



## EDUCATION AND SKILLS COMMITTEE

### AGENDA

**26th Meeting, 2020 (Session 5)**

**Wednesday 11 November 2020**

The Committee will meet at 9.00 am in a virtual meeting and will be broadcast on [www.scottishparliament.tv](http://www.scottishparliament.tv).

1. **Decision on taking business in private:** The Committee will decide whether to take items 5 and 6 in private.

2. **Public petitions:** The Committee will consider the following petitions—

PE1548: National Guidance on Restraint and Seclusion in Schools

PE01668: Improving literacy standards in schools through research-informed reading instruction

PE01692: Inquiry into the human rights impact of GIRFEC policy and data processing

PE1747: Adequate funding to support children with additional support needs in all Scottish Schools

3. **Subordinate legislation:** The Committee will consider the following negative instruments—

The Glasgow School of Art Order of Council 2020: (SSI 2020/303)

4. **Exam diet 2020 and 2021:** The Committee will take evidence from—

Professor Mark Priestley, Professor of Education, and Dr Marina Shapira, Senior Lecturer, University of Stirling;

and then from—

John Swinney MSP, Cabinet Secretary for Education and Skills, Scottish Government.

5. **Review of evidence:** The Committee will consider the evidence it heard earlier in agenda item 4.

6. **Work programme:** The Committee will consider its work programme.

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The papers for this meeting are as follows—

**Agenda item 2**

Petitions paper

ES/S5/20/26/1

**Agenda item 3**

Subordinate Legislation paper

ES/S5/20/26/2

**Agenda item 4**

SPICe briefing paper

ES/S5/20/26/3

Submissions pack

ES/S5/20/26/4

**Agenda item 6**

PRIVATE PAPER

ES/S5/20/26/5 (P)

**Education and Skills Committee****26<sup>th</sup> Meeting, 2020 (Session 5), Wednesday 11<sup>th</sup> November 2020****Petitions – note from the clerk**

1. The Committee was scheduled to consider petitions at its cancelled meeting in March 2020, and has not considered petitions since January 2020. The Committee currently has four open petitions which have been referred by the Public Petitions Committee. These petitions are:
  - PE01692: Inquiry into the human rights impact of GIRFEC policy and data processing
  - PE1548: National Guidance on Seclusion and Restraint in Schools
  - PE1668: Improving literacy standards in schools through research-informed reading instruction
  - PE1747: Adequate funding to support children with additional support needs in all Scottish Schools
2. This paper sets out the current status of petitions and invites members to agree what future action to take on each petition (Annexe D sets out the standard options available on each petition).
3. Details of the four open petitions can be found on the Committee's petitions [webpage](#).

**PE01692: Inquiry into the human rights impact of GIRFEC policy and data processing****Introduction**

4. PE1692 from Alison Preuss, on behalf of the Scottish Home Education Forum, and Lesley Scott, on behalf of Tymes Trust, is "Calling on the Scottish Parliament to urge the Scottish Government to initiate an independent public inquiry into the impact on human rights of the routine gathering and sharing of citizens' personal information on which its Getting It Right For Every Child (GIRFEC) policy relies."
5. The petition was lodged on 13 June 2018 and considered by the Public Petitions Committee (PPC) in June and November 2018. This Committee gave its initial consideration to this petition on 29 May 2019 and then followed this up on 27 November 2019.

**Background**

6. The petitioners [appeared before the Public Petitions Committee](#) and made two supplementary written submissions to that Committee (see [submission 1](#) and [submission 2](#)). This, in addition to the [background summary](#) on the intention of

the petition and a [SPICe paper](#) provides context for this Committee's consideration.

7. The PPC also wrote to the Scottish Government and the Information Commissioner (ICO) on issues raised by the petitioner. Having considered the responses from the [Scottish Government](#) and the [ICO](#), the Committee agreed to refer the petition to this Committee for further consideration.
8. The central issues raised by the petitioners relate to current policy and practice under GIRFEC. During the consideration of the Children and Young People (Information Sharing) (Scotland) Bill at Stage 1 in 2017 the petitioners sought a view from this Committee on the need for a public inquiry and the Committee responded stating that current information sharing practice had not been the prime focus of the Committee's scrutiny, it had been more focused on the proposed legislative provisions in the Bill. The Bill was withdrawn by the Cabinet Secretary for Education and Skills on 19 September 2019. His [statement](#) to Parliament explained the basis for the Scottish Government's decision to withdraw the Bill, including advice from the GIRFEC Practice Development Panel, and the next steps in relation to information sharing practices.
9. After its meeting on 27 November 2019, the Committee agreed that the Convener should write to the Cabinet Secretary for Education and Skills for an update as to when the suite of products referred to in a previous letter on respect of guidance and products to support information sharing practice will be available. The Committee also agreed to write to all local authorities to ascertain that they are using the revised guidance from the Information Commissioners office.
10. The Cabinet Secretary [responded](#) on 29 January 2020, confirming that the suite of products referred to in his September 2019 letter were still in the early stages of development but that the Scottish Government "expect[ed] to publish these materials by the end of 2020 and the additional guidance will be subject to a consultation process". However, it is unclear the extent to which the Covid-19 pandemic has impacted this planned timescale.
11. In January 2020, clerks received responses from 28 of the 32 councils to confirm that they are not using the 2013 guidance (Dundee City Council, East Renfrewshire Council, Inverclyde Council and Moray Council did not respond).
12. The petitioners have provided a submission in relation to their petition which is attached at Annexe A.
13. **The Committee is invited to write to the Cabinet Secretary to ask for an update on the timescales and to agree any other actions in relation to this petition.**

**PE1548: National Guidance on Seclusion and Restraint in Schools**

14. The 2015 [SPICe briefing](#) for the petition sets out the background:

“The petition is not about specific incidents but rather asks for national guidance...the petitioners also ask for the use of restraint and seclusion to be monitored. Currently, the use of restraint in residential care is monitored by individual establishments and an annual return made to the Care Inspectorate (S4W09371). There is no similar national monitoring for non-residential schools.

Schools are inspected by Education Scotland. Only where a school provides residential accommodation will it also be inspected by the Care Inspectorate.”

15. The Session 4 Public Petitions Committee first considered this petition at its meeting on 17 March 2015, when it took evidence from the petitioner, Beth Morrison, Ian Hood, Learning Disability Alliance Scotland and Kate Sanger, the Challenging Behaviour Foundation. The Committee agreed to write to the Scottish Government, the Care Inspectorate, Scotland's Commissioner for Children and Young People, ENABLE Scotland, the Scottish Children's Services Coalition, the Educational Institute for Scotland, COSLA, Children 1st and the Ministerial Working Group on Child Protection and Disability. The Session 4 Public Petitions Committee continued to correspond with the Scottish Government before [agreeing](#) to include the petition in its legacy paper for consideration by the Session 5 Public Petitions Committee.
16. The Session 5 Public Petitions Committee continued to consider this petition, and at its meeting on [19 January 2017](#) it agreed to seek an update from the Scottish Government on publication and use of the ‘communication passport’ and the ‘toolkit’ for practitioners, and to invite the Deputy First Minister to provide oral evidence at a future meeting.
17. The Scottish Government published its refreshed national guidance, [Included Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions](#) on 19 June 2017. This refreshed guidance includes information and advice for Education Authorities on De-escalation and Physical Intervention. Although the petitioner [welcomed](#) the guidance, she felt “there is more to do to ensure the protection of Scotland’s most vulnerable children”.
18. The Public Petitions Committee continued to liaise with the petitioner and the Scottish Government on the refreshed national guidance throughout 2017 and 2018. In September 2018, a joint report called *Not Included, Not Engaged, Not Involved* was launched by Children in Scotland, National Autistic Society Scotland and Scottish Autism, which touched on issues raised within the petition. Similarly, in December 2018, the Children and Young People's Commissioner Scotland laid in Parliament a [report](#) titled *No Safe Place: Restraint and Seclusion in Scotland's Schools*, which concluded that “professionals responsible for children do not have consistent, unambiguous

guidance or feedback mechanisms to ensure they are equipped to appropriately support vulnerable children at moments of crisis.”

19. On [7 November 2019](#), the Public Petitions Committee heard evidence from the petitioner Beth Morrison, Bruce Adamson, Children and Young People’s Commissioner Scotland, and Nick Hobbs, office of the Children and Young People’s Commissioner Scotland. This evidence followed the publication of the aforementioned reports, as well as a [submission](#) from the petitioner in August 2019 which called for a statutory “robust legal framework” to be in place rather than just the guidance.
20. At its meeting on [19 December 2019](#), the Public Petitions Committee heard evidence from the Cabinet Secretary for Education and Skills. The Cabinet Secretary confirmed that “the Scottish Government will produce new national guidance that will provide a clear human rights-based policy on physical intervention and seclusion in Scottish schools”.
21. After taking evidence from the Cabinet Secretary, the Public Petitions Committee therefore agreed to refer the petition to the Education and Skills Committee on the basis that the petition could be taken into account in ongoing and upcoming work. It also agreed to highlight that “if the guidance as it develops is not effective, the Government has made a commitment to look at what may be done to ensure that there is a means by which the guidance can be put on a statutory basis”.
22. At its meeting on 22 January 2020, the Committee agreed to write to the Cabinet Secretary for Education and Skills to ask for an update on the new guidance. That letter can be read [here](#).
23. The Cabinet Secretary [responded](#) on 19 February, providing the Committee with a copy of the [terms of reference](#) for a working group being established to develop and agree new guidance. It was anticipated that this new guidance would be developed and agreed by October 2020 after which a 12 week consultation process would commence. However, it is unclear the extent to which the Covid-19 pandemic has impacted this planned timescale.
24. The petitioner has provided an update to the Committee which is attached at Annexe B. The petitioner confirms in her submission that she is part of the working group which is still working on a draft of the guidance.
25. **The Committee is invited to write to the Cabinet Secretary to ask for an update on anticipated timescales for the guidance being developed by the working group and to agree any other actions in relation to this petition.**

**PE1668: Improving literacy standards in schools through research-informed reading instruction**

26. The Committee considered [PE1668](#) at its meeting on 30 October 2019. The *Official Report* of that discussion is available [here](#). The paper from the Clerk which informed the Committee’s discussion is [here](#) (paper 1). The Committee

agreed to give further consideration to the petition including taking evidence from the petitioner.

27. The Committee then agreed, at a later meeting, to timetable the petition in advance of the formal evidence sessions on its *Inquiry into Initial Teacher Education and the Early Phase of Teaching*. This was intended to allow the broader issues raised by the petition to be explored with the petitioner, and also for the session to include a focus on any issues that could inform the inquiry. However, the session, scheduled for 18 March 2020, was cancelled due to the covid-19 pandemic, and the Committee has since paused its inquiry into ITE.

28. For the meeting on 18 March 2020, the petitioner provided a submission in support of her petition. This submission is attached at Annexe C.

29. **The Committee is invited to agree what action to take in regard to this petition.**

### **PE1747: Adequate funding to support children with additional support needs in all Scottish Schools**

30. At its meeting on 26 August 2020, the Public Petitions Committee agreed to refer this petition to the Education and Skills Committee.

31. In its referral memo, the Public Petitions Committee noted:

In doing so [referring the petition], Committee recognises the significant work that the Education and Skills Committee has undertaken regarding additional support for learning. The Committee is aware of the funding challenges for local authorities, which have been exacerbated by Covid-19, and that these challenges may be prohibiting some local authorities from making special school placements, particularly given the presumption to mainstream. The Committee believes that there are questions to be asked about appropriate funding to ensure effective support for children with additional support needs and, given the significant work of the Education and Skills Committee in this area, that it is the correct Committee to be asking them.

### **Terms of the petition**

*Calling on the Scottish Parliament to urge the Scottish Government to provide adequate funding to support children with additional support needs in all Scottish Schools (Primary, Secondary and Special).*

### **Background**

32. The 2019 [SPICe briefing](#) for the petition sets out the background.

“The policy around local authorities meeting children’s Additional Support Needs (“ASN”) is complex and has been subject to longstanding debate. The main legislation setting out local authority duties and parents’ rights in this area is the Education (Additional Support for Learning) (Scotland) Act 2004. In addition, s.15 of the



Standards in Scotland's Schools etc Act 2000 introduced a legal presumption in favour of children being educated in mainstream schools."

33. The Public Petitions Committee first considered this petition on [10 October 2019](#), and agreed to write to the Scottish Government, Education Scotland, COSLA and Enable Scotland.
34. The Public Petitions Committee next considered this petition on [26 August 2020](#), by which point it had received responses from the [Scottish Government](#), [Education Scotland](#) and [COSLA](#) as well as a submission from the [Royal Blind](#). The PPC agreed at that meeting to refer the petition to this Committee as it was "the best place for continued serious consideration".
35. The Committee has upcoming work on additional support needs, as it will be looking at additional support needs as part of its pre-budget scrutiny, and will also be taking evidence from Angela Morgan on the review she led into the implementation of additional support for learning legislation at its meeting next week (18 November).
36. **The Committee is invited to agree how to take forward this petition.**

**Annexe A:****PE01692: Inquiry into the human rights impact of GIRFEC policy and data processing - submission by Alison Preuss**

For health reasons, my co-petitioner Lesley Scott has recently stepped down from her role as Scottish Officer for Tymes Trust. This further submission is therefore made on behalf of the Scottish Home Education Forum with the endorsement of Jane Colby, UK Director of Tymes Trust.

Having only recently had our attention drawn to the Committee's brief discussion at the meeting on 27 November 2019, the Convener's letters to the Deputy First Minister and Local Authorities, and responses from the ICO and Mr Swinney, I trust the following points will be useful for Members in their further consideration of the petition.

**Committee meeting, November 2019**

Contrary to Liz Smith's understanding, this petition is not simply concerned with the 'named person' but with the impact on human rights of the wider GIRFEC policy, which has relied, by design, on the collection and sharing of children's, parents' and associated third parties' personal data with or without their knowledge or consent.

As a *state outcomes-driven* policy - open to wide and subjective interpretation of a nebulous notion of 'wellbeing' that lacks precise legal definition - GIRFEC has, in practice, proved to be antithetical to citizens' *self-defined* rights under the ECHR, which may not be interfered with arbitrarily.

In 2016, the Supreme Court reaffirmed the established threshold for interference with Convention rights, rendering parents' and young people's engagement with GIRFEC - including the named person, child's plan and information sharing aspects - a voluntary, consent-based arrangement in the absence of substantiated risk of significant harm or other legal necessity.

However, owing to the premature implementation of provisions within the 2014 Children and Young People Act that never came into force, children's and families' personal data had already been routinely collected and shared from early 2013 on the basis of flawed ICO advice. This had also resulted in complaints being rejected and becoming time-barred due to the delay in concluding the judicial review.

The petition is therefore as much concerned with the historical abuses facilitated by GIRFEC as with the government's proposed actions to 'put it right' going forward. The fact remains that both confidential data and subjective opinions of children's and families' compliance (or otherwise) with state-approved 'wellbeing' pathways and outcomes have been recorded and shared between myriad agencies with no lawful basis.

Moreover, despite data subject access requests that have revealed non-consensual, unnecessary processing by multiple service providers, it has proved impossible for data subjects to retrieve, amend or comprehensively erase unlawfully obtained and shared information or subjective opinions on perceived risks to 'wellbeing'.

**Letter from the ICO (dated 15 January 2020)**

The ICO once again misses the point of the petition insofar as it calls for a public inquiry into the human rights impact and infringements, *both past and ongoing*, that resulted from the application of an unlawful threshold for interference with Article 8 (i.e. the undefined and imprecise notion of ‘wellbeing’). This stemmed from the ICO’s own advice, procured by the GIRFEC board in March 2013 without legal or parliamentary scrutiny, and quickly became embedded in public policies, including the 2014 national child protection guidance (where it remains).<sup>1</sup>

There has meanwhile been no effort to effect a reversal of the process in order to bring rogue policies into line with the law. The 2013 ‘advice’ should have been immediately disavowed following the 2016 ‘named person’ judgment, and a full policy audit conducted, but it is still cited routinely by practitioners who have received no remedial training since the ICO withdrew it and belatedly underlined the necessity of acting within the law as definitively interpreted by the Supreme Court.

Although Parts 4 and 5 of the 2014 Act never came into force and are set to be repealed, our own research<sup>2</sup> has shown that some public services still appear unaware that they have no statutory basis and that there is no requirement for parents and young people to accept advice or agree to information sharing in the absence of risk of harm (*not* risk to ‘wellbeing’).

The ICO notes in his response to the Committee that GDPR has now come into force, superseding earlier advice, but the problem remains that those whose rights have been infringed since 2013 have been failed by the regulatory bodies charged with upholding them, while direct requests by young people for assistance from the children’s commissioner in exercising their rights have been summarily rejected.<sup>3</sup>

### **Letter from the Deputy First Minister** (dated 20 January 2020)

It is concerning that the Deputy First Minister remains thirled to the belief that the government can impose its own notion of ‘wellbeing’ on the nation’s children and families rather than create the optimum conditions for them to flourish by enabling them to determine their own best interests and manage their own lives.

As Para 89<sup>4</sup> of the ‘named person’ judgment affirmed in relation to actions by public bodies, nothing in Article 3 of the UNCRC (acting in the best interests of children and young people when making choices that affect them) extends the state’s powers to interfere with the negative rights in Article 8 of the ECHR.

In order to be lawful, GIRFEC policy requires to be reset to a voluntary model and, crucially, there can be no adverse consequences for ‘non-engagement’ by families unless a child’s welfare (not ‘wellbeing’) is at risk:

<sup>1</sup> <https://www2.gov.scot/Resource/0045/00450733.pdf> (para 81)

<sup>2</sup> <https://scothomeed.co.uk/taking-local-authorities-to-task>

<sup>3</sup> <https://www.change.org/p/children-and-young-people-s-commissioner-scotland-in-relation-to-named-person-girfec-we-request-you-investigate-breaches-of-children-s-right-uncrc-article-16-interference-in-private-life-and-attacks-on-children-s-reputations>

<sup>4</sup> <https://www.bailii.org/uk/cases/UKSC/2016/51.html#para89>

*An assertion of such compulsion, whether express or implied, and an assessment of non-cooperation as evidence of such a risk could well amount to an interference with the right to respect for family life which would require justification under article 8(2). Given the very wide scope of the concept of “wellbeing” and the SHANARRI factors, this might be difficult. Care should therefore be taken to emphasise the voluntary nature of the advice, information, support and help which are offered [...] and the Guidance should make this clear.<sup>5</sup>*

In the absence of legal necessity, such as child protection, ‘wellbeing’ data (i.e. subjective interpretation of a ‘notably vague’ concept) should only be gathered and shared with fully informed consent. The principle that parents are responsible for determining their children’s best interests until the risk threshold is triggered was further affirmed in the 2017 EV judgment.<sup>6</sup>

Since 2016, there has been no definitive guidance in place for the implementation of the non-statutory GIRFEC policy, leaving parents and children unprotected from over-zealous, poorly informed practitioners, some of whom, as noted above, still appear to be unaware that Parts 4 and 5 of the 2014 Act never came into force, or that the 2013 ICO guidance had to be withdrawn as it was held never to have been a lawful interpretation of previous data protection legislation.

The introduction of GDPR in 2018 and withdrawal of the Information Sharing Bill in September 2019 (after efforts to circumvent the 2016 judgment had proved fruitless) did nothing to curb the ongoing fear felt by families or the uncertainty of practitioners. The lack of definitive guidance and failure to amend unlawful policies has permitted poor practice to continue with no redress for victims whose rights have remained unprotected by data controllers or the regulatory bodies charged with upholding them. The DFM’s intention to produce refreshed guidance and support for data controllers is not reassuring to families who have never been consulted as promised, and many remain subject to unwarranted interference. Those who have proactively questioned data processing activities that contravene the court ruling and GDPR principles have been disappointed with facile responses to detailed arguments or outright denial of the limitations that apply to policies, including GIRFEC, that engage Article 8.

The government’s ‘suite of products’, and indeed all public policies, will have to comply with overarching data protection and human rights laws, including the UNCRC when it is incorporated. They may also be subject to further legal challenge if deemed incompatible with the court’s reaffirmation of the intervention threshold (which is not ‘wellbeing’, however and by whomever it is interpreted).

