconceivable that a governance body – whether SQA or the Scottish Government – would have failed to act. This appears to confirm that SQA and/or the Scottish Government were making decisions in at least a partial information vacuum. This may also partially answer question 5, if neither SQA nor the Scottish Government was aware of the extreme effect of version 2. Without seeing all of the SQA-Government communications, it is impossible to answer these issues, but this matter needs to be resolved before the 2021 scheme is implemented in case some, or many, elements of these problems continue.

Conclusion

All governance actors involved in this situation, but not least SQA, faced intolerable time pressure and a unique set of circumstances, often beyond their control. This perilous situation was, however, worsened by variable estimation practice within several subject groups, variable local quality assurance, instances of poor governance at several levels and a few key instances of inappropriate political decision-making. The interplay of these factors generated two sets of qualifications, neither fully ‘fit for purpose’. In the long term, the 2020 examination crisis may have negative consequences for the standing of Scottish education but, much more importantly, for many of Scotland’s younger citizens.

There have been no winners in this unprecedented situation, but the learners involved in the 2020 (and 2021?) qualifications process are the greatest losers. Before August 11th, 2020’s unnecessary second crisis, an accurate evaluation of the extent to which *all* learners had been under- or over-valued by the inaccurate estimation and moderation processes was urgently required and a small minority of learners faced an Appeal process to resolve their under-grading. Although challenging, these could have been achieved within a reasonable timescale, assuming adequate support for staff and learners alike. After August 11, learners now face the situation that their qualifications may be inaccurate, perhaps significantly so in some subjects. Of particular concern is that relevant authorities still appear not to have the necessary information to answer any learner’s basic question: “how much were my grades affected?”

Fortunately, the majority of those who entered work, FE or HE in 2020 based their applications on Highers and/or other qualifications obtained in 2018 and 2019, before the pandemic. This will not be the situation for 2021 entrants to FE or HE whose 2020 (or 2021?) qualifications cannot be assumed to represent the standard their pre-Covid equivalents provided, particularly in the STEM subject areas. Therefore, the 2020-21 educational governance cycle *must* improve on that of 2019-20, for the sake of each individual learner caught in this “impossible situation”.