Parents already have concerns about practitioners’ ongoing misunderstanding of the correct threshold for non-consensual interference and the near-universal failure to provide prior notification that is sufficiently specific to enable data subjects to withhold personal information they do not wish to be disclosed, whether it relates to themselves or third parties whose consent has not been obtained.

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<sup>5</sup> <https://www.bailii.org/uk/cases/UKSC/2016/51.html#para95>

<sup>6</sup> <https://www.supremecourt.uk/cases/docs/uksc-2016-0220-judgment.pdf>

Again, Mr Swinney provides no explanation as to how and why the Scottish Government got it wrong for every child and family whose personal data was mishandled from 2013 onwards due to reliance on flawed ICO advice procured by the GIRFEC board that lacked sufficient safeguards to protect children and families.

### **Letter to Local Authorities**

It would be helpful to have sight of any responses to the Convener's letter to Local Authorities in order to offer further comment, especially in the light of our research just published<sup>7</sup> on LAs' data processing policies and practice, which found evidence of unlawful information sharing, including prohibited data fishing expeditions, in contravention of GDPR and Article 8. Recent data subject access requests have revealed catalogues of unlawfully obtained information, factual inaccuracies and a culture of secrecy and contempt for parents who object to infringements of their own and their children's rights.

### **Ongoing concerns**

Since our last submission to the Committee, the Scottish Home Education Forum has published its 'Home Truths' report<sup>8</sup> which highlighted serious failings directly attributable to implementation of GIRFEC policy that had resulted in less favourable treatment by public services of members of a minority group. Specific concerns over councils' data processing activities led to the further research referenced above.

Parents' longstanding concerns over data misuse have never been properly addressed and they are increasingly frustrated by routine flouting of the law by service providers, as revealed by FOI responses and subject access requests. Some still appear not to realise that Parts 4 & 5 of the 2014 Act never came into force and are to be repealed, nor that the discredited ICO advice from 2013 (still referenced in public policies) had to be withdrawn in 2016.

Given such ignorance of the law, families are left wondering what hope there is for UNCRC incorporation when the self-defined, rights-based, immovable object that is the Convention is faced with the state outcomes-driven, irresistible force that is GIRFEC.

On behalf of children and parents who have suffered detriment, the petitioners would reiterate the need for a public inquiry into the human rights impact of GIRFEC as implemented since its inception, and in particular from 2013 onwards.

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<sup>7</sup> <https://scothomeed.co.uk/taking-local-authorities-to-task>

<sup>8</sup> <https://scothomeed.co.uk/home-truths-home-education-research>

**Annexe B****PE1548 National Guidance on the use of Restraint & Seclusion in Schools – submission from Beth Morrison**

With reference to the above petition, now overseen by the Education & Skills committee, I can confirm that I have joined the Scottish Government SLWG to inform the writing of the new Guidance.

I asked for the membership of the group to increase to include certain organisations which I felt needed to be represented in order to provide much needed expertise in areas complimentary to that of the other members. I am happy to report that this was done, and we had a couple of meetings in person pre-COVID-19 and have had a few telephone meetings since then.

We are still working on a draft of the guidance, and so far, this is going as I had expected and there has been much written around the rights of children and young people

Several significant concerns remain. The first being that the contribution of union representatives focuses *entirely* on the rights of staff, often without any relevant experience of children with ASN and how those children use behaviour as communication. As someone who has a large number of teachers and former teachers in my extended family I recognise and respect the need to consider staff rights, but I find myself constantly requiring to remind too many on the group that the key focus of the SLWG is around the wellbeing of vulnerable children and that this must remain at the heart of everything we do. The reason I wanted to expand the membership of the group was to make sure this doesn't happen, and I worry that their voices are being lost whilst the focus remains on "staff safety" rather than children's wellbeing.

I also continue to have serious concerns that the output of the SLWG will only be "guidance" and will not be statutory. To be frank, if the output is not statutory, the content will have little effect, especially in the many parts of the country where the current non-statutory guidance is routinely ignored. We must make sure that children's rights are protected in law. I know that the UNCRC is going to be incorporated into domestic law, but we need to make sure that going forward, this piece of guidance is not just another set of words on paper that will not be heeded by education staff, though the main cause of non-compliance in my experience lies in education leadership and teacher representation rather than at the grass roots level itself. Teachers have been, and continue to be, let down by those who are supposed look after their interests and wellbeing by their failure to grasp the benefits that robust guidance could bring to them. The fact that those leading and representing teachers seem unwilling to hear or believe that there are benefits that accrue to teachers from statutory guidance, or indeed to even engage in discussions about how adherence to guidance might help them, is a major source of concern. They simply make assumptions that any such output is designed to penalise staff, which it is not. Any training for good practice and adherence to the guidance could be funded by diverting monies from restraint training which councils currently pay for and which is much more expensive than preventive training, thereby producing budget savings rather than increased costs. It should also increase staff retention and reduce absenteeism.

I continue to be optimistic that the new guidance (once finished) will be more robust than what we had within IEI2. However, without the guidance being statutory, my fear is that nothing will actually change the experience of the children.

## Annexe C: Submission from Anne Glennie in support of PE1668

Over five years ago, I wrote to my MSP Alasdair Allan and the GTCS to express my concern about teachers' knowledge of beginning reading instruction. Three years ago, I started a petition urging the Scottish Government to i) provide national guidance, support, and professional learning for teachers in research-informed reading instruction, specifically systematic synthetic phonics; ii) ensure teacher training institutions train new teachers in research-informed reading instruction, specifically systematic synthetic phonics.

**The petition has considerable international support from experts, researchers, and academics working specifically in the field of reading instruction.**

Examples are included at the end of this document.

A successful literacy strategy should take place within a '*rich literacy environment*' and include all 'Five Pillars of Literacy': ***phonemic awareness, phonics, vocabulary, fluency and comprehension*** – as well as reading for pleasure. While '*phonics is only one part of learning to read*' – the problem we currently have in Scotland is that teachers are not equipped with the required knowledge to deliver all five elements effectively. Crucially, the one that is lacking is phonics – hence the focus on this aspect. We know from our own surveys (***Review of the Scottish Government Literacy Hub Approach***<sup>1</sup>, 2014 and ***Gathering views on probationer teachers' readiness to teach***<sup>2</sup>, 2017) and indeed from the Education and Skills Committee's own work, that there are serious gaps in teachers' literacy knowledge and specifically beginning reading instruction. In some universities, this is actively withheld, with outdated, ineffective methodologies still being promoted.

A child learns to read once in their life – **we now have robust evidence through scientific enquiry that means we know exactly what to do to ensure that we get this right for every child. All children, including those with reading difficulties and dyslexia, should be taught using the most up-to-date scientifically proven methodologies – failure to do so amounts to professional negligence.**

This issue affects everyone involved with Scottish education. Given the wide-ranging impact, the committee may wish to look to other English-speaking countries to see how they have addressed these issues, such as full-scale reviews, task forces, legislation, and incorporation into teaching standards. Here are some suggested, initial (and in no way exhaustive) courses of action:

- ITE institutions include research-informed approaches to reading as part of literacy education, specifically on systematic synthetic phonics teaching, its key features, and what leading edge practice looks like in the classroom. Students should be equipped with enough knowledge to enable them to teach a phonics lesson and to evaluate any literacy/phonics programme, reading resource, or intervention to determine if they meet the criteria for systematic synthetic phonics.

- A short, downloadable document could be disseminated by Education Scotland to all schools and teachers. This would provide clear guidance on systematic synthetic phonics instruction, outlining key features of best practice, and signposting to current research, phonic programmes, interventions, resources, and sources of training that align with the evidence base.
- New, specific Experiences and Outcomes and/or Benchmarks could be issued to provide much needed clarity around the key principles of systematic synthetic phonics that focus on students explicitly learning the key principles underpinning SSP e.g. knowledge of the alphabetic code (sounds and letters), blending for reading (decoding), segmenting for spelling (encoding) and writing.
- The Scottish government could introduce **a simple, optional, free, light-touch phonic check** (including word and nonword reading) at the end of Primary One (or midway through Primary Two.) **The main purpose of this check would be to act as a screener to identify children with dyslexia/literacy difficulties at the earliest opportunity** and to provide intervention where appropriate. (Additionally, the check could provide robust, trackable data for schools – and would indicate the effectiveness of their chosen reading/phonics/literacy programme.)
- Any organisation that advises schools, teachers, and parents on literacy matters, difficulties and/or dyslexia, such as Dyslexia Scotland, should **ensure that all advice and resources are evidence-based and research-informed.** All school inspectors should be aware of the evidence base for systematic synthetic phonics and what best practice looks like in the classroom.
- **Regardless of where they live or the school they go to, any child being diagnosed with dyslexia or dyslexic type difficulties should have immediate and urgent evidence-based intervention in the form of high quality systematic synthetic phonics.**

Our teachers, and our children, are being left behind. This is a matter of national (and international) concern. Although there are hundreds of studies supporting the place of phonics in reading instruction, ironically, the very first piece of longitudinal research to confirm that synthetic phonics was the most effective when teaching reading and spelling, came from Clackmannanshire<sup>3</sup> in 2005. This internationally renowned study was a catalyst for other countries to investigate their own reading practices. Following the Rose Review<sup>4</sup> (***Independent Review of the Teaching of Early Reading, 2006***), and given the weight and clarity of evidence, **systematic synthetic phonics was mandated in 2014 as the sole method for beginning reading instruction in England**; it is also mentioned in their teacher standards (equivalent to our GTCS standards), therefore ITE universities are required to teach it. Clear guidance is given to schools through Ofsted's new Education Inspection Framework<sup>5</sup> (EIF) introduced in 2019, and every inspection now includes a mandatory 'deep dive' analysis of the



school's approach to early reading, with every inspector being trained on the evidence and hallmarks of effective practice. Indeed, there are **many schools in England who have already shown that they can close the poverty gap and the gender gap through research-informed reading instruction – even when the majority of their intake is disadvantaged, and/or where their children have English as a second language.**

Last year, the Australian Government announced that they are setting up a task force to **'provide expert advice on incorporating phonics into the national accreditation standards for initial teacher education'** along with the introduction of a 'free, voluntary phonics health check for Year 1 (Primary 2) students so parents and teachers can better understand a child's reading level and what support they may need' <sup>6</sup>. They also plan to **'increase the time allocated to literacy in ITE courses'** and make **'the teaching of phonics and reading instruction mandatory for initial teacher education (ITE) courses.'** <sup>7</sup>

**We have no comparable official national guidance or practice to support schools or teachers in Scotland.** Even in Clackmannanshire, schools are now following out of date whole-language practices for reading. In addition, despite repeated requests, ITE institutions have failed to engage or respond to questions from the Petitions Committee regarding this matter.

**Most literacy programmes (particularly council in-house authored programmes) and interventions being used with dyslexic or struggling readers in Scotland today, do not meet they key criteria of systematic synthetic phonics. Scottish teachers' knowledge is so weak in this area, they are unable to evaluate the content or suitability of programmes or interventions, much less provide appropriate, timely and tailored teaching and support.**

I am now aware of a Scottish case where a parent is taking their local authority to a tribunal, claiming they have broken the Equality Act 2010, by failing to teach their dyslexic son how to read as their literacy instruction and interventions did not include systematic synthetic phonics, the only suitable teaching method for a child with dyslexia. Three international experts, two dyslexia experts and a literacy expert, support this claim. All three experts agreed that the child required systematic synthetic phonics when starting his education, but he did not receive it. The authority was using a well-known literacy programme from another authority, widely used across Scotland. The literacy expert has provided evidence that their literacy programme is based on an old discredited model for teaching literacy and does not contain systematic synthetic phonics.

While this case relates to one family's experience, should the parent win this case, the ramifications and repercussions for other dyslexic children, struggling readers, schools, teachers, and authorities will be enormous.

Scottish education has **systemic deficiencies** in how children are taught to read; solutions must be system-wide – not merely an optional extra for individual schools. By providing teachers with access to the research and scientifically proven methods for teaching reading, there is the potential to close gaps, teach dyslexic children to

read and spell, improve our literacy rates and outcomes, and increase access to the curriculum for all. **Choosing instructional approaches that are evidence-based and effective is the single greatest thing that can be done for all children in Scotland and their education.**

I implore the committee to seek out and listen to leading experts and reading researchers, such as Dr Sarah McGeown, Professor Kathy Rastle, and those listed below, and take urgent action on this long overdue matter.

cc public domain

### **Examples of key supporters (not exhaustive):**

Dr Steven Dykstra (USA)

Dr Kerry Hempenstall, Senior Industry Fellow, School of Education, RMIT University (Australia)

Debbie Hepplewhite, MBE, FRSA (UK)

Dr Sarah McGeown, Moray House School of Education, Edinburgh University (UK)

Professor Kathy Rastle (UK)

Sir Jim Rose, CBE, FRSA - Doctor of Laws - Formerly Her Majesty's Inspector and Director of Inspection for the Office for Standards in Education (OFSTED) (England)

Dr Linda Siegel (Canada)

Professor Pamela Snow, PhD, FSPA, MAPS (Australia)

Distinguished Professor Emeritus William E. Tunmer, PhD, Massey University (New Zealand)

Emeritus Professor Kevin Wheldall AM (Australia)

### **References:**

1. *Review of the Scottish Government Literacy Hub Approach* (Christie, Robertson & Stodter, 2014)  
<http://www.scotland.gov.uk/resource/0044/00449063.pdf>
2. *Gathering views on probationer teachers' readiness to teach* (Scottish Government, 2017)  
<http://www.gov.scot/Publications/2017/12/2065/8>
3. THE EFFECTS OF SYNTHETIC PHONICS TEACHING ON READING AND SPELLING ATTAINMENT A SEVEN YEAR LONGITUDINAL STUDY (Johnston and Watson, 2005) <https://dera.ioe.ac.uk/14793/1/0023582.pdf>
4. School Inspection Handbook, Early Reading, paragraph 298 (Ofsted, 2019)  
<https://www.gov.uk/government/publications/school-inspection-handbook-eif>
5. Independent Review of the Teaching of Early Reading (Final Report, Rose, 2006) <https://dera.ioe.ac.uk/5551/2/report.pdf>
6. <https://ministers.education.gov.au/tehan/bringing-phonics-australian-schools> (Dan Tehan MP, Minister for Education, October 2019)
7. <https://ministers.education.gov.au/tehan/getting-results-australian-students> (Dan Tehan MP, Minister for Education, December 2019)

**Annexe D: Options available to Committees considering petitions**

Once a petition has been referred to a subject Committee it is for the Committee to decide how, or if, it wishes to take the petition forward. Among options open to the Committee are to:

- Keep the petition open and write to the Scottish Government or other stakeholders seeking their views on what the petition is calling for, or views on further information to have emerged over the course of considering the petition;
- Keep the petition open and take oral evidence from the petitioner, from relevant stakeholders or from the Scottish Government;
- Keep the petition open and await the outcome of a specific piece of work, such as a consultation or piece of legislation before deciding what to do next;
- Close the petition on the grounds that the Scottish Government has made its position clear, or that the Scottish Government has made some or all of the changes requested by the petition, or that the Committee, after due consideration, has decided it does not support the petition;
- Close the petition on the grounds that a current consultation, call for evidence or inquiry gives the petitioner the opportunity to contribute to the policy process.

When closing a petition, the Committee should write to the petitioner notifying the decision and setting out its grounds for closure. Closing a petition does not preclude the Committee taking forward matters relevant or partly relevant to the petition in another way.

## Education and Skills Committee

26<sup>th</sup> Meeting, 2020 (Session 5), Wednesday 11<sup>th</sup> November 2020

### Subordinate Legislation

#### Introduction

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

[The Glasgow School of Art Order of Council 2020 - SSI 2020/303](#)

#### 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

*The purpose of this instrument is to revoke and replace the 1996 Order to ensure it complies with the requirements of the Higher Education Governance (Scotland) Act 2016 ("the 2016 Act"). Chapter 1 of Part 1 of the 2016 Act makes provision in relation to the governing body of a higher education institution. It makes provision for the membership of each governing body to include a senior lay member (or "Chair") with responsibility for the leadership and effectiveness of the governing body (section 1). The senior lay member is to be appointed following an appointment process which includes election by the staff and students of the institution (sections 3 to 8). Chapter 1 of Part 1 of the 2016 Act (sections 10 to 14) makes provision for the membership of the governing body. Chapter 2 of Part 1 of the 2016 Act (sections 15 to 17) makes provision in relation to the composition of the academic board.*

*Section 10 of the 2016 Act provides that the governing body of a higher education institution is to be composed of: the senior lay member; two persons elected by the staff; two persons nominated by a trade union with a connection to the institution (one from the academic staff and one from the support staff); two student members nominated by the students' association of the institution; and such other persons appointed by virtue of an enactment or in accordance with the governing document of the institution. Sections 11 and 12 provide that the election and nomination process for the staff, student and trade union members is to be conducted in accordance with rules made by the governing body of the institution.*

*Section 15 of the 2016 Act provides that the Academic Board is to be composed of: the principal (referred to by the School as the Director); the heads of school; persons elected by the staff of the institution who are to make up more than 50% of the total membership; persons elected by the students of the institution who are to make up at*

*least 10% of the total membership; and such others as are appointed by virtue of an enactment or in accordance with the institution's governing document or decision of the governing body. Section 16 provides that the election of staff and student members is to be conducted in accordance with rules made by the governing body of the institution.*

### **Consultation**

4. The Scottish Government consulted the Privy Council Office, the School and the Scottish Further and Higher Education Funding Council during the preparation of this instrument.

### **Impact**

5. A Regulatory Impact Assessment has not been prepared as this instrument has no financial effects on the Scottish Government, local government or on business.

### **Delegated Powers and Law Reform Committee**

6. The Delegated Powers and Law Reform Committee reported on the instrument on 28 October 2020 and made no comment.

### **Timescales for this Committee**

7. Should the Committee wish to report on this instrument, the deadline to do so is 23 November 2020.

### **Action**

8. The Committee is invited to consider this instrument.

## **Education and Skills Committee 2020 & 2021 exam diet 11 November 2020**

### **INTRODUCTION**

Following the release of results on 4 August and subsequent controversy and change in approach, the Scottish Government commissioned Professor Mark Priestley and his colleagues to undertake a Rapid Review of National Qualifications experience 2020 (“the review”). The Scottish Government [published the report of the Review on 7 October](#). The recommendations and the Scottish Government’s response are included in Annexe A of this paper. The remit of the review is included in Annexe B.

The Committee has agreed to take evidence from Professor Priestley and Dr Marina Shapira. This will be followed by evidence from the Cabinet Secretary for Education and Skills on this topic.

Members have the full report of the Review in their briefing packs, which includes an executive summary as well as summaries and rationales for the recommendations. This paper provides a brief overview of the structure of the report and key findings; highlights the Scottish Government’s response; and summarises the SQA’s recent guidance for the 2021 diet.

The Review report highlighted the performance and culture of the SQA within the Scottish education system and while this is not the main focus of the Review, these comments link to previous work of the Committee in this area.

Suggested lines of inquiry are not split between panels. It is expected that Members are likely to reflect discussions with the first panel in their questions to the Cabinet Secretary.

### **SUMMARY OF THE REVIEW**

The focus of the Rapid Review of National Qualifications experience 2020 (“the Review”) was on the “events following the cancellation of the 2020 examination diet”.

The Review stressed the difficulties created by the unplanned cancellation of the exam diet due to the coronavirus. The Review said the “SQA and the Government were faced with an impossible situation” and that—

“Respondents generally recognised the professionalism, hard work and dedication brought to the task by SQA, in the face of formidable issues to resolve in a pressured and rapidly emerging context over a limited timescale.” (p10)

The Review reported that it found little criticism of the three principles, the SQA identified underpinning its process. These were

- fairness to all learners;

- safe and secure certification of qualifications, while following the latest public health advice;
- maintaining the integrity and credibility of the qualifications system, ensuring that standards are maintained over time, in the interest of learners.

The Review made findings across seven key themes—

- Estimation and local moderation
- National Moderation
- Appeals
- Equalities issues
- Communication
- Impact on young people and their families
- Impact on teachers and lecturers

For each of the first five bullets (i.e. not the final two), the Review identifies perceived strengths and weaknesses as well as providing an overall assessment.

The Review also has a section entitled “Discussion” which draws together the Review’s observations (see page 41- 44). In addition, the Review provides a rationale for each of its recommendations (see page 45-48).

### **Estimation and local moderation**

There was variation in the generation of estimates which “impacted on the reliability of assessment at this stage”. The review noted the strengths in estimation included the production of clear guidance from the SQA (with some caveats), the dedication of teachers and lecturers in undertaking the task, and “some excellent practice in some local authorities”. The Review noted that there were difficulties in accessing evidence, such as coursework, and suggested that there was variation in moderation and in the quality of estimation. Some of the very interesting insights of the report are how the SQA the review reported that –

“Significant patterns of divergence – between estimation in 2020 and historical patterns of attainment – should have come as no surprise, and yet we were told by SQA that, until the teachers’ estimates were analysed after submission on 29 May, there were ‘hopes’ that teachers’ estimates might be close to historical grades and therefore no (extensive) moderation would be needed.” (p14)

Fiona Robertson told the Committee on [12 August](#)—

“At a national level, the estimates that we received were above previous A to C attainment at national 5, higher and advanced higher. Attainment rates of course vary between subjects and over time, but estimated A to C attainment rates were 10.4 percentage points higher at national 5, 14 percentage points higher at higher and 13.4 percentage points higher at advanced higher, compared with results from

the previous year. The level of estimation at grade A contributed most to those higher A to C estimated grades, particularly at higher and advanced higher.” (Cols 4-5)

### **Members may wish to explore—**

- **Given the situation in March and April, could the SQA have supported teachers and lecturers better in making estimates.**
- **For the diet in 2021 what does the SQA, local authorities, schools and teachers need to put in place to ensure that the certification is both reliable and valid.<sup>1</sup>**
- **Whether it was inevitable that estimates would produce grades higher than would have been expected had exams gone ahead.**

### **National Moderation**

The Review stated that the method of statistical moderation “could have been more transparent earlier in the process”.(p12) The Review indicated that “the accuracy of the estimates could have been problematic” and “some form of moderation of estimates was therefore necessary.” (p19) The Review noted that there was an expectation that some form of qualitative work (ie discussion) would be undertaken either with schools or colleges themselves or with local authorities where the statistical model highlighted anomalies; the review considered that this sort of work could have been done. (p18) The review reported that the scale of the divergence of results from previous years led to qualitative approaches being abandoned prior to certification by the SQA. The post certification review process was intended to provide a remedy at the level of the individual. (p21)

The Review discussed equity issues in relation to the approach to moderation and identified two reasons why results from schools with higher levels of disadvantage may have been more likely to be moderated downwards. The review [referred to a paper on differences between predicted UCAS grades and A level results](#). The two reasons were—

- Higher performers in lower performing schools would be “outwith the aggregate level historic performance”.
- Lower attaining pupils are harder to predict and more likely to be over-estimated.

The Review made a number of criticisms of the method of statistical analysis and moderation of the SQA. (p 23-28). The Review identified a number of problems:

- That high performing pupils in low achieving schools or low performing pupils in high performing schools may have been moderated incorrectly
- That data from local authorities indicated that some schools were moderated to below historic averages;
- That the parameters of the model allowed for large movements in moderation of individual grades, albeit unlikely;

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<sup>1</sup> Reliability in this context is how consistent the assessment is; validity is how well the assessment measures the what it is intended to measure.



- Moderation of small cohorts where variability would be expected to be potentially high year on year; and
- Concern about the potential size of the waterfall effect where moderating higher grades downward had significant effects on those estimated lower grades.

The Review made a number of recommendations on how the moderation of teacher estimates should be undertaken in the future. It also recommended that the Scottish Government commission “independent research into the development and application of the 2020 [Alternative Certification Model], involving full access to anonymised attainment data and the statistical algorithms used to moderate grades.” (Recommendation 8)

Ms Robertson [told the Committee on 12 August](#) that—

“Nearly 75 per cent of estimates were accepted, and 99 per cent of entries were awarded at or within one grade of the estimates.” (Col 6)

**Members may wish to explore—**

- **How important to moderation of estimates is qualitative work, exploring the reasons for seemingly anomalous results. To what degree could the SQA take a different approach?**
- **Whether seeking to ensure that national results were in line with previous years was compatible with seeking to be fair individual candidates.**
- **How the system used by the SQA affected schools with pupils with different economic profiles differently.**

## Appeals

The Post Certification Review [appeals] process was intended to provide the qualitative aspect of the process whereby individuals whose grades had been downgraded could, with their school or college, provide evidence to the SQA in support of an appeal. Ms Robertson stated that this “was a very important stage” of the process.<sup>2</sup> However, these results were not badged as provisional and the Review noted that “PCR was perceived widely as an appeals process, rather than an integral part of the awarding process” (p28). The Review argued that “clearer messaging about the role of the appeals system, and discussion prior to results day ... would have helped mitigate the subsequent political furore”. (P29)

The Review reported some dissatisfaction of the appeals system that was put in place after the moderation downward was rescinded. The [grounds for an appeal](#) are restricted to administrative errors or where the centre considers a “candidate’s estimate was affected by discrimination or other conduct by the centre that is unacceptable under the Equality Act 2010”. In other words, if there has been no error, the centre would need to agree that there had been discrimination, rather than an error of judgement or new evidence. The Review also discussed the usual process whereby it is the school or college that would seek an appeal, rather than the candidate themselves being able to do so; the review

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<sup>2</sup> [OR 12 August 2020](#) Col 5

concluded that “the time has come to review the rights and role of young people in the examinations appeals process”.

### **Members may wish to explore—**

- **To what degree would the Post Certification Review system have corrected anomalous changes caused by the SQA’s moderation process.**
- **What could the SQA have done to better explain the importance of the Post Certification Review system to whole process.**
- **Under what circumstances would centres wish to adjust their own estimates under the appeals process following the decision to rescind the SQA’s downward moderation of grades.**

### **Equalities issues**

In terms of equality, noted that the SQA does not currently collect equality data for candidates, other than gender. This makes it difficult to have a differentiated view on the impact on individuals with various protected characteristics. The SQA produced an EQIA and “there was a clear focus on bias in assessment and well-received training on unconscious bias”. However, the review noted that the EQIA and CRIA were produced late in the process and argued that EQIAs should play a greater role in the SQA’s processes, including “the design and implementation of awarding systems”. (p31)

The Review quoted the Equality and Human Rights Commission which said—

“Their effectiveness in meeting their duties was hampered by a lack of embedded structures and practice, which would have allowed them to fully consider equality in the development of the ACM. They were constrained in what they could do not only because of the very tight timescales they were working to but because:

- There was limited existing knowledge and expertise in meeting the PSED, which meant awareness of equality and an understanding of their statutory equality duties were not built into their decision-making structures;
- ...
- There was no systematic process to ensure such equality evidence and data was used to inform decision-making.” (p33)

### **The Committee may wish to explore—**

- How has the SQA learnt from this situation in terms of embedding equalities considerations into its processes?

### **Communication and transparency**

The Review explored the guidance and advice to teachers and young people. The Review identified strengths in the communication and guidance from the SQA, but found evidence of room for improvement. (p 35)

The Review also identified that young people and their families expressed some dissatisfaction with communications from different actors in the education system. The Review stated—

“Young people experienced SQA and school communications as ambiguous, unclear and inconsistent. Many young people and their families saw shortcomings in communication from schools and local authorities.” (p35)

The Review noted that the SQA is developing its work with young people. (p37)

In terms of the broader issues of being transparent and collaborative, the Review stated—

“Many respondents see SQA as lacking in transparency, and resistant to working with stakeholders in a genuinely collaborative manner.” (p35)

The SQA told the Review that it was concerned that being more “overt about the profile of estimates versus historical distributions” prior to results day could have “unsettled teachers and young people”. The Review expressed some sympathy with this position, but stated—

“Nevertheless, we are of the view that it would have been constructive, for the reasons already outlined in this report, to have published relevant information about the methodology and its impact on estimates as soon as the estimates had been submitted by schools. The fact that this was not done has contributed to a widespread view – expressed repeatedly by respondents in our panel interviews – that SQA lacks transparency and does not trust in expertise that resides outside of the organisation. We reiterate the point that effective communication is effective insofar as it is experienced as such by its recipients; the fact that so many stakeholders experienced it otherwise should send a clear message to SQA.” (p36)

The Review made two recommendations in relation to communication and collaboration.

**The Committee may wish to explore—**

- **The SQA employs<sup>3</sup> many teachers to support its processes of developing and certificating qualifications. How do the findings of the review in terms of communication and transparency in respect to the SQA’s relationship with teachers reflect this?**
- **The SQA sits on several boards at a national level with representatives of , for example, local government and the teaching profession (e.g. the [Scottish Education Council](#)). How do the findings of the review reflect this?**
- **To what degree is the SQA able to change its processes to include expertise from outside of the organisation?**

## **Discussion**

The Discussion section of the Review’s report contains commentary about some of the issues above. It also included criticism of the SQA’s plans to remove coursework from courses. The review argued that that this could diminish the evidence base should

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<sup>3</sup> SQA terms these workers as “appointees”.

estimations become necessary again, could narrow the content in the courses, and may impact negatively on attainment.

In terms of the broad approach of the Review stated, “one of the core issues emerging from this review is the apparent focus on the primacy of preserving previous years’ distributions.” The Review reported that there was a concern of many it spoke to that consistency over time (ie the third of the SQA’s three principles noted above) overrode the other two principals, including “fairness to all learners”. On 12 August, Ms Robertson told the Committee—

“The SQA delivered on the Scottish Government’s initial request, and we believe that we moderated grades judiciously to maintain standards over time and ensure the credibility of qualifications for the benefit of learners.” (col 7)

The Review noted that some respondents had argued that the higher than usual grades in 2020 may be due to the estimation being a more valid approach than exams. The Review did not wholly concur with this view; it said—

“Exams have their place in any qualifications system, as a valid method of assessment, albeit (as is the case with other methods) with particular strengths and weaknesses. We do, however, advocate a mature debate about the future of qualifications that involves enhancing assessment literacy amongst education professionals, as well as challenging stereotypical attitudes amongst the wider population about what constitutes valid assessment. This debate needs to be balanced against the literature that points to the potential unreliability of teacher assessment and variable levels of assessment literacy amongst teachers, particularly in highly performative cultures that can encourage grade inflation.” (p44)

The Review noted that the Building Our Curriculum Self Help Group had made “a set of radical proposals – including suspending exams for N5 to allow more space for the arguably more important Higher exams diet”. The review said that this suggestion had widespread support and should be considered. (p44)

#### **The Committee may wish to explore—**

- **What is the reason for removing coursework for the current year and what effects this may have?**
- **To what degree the SQA was directed or influenced by the Scottish Government during the development of the alternative certification.**
- **Have the events in 2020 highlighted structural strengths or weaknesses of the SQA and the governance systems around exams and qualifications in Scotland.**
- **How have the events of 2020 and the diet in 2021 affected people’s views of exams and qualifications in Scotland.**

#### **SCOTTISH GOVERNMENT RESPONSE**

All of the recommendations and the Scottish Government’s response are included in Annexe A of this paper. The Review included a subsection that set out the rationale for the

recommendations, which is helpful if one wishes to see the intention behind the recommendations.

The Scottish Government accepted all but one of the recommendations of the Review, and as noted above, the recommendation on an independent review into the SQA's moderation would be considered "as a future project as part of our research strategy in education".

The key recommendations of the Review were in relation to the 2021 Diet.

The Review recommended that National 5 exams not take place and provided three rationales for this:

- National 5 is not an exit qualification for most (c75%)
- National 5 contains large numbers of candidates and therefore provides time and space for Highers and Advanced Highers
- Cancelling would create greater teaching time for pupils whose learning has been disrupted

The Scottish Government stated that "the Deputy First Minister and has asked Scotland's Chief Examining Officer to develop an alternative approach to awarding National 5 qualifications that is based on exam centre estimates, based on teacher/lecturer judgements and supported by assessment resources and quality assurance at national and local level."

The second recommendation called for the "development of a nationally recognised, fully transparent and proportionate system for moderation of centre-based assessment". The review set out what this should include—

- clear identification and validation of evidence sources, along with development of protocols for their use (including protocols for using historical data showing both individual prior attainment and cohort variance);
- proportional internal verification procedures (e.g. sampling of decisions and underpinning evidence);
- nationally agreed external verification procedures, based on sampling of decisions and underpinning evidence; and
- statistical moderation to identify variance from trends, accompanied by further qualitative verification (with clear messaging that this will focus on candidates not the system).

The review also stated that the process should seek to improve capacity across all local authorities and be "owned" by teachers. The Review stated—

"Effective professional education to enhance assessment literacy is essential, and should be developed by SQA working with local authorities and the Regional Improvement Collaboratives as a matter of priority."

Members will recall the term 'assessment literacy' from its report on the SNSAs in 2019. Broadly speaking it is the capacity to develop appropriate assessments and to interpret and use the results of those assessments.

The Review tied this recommendation to the cancellation of National 5 exams. However, clearly these skills would be useful for other qualifications which don't require an exam or should Highers and Advanced Highers exams not go ahead. In a letter to the [Committee in September, the SQA said](#) that it was working on contingencies in the following scenarios—

- “Full national lockdown – this would necessitate an alternative model of certification.
- Local lockdowns impacting on schools and colleges – happening at a range of different times throughout the academic year and throughout the country requiring SQA to offer and agree extensions to coursework deadlines or alternative certification arrangements.
- Individual learner issues leading to disruption up to or on the day of an exam – for such learners, alternative evidence is provided by their school or college and grades are awarded through SQA's established exceptional circumstances consideration service in time for results day in August.”

The Scottish Government has asked the SQA to take forward work on moderation. This includes guidance and working with Education Scotland and local authorities (and the Regional Improvement Collaboratives which are partnerships between local authorities and Education Scotland) to develop a support plan and resources.

Recommendation 6 called for a “clear communications strategy, co-constructed with stakeholders, to ensure that the extraordinary arrangements for 2021 are as fully as possible understood by all parties.” The Scottish Government accepted this recommendation and said “the Scottish Government will work with the SQA to communicate this effectively to the public and the education system.”.

Recommendations 3-5 taken together address the way the SQA works more broadly. These are in relation to collaboration, embedding equalities and working with young people respectively. The Scottish Government accepted these recommendations and extended the remit of current OECD review of the Curriculum for Excellence “in order that it can look more explicitly at assessment and qualifications issues, including assessment practices, drawing on best practice globally.” It also committed to working alongside the SQA with Children and Young People's Commissioner and the Equalities and Human Rights Commission to “further embed best practice in order to best realise principles of equity and equality”.

The Review's rationale underpinning these three recommendations, particularly Recommendation 3, are critical of how the SQA works. The Review said—

“We have seen evidence that normal protocols and ways of working, including a perceived tendency for SQA to eschew external involvement in its technical processes, have actively hindered actions which might have mitigated the problems experienced this year.” (p46)

Recommendation 7 is largely in relation to the appeals system where young people themselves are unable to instigate an appeal. The Review highlighted [Article 12 of the UNCRC](#) which is the right to be heard, particularly “in any judicial and administrative proceedings affecting the child”. The Scottish Government stated, “We will ask the SQA to review the appeals system for National Qualifications, working closely with education partners, including young people, to ensure it best meets the needs of young people in line with the principles of the UNCRC.” While the recommendation was focused on the

appeals process, in the rationale for the recommendation, the Review endorsed the view of the CYPSC who told the review—

“Similar failings must be avoided in the future through transparent and pro-active consideration of children’s human rights at all stages of SQA and Scottish Government decision-making in future models for assessment and certification of young people’s achievements.”

Recommendation 8 has been mentioned previously. It is the recommendation that asked for the “commissioning of independent research into the development and application of the 2020 ACM” which has not immediately been accepted by the Scottish Government. The Review stated that “This will enable fuller understanding of the issues relating to the use of statistical approaches to moderation (strengths and limitations), avoiding problems in future cohorts, and especially its impacts on the cohort of 2020.” (p48)

The final recommendation called for the “development by SQA and partners of digital materials and systems for producing, assessing and moderating assessment evidence, to ensure that operational processes for gathering candidate evidence for appeals is less reliant on paper-based systems.” The Scottish Government accepted this recommendation and said—

“SQA will continue its work, funded by the Scottish Government, on developing digitising assessment evidence in close consultation with centres. Progress has already been made in this area in the form of digital marking.”

The SQA does not appear to have responded formally to the Review’s findings and recommendations.

#### **The Committee may wish to explore—**

- **To what degree did the review expect the Scottish Government to respond to the rationale given for its recommendations.**
- **Will the SQA respond formally to the findings of the Review.**
- **What aspects of the Review, that were not explicitly within the recommendations, would Professor Priestley or Dr Shapira wish to particularly highlight to the Scottish Government or the SQA.**

#### **SQA GUIDANCE FOR 2021**

The SQA undertook a short “technical consultation” on the proposed modifications to National 5, Higher and Advanced Higher course assessments for session 2020–21 prior to the Priestley Review reporting.

The SQA consulted on three principles for the 2021 diet. These were—

- the delivery and assessment of subjects that are constrained by current social distancing measures. For example, in practical and performance-based components.
- increased learning and teaching opportunities, where possible

- a more flexible approach to the assessment of learners, while retaining the validity of the qualifications.

The [analysis of the responses to the consultation](#) found that these principles were supported by respondents. The majority of the consultation was at a subject level.

The [SQA has announced](#) the exam timetable for Highers and Advanced Higher in 2021. Exams will run from Monday 10 May to Friday 4 June 2021 with Results Day on Tuesday 10 August 2021. The SQA is seeking to “minimise, as far as possible, the number of learners having exams on the same day or close together.”

The SQA is publishing individual subject guidance for National 5 estimates. [According to its website](#), seven will have been published by 6 November, a further 16 by 13 November, and a further 19 by Thursday 19 November.

The [SQA has provided broader guidance](#) on gathering evidence and producing estimates for National Courses. Candidates will not be required to sit exams and SQA will not assess coursework. Centres will need to gather evidence of candidates’ attainment and use this to determine estimate grades and bands.

The subject specific guidance for assessment for National 5 provides “guidance notes” for assessment tasks. An example that is currently published is [Art and Design](#).

Estimates will be required for Highers and Advanced Higher courses as well as National 5 courses. The SQA explained what it will use this information for. The SQA says it will use estimates to:

- help make decisions about certification of the course — estimates indicate the grade distribution nationally that centres anticipate their candidates will attain
- help to prioritise candidates’ scripts for re-consideration during the finalisation stage of awarding procedures
- check that awarding outcomes are as fair as possible to candidates
- support the interpretation of evidence for Exceptional Circumstances Consideration requests

The guidance focuses on gathering and evaluating evidence. Particularly on the evidence’s “predictive value”. The [guidance](#) stated—

“Your judgements about a candidate’s estimated grade must be based on evidence that demonstrates achievement. When judging evidence, you should consider the predictive value of evidence, both in terms of the individual pieces of evidence and as part of the overall picture for each candidate. A piece of evidence has high predictive value if a candidate who performs well in the task would reasonably be expected to perform equally well in the course assessment.” (p4)

While the guidance does not appear to require candidates to be ranked, it does ask teachers and lecturers to consider relative attainment. It said—

“Research is clear that teachers are much better at determining relative attainment (which candidate has stronger or weaker attainment) than absolute attainment (which grade a candidate is likely to achieve). When determining estimates it is



important to be confident about both relative and absolute attainment. Relative attainment is based on the evidence you have of candidate performance on the tasks you have provided during the course. Absolute attainment is more difficult, but experience of previous cohorts can be very helpful.” (p7)

The guidance provides information on how centres and teachers should moderate their judgements. This includes working with peers. The guidance stated—

“Moderation ‘partners,’ where teachers or lecturers work in pairs or groups to confirm each other’s assessment decisions and to moderate evidence over a period of time, can be an effective way to reinforce assessment standards. Comparing evidence with the assessment criteria stated in the relevant Course Specifications and exemplified by SQA Understanding Standards materials will help you to estimate in line with national standards.” (p9)

The guidance also advertises the SQA Academy course, *Quality Assurance of Estimates for National Courses*.

**The Committee may wish to explore—**

- **What is the view of Professor Priestley or Dr Shapira of the guidance produced by the SQA in supporting the estimation and moderation process in 2021.**
- **To what degree teachers should consider evidence for candidates undertaking National 5 course in its predictive value of an exam as would happen in a normal year, or rather as evidence of how well the competencies and knowledge in the course are achieved, regardless of how well the candidate might have performed in an exam.**
- **When would the panel expect to see details of the statistical and qualitative elements of the SQA’s moderation of National 5 courses this year. What level of consultation and peer review would the panel expect?**
- **How important is it that results of National 5s at a national level return to more usual patterns of achievement?**

**Ned Sharratt  
SPICe Research  
6 November 2020**

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](http://www.parliament.scot)

## **National Qualifications experience 2020 - rapid review Recommendations and Scottish Government response**

The following is a summary of the recommendations of the Priestley review and the Scottish Government's response. This response was [published by the Scottish Government on 7 October 2020](#).

The recommendations are in bold and the Scottish Government's responses are in normal type.

### **1. Suspension of the 2021 National 5 exam diet, with qualifications awarded on the basis of centre estimation based upon validated assessments.**

ACCEPT

Due to the level of disruption already caused and the level of disruption likely to be faced by some or all pupils and students this academic year, the risks of holding a full diet in 2021 are too great.

In view of the recommendation, and having consulted widely, including through the Education Recovery Group and with learners, teachers and parents, the Deputy First Minister has decided to cancel National 5 examinations in 2021.

On this basis, the Deputy First Minister has asked Scotland's Chief Examining Officer to develop an alternative approach to awarding National 5 qualifications that is based on exam centre estimates, based on teacher/lecturer judgements and supported by assessment resources and quality assurance at national and local level.

Higher and Advanced Higher examinations in 2021 will go ahead. They will start on 13 May 2021, slightly later than is normal, therefore, allowing some additional learning time this academic year to make up for some of that lost at the end of 2019-20. Modifications to course assessment will also be made by the Scottish Qualifications Authority (SQA) following its consultation in order to maximise learning and teaching time. A clear contingency plan is being developed for Higher and Advanced Higher exams. This will include key check points up to the February break to assess public health advice and, if needed, Higher and Advanced Higher courses will be awarded based on teacher professional judgement, taking account of normal assessment evidence, and subject to quality assurance to ensure standards are maintained.

### **2. The development of a nationally recognised, fully transparent and proportionate system for moderation of centre-based assessment.**

Accept

The Scottish Government recognises the key role of the SQA in maintaining the standards of qualifications and that external validation and quality assurance of teacher and lecture evidence is important in ensuring that results are as robust and fair as possible.

The Deputy First Minister has asked the Chief Examining officer to ensure that the alternative approach for the awarding of National 5 qualifications is based on teacher

judgement supported by validated assessments. This approach is to include the provision of:

- clear guidance for teachers, lecturers and exams centres on evidence gathering and estimation, with a clear focus on quality rather than quantity of that evidence;
- where possible, National 5 subject specific guidance that, includes 2-4 key pieces of work that will inform their final grade;
- a support plan developed by the SQA, with Education Scotland, local authorities, regional improvement collaboratives and others to support a local and national approach to moderation and quality assurance, including the provision of assessment resources.

Alongside this, to ensure standards are maintained, SQA will work alongside exam centres during the year on the quality assurance of learners' work. This engagement will take place with all exam centres, with the SQA looking at a sample of work within each school and college and providing specific feedback to ensure standards are maintained.

### **3. The development of more extensive approaches to collaborative decision making and co-construction by professional stakeholders of assessment practices related to National Qualifications.**

Accept

A system-wide, collaborative approach is imperative to the development and delivery of the assessment and moderation approach for 2021. The Curriculum and Assessment Board will also have an important role to play. The Scottish Government has agreed with the OECD to extend the remit of the Curriculum for Excellence review currently underway in order that it can look more explicitly at assessment and qualifications issues, including assessment practices, drawing on best practice globally. This work will include discussions with stakeholders.

### **4. A commitment to embedding equalities in all aspects of the development of qualifications systems.**

Accept

SQA has a commitment and statutory duty to fulfil its obligations under the Equality Act 2010. SQA's own policies including its Equality of Access to SQA Qualifications Policy outline the organisation's commitment to promoting and facilitating access to its qualifications.

The Scottish Government and the SQA will work closely with the Children and Young People's Commissioner and the Equalities and Human Rights Commission to further embed best practice in order to best realise principles of equity and equality.

### **5. The development of more systematic processes for working with and engaging young people, as stakeholders and rights holders in education.**

Accept

The Scottish Government recognises the critical place young people have as stakeholders and rights holders in education.

A range of work is underway by the Scottish Government to further strengthen the voice of learners in Scotland education policy in 2020/21: learners are being consulted as part of the OECD Review; the Scottish Learner Panel is being extended to run to June 2021, to ensure a broad panel of learners from schools across Scotland can work to influence the discussion by the Education Recovery Group and other key forums; support continues to be provided to Young Ambassadors for Inclusion to ensure that young people with additional support needs can help to inform and comment on policy; and support is being provided to Young Scot to produce advice and support materials to address young people's concerns about their mental health and, through their partnership with SQA, to provide information on qualifications and assessment.

**6. The development of a clear communications strategy, co-constructed with stakeholders, to ensure that the extraordinary arrangements for 2021 are as fully as possible understood by all parties.**

Accept

The Scottish Government is committed to making the arrangements for the assessment of national qualifications in 2020-21 as clear as possible for all stakeholders. The Scottish Government will work with the SQA to communicate this effectively to the public and the education system. This approach will look to provide as much certainty as possible, but will also be responsive to changing circumstances.

**7. A review of qualification appeals systems, including consideration of the rights and roles of young people, in the context of the incorporation of the UNCRC into Scottish law.**

Accept

The Scottish Government fully recognises that young people are rights holders and key stakeholders with the education system. We will ask the SQA to review the appeals system for National Qualifications, working closely with education partners, including young people, to ensure it best meets the needs of young people in line with the principles of the UNCRC.

**8. The commissioning of independent research into the development and application of the 2020 ACM, involving full access to anonymised attainment data and the statistical algorithms used to moderate grades.**

Consider as a future project as part of our research strategy in education

The Scottish Government notes this recommendation but does not consider this to be a priority for our improvement activity at this stage given that there is no intention to have a similar model in support of awarding in 2020-21. The recommendation will be considered by the team in Scottish Government that assesses a range of potential projects for inclusion in our research in education strategy. This will be done in consultation with SQA.

**9. The development by SQA and partners of digital materials and systems for producing, assessing and moderating assessment evidence, to ensure that operational processes for gathering candidate evidence for appeals is less reliant on paper-based systems.**

Accept

SQA will continue its work, funded by the Scottish Government, on developing digitising assessment evidence in close consultation with centres. Progress has already been made in this area in the form of digital marking.

**Remit of the Rapid Review of National Qualifications experience 2020****Remit**

The review will include considering evidence, providing commentary and recommendations around the following themes. A focus on those issues which are most pertinent to consideration of awarding methodology in 2021 if there is further significant disruption to learning and teaching and/or the cancellation of exams is key:

1. Events following the cancellation of the 2020 examination diet.
2. Advice and support given by SQA and Local Authorities to awarding centres on determining and quality assuring of estimates
3. Approaches to the gathering and quality assurance of teacher/lecturer estimates, including where possible feedback from teachers/lecturers/Directors of Education, prior to submission to SQA about the perceived rigour in the evidence base for making estimates, e.g. prelim marks, classwork, summative and formative assessment until the schools closed in March. This will include consideration of local quality assurance approaches taken by centres and Local Authorities to aid estimation; the conclusions reached by centres about estimated grades; and decisions about whether or not to share estimates with learners at that time.
4. Exploration of alternative approaches to grading and moderating national qualifications in the context of the disruption caused by Covid-19, that would maintain standards and the credibility of qualifications in Scotland and deliver public confidence.
5. Impact on young people (and their families) who did not receive what they believed their estimated grade submitted to be.
6. Feedback from teachers/lecturers on the estimation process and the moderated grades which were awarded on 4th August
7. Consideration of the post certification review process as a means to address the issues in 5 and 6 above.
8. Confidential draft report to ministers on findings by 15th September 2020.
9. Final report published by 30th September 2020.

**Education and Skills Committee**

**26th Meeting, 2020 (Session 5), Wednesday 11<sup>th</sup> November 2020**

**Exam Diet 2020- 2021**

**Submissions pack**

The following submissions have been received and reproduced in full in this pack.

- [Children and Young People's Commissioner Scotland](#)
- [EIS](#)
- [Rachael Hatfield, SQA Where's Our Say](#)
- [DR Tracy Kirk, Glasgow Caledonian University](#)
- [Barry Black, PhD researcher, University of Glasgow](#)

The Rapid Review National Qualifications experience 2020 report is in Annex A (the Scottish Government's response to the review is contained in the SPICe briefing in the papers).

## **Children and Young People's Commissioner Scotland**

We provide this submission to inform the Committee's meeting on 11<sup>th</sup> November 2020 where it will take evidence from Professor Mark Priestley on his Rapid Review of National Qualifications experience 2020<sup>1</sup> and from the Cabinet Secretary for Education and Skills. We would also like to provide an update on our own work in relation to the Scottish Qualifications Authority (SQA) exam diet. We refer the Committee to our earlier evidence and submissions dated 28<sup>th</sup> April<sup>2</sup> and 10 September 2020<sup>3</sup> and to our response to Professor Priestley's review<sup>4</sup> which expressed our concerns about the human rights implications for the students who were affected by these decisions, measures and processes put in place by the State.

We support the recommendations made in Professor Priestley's report, in particular those recommendations which call for greater respect for the rights of children and young people, and call on the Cabinet Secretary to ensure that the SQA, local authorities and schools fully implement all recommendations.

Since April 2020, we have been contacted by children, young people, parents, carers, teachers and advocates requesting advice and guidance on their human rights following the decisions taken to cancel the 2020 exam diet by the Scottish Government, and the alternative certification model (ACM) established by the SQA.

We supported young people to express their views and exercise their rights to peaceful protest and to meaningfully engage with officials and decision-makers in calling for their voices to be heard, their views to be properly taken into account, and for their rights to be respected, protected and fulfilled.

### **Right to remedy – SQA exams**

For most young people in Scotland, the Deputy First Minister's direction to SQA, on 11<sup>th</sup> August 2020, (to amend final grades and revert to Centres' estimates only where these were higher than SQA grades) ensured that the risk of inequality, discrimination and unfairness would be mitigated for the vast majority of young people. However, for some young people, the ministerial direction did not protect them from unintended inequities inherent in the system.

The common issues brought to our attention since 4<sup>th</sup> August 2020 involve young people who:

- were due to sit SQA exams in the 2020 SQA exam diet;
- received little or no educational provision or teaching from their schools from 23 March to 26 June, in accordance with their rights to education.
- were assigned 'grade estimates' by their respective schools or centres, without their knowledge, participation or views being taken into account.
- were subject to a newly created SQA certification model (the ACM), which did not take account of personal circumstances or protected characteristics, including for example: their disabilities; additional support for learning needs (ASN); illness or bereavement; 'looked after' or young carer status. In some

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<sup>1</sup> <https://www.gov.scot/groups/rapid-review-of-national-qualifications-experience-2020/>

<sup>2</sup> [https://www.parliament.scot/S5\\_Education/General%20Documents/CYPCS.pdf](https://www.parliament.scot/S5_Education/General%20Documents/CYPCS.pdf)

<sup>3</sup> [https://www.parliament.scot/S5\\_Education/General%20Documents/20200911CYPCS.pdf](https://www.parliament.scot/S5_Education/General%20Documents/20200911CYPCS.pdf)

<sup>4</sup> <https://cypcs.org.uk/wp-content/uploads/2020/09/Priestley-Review-response.pdf>



cases, such failure to take account of protected characteristics may amount to discrimination under the Equality Act 2010.

These children were deeply disappointed both by initial certificates from SQA on 4<sup>th</sup> August 2020, and then notification from their schools that they had been awarded grades significantly lower than they had expected.

These children currently have no right of review or appeal if they disagree with the teachers' estimates, nor the ability to challenge any evidence, or information, that was taken into account (or omitted) under the original model.

They continue to experience anxiety, mental illness, additional costs and hardship, including the inability to pursue further education, training and employment in their chosen courses and pathways.

### **Right to participate**

Professor Priestley's review recognised the importance of involving children and young people in decision making and we note steps have been taken to, for example, consult with children and young people to inform the Education Recovery Group. However, we continue to be concerned that children are not provided with an opportunity to participate when decisions are made about them by local authorities and schools.

Children and young people have the right to participate in all decisions affecting them as outlined in Article 12 of the UNCRC and within the UN Committee on the Rights of the Child's General Comment 12. In addition to ensuring children are involved in decisions made about them as individuals, the government has a duty to ensure that the views of children and young people are taken into account **and given due weight** when decisions are made that affect groups of children and young people. Children who were due to sit SQA exams in spring 2020 were denied this right, both as individuals and collectively.

**In order to provide children with a right to remedy, and for Scottish Government to fulfil its human rights obligations, we would urge the Cabinet Secretary to direct the SQA, in terms of section 9 of the Education (Scotland) Act 1996, to accept and process individual applications for appeal from young people who dispute the fairness of the teacher estimates provided by their school or centre in 2020.**

**EIS****EIS submission to Mark Priestly led Rapid Review of the 2020 SQA Qualifications process**

1. The EIS is Scotland's largest teaching union, with over 60,000 members across all sectors and all grades. We welcome the opportunity to submit a short position paper in relation to the Rapid Review of SQA procedures, following the cancellation of the 2020 Diet.
2. As well as both formal and informal consultation processes, the EIS was represented on the National Qualification Contingency Group, the Curriculum and Assessment Board, and the Covid Education Recovery Group, including the workstream looking at qualifications (although this focused mainly on the 2021 awarding diet). With regard to the NQ Contingency Group, however, it would need to be observed that this body tended to be convened after the SQA and/or Scottish Government had made decisions, rather than as part of a genuine consultation process. EIS FELA (Further Education Lecturers Association also engaged directly with the SQA in relation to college based awards.)
3. Following the introduction of lockdown and the subsequent cancellation of the 2020 diet, the EIS supported the decision to rely on teacher professional judgement, predicated on estimates based on classroom evidence, as the central tenet of an awarding process. We are strongly of the view that teachers approached this challenge with absolute integrity and professional commitment, exercising additional rigour around internal moderation and verification processes and utilising all available evidence.
4. The process was made more complicated, in our view, by the SQA's insistence on the sub-dividing of existing bandings and the creation of rank orderings. Whilst this latter process was once part of a more complex evidence-based appeals process, it had been dropped some years back and it is difficult to discern from the SQA's belatedly published methodology, exactly how it factored in to the algorithm. From the outset, the EIS expressed concern at the inability to place student performance equally within the rank ordering system and at the consequential 'downgrading' of some students' performance simply because their achievements were not able to be captured within the faulty model devised.
5. It was clear that SQA's thinking in this area was already being driven by an assumption that teacher estimates would have to be modified in some way, by some applied algorithm, in what the SQA perceived as a responsibility to uphold "standards". The EIS had no objection to looking at previous concordance between estimates and actual performance as a context for dialogue around estimate processes; indeed, some level of external moderation was potentially useful to public confidence in the outcomes. We did make it clear, however, that it would be disastrous for the awards if professional judgements were challenged or overturned on any significant scale. Repeated references to other UK awarding bodies left a distinct impression that this was an agreed synergy across the four jurisdictions, with the SQA seemingly resistant to doing anything differently from Ofqual.

6. SQA communication to teachers of the rationale for this changed approach was poor – it focused largely on explanation of the laboriously construction process without explanation of the rationale and, like many SQA communications, seemed arrogant and remote. The EIS received significant negative feedback from members around this theme – essentially many believed that SQA was being obliged to accept teacher judgement but was less than comfortable with and indeed somewhat resentful of the prospect.
7. Once the actual estimate process was complete, the discussion moved more firmly on to professional judgements potentially being overturned by the applied algorithm, , and the potential consequences of such a scenario. The repeated failure on the part of the SQA to publish its intended processes served to fuel such concerns and was, in the view of the EIS, completely unnecessary, indeed reprehensible for a publicly funded body.
8. Both privately and publicly, the EIS warned that any significant overturning of estimated awards by dint of statistical adjustments would cause an outcry, lead to a tsunami of appeals as those estimates were based on evidence, and run a clear risk of undermining the whole basis of the awards.
9. We advocated, repeatedly, that where anomalies appeared to have happened that the SQA should engage in a professional dialogue with the Centres concerned to ascertain the potential explanations and, where possible, agree remedies.
10. The SQA apparently gave this serious consideration but assessed that the scale of the dialogue concerned was beyond its capacity.
11. As an alternative the EIS suggested dialogue with the 32 Directors of Education, who had been directly involved in overseeing moderation procedure and who knew their schools well. The SQA again rejected such an approach as not practicable in the circumstances.
12. The SQA seemed more concerned with its oft repeated assertion about being the custodian of standards, than working with the Education system.
13. A stronger commitment to genuine partnership working may well have headed off the subsequent debacle. It would certainly have eliminated the bulk of individual discrepancies which arose where pupils performed outwith the pattern of their peers but were downgraded as part of a collective process.
14. Evidence based appeals could have coped with a limited number of such anomalies, but the scale of adjustments made by the use of the algorithm would have resulted in an appeal system being overwhelmed.
15. What became apparent from EIS member feedback was the lack of consistency in the outcomes of the SQA's algorithmic calculation e.g. teachers having their professional judgements upheld completely at Higher but at National 5 seeing them overturned in large percentage.

16. We even had the absurd situation of 7% of award changes being upgrades from the estimates i.e. upgraded without any evidence to support such a change.
17. Before the DFM made his political statement of reverting wholly to teacher estimates, the EIS again suggested to the SQA it should take a Centre by Centre approach to resolving perceived discrepancies rather than requiring individual appeals. The DFM statement clearly overtook this.
18. Whilst it is entirely appropriate for the Scottish Government to take ultimate responsibility in this matter, the EIS view is that the SQA is not blameless. It should be a repository of expertise in assessment; it should, as a public body, be well aware of the need to ensure the avoidance of inequities; and it should, as the awarding body for Scotland, be more committed to partnership working with the teaching profession.
19. Ultimately, SQA's guiding principles were not met, particularly "Principle 3: Maintaining the integrity and credibility of our qualifications system, ensuring that standards are maintained over time, in the interests of learners." In trying to maintain "integrity and credibility" the SQA actions created a secretive and flawed moderation process with an algorithm that ultimately lost credibility (and was totally disregarded) as it was seen as being unfair to learners.
20. As a final observation, we note that the SQA has at times cited the number of teacher estimates, historically, which were "wrong". That does of course depend on how 'wrong' is defined. Estimates may differ from the grade awarded but perhaps longer term we need to decide what is a fairer system – awards based on classroom evidence or awards based on external examinations where 'quotas' are effectively operated (the basis of the algorithm essentially).
21. The SQA statistical modelling this year, based on teacher estimates, included adjusting those estimates based on a school's previous performance and then essentially establishing the numbers which could be allocated to particular grades without stretching, in its eyes, the credibility of the results. It decided on how many As were allowed and then any As below the cut-off point (using bandings and rank order) then dropped into the B pool and the same process was applied with the remainder dropping down to C and so on.
22. The result of the first control was to disadvantage pupils performing above their school mean. In the second control, grades displaced downward had a cumulative effect of pushing more Cs into Ds and Ds into No Awards. Because of the impact of affluence / poverty on attainment, this disproportionately impacted on pupils at schools serving poorer catchment areas – which led to the outcry around fairness and the call to uphold teacher estimates – all of which were based on evidence e.g. getting a Grade C in the prelim, sitting past papers under timed conditions in class and a range of classwork.

23. The key point is that the second control is in place every year, although it is founded on exam results rather than estimates i.e. decisions are made on grade boundaries with a view to ensuring broadly similar cohorts of the different grades are achieved. It is a sophisticated operation and includes meticulous evaluation of how well the question paper worked (i.e. did questions achieve the expected differentiation of responses? etc.).
24. However, the same golden rules around “credibility” and “integrity” are applied so nothing too out of the ordinary is allowed- grades allocation is relatively stable from one year to the next. A few years back when the Maths Higher paper was over loaded with complex questions which many students could not answer, the grade boundary for a C pass dropped down to the mid-30s .The notional grade boundaries are C 50-59; B60-69; A 70 plus.
25. Every year pupils on the cusp of passes at a certain grade are potentially pushed into a lower category by the application of what are deemed to be acceptable quotas.
26. Returning to the injustice aspect – if teachers have classroom evidence over the course of a year which indicates pupil ability and competence at a certain level, but a high stakes exam system routinely disregards that – is that equitable?
27. In terms of the continued threat of disruption to schooling and indeed the 2021 diet, a more regulated approach around continuous assessment should be explored urgently. We are already well into to the teaching term and schools and teachers have had little communication from either the Scottish Government or the SQA on any contingency planning for 2021 awards.
28. Clearly, there is a broad acceptance of the principle of teacher professional judgement, based on evidence, and significant investment should be made in building a fairer assessment system on this foundation.
29. The EIS is happy to expand on any of these issues.

**Rachael Hatfield, SQA Where's Our Say**

Dear Education and Skills Committee members,

I am writing to you today to ask that you continue to ensure that child rights stays at the forefront of your minds as you discuss and debate the Scottish Qualifications Authority (SQA) examinations of 2021. We have seen, during the aftermath of the 2020 examination diet, a number of clear contradictions between the SQA and the Cabinet Secretary for Education and Skills. The most notable has been where disagreements have been made regarding the appeals process. The Cabinet Secretary told you, as the Education and Skills Committee that 'if a case can be put together that assess that came from of prejudice, disadvantage or discrimination was experienced by a young person, that can be subject of an appeal.' This is simply not the case in practice, mainly because a student can not appeal to the SQA without going via their learning center. For reference, I would encourage you to read the following article by myself and Dr Tracy Kirk for TES Scotland after John Swinney's previous evidence session to this committee: <https://www.tes.com/news/give-students-harmed-2020-SQA-exam-results-right-redress>

It is important to note that the Priestly Review states that young people who were disadvantaged are 'small numbers' who 'created a great deal of controversy'. I hope that this statement can be used to highlight to the SQA that a direct route of appeal would not open the flood gates to thousands of appeals but would give our most disadvantaged students the chance to use their right to challenge a decision they deem to be unfair. This is an issue we can't bring into any future year, especially if we wish Scotland to be seen as a leader in respecting and upholding the rights of children and young people through incorporating the United Nations Convention on the Rights of the Child into Scots law. We can't have another year where students are left in the dark, where processes are only made clear when there is no chance for redress or changes can no longer be made. The root of the situation can go directly to the fundamental right of education. This is simply not just attending school or college and sitting some exams or internal examinations. It also covers how a student continues learning during periods of self-isolation, or what a student does if they do not have digital connectivity at home. The SQA processes neglect to take these circumstances into account. As I wrote previously to the committee, the SQA doesn't currently consider a young person's holistic situation meaning young carers, care experienced young people, those from deprived areas, or additional support needs students are placed at an automatic disadvantage in comparisons to their peers. For reference, please take time to read this article for TES Scotland by myself and Dr Tracy Kirk; <https://www.tes.com/news/sqa-appeals-no-student-should-be-disadvantaged>

The Priestley review is most welcome, especially it's meaningful engagement with young people who were affected during the recent academic year. I also welcome the addition of Liam Fowley MSYP to the Education Recovery Group, however, we would go further to ask that the group considers gaining a young person who is currently in secondary education or who has recently been affected by the events of the 2020 system. This is down to the fact a current or recent student would be able to direct the workings of the group in a way in which no other advocate could. It is also worth noting that to truly understand the feelings of students, consultation must come from more than organisation or group of young people, if not, the risk of tokenistic activity becomes alarmingly apparent.

Currently, the only meaningful piece of engagement with young people that I have witnessed came from Professor Priestley and the focus groups related to his review. I ask the committee to consider going directly to the students of Scotland. As part of my work with 'SQA: Where's Our Say, I have spoken with young people who are not represented by any youth voice platform who would be willing to speak to the committee members and the cabinet secretary to show the stories and lives behind the statistics. Going forward, the Scottish Government and the SQA must prove they recognise the importance of the rights young people have, and the roles they, as corporate bodies, have in supporting to upholding these rights.

To conclude, I ask that you don't forget the trials faced by the cohort of 2020 and how none of us wish to see a repeat of that again, but without a system which is rights-based, I fear we may not sort many of the issues highlighted over the last few months. Now is the time to show this year's students that they matter and that you are truly listening to their voices, Now is the time to protect the rights of children and young people.

With Kindest regards,

**Rachael Hatfield**

**SQA: Where's Our Say**

**Dr Tracy Kirk, Glasgow Caledonian University**Introduction

This research brief is intended to inform an understanding of some of the current issues relating to education in Scotland. No one underestimates the challenges of COVID 19 nor the balances which the Scottish Government are trying to perform. However, children's rights can provide a way to shape the response of the Scottish Government going forward. The failure to uphold the rights of children since March 2020 have been highlighted by the independent Children's Right Impact Assessment (CRIA),<sup>5</sup> the Priestley Review,<sup>6</sup> submissions to yourselves from CYPCS, myself and youth-led 'SQA Where's Our Say?'.

To be clear, no one disputes the difficulties of 2020 across a wide range of areas, nor do I under-estimate the significant challenge that legally enforceable rights have on the Scottish Government and public bodies, especially at the current time. However, rights are legal obligations and as the Scottish Government moves to incorporate the United Nations Convention on the Rights of the Child into domestic law it is important that Scotland's response to education during the pandemic meets with the current legal obligations which the Scottish Government and public bodies have to children and their rights.

In short, changes need to be made now to ensure a rights compliant approach to the 2021 SQA processes or we have a very real threat of a repeat of 2020, which also was not rights compliant. The issues raised here are done so in a constructive manner to ensure that they are discussed, and the support put in place to ensure the human rights of children are upheld during this difficult time.

SQA Process of 2020

The information in this section relates to 2020. However, due to the failure to address many of these issues, there is a very real possibility that these students will be impacted again in 2021. Indeed, the SQA Children's Rights Impact Assessment published on 7 October shows a failure to engage with the failures of 2020.<sup>7</sup>

The Priestley report was a significant piece of work done in a short space of time. The fact children and young people were central to this process was important. Many of the young people I know who spoke to Professor Priestley and his team said they really appreciated the opportunity to share their views and felt the process was 'cathartic'. Despite insistence by the SQA that the number of visitors to their account during exam results day shows their engagement,<sup>8</sup> there was a failure to acknowledge the individual rights of children. Exams are individualised and as such assessment of grades must also be individualised, as should appeals processes.

Several points were picked up by Professor Priestley which seem to have been disregarded by the Scottish Government. These will be explored below.

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<sup>5</sup> Independent Children's Rights Impact Assessment on the Response to COVID-19 Scotland, Observatory of Children's Rights, July 2020 accessible here: <https://cypcs.org.uk/wp-content/uploads/2020/07/independent-cria.pdf>

<sup>6</sup> M. Priestley, M. Shapira, A. Priestley, M. Ritchie, C. Barnett, Rapid Review of National Qualifications Experience 2020, September 2020 [accessible here](#).

<sup>7</sup> Child Rights and Wellbeing Impact Assessment: Proposed modifications to national 5, Higher and Advanced Higher course assessments for session 2020-21, October 2020 accessible here: [https://www.sqa.org.uk/sqa/files\\_ccc/child-rights-wellbeing-impact-assessment-modifications-to-national-courses-2020-21.pdf](https://www.sqa.org.uk/sqa/files_ccc/child-rights-wellbeing-impact-assessment-modifications-to-national-courses-2020-21.pdf)

<sup>8</sup> SQA letter to the Scottish Parliament Education and Skills Committee, 1 September 2020 accessible here: <https://www.sqa.org.uk/sqa/95017.html>



### SQA Process of 2020: Those with Protected Characteristics

The 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.<sup>9</sup> There are additional legal obligations upon the Scottish Government to ensure these young people are not disproportionately disadvantaged, however many have undoubtedly been disadvantaged by the SQA processes of 2020 and they face the prospect of this happening again. Indeed, as I write this on 5<sup>th</sup> November, these young people still do not have a form of redress. In short, they appear to have been forgotten by the Scottish Government.

Further, the Priestley review made clear that those who were disadvantaged represented 'small numbers' who have 'created a great deal of controversy'.<sup>10</sup> However, there has been no recognition of this group by the Deputy First Minister or the Scottish Government. Indeed, on 7 October, Mr Swinney said that the Scottish Government 'did not get it right for all young people' but that they had apologized and acted to fix this situation.<sup>11</sup> Unfortunately, this is not the case for all young people and this is 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.

This is discussed further below in terms of 'Lack of data available: compounding discrimination' on page 5.

### SQA Process of 2020: Lack of redress for students

The lack of a right to redress continues to have a disproportionate disadvantage on those young people with protected characteristics, as outlined above. The Education and Skills Committee challenged the Deputy First Minister on the lack of appeals process for those who had been discriminated against.<sup>12</sup> 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. However, there seemed to be a lack of understanding on the part of the Scottish Government when this was discussed on 16 September.

Student and parent discontent at the lack of appeals process was heightened when it was believed that the Deputy First Minister had acted to widen the appeals process. Speaking on 16 September, appearing in front of the Education and Skills Committee, the Deputy First Minister said 'if a case can be put together that assess that some form of prejudice, disadvantage or discrimination was experienced by a young person, that can be the subject of an appeal'.<sup>13</sup> However, there has been no change to ensure this is the case. Indeed, many of the parents and students who wrote to the Deputy First Minister have been in touch with me in the past few weeks to ask if anyone is still

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<sup>9</sup> M. Priestley, M. Shapira, A. Priestley, M. Ritchie, C. Barnett, Rapid Review of National Qualifications Experience 2020, September 2020, page 39.

<sup>10</sup> M. Priestley, M. Shapira, A. Priestley, M. Ritchie, C. Barnett, Rapid Review of National Qualifications Experience 2020, September 2020, page 30.

<sup>11</sup> 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/>

<sup>12</sup> Education and Skills Committee, Wednesday 16 September, Page 32, accessible here:

<https://www.parliament.scot/parliamentarybusiness/report.aspx?r=12825&mode=pdf>

<sup>13</sup> Education and Skills Committee, Wednesday 16 September, page 32, accessible here:

<https://www.parliament.scot/parliamentarybusiness/report.aspx?r=12825&mode=pdf>

interested in the students who were let down in 2020. While I am sure the intention was never to discriminate against certain groups of young people, this has occurred and the right to redress is required to address this.

Further, I have written to the Education and Skills Committee, and the Deputy First Minister previously to emphasise the need for an appeals system which was wider than that announced by the SQA week commencing 10 August 2020. The work myself and 'SQA Where's Our Say?' have done in this area was echoed by the Children and Young People's Commissioner for Scotland (CYPCS).<sup>14</sup> The lack of appeals process was also highlighted by the Priestley Review which stated that the 'decision to limit the grounds for appeals seems to be both unnecessary and counter-productive'.<sup>15</sup>

However, this has still not been addressed for 2020 SQA candidates and I hope the Deputy First Minister will announce this very soon. I am hopeful that a direct appeals process will be permitted for 2021. Having the details of this available sooner rather than later would make a very clear difference

#### Student-teacher relations and mental health

The Priestley report acknowledges the impact the 2020 SQA processes had on student-teacher relations. This will not be a surprise to many and is underpinned by the lack of open dialogue with students from the cancellation of the exams in April 2020.

Further, the pressure upon mental health of Scotland's young people underpins the need for strong relationships. Many young people I have spoken to in recent months report feeling increasing pressure due to the cancellation of exams. They are not clear on the requirements for each subject, they have increasing uncertainty outside of school as a result of COVID 19, however there is an assumption that they will just be able to continue with courses which will be assessed either way.

I would really welcome the Committee asking what will be built into the alternative grading process for 2021 to ensure that no student is adversely affected as a result of the COVID 19 pandemic. Many universities are continuing no-detriment policies, for example, to ensure that students are not unfairly impacted by the uncertainty of COVID 19.

#### SQA Process of 2020: Ineffective use of CRIA by SQA 2020

I have written elsewhere about the problem of the SQA utilising a CRIA retrospectively instead of it being used to shape the 2020 process.<sup>16</sup> The 2020 grading process was not compliant with children's rights and I would refer you to the CRIA conducted by the young advisors at CYPCS.<sup>17</sup> <https://cypcs.org.uk/wp-content/uploads/2020/09/Priestley-Review-response.pdf>

#### SQA Process of 2021: Ineffective CRIA completed by SQA 2021

<sup>14</sup> See here: <https://cypcs.org.uk/news-and-stories/commissioner-sqa-must-restore-fairness-to-the-grading-system-cypcs/>

<sup>15</sup> M. Priestley, M. Shapira, A. Priestley, M. Ritchie, C. Barnett, Rapid Review of National Qualifications Experience 2020, September 2020, page 30.

<sup>16</sup> T. Kirk, 'The Best Place in the World to Grow up: How can Scotland uphold its legal obligations to children and young people in theseprecedented times? *Children's Rights Advocate*, 8<sup>th</sup> August 2020 accessible here: <https://childrensrightsadvocate.com>

<sup>17</sup> See here: <https://cypcs.org.uk/wp-content/uploads/2020/09/Priestley-Review-response.pdf>

On 7 October, the SQA published a Children's Wellbeing and Rights Impact Assessment. This sought to examine the rights implications upon children of modifying higher courses and cancelling the 2021 national 5 exams. While welcoming the use of a CRIA to show that children's rights are a consideration at this early stage of the process, there are some significant flaws in the document which highlight that SQA have not learned from the 2020 processes. These are lessons which the Deputy First Minister has the power to advise the SQA to learn from under section 9 of the Education Scotland Act 1996.

Firstly, the CRIA states that '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'.<sup>18</sup> This is a fundamental flaw in the CRIA. There was no compliance with section 96 of the Equality Act 2010 during the 2020 grading process. Indeed, as mentioned, the Priestley Report highlighted that certain groups of children were disadvantaged by the process, and this was compounded by the lack of appeals process. As highlighted above, these were children with protected characteristics including those with disabilities, those with additional support needs, young carers, care-experienced young people and those with extenuating circumstances. As the SQA acknowledge, under section 96 of the Equality Act of 2010, the SQA and Scottish Government have a responsibility to ensure there are no different impacts on different groups. However, this has not been achieved in 2020.

Put simply, there are different impacts on different groups of young people. The SQA and Scottish Government appear unwilling to engage with this fact. Until they do so, the 2021 exam process will not be rights compliant, consistent with the lack of children's rights focus in 2020.

Secondly, in the CRIA, the SQA have again tried to argue that they have satisfied the Article 12 rights of children (the right to be involved in decisions which impact them by having an influence) because they have done work with Young Scot, Scottish Youth Parliament and the Children and Young People's Commissioner for Scotland.<sup>19</sup> While this is important work and all these young people's views and input is valuable, there is a distinct lack of appreciation from the SQA that candidates are individuals.

Exam results are what is used to measure entrance to colleges and university as well as entering the job market. These are individualised, and quite rightly, each child needs to play their own role in that process and as argued in previous correspondence to this committee, the autonomy which children play in studying for the exams should have been recognized by the Scottish Government and the SQA. There is a way that the Scottish Government and SQA can hear from students in our education system without this being seen to be political and I am confident that parents and students would welcome such an approach.

It is of vital importance that all children are aware of opportunities to share their views. That must be done on a local authority level where every young person is aware that there is a way they can have their voice heard, in the same way we recognize the

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<sup>18</sup> 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](https://www.sqa.org.uk/sqa/files_ccc/2020-sqa-alternative-certification-model-child-rights-wellbeing-impact-assessment.pdf)

<sup>19</sup> 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](https://www.sqa.org.uk/sqa/files_ccc/2020-sqa-alternative-certification-model-child-rights-wellbeing-impact-assessment.pdf)

voting potential of 16 and 17 year olds, surely we must respect the right of this group to be included in major decisions that will affect their futures.

Furthermore, there is no recognition of the fact that engagement should be made with young people from affected groups. In terms of the protected groups mentioned by the Priestley Review, it would be expected that SQA would seek the views from students with additional support needs, those with disabilities, those who are care experienced and those with extenuating circumstances. However, no attempt appears to have been made to ensure this is the case. This severely weakens the impact of the CRIA conducted by the SQA and fails to appreciate mistakes made during the last academic year.

#### Lack of data available: compounding discrimination

Further underpinning the ineffectiveness of the CRIA completed by the SQA is the failure to have the data required to assess whether discrimination is occurring. Indeed, the Independent Children's Rights Impact Assessment 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'.<sup>20</sup> Further, the Priestley review emphasised that 'a lack of access to equalities data is evident in correspondence between the SQA and the government'. Further, there was 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'.<sup>21</sup>

For the avoidance of doubt, this failure was not reversed by the reversion to centre assessed grades. Indeed, this failure has not been addressed by the Scottish Government and SQA at this time and this emphasises the failures of the SQA CRIA for 2021.

#### Self-isolating students

Over the past few months schools have continued to stay open as much as possible and I understand the balancing act which the Scottish Government are currently undertaking to ensure this remains the case. However, there is an increasing group of children who are being required to self-isolate. This is not unexpected and is consistent with the public health advice. However, there is currently no consistent form of education for many of these students.

While the Deputy First Minister has said that blended learning and online resources exist to aid such students, there is no consistent form of education for these young people.<sup>22</sup> This is a particular concern for students who do not have access to digital technology. While the Scottish Government have announced welcome funding for digital devices, this has not translated into available devices in all local authority areas. Indeed, some local authority areas are struggling to get the devices out to students. I wanted to raise this important issue in the hope additional resources can be provided to help local authorities to get the devices to the students.

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<sup>20</sup> 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>

<sup>21</sup> M. Priestley, M. Shapira, A. Priestley, M. Ritchie, C. Barnett, Rapid Review of National Qualifications Experience 2020, September 2020, page 33.

<sup>22</sup> John Swinney MSP, SQA Awards 2021: Deputy First Minister's speech, 7 October 2020 accessible here: <https://www.gov.scot/publications/deputy-first-ministers-speech-sqa-awards-2021/>

Further, it remains the case that many students do not have access to education while self-isolating. Keeping schools open is a priority for the Scottish Government and I share their belief in this being the best course of action, although I do also acknowledge the mixed message which many children and young people feel they are being given. Nonetheless, I ask for consideration to be given to the fact education is not equal across Scotland at the moment and this will have an impact upon the 2021 SQA exam process and its fairness. Indeed, I have heard from students with additional support needs who have had their support removed due to pressures upon schools, more needs to be done to ensure education is being delivered on an equal footing.

Teachers and students isolating multiple times leads to less teaching. This is an unfortunate fact but one I have not been able to see any planning for to ensure we do not have a postcode lottery. Consideration of this now would be transparent and help ensure that concerns of students and teachers could be effectively addressed.

#### Education Recovery Group

During the summer of 2020, SQA Where's Our Say and I raised the importance of having a young person on the Education Recovery Group (ERG), as well as someone with an understanding of children's rights – we suggested someone from the Children and Young People's Commissioner for Scotland. I welcome the development of a youth group to look at the Education Recovery Group topics as well as the addition of a MSYP to the Education Recovery Group (ERG). While I know that the MSYP will have a significant amount of experience and engagement with young people to use in his interactions with this group, I do need as though there needs to be a greater understanding of the need to hear directly from impacted children, especially those who have particular challenges in education at present.

Having an individual who was affected by the 2020 examination process or indeed a student who is still at school on the ERG is important to ensure that mistakes are addressed. This is particularly important given the impact upon student-teacher relations highlighted by the Priestley Report and the wide range of other issues which are discussed in this brief. It is the current experience of being in education and seeing the practical impacts which would be invaluable to the ERG. Further, given the importance of ensuring the rights of children are upheld at this difficult time, it would be advantageous if the ERG did seek to engage with children with protected characteristics at frequent intervals over the coming months. Further, the inclusion of someone from CYPSC or similar to ensure expertise in children's rights seems incredibly important given the focus upon children's rights going forward.

#### Conclusion

In summary, while it is clear that the human rights of children could help shape the Government's focus upon education during this next few months, there needs to be much more engagement with children and their rights. Indeed, the need to address the failures of the 2020 SQA processes and uphold the rights of those who have been adversely affected has the potential to undermine the 2021 exam processes. It would be advantageous if the Scottish Government took the rights based advice being offered to them as I do believe we all have the same aim going forward: the rights and wellbeing of all children in Scotland being realised.

Going forward, it is important that legal obligations which the Scottish Government and the SQA have are considered from the outset. An effective and engaging Children's Rights Impact Assessment (CRIA) would be a good first step, but it must be a first step. I have written [elsewhere](#) about the importance of using a CRIA to inform the



development of policies to ensure that human rights underpins and informs the response.<sup>23</sup> However, the current CRIA completed by the SQA fails to address the failures of 2020.

There is a simple solution to an extraordinary problem, respect every child's rights by listening to them and involving them in major decisions about their own lives.

I would be very happy to expand on any the points raised if it would be helpful to the Committee.

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<sup>23</sup> T. Kirk, 'The Best Place in the World to Grow up: How can Scotland uphold its legal obligations to children and young people in theseprecedented times? *Children's Rights Advocate*, 8<sup>th</sup> August 2020 accessible here: <https://childrensrightsadvocate.com>

**Barry Black, PhD researcher, University of Glasgow**

**The Scottish Qualifications Authority's 2020 Alternative Certification Model –  
The Deprivation Impact**

**Barry Black, PhD Researcher, Urban Big Data Centre, University of Glasgow**

A blog for the Urban Big Data Centre (submission to Scottish Parliament Education and Skills Committee)

16/10/20

The aim of this blog is not to rehash the controversy surrounding this year's Scottish Qualifications Authority (SQA) results day. It is to explain the context behind the decision-making, the implications of results in terms of inequalities, and the broader consequences for the Scottish Education system. To do this, Barry Black draws upon Free Schools Meals data gathered as part of his PhD research, alongside recently available secondary SQA data (obtained from Freedom of Information requests). Barry does this to illustrate what the real-world implications of results day were, and might have remained, had these moderated results not been withdrawn

**The context of COVID-19 and the Alternative Certification Model (ACM)**

On 20th March 2020, the closure of all schools in Scotland was announced due to the public health restrictions required to tackle the COVID-19 pandemic. Alongside this, the decision was taken to cancel the full SQA exam diet.<sup>i</sup> Instead, the Scottish Qualifications Authority (SQA) was tasked with developing an Alternative Certification Model (ACM) over the following months.

The SQA developed the model to be based on teachers' estimates, with a system of national moderation that the Authority would apply. Teachers were asked to rank each of their pupils based on a range of holistic evidence from their performance throughout the year. The intention was for teachers to estimate the grades their pupils might have received had an exam diet taken place. Once these estimates had been agreed by the school leadership, the SQA moderated them by applying a system of statistical moderation that derived final grades based on the historical attainment of individual schools from the previous three years.

[While the SQA moderation methodology can now be read in full<sup>ii</sup>](#), it was only made publicly available on results day, despite repeated requests from the Scottish Parliament for it to be published sooner<sup>iii</sup>.

MSPs, organisations and academics repeatedly warned that if the SQA were to use the historical attainment data of schools to statistically moderate the teacher-estimated grades of individuals, the negative effects of the model would fall more heavily upon pupils and schools with higher levels of deprivation<sup>iv</sup>.

And, sadly, this was exactly as it turned out.

On the 4<sup>th</sup> August, young people in Scotland received their exam results. The SQA and the Scottish Government noted that around 25% of all estimates, about 133,000 grades, had been altered by the moderation. Of these, 93% were adjusted down and 7% were shifted up<sup>v</sup>.

Anger spread that morning, with numerous media reports of pupils whose expected level of results had been ‘downgraded’ by the SQA, but it was not until their Equality Impact Assessment (EQIA) was published later that same day that the predicted injustice became clear.<sup>vi</sup>

Table 1 (A13) below, from page sixty-nine of the EQIA, illustrates that the most deprived pupils (based on the Scottish Index of Multiple Deprivation) had their Higher pass rate reduced by 15.2% between teacher estimate and statistical moderation, compared to a reduction of 6.9% for the least deprived – based on SIMD.

Table A13 – Proportion of grades A–C at Higher by characteristic.

Characteristic	2016	2017	2018	2019	2020 Estimates	2020 Results
<b>SIMD<sup>4</sup></b>						
0-20% (Most Deprived)	68.6%	68.2%	68.2%	65.3%	85.1%	69.9%
20-40%	72.7%	71.9%	71.3%	68.3%	86.3%	73.8%
40-60%	75.8%	75.0%	74.7%	73.4%	88.2%	77.3%
60-80%	79.1%	78.8%	78.9%	76.9%	89.6%	80.6%
80-100% (Least Deprived)	83.2%	83.9%	83.5%	81.7%	91.5%	84.6%

Table 1: SQA Table on SIMD Information of Downgrades

Following a week of intense debate surrounding the issue, and similar controversies in England and Wales – who published their results the week after - the decision to use this ACM was reversed. On 11<sup>th</sup> August, the SQA accepted the teacher estimates in full, except for the results that had been upgraded by the moderation, which were upheld. New exam certificates were issued.<sup>vii</sup>

**This blog sets out in more detail how this ACM, on average, would have affected the results of schools depending on the deprivation level of their pupils.**

It is important to note that the ACM was successful in what it sought to achieve – the replication of the overall distribution of exam result grades achieved in previous years. This was designed to maintain the comparability of statistics between years and stop ‘grade inflation’. Indeed, exam results are always socially patterned, with poorer pupils performing worse than their less deprived peers. Results are a consequence and not cause of the very real poverty-related attainment gap. The unfairness of the ACM, however, stems from the fact the model did not consider any element of individual pupil performance in moderation. So, while in the normal course of events, exam results overall reflect genuine social inequalities, the individual pupil at least has an opportunity to influence their results through coursework or examinations. Instead, in 2020, the approach was to impose system-wide statistical norms on the individual certificates of young people.



## Methodology

Three findings are presented below in which outputs from the SQA's Alternative Certification Model (ACM) are shown in relation to the proportion of pupils at each school who are on Free School Meals (FSM).

The findings include the figures for independent or private (i.e., not state-run) schools who had enrolment in SQA qualifications. Of course, some pupils in these schools may be receiving Free Schools Meals, but their numbers are thought to be very low.

## Free School Meals

One of the measures used as a proxy for deprivation in Scottish education is the proportion of pupils at a school who are receiving Free School Meals. This measure, of actual *uptake* of FSM, not merely *entitlement*, captures much more roundly the individual financial circumstances of the households from which pupil populations are drawn. The Schools' FSM data is taken from the Scottish Government Secondary School Data Dashboard<sup>viii</sup>, where its represented categorically, as deciles, which sets out – within a ten-percent category – how many pupils at a school are on FSM.

## SQA ACM Data

The SQA ACM data were obtained following a Freedom of Information request I submitted to the SQA for:

- Percentages of overall Higher grades adjusted *from pass (A-C) to fail* (D and lower) by the 2019/20 alternative certification model for each individual [school]
- Percentages of overall grades *adjusted downwards* by the 2019/20 ACM for each individual [school]
- Percentages of overall grades *adjusted upwards* by the 2019/20 ACM for each individual [school]

The two datasets – the schools' Free School Meals data and the SQA results data - were linked, and summary statistics were calculated.

## A note on the findings

It is important to note that the findings show the **average** percentage of moves from '*pass*' to '*fail*', and of *upgrades* and *downgrades* for the schools in each FSM quintile (and for Independent Schools). For example, Independent Schools considered together could have expected a 3.6% increase in the number of upgraded results as part of the ACM. However, the actual figures for the individual schools, and the raw figures for the sector as a whole, would have varied around that exact average value.

This is an important point, because averages can be skewed by unusually large or small values — outliers — which can increase or decrease these overall percentages. Outliers that have had a large impact on these educational outcomes have been presented clearly in the findings, but were kept in the analysis because

they are important reflections of the system. Outliers are particularly likely to occur when, for example, only a small number of pupils from a school sit an exam for a particular subject. This is relevant in itself as small cohorts are a frequent benefit of independent schooling and have positive impacts on pupils' eventual educational attainment. A more detailed statistical analysis of these results will be published in a forthcoming paper (Black & Mason, In Preparation).

## Results

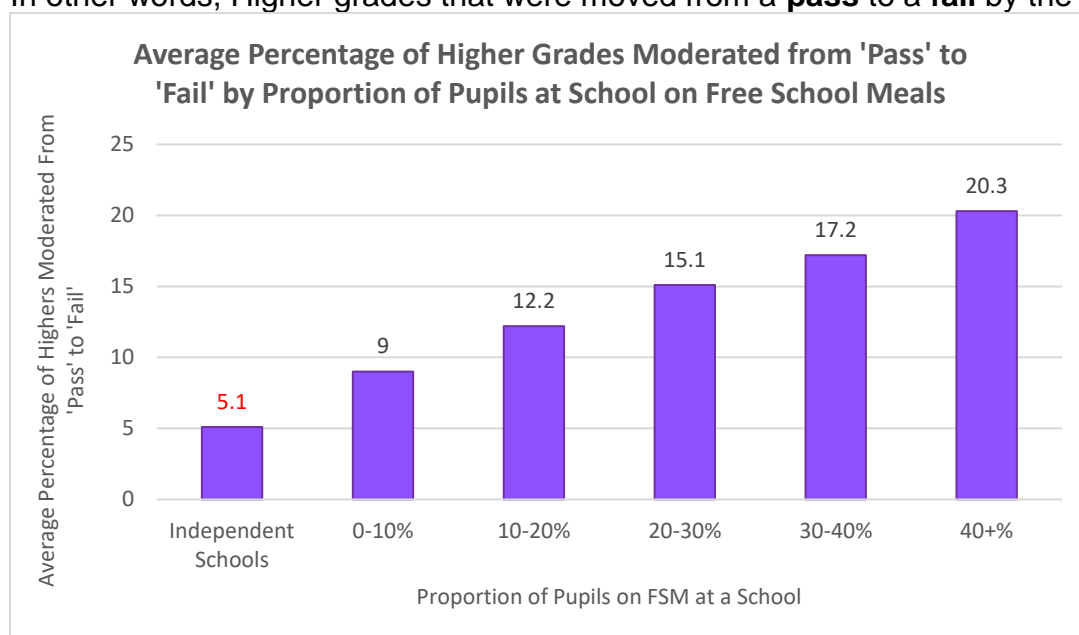
The number of schools included in each category is as follows. Note that two state schools are not included here because of incomplete data. A small number of Independent Schools are located outwith Scotland, but enrol in SQA exams, therefore were of course included as part of the national statistical moderation.

Proportion of Pupils on FSM at school	Number of Schools
Independent Schools	41
0-10%	137
10-20%	141
20-30%	52
30-40%	20
40+%	5

## Higher Qualifications

This graph shows the average percentage of teacher estimates for Higher qualifications that were submitted to the SQA as being an A, B or C grade which were downgraded to a D grade or lower after moderation, by the proportion of pupils at a school who were on Free School Meals.

In other words, Higher grades that were moved from a **pass** to a **fail** by the ACM.



We can see that in the most deprived schools – those with more than 40% of their pupils on FSM – the average change from ‘Pass’ to ‘Fail’ at Higher level was just over 20%. **It is important to re-state at this point that this downgrade was due to the past attainment of the school and not based on any aspect of pupils’ individual performance.**

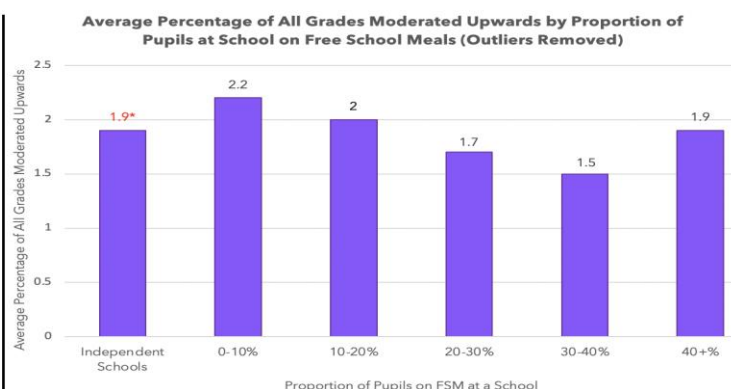
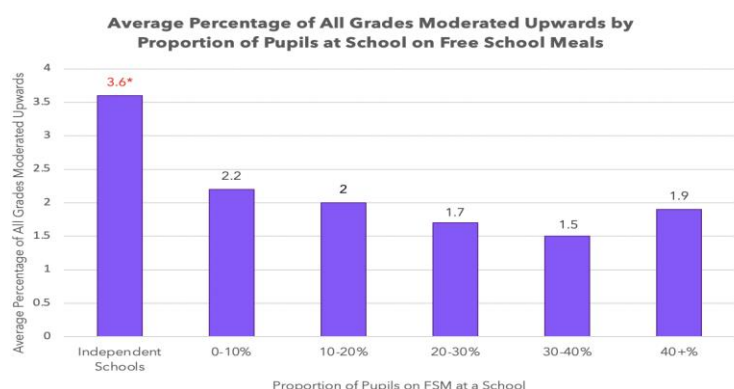
The data shows that these schools had twice the proportion of downgrades on average compared with the least deprived state schools, and **four times as many compared with the independent schools.**

Crucially, we can see a very stark social gradient. On average, a particular school will have had **fewer** downgrades than a more deprived school, and **more** downgrades than a less deprived school.

### Upgrades

This graph shows the average percentage of teacher-estimated grades that were upgraded by the model, by the proportion of pupils at a school who were on Free School Meals.

This is based on information about *all* grades submitted – for *all* levels of qualifications (i.e., not just Highers).



*\*On the left, a graph is presented with outliers included in the ‘Independent Schools’ section. It has been included in the analysis for the reasons outlined in the methodology and is an important reflection of the system-wide impact of the ACM. On the right is the presentation of the data without outliers. As can be seen the exclusion of outliers moves the figure from 3.6% to 1.9%.*

With the exception of the schools with 40+% of pupils on Free School Meals, the percentage of upgraded results broadly dropped as deprivation increased.

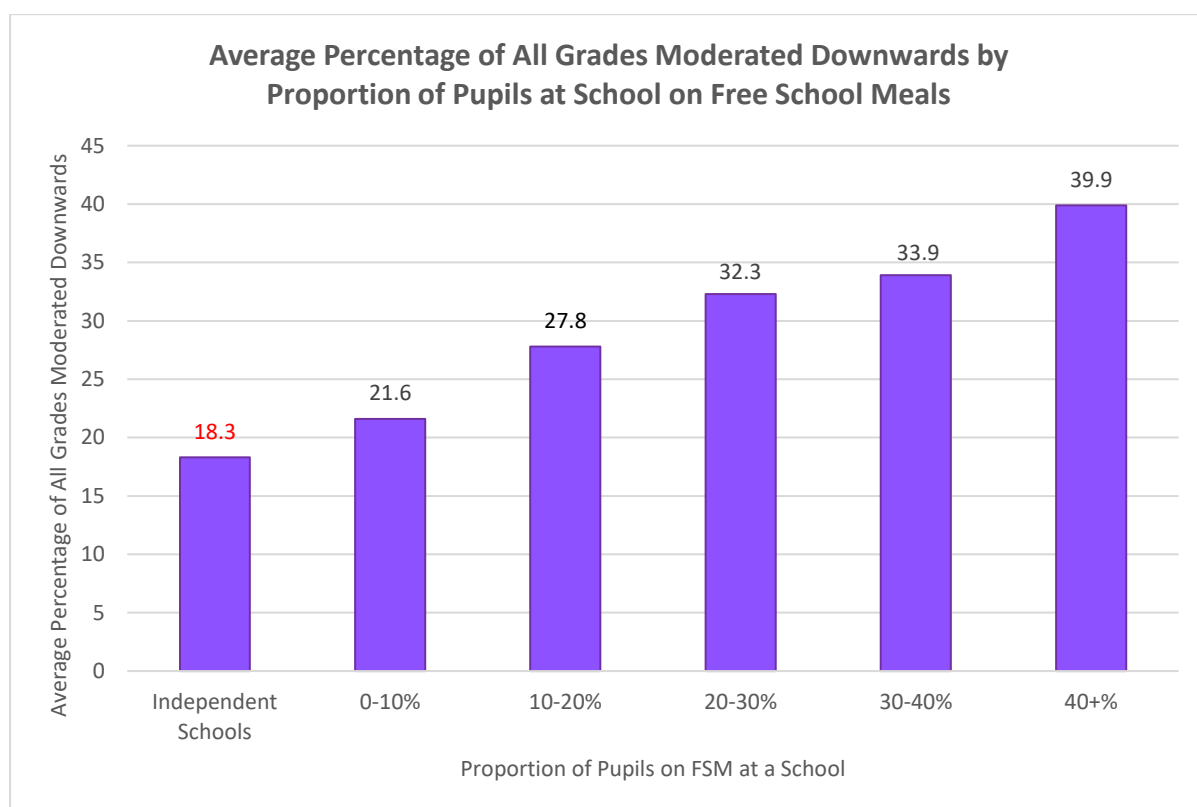
While these proportions are inevitably low, they are still relevant. This is the only finding presented in this blog **that is still reflected in the grades that students were finally awarded**, as results upgraded under the ACM were not returned to their

original teacher-estimate. As can be observed this decision formally favours those at the schools with the lowest levels of deprivation.

### **Downgrades**

This graph shows the average percentage of teacher-estimated grades that were downgraded by the model, by the proportion of pupils at a school who were on Free School Meals.

Again, this is based on information about *all* grades submitted – for *all* levels of qualifications (i.e., not just Highers



Once more, note the large disparities linked to deprivation.

The most deprived schools had - on average - around double the proportion of downgrades compared with the private and the least-deprived schools.

Echoing the trend seen with the moderated Highers, there is again a steep social gradient. On average, a particular school would have had fewer downgrades than a more deprived school, and more downgrades than a less deprived school.

### **The decision was reversed, so why bother with this analysis?**

It is reasonable to question whether the findings presented here are of any great relevance, given that the results of the ACM were ultimately scrapped, and the original teacher estimates accepted (except for the statistically modelled upgrades which were upheld).

The answer is two-fold.

Firstly, [as is clear from reading the Independent Review of the issue, led by Professor Mark Priestley<sup>ix</sup>](#), the SQA maintain that they have ‘no regret’ regarding their ACM. The review also shows that Government officials and Ministers did not seek a fuller understanding of the data when the inequality within it was revealed. This omission makes it is worth fully exploring what the impacts of the model would have been, had it not been withdrawn.

Secondly, as algorithms, big data and statistical models are gaining influence within our public policy and institutions and exerting greater power over our daily lives, it is worth highlighting how grave the outcomes of poorly designed and executed models can be in the real world. The key point here is that such tools are only as good – and as equitable – as the data and decisions that underpin them. This article, therefore, offers a stark example of the inequity that can be caused by such approaches.

### **Our qualifications system needs new priorities**

There are 77 schools in Scotland, predominantly in the West of the country, in which 20+% of their pupils are on Free School Meals. The statistics presented here, and [other findings I have published previously on attainment and number of subject choices<sup>x</sup>](#), show that these schools fare much worse than the national average. This year, the ACM that was developed *engrained* the inequalities that pupils at these schools experience.

While the scrapping of this model was welcome, understanding how it was developed, used and accredited is important. I argued last week – at a Scotland’s Policy Forum Conference on the Curriculum for Excellence Review - that our qualifications system needs new priorities. [That keynote can be read here<sup>xi</sup>](#). These findings illustrate, in the starkest of terms, the inequality that is baked into our Scottish education system. Far from placement within a strategy seen over the past several years to ‘close the gap’ between the richest and poorest students, decisions this year engrained the gap in a statistical model. This model, before the u-turn, would have guided the next steps and life chances of thousands of young people in Scotland. The goal now must be to learn from this period and re-imagine how we go about removing the educational attainment gap in Scotland - **and never again formalise it.**

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<https://www.parliament.scot/parliamentarybusiness/report.aspx?r=12591&i=113818&c=2257729&s=>

ii [https://www.sqa.org.uk/sqa/files\\_ccc/SQAAwardingMethodology2020Report.pdf](https://www.sqa.org.uk/sqa/files_ccc/SQAAwardingMethodology2020Report.pdf)

iii [https://www.parliament.scot/S5\\_Education/20200508CtteetoSQA.pdf](https://www.parliament.scot/S5_Education/20200508CtteetoSQA.pdf)

iv <https://www.scotsman.com/education/scottish-pupils-risk-being-punished-schools-past-failures-2544376>

v <https://www.gov.scot/news/results-day/>

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<sup>vi</sup> [https://www.sqa.org.uk/sqa/files\\_ccc/2020-sqa-alternative-certification-model-equality-impact-assessment.pdf](https://www.sqa.org.uk/sqa/files_ccc/2020-sqa-alternative-certification-model-equality-impact-assessment.pdf)

<sup>vii</sup> <https://www.parliament.scot/parliamentarybusiness/report.aspx?r=12735&i=115166>

<sup>viii</sup>

<https://public.tableau.com/profile/sg.eas.learninganalysis#!/vizhome/SchoolInformationDashboard-Secondary/Introduction>

<sup>ix</sup> <https://www.gov.scot/publications/rapid-review-of-national-qualifications-experience-2020-our-response/>

<sup>x</sup> <https://theferret.scot/schools-subject-choice-deprivation/>

<sup>xi</sup> [Tinyurl.com/scotlandstenletters](https://tinyurl.com/scotlandstenletters)

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Annexe A

Aa

# Rapid Review of National Qualifications Experience 2020

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Faculty of Social Sciences, University of Stirling

Final Report,  
September 2020

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## List of acronyms and initialisations

ACM	Alternative Certification Model
ADES	Association of Directors of Education
BOCSH	Building Our Curriculum Self Help Group
COSLA	Convention of Scottish Local Authorities
CRIA	Children's Right Impact Assessment
CYPCS	Children and Young People's Commissioner Scotland
EIS	Educational Institute of Scotland
EQHC	Equalities and Human Rights Commission
EQIA	Equalities Impact Assessment
LA	Local Authority
MSA	Modern Studies Association
NASUWT	National Association of Schoolmasters/Union of Women Teachers
NPFS	National Parent Forum Scotland
PCR	Post Certification Review
SAGT	Scottish Association of Geography Teachers
SATE	Scottish Association of Teachers of English
SLS	School Leaders Scotland
SQA	Scottish Qualifications Authority
SPD	Starting Point Distribution
SSTA	Scottish Secondary Teachers' Union

## Executive summary

### Summary of findings

- This report draws upon a range of evidence, including stakeholder testimony (generated in panel and individual interviews) and analysis of relevant documentation (including government and SQA emails).
- SQA, the government, local authorities and schools faced an extremely difficult set of circumstances, within which there were no easy solutions. In this context, a workable system for qualifications, the Alternative Certification Model (ACM), was developed. This was based on three core principles and four stages.
- All parties involved in the process were found to have acted with integrity, with the best interests of students in mind.
- Respondents (teachers, lecturers, head teachers and local authority officials) generally found that SQA guidance was clear and useful.
- The generation of estimated grades, while clearly undertaken with integrity in the majority of centres, has been subject to variation (in the types of evidence available, the processes followed for internal moderation and the support given by local authorities), which has impacted on reliability and consistency of assessment at this stage.
- The statistical approach to moderation could have been more transparent earlier in the process, and moreover it has led to anomalies in grade adjustment, especially at the level of subject cohorts within centres and individuals.
- There is widespread criticism by respondents of SQA for a perceived lack of transparency and a failure to engage in participative development of solutions with stakeholders.
- While the application of the appeals process offered an in-principle technical solution to address these anomalies, it paid insufficient attention to the severe impact on those students obliged to undergo it (in terms of mental health and wellbeing, missed opportunities to transition into Higher Education, etc.).
- Principles relating to what data is appropriate to be held by certain organisations at certain points in time (i.e. SQA, the Scottish Government), which make perfect sense in normal times (e.g. arrangements around data sharing), appear to have impeded the development of actions that might have led to an earlier anticipation and mitigation of subsequent problems.
- The equalities implications of an over-reliance on a statistical approach, premised on comparison with historical cohort data, had been raised repeatedly from April onwards, but seem to have been under-emphasised by both the government and SQA until late in the process.
- Many stakeholders believe that, subsequently, opportunities were missed (or dismissed) to engage in qualitative moderation of the statistical process (e.g. sense-checking of anomalous cohort patterns by local authorities).
- There has been an erosion of trust/confidence in SQA amongst teachers and young people, and damaged relations in some cases between young people and their teachers.
- Communications (with professionals and with young people and their families) has been a constant source of criticism.
- Our overall assessment is that, despite the extremely difficult environment for decision making, there are points in the process where different decisions may

have led to better outcomes and at least partially avoided the controversy that ensued in August 2020. Of course, we are making this observation with the benefit of hindsight, thus our primary intention is to illustrate how the system can benefit from lessons learned in 2020 to avoid a similar predicament in 2021.

## **Summary of recommendations**

1. Suspension of the National 5 examinations diet in 2021, with qualifications awarded on the basis of centre estimation based upon validated assessments.
2. The development of a nationally recognised, fully transparent and proportionate system for moderation of centre-based assessment.
3. The development of more extensive approaches to collaborative decision making and co-construction by professional stakeholders of assessment practices related to National Qualifications.
4. A commitment to embedding equalities in all aspects of the development of qualifications systems.
5. The development of more systematic processes for working with and engaging young people, as stakeholders and rights holders in education.
6. The development of a clear communications strategy, co-constructed with stakeholders, to ensure that the extraordinary arrangements for 2021 are as fully as possible understood by all parties.
7. A review of qualification appeals systems, including consideration of the rights and roles of young people, in the context of the incorporation of the UNCRC into Scottish law.
8. The commissioning of independent research into the development and application of the 2020 ACM, involving full access to anonymised attainment data and the statistical algorithms used to moderate grades.
9. The development by SQA and partners of digital materials and systems for producing, assessing and moderating assessment evidence, to ensure that operational processes for gathering candidate evidence for appeals is less reliant on paper-based systems.

# The Review

## Context

In March 2020, in the face of the disruption caused by the COVID-19 pandemic, and following the cancellation of the 2020 examinations diet, the Scottish Qualifications Authority (SQA) was commissioned by the Deputy First Minister and Cabinet Secretary for Education and Skills, John Swinney, to provide alternative means for awarding qualifications, based on three principles.

- fairness to all learners;
- safe and secure certification of qualifications, while following the latest public health advice;
- maintaining the integrity and credibility of the qualifications system, ensuring that standards are maintained over time, in the interest of learners.

The SQA subsequently developed the Alternative Certification Model (ACM), comprising the following steps:

- Step 1 — Estimates
- Step 2 — Awarding
- Step 3 — Results and certification
- Step 4 — Appeals

The release of results on 4 August, 2020, was accompanied by controversies and considerable media attention, centred around issues of equity. Subsequently, Professor Mark Priestley of the University of Stirling was commissioned by the Scottish Government to lead an independent review of the processes through which qualifications were awarded.

Professor Priestley established the following research team to undertake the review:

- Professor Mark Priestley – Principal Investigator
- Dr Marina Shapira – Co-Investigator (with responsibility for the statistical aspects of the review)
- Dr Andrea Priestley – Co-Investigator (leader of the strand investigating the experiences and perspectives of young people)
- Michelle Ritchie – Research Assistant
- Dr Camilla Barnett – Research Assistant

Additionally, the Review employed two independent external reviewers, to provide advice on process and preliminary findings and to review the final report.

- Professor Robert Davis – Professor of Religious and Cultural Education, and Director of the Robert Owen Centre for Educational Change at the University of Glasgow
- Associate Professor Gill Wyness – Associate Professor of Economics, and Deputy Director of the Centre for Education Policy and Equalising Opportunities (CEPEO) at the UCL Institute of Education.

Work on the review commenced on 17<sup>th</sup> August, with an interim report to the Deputy First Minister on 15<sup>th</sup> September and completion of a final report on 30<sup>th</sup> September.

## **Remit**

The following remit was agreed with the Scottish Government:

The review will include considering evidence, providing commentary and recommendations around the following themes. A focus on those issues which are most pertinent to consideration of awarding methodology in 2021 if there is further significant disruption to learning and teaching and/or the cancellation of exams is key:

1. Events following the cancellation of the 2020 examination diet.
2. Advice and support given by SQA and Local Authorities to awarding centres on determining and quality assuring of estimates
3. Approaches to the gathering and quality assurance of teacher/lecturer estimates, including where possible feedback from teachers/lecturers/Directors of Education, prior to submission to SQA about the perceived rigour in the evidence base for making estimates, e.g. prelim marks, classwork, summative and formative assessment until the schools closed in March. This will include consideration of local quality assurance approaches taken by centres and Local Authorities to aid estimation; the conclusions reached by centres about estimated grades; and decisions about whether or not to share estimates with learners at that time.
4. Exploration of alternative approaches to grading and moderating national qualifications in the context of the disruption caused by Covid-19, that would maintain standards and the credibility of qualifications in Scotland and deliver public confidence.
5. Impact on young people (and their families) who did not receive what they believed their estimated grade submitted to be.
6. Feedback from teachers/lecturers on the estimation process and the moderated grades which were awarded on 4<sup>th</sup> August
7. Consideration of the post certification review process as a means to address the issues in 5 and 6 above.
8. Confidential draft report to ministers on findings by 15<sup>th</sup> September 2020.
9. Final report published by 30<sup>th</sup> September 2020.

## **Methodology**

The Review has been treated as a research project, involving the collection of primary data and review of secondary data, as well as due consideration of ethical issues. The following approaches were used to generate a wide range of data to inform the review.

1. Review of documentation, including published materials, emails and other communication between Government officials, SQA, local authorities and other stakeholders.

2. Panel discussions with key stakeholders, including young people and parents/carers, teachers, senior school leaders, local authorities, SQA and government officials.
3. Interviews with key individuals (e.g. SQA, academics with specialism in assessment/statistics).
4. Analysis of short position papers, submitted by stakeholder organisations. These are listed in Appendix A of the report.
5. Consideration of how moderation was applied to centres' estimated grades. This included examination of processes set in place by local authorities for supporting and moderating grades at the estimation process, and consideration of the national moderation processes applied by SQA. The time scale and resources available for the Review have not permitted an in-depth analysis of the statistical approach used for moderation, and we have not had access to the algorithms or anonymised datasets necessary to undertake such a review<sup>1</sup>.

The primary source for recruitment of panel members was national stakeholder groups, with a focus on people with direct experience of the awarding process. These groups nominated people for the panel in question. With the exception of one group of teachers (see below), and a small group of parents/carers, where contact was facilitated by the parents' advocacy group *Connect*, we have not been directly involved in selecting participants for panel discussions. We note here that the views expressed by panel members may not always agree with one another, or with the SQA view of events. We report stakeholder views presented in our evidence as perceptions of the process. It is important to do so, as these perceptions provide a clear indication of how the process was experienced by different people, thus providing insights into how the system might be operated differently in the coming year, when COVID-19 is likely to remain a factor. The following illustrates the range of stakeholders engaging with the review through panel discussions.

Discussion Panel	Number of participants
Children in Scotland	7
Scottish Youth Parliament	5
Children & Young People's Commissioner Scotland	6
Student Partnerships in Quality (Sparqs)	3
SQA: Where's Our Say?	2
Parents (Connect and the National Parent Forum of Scotland)	9
Head teachers	9 (+1 written response)
Independent Sector Teachers	5
Non-affiliated Teachers Group	9

<sup>1</sup> We initially expressed, to the government, an interest in conducting analysis of the dataset using the algorithm employed for grading. It was made clear to us that, while the government would make a request of SQA for the data, the request was unlikely to be granted in the short time scales of a rapid review. Subsequently, and due to challenges in resourcing and gaining university ethical clearance for such an analysis within the timeframe, we did not pursue this option. We do, however, believe that such an analysis is necessary to gain a full understanding of the processes undertaken, hence our recommendation 8.

College Lecturers	7
Teaching Unions	8
Subject Associations	8
Academics	8
Local Authorities	5
Scottish Government	4
SQA Technical	4
SQA Policy	6
SQA Practitioner	7
	<b>Total 112</b> (109 individuals, accounting for SQA participants who took part in more than one interview panel)

All panels and interviews were conducted via Microsoft Teams and recorded with the permission of participants, who underwent a formal process of informed consent. The research was conducted in accordance with the 2018 BERA Ethics guidelines<sup>2</sup>, with due regard for the human dignity and safety of all participants, following approval by the General University Ethics Panel at the University of Stirling.

Participants were guaranteed confidentiality as far as is possible in group interviews. We have not attributed any statements made in the interviews to individuals and/or particular schools and local authorities. Participants in group interviews were asked to refrain from identifying co-participants or divulging details of others' testimonies. Scottish Government and national agency staff were not present at panel discussions and interviews, and they will not have access to primary data (e.g. interview recordings and transcripts) or details about participants other than that which is public knowledge (i.e. named individuals publicly representing organisations). Different stakeholders were interviewed in discrete groups, avoiding, for example, a situation where teachers are nervous to testify frankly in the presence of local authority officers, or young people in the presence of teachers. All interviews and panel discussions were led by university researchers, who are independent of the qualifications system and processes.

We were cognisant of the need for additional sensitivity in the case of some groups of young people regarding confidentiality and anonymity, and access to the technology required to participate in the discussions. We were also aware of the potential for this research to cause emotional distress for some participants, who have been disadvantaged in the granting of awards and subsequent destinations (e.g. missed university places). The researcher leading this strand, Dr Andrea Priestley, is highly experienced at working with young people, including those in care and other vulnerable situations, and was able to address these issues. As all young people were representing third party organisations, they could usually also receive support from those organisations. A representative from the young people stakeholder organisation was permitted to attend the applicable session with the

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<sup>2</sup> <https://www.bera.ac.uk/publication/ethical-guidelines-for-educational-research-2018>



permission of all participants, in order to provide support for the young people. Where applicable, we referred young people to CYPSC for additional support.

## Findings

This section of the report commences with a brief overview of the findings, before engaging in a more detailed analysis of the data related to a number of key themes. These are:

- Estimation and local moderation
- National Moderation
- Appeals
- Equalities issues
- Communication
- Impact on young people and their families
- Impact on teachers and lecturers

Each of the abovementioned sections provides the following: 1] an overview of findings; and 2] some discussion of findings.

### General overview of findings

There was a general acceptance amongst the majority of respondents, with which we concur, that the SQA and government were faced with an impossible situation – a ‘monumental task’ (Learned Societies position paper) of moving from a well-established system of awarding qualifications based on exams and formal coursework assessment, to a very different system based on teacher estimates. This was exacerbated by the huge difficulties associated with being required at short notice to work remotely from home. Respondents generally recognised the professionalism, hard work and dedication brought to the task by SQA, in the face of formidable issues to resolve in a pressured and rapidly emerging context over a limited timescale. The following extract is typical of sentiments widely expressed in interviews and position papers.

After the cancellation of the 2020 exam diet, announced in March, and given the time constraints, it should be noted that the SQA were put in an exceptionally challenging position. It was very unlikely that they would be able to develop a solution that could replicate the current assessment conditions and system. (ADES position paper)

Moreover, SQA was faced with considerable capacity issues in moving to a system very different to what had previously been offered. Panel interviews with SQA painted a picture of the challenges involved in bringing in external expertise in statistics (government secondments and private agencies) and developing a new system to receive estimate and rank information from centres. It is widely accepted that no system could be perfect under these circumstances. Respondents generally agreed that there was no feasible alternative to cancelling the exams diet (including parents’ groups (e.g. NPFS position paper), and were supportive of this decision. Evidence presented to the review indicates a rapidly changing situation, where

decision making was exceptionally difficult in challenging circumstances, and often undertaken as a reaction to unpredictable political and media commentary. The following brief timeline illustrates clearly how emergent events effectively turned decision-making into an extremely uncertain process. The examinations diet was still planned almost up to lockdown; on 18<sup>th</sup> March, the Scottish Government and SQA joint statement on the *Coronavirus, and impact on August 2020 certification* stated:

The Qualifications Contingency Group agreed that every effort should be made to ensure schools remain partially open to allow Senior Phase pupils to complete learning and be able to submit coursework, in addition to being able to open as examination centres during the diet, should medical and scientific advice allow.

On 19th March, the examinations were cancelled by the Government. On 20th March, schools closed and SQA called on schools to collate evidence, including getting coursework completed. On 23<sup>rd</sup> March, the First Minister announced young people should not attend school to complete coursework. These examples illustrate the difficulties in making decisions at this stage, when the COVID-19 pandemic had many unknown dimensions, when concerns about safety were paramount and when the situation was changing daily.

We have seen little criticism of the three principles underpinning the process:

- fairness to all learners;
- safe and secure certification of qualifications, while following the latest public health advice;
- maintaining the integrity and credibility of the qualifications system, ensuring that standards are maintained over time, in the interest of learners.

In general, the majority of stakeholders support the notion that SQA have acted with integrity to realise these principles laid out by the government at the outset, in the face of very challenging timelines in an unprecedented situation. Some respondents, however, have questioned the subsequent realisation of the principles in the ACM, and particularly whether the first principle was ultimately undermined by an emphasis on the third. We will return to this issue later in the report.

We have found more disagreement with the decision not to continue with marking and submission of coursework. Many respondents would like to have seen more consideration of how coursework could have been completed, marked and used to contribute to grading/estimation. Again, we will return to this issue later in the report.

Despite this broad in-principle support for the stance laid out by SQA and the government, the widespread view of most respondents in our review is that many of the subsequent problems encountered could have been mitigated had different decisions been made. We wish to emphasise here that many of these observations are made with the benefit of hindsight; it may not have been possible to act differently, given the circumstances, and it is also not always clear that different forms of action advocated would have made a huge difference. Nevertheless, one of the purposes of this review is to learn from the experience of 2020, given the high

likelihood of continued COVID-19 disruption in the coming year, and reflection on the issues that affected the 2020 qualifications is an important part of this learning.

In particular, the following issues have surfaced:

- the generation of estimates, while clearly undertaken with integrity in the majority of centres, has been subject to variation (in the types of evidence available, the processes followed for internal moderation and the support given by local authorities), which has impacted on reliability of assessment at this stage;
- the statistical approach to moderation could have been more transparent earlier in the process, and moreover it has led to anomalies in grade adjustment, especially at the level of subject cohorts within centres and individuals;
- there is widespread criticism by respondents of SQA for a perceived lack of transparency and a failure to engage in participative development of solutions with stakeholders;
- while the application of the Post Certification Review (PCR) process offered an in-principle technical solution to address these anomalies, it paid insufficient attention to the severe impact on those students obliged to undergo it (in terms of mental health and wellbeing, missed opportunities to transition into Higher Education<sup>3</sup>, etc.);
- principles relating to what data is appropriate to be held by certain organisations at certain points in time (i.e. SQA, the Scottish Government), which make perfect sense in normal times (e.g. arrangements around data sharing), appear to have impeded the development of actions that might have led to an earlier anticipation and mitigation of subsequent problems.
- the equity implications of an over-reliance on a statistical approach, premised on comparison with historical cohort data, had been raised repeatedly from April onwards (e.g. CYPSC and NASUWT position papers), but seem to have been under-emphasised by both the government and SQA until late in the process;
- many stakeholders believe that, subsequently, opportunities were missed (or dismissed) to engage in qualitative moderation of the statistical process;
- respondents reported an erosion of trust/confidence in SQA amongst teachers and young people, and damaged relations in some cases between young people and their teachers.

We note here that SQA has stated to us that there is no regret in respect of the moderation approach used this year (in terms of its technical application), but that the regret lies in the fact that the PCR process was not allowed to run its course, as this component was designed to deal with the sorts of problematic results that generated such an intense political and media focus after results day on 4th August. SQA has stated that the case for moderation was clear and unequivocal – and should be seen in the context of commission from Ministers and the unprecedented position faced by the system, including the time constraints within which they were working. Evidence from discussions with SQA indicates that the organisation accepts that the statistical approach to moderation used in 2020 would not be acceptable to

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<sup>3</sup> As reported by young people and the organisations representing them.

the public in future, and there should be more emphasis on a qualitative element to moderation, with a more active role for schools. We have also seen, in our discussions with SQA, some agreement that messaging is important, and that better communication around aspects of the ACM – in particular warning schools and students that estimates would need a high level of moderation that might result in individual and cohort level anomalies, and clearer messaging that the PCR stage was an integral rather than a bolt-on part of the process – might have obviated a great deal of the furore that erupted after results day. SQA had clearly debated the pros and cons of releasing this information, and told us that the decision not to share more details about the implications of the model was based on a perceived need to avoid undue stress for students, parents/carers and teachers.

These issues are addressed in more detail in the following sections.

## Estimation and local moderation

Perceived strengths	Perceived weaknesses
<ul style="list-style-type: none"> <li>• SQA established a system that obtained estimates from every centre for every candidate and subject by the specified deadline;</li> <li>• Clear guidance for centres from SQA (with caveats).</li> <li>• Dedicated approach by teachers and lecturers.</li> <li>• Some excellent practice in some local authorities to support and moderate estimation.</li> </ul>	<ul style="list-style-type: none"> <li>• Difficulties accessing evidence.</li> <li>• Variation in local moderation contexts and practices, with some limited input from some local authorities.</li> <li>• Complexity of enhanced banding scale and ranking processes.</li> <li>• Over-estimation and/or inaccurate estimation in some centres.</li> <li>•</li> </ul>
Overall assessment	
<p>Estimation and/or centre-based assessment would be greatly enhanced by the development of systematic and consistent local moderation processes. While this moderation is applied locally, it requires national development by SQA working collaboratively with stakeholder groups such as local authorities. Moderation should extend to the development of validated sources of evidence, and internal and external verification of assessment.</p>	

Estimation by centres is the linchpin of the ACM. In this section we address some key aspects of this, including guidance, support for local moderation and the place of evidence in the process, including coursework. The evidence from our review suggests that the estimation process was taken very seriously by schools and colleges, and involved a great deal of professional integrity, dedication and hard work by practitioners, working remotely from their usual workplaces, and experiencing formidable difficulties in relation to evidencing estimation. Teachers and head teachers have reported two sets of difficulties: 1] different approaches to progression from subject to subject made a consistent approach across centres problematic; 2] difficulties in accessing evidence, particularly coursework (either in cupboards in school or already sent to SQA). According to local authority evidence presented to the review (ADES position paper), some centres over-estimated; this was not due to teachers deliberately inflating grades, but was instead to some extent

a consequence of an inability to do robust moderation (citing workload concerns, lack of LA capacity/expertise, lack of evidence) and a desire to assess how each individual would perform on the day of examination, given that all went well. We note here that we have seen no evidence of accountability systems leading to grade inflation grades – for example teachers experiencing pressure to enhance their estimates. Indeed, we have seen evidence of the converse, as schools were cautious in their allocations, and as local authorities in many cases moderated estimates downwards. This is encouraging given previous research indicating that cultures of performativity may lead to grade inflation in school-based assessment (e.g. Cowie, Taylor & Croxford, 2007; Priestley & Adey, 2010).

Local authorities, head teacher and teachers have pointed to a sense of grievance in many schools that teacher estimates are not trusted, exacerbated in the view of ADES by a lack of consistency in communications regarding the balance in the ACM between estimation and moderation. It is likely that stronger messages about the need for some form of national moderation would have been helpful at the outset. Existing research (e.g. Everett & Papageorgiou, 2011; UCU, 2015; Wilson, 2015; Wyness, 2016; Anders, et al. 2020; Murphy & Wyness, 2020) indicates that estimates (or predicted grades) have tended to be historically inaccurate (or at least different from eventual exam results), something backed up by SQA's own data (SQA 2020). This literature indicates clear patterns of over/under-estimation associated with particular demographic characteristics (e.g. students from disadvantaged backgrounds and state schools are more likely to be over-predicted whilst those in independent schools receive more accurate predictions). Significant patterns of divergence – between estimation in 2020 and historical patterns of attainment – should have come as no surprise, and yet we were told by SQA that, until the teachers' estimates were analysed after submission on 29 May, there were 'hopes' that teachers' estimates might be close to historical grades and therefore no (extensive) moderation would be needed<sup>4</sup>.

We saw some grievance in LAs that higher estimates were not necessarily the result of over-estimation, but rather a more accurate picture of student achievement than that provided by exams – an evidenced-based approach, which focuses on more than just exam performance, and ensures that the achievements of those pupils, for whom an examination is a barrier, are recognised. Many students felt frustrated that their wider achievement and contribution to the school was not recognised in their awarded grades. They would like to have seen more diverse forms of assessment, which captured their efforts. Students who did not agree with their estimated grade and who weren't supported in the appeals process by their school felt particularly aggrieved and betrayed by their school, when they had contributed to wider school life (e.g. charity work, sports teams, prefect duties). The SQA Future Report 2018 (Young Scot Observatory/SQA, 2018) committed the organisation to working with young people to co-design 'a new approach to assessing competence in the skills highlighted in the report, particularly in the area of life skills'. In this vein, young people would have liked a more holistic approach to the ACM.

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<sup>4</sup> We also note here that SQA provided additional guidance to centres and historical estimate and results data, for the purpose of allowing centres to review at dept level whether they got it about right or that they had a tendency to over or under estimate.

## SQA Guidance

With some strongly expressed exceptions (notably teachers in the independent sector), the majority view of our respondents is that the SQA guidance for centres on estimations was clear and helpful. One subject association stated that the guidance was clear, but would have been useful earlier<sup>5</sup> (MSA position paper). In our view, the SQA guidance on estimation provided clear and concise advice that identified key issues – evidence, past centre performance, et cetera. It was clear that additional prelims should not be set (although we note that the parents panel claimed that some schools allowed pupils to sit second prelims) and there was no need to mark coursework normally externally assessed (although this introduced some ambiguity as to how this could be then used to inform estimation). The online training provided by SQA to address unconscious bias was well-received on the whole.

According to some respondents and our own reading of the guidance, it had some shortcomings, perhaps understandable given the timing and circumstances of its production. First, while the paper suggested a wide range of evidence, it did not explicitly preclude limiting estimation to the prelim grade (which some schools seem to have done). The sign off system provided only a limited form of moderation, and a more comprehensive set of guidance around local moderation would have improved school-based processes for estimation. A subject association, reflecting a general sentiment that teachers would like more engagement with SQA in the development of processes for awarding qualifications, stated:

It was extremely disappointing, but not unexpected, that the SQA chose not to engage with any professional organisations during the development of the estimate process<sup>6</sup>. (SAGT position paper)

Moreover, it was noted by some (e.g. the independent schools panel) that the subsequent Post Certification Review documentation was more comprehensive – and more specific on what constitutes evidence, including coursework. Some respondents believed that the guidance had changed over time, creating difficulties; in the words of one respondent, ‘moving the goal posts’ (head teacher interview).

The enhanced banding scale and ranking processes were found to be complex and stressful by many teachers, including the subject associations (e.g. SATE) and the teacher unions.

The process was made more complicated, in our view, by the SQA’s insistence on the sub-dividing of existing bandings and the creation of rank orderings. (EIS position paper)

The refined grade and ranking system, however, was quite complex and was often difficult for staff to quantify. (Colleges Scotland position paper)

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<sup>5</sup> SQA provided communications to centres on estimation on the 2<sup>nd</sup> April and 20<sup>th</sup> April.

<sup>6</sup> SQA states that they consulted stakeholders on this, including subject associations.

We note here that some potential problems with the estimation process do not appear to have been thought through in detail. Some were addressed by inter-school collaboration, and local authority support, but this seems to have been variable.

1. Difficulties in accessing evidence (e.g. reported in the SSTA and SAGT position papers, head teacher panel and several teacher panels), which in turn made estimation difficult.
2. School size: 1] in small schools, not enough subject teachers to moderate each other's work or a lack of teachers with a specific expertise (these issues are exacerbated where staff are inexperienced, e.g. a new member of staff as the sole subject teacher in a department); 2] in large schools with many classes (e.g. maths), teachers do not know all students, and it is difficult to rank them (reported in several of the teacher panels)
3. College sector specific problems (e.g. one course could be spread across different campuses; lack of previous knowledge about students; lack of previous attainment data for adult students – reported in the college lecturer panel).

Again, more developed guidance on local moderation, a greater recourse by SQA to local expertise in schools, colleges and local authorities and clearer messaging about the necessity of national moderation may have mitigated these issues.

### **Local Authority support**

The role of the local authorities appears to be crucial in respect of local moderation of the estimation process<sup>7</sup>. We have found evidence of highly variable approaches to local moderation (e.g. SLS position paper, analysis of LA documentation) – in some cases exemplary, in other more minimal.

In some LAs, we have seen rigorous approaches to supporting estimation, including guidance on evidence and cohort historical comparison, follow-up processes to query high estimates, and use of data to account for previous concordance between estimates and grades. In some LAs, analysis of results was undertaken post-award. In at least two of the examples we examined, this analysis quickly allowed anomalies in grading at a cohort level to be quickly identified. One Director of Education told us that an analysis of results in the LA took only one hour and forty minutes, with the implication that a national analysis of results, pre-award, would have been a straightforward exercise that would quickly have identified anomalous results, making qualitative moderation subsequently possible. Some LAs provided direct support to schools (e.g. those with low capacity, such as one teacher departments) and supplementary data on historical attainment and concordance patterns. Oversight allowed errors to be corrected at the local level, prior to estimates being submitted. In at least one LA, grades were adjusted by the LA prior to submission. Some LAs established a common process of estimation/moderation for schools to follow. In some cases, systems were developed in collaboration with schools, with occasional evidence of parental consultation. In one case, an estimation tool was

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<sup>7</sup> We note that nearly 100 centres are not within LA jurisdiction.



produced, which facilitated estimation and allowed analysis of post-estimation trends in the data by schools.

In other LAs, guidance was more limited (e.g. supplementary guidance on processes or even simply reiterating SQA guidance). In these LAs we saw little or no evidence of checking results patterns prior to submission. Even in the best practice cases, LA moderation could be limited in its effects; in one LA with extensive provision for supporting and moderating estimation, it was reported to us that schools were able to disregard LA advice press on with estimations (conducted by teachers and signed off by HTs).

In some cases, LAs stated that they submitted rationales for variance to SQA. Others collected data, and waited to be contacted by SQA – being concerned that moderated grades would be subject to arbitrary moderation by the national moderation process. According to one Director of Education, “The additional step of asking the SQA to contact Directors [of Education] to discuss any anomalies would have helped prevent this.”

We note that variance in approaches to moderation by LAs does not seem to be exclusively linked to size/capacity – some of the most thorough systems were evident in small LAs.

## Coursework

Cancellation of coursework, albeit discussed and agreed with key stakeholders, has been contentious, with many stakeholders suggesting that a greater effort could have been made to assess it, to both contribute to final grades and to form a more robust evidence base for estimation (e.g. ADES position paper, NPFS position paper). For example:

There was potential for further discussion and thought around the use of coursework and assessments, much of which SQA already had. Reasoning for not using centred around the confidence of a carrier being able to distribute to markers and return. Should this have been investigated further? (ADES position paper)

Having considered the evidence, we accept that this was a pragmatic decision made for a combination of good reasons. These include: equity (while some students had completed coursework, in many cases it was not complete); logistics (getting coursework from schools to markers in face of disruption to courier services); and safety concerns (due to fears about spreading the virus through distributing and handling packages).

## National Moderation

Perceived strengths	Perceived weaknesses
1. SQA designed a moderation system to adjust the centre's estimates on centre/course/grade level, taking into	1. The moderation was primarily based on a quantitative



<p>account historical patterns of attainment for each centre</p>	<p>approach<sup>8</sup>. There was no engagement in a qualitative discussion with centres and/or local authorities in order to understand and cases where there was variance from historical attainment. We note that centres and LAs expected this to occur; the subsequent failure to meet expectations contributed to the later sense of grievance.</p> <ol style="list-style-type: none"> <li>2. Equity issues that might result from the application of a statistical moderation process could have been also considered more fully at this stage</li> <li>3. Despite the early warning about potential equality impacts, there was little evidence of systematic data analysis to identify anomalies, drawing on government and local government expertise in statistics<sup>9</sup>.</li> <li>4. Although the PCR system was in place to address anomalies, SQA do not appear to have fully appreciated the impact that the moderated results would have on individual learners, their families, teachers, public opinion, et cetera.</li> </ol>
<p style="text-align: center;"><b>Overall assessment</b></p>	
<p>After examining this evidence, we believe that more systematic engagement between SQA and different stakeholders in a process of co-construction of the moderation system and a better dialogue between the SQA, Local authorities and centres might have resulted in developing a moderation system that was more equitable to individual candidates. Creating a better understanding about the moderation process could have mitigated the impact that the publication of the results had on young people, their families, teachers and general public. We appreciate that significant pressures caused by time constraints significantly limited possibilities for such engagement – but, in line with stakeholders such as ADES, we do not believe that this was impossible.</p>	

<sup>8</sup> There was qualitative input from SQA's subject Principal Assessors, Qualifications Managers and Heads of Service into defining the Starting Point Distributions and reviewing the model outcomes.

<sup>9</sup> SQA's position is that 'to include any considerations of socio-economic status into the model and/or seek to validate with Local Authorities, would have made the approach subjective and introduced 'bias' and perceptions of bias into the process'.

## The approach to moderation

The moderation of centre estimates was a part of the Alternative Certification Model (ACM) developed by the SQA and is described in its Technical Report (SQA, 2020). We note here that estimates were produced by teachers and lecturers, using both the normal band scale 1-9 and the 'refined' band scale 1-19. Additionally, centres provided a rank order of candidates within each refined band. SQA argued that they requested more granular estimate scale and rank order to support more nuanced decision making and to address two important aspects of teachers estimates: absolute accuracy (where the grade is estimated against national standards) and relative accuracy (a rank order of the candidate among other candidate who achieved the same grade).

As we observed in a previous section of this report, existing literature on the accuracy of teachers' predictions highlights issues of accuracy. This, combined with the fact that many centres had a limited amount of evidence upon which to base their estimation (e.g. limited information about prior attainment and limited access to coursework) suggests that the accuracy of the estimates could have been problematic. Some form of moderation of estimates was therefore necessary.

SQA considered and evaluated several technical options for the moderation of centres' estimates and the awarding model. Full description of the options listed below is a summary of the information provided in the SQA Technical Report (SQA, 2020), where detailed discussions of advantages and disadvantages of each one of these options can be found. The possible approaches are as follows:

1. Directly awarding centre estimates.
2. Linear regression modelling.
3. Awarding using national moderation only.
4. Centre level moderation.
5. Awarding using centre-supplied rank order.

The SQA used the following assurance framework to develop their ACM.

- The application of extant existing policies and procedures whenever possible, the application of the SQA risk management framework and review by heads of services, directors and the Chief examiners.
- Oversight and approval by internal governance groups, including relevant project boards and oversight by the Code of Practice Governing Group and the SQA Board, supported by the Qualifications Committee and Advisory Council.
- Independent review using appropriate sources of technical assurance.

Expertise in educational assessment and statistics was provided by private contractors, AlphaPlus and SAS, who supported SQA in formulating a robust and deliverable approach for moderating estimates. SQA used key members of its Qualifications Committee and Advisory Council to provide professional expertise at key steps in the process. SQA also sought the advice of the Scottish Government's Qualifications Contingency Group, which involves key system stakeholders, at key points in the process.

The moderation approach is outlined below (SQA 2020).

1. A centre's estimates (per grade per course) were assessed against that centre's own historical attainment on the same grade on that course with allowance for variability beyond the previous years' historic attainment;
2. The approach allowed for variability in attainment relative to historical attainment through making wider the tolerable attainment range for attainment at each grade.
3. The approach allowed for a historical variability in attainment at course level, through undertaking assessment at each grade for each course (rather than using total estimated attainment for each grade at the centre compared to historical total attainment for the same grade at the centre)
4. Estimates were only adjusted when a centre's estimated 2020 attainment for a grade were outwith the tolerable ranges, including the allowances for variability on historic attainment.
5. To ensure that the cumulative result of centre moderation was broadly consistent with historical attainment by grade for each course nationally starting point distributions (SPD) were used. SPDs were created, based on: 1) proportional national attainment level for each grade in 2019 (with some adjustments) for Higher and Advanced Higher qualifications; and 2) taking averages of attainment data per course for years 2018 and 2019 for National 5 qualifications.

The ACM has been repeatedly stated (by the government and SQA) to be a mixture of both quantitative and qualitative approaches and said not to rely wholly or even mainly on historical comparisons at the level of whole cohorts. For example, the SQA said:

The data we will be working with includes school and college estimates, rank orders, historical results and estimates for all National Courses as well as learners' prior attainment data for many Highers and Advanced Highers. This will allow us to explore the reasons for any apparent changes in the pattern of attainment (compared with previous years) that are reflected in the estimates submitted by schools and colleges. Such an approach needs to incorporate multiple checks and decision rules to identify where adjustment may be necessary. (Latest SQA statement to schools and colleges – Wednesday 3 June 2020)

On 6 June it was stated that:

After completion of the initial check, SQA will ... carry out a centre level moderation exercise Based on the above centre-level moderation exercise, SQA will explore if it is feasible, within the time available, to engage with schools, colleges and/or local authorities to discuss any reasons for the change in estimated attainment'. (Qualifications Committee 6 May 2020 Alternative Certification Model for Diet 2020).

In fact, the developing of SPDs was the only part of the moderation process where the SQA Technical Report mentioned a qualitative phase. Thus the report says:

This initial SPD was supplemented by a qualitative review by key SQA subject expert staff and appointees including Qualifications Development heads of service, qualifications managers and principal assessors. In some cases, this review resulted in adjustment to the initial quantitatively-derived SPD based on insight provided or trends highlighted by these subject experts... Accordingly, the subject experts might advise that a slightly different national distribution would be expected for 2020, relative to previous years. (SQA, 2020, p.29)

Subsequently, after analysing centre estimates, a decision was made not to enter dialogue with centres and use a purely quantitative approach to the moderation.

Statements from SQA in panel interviews suggest that the decision to move entirely to a quantitative approach was taken once the scale of what was seen as 'over-estimation' became apparent in early June – given the short timescales and the sheer volume of work/limited capacity, qualitative checking as part of the moderation was abandoned at this point. As one SQA official told us, 'The sledge hammer was because of the estimates and how different they were from historic distributions.' (SQA panel). The main reason for using this approach was that there were not enough data in Scotland about previous attainment at an individual level. Thus, a pragmatic approach was taken with some tolerances built in to account for year on year cohort variation; SQA maintains that this was the best approach in the circumstances and that any candidate-level anomalies would be resolved through the PCR process.

Some questions of equity were taken into the consideration at the outset of the ACM. Thus, SQA acknowledged that not all young people have conditions at home to continue to work on their coursework. These assertions are difficult to square with the fact that the subsequent key process – the national moderation phase – was entirely quantitative, based on a mathematical optimisation procedure, Mixed Integer Linear Programme (MILP; see below), using prior data of cohorts on subject/level for past four years in the same centres (except in the cases of first presentation by a centre or very small cohorts of 5 or fewer students). We would argue that equality and equity issues should have been also considered more fully at this stage, and reflected in the methodology, not least because the research literature questions the accuracy of the prediction of attainment, which varies not just between different types of schools, but also by students' prior attainment, socio-economic background and other characteristic (gender and ethnicity). For example, after controlling for prior attainment and socio-economic background, students from state schools are actually less likely to be over-predicted than those in independent and grammar schools (Wyness, 2016<sup>10</sup>). We believe that the government could have run some statistical analysis of the data at the immediate post-submission stage to identify patterns in the data, and as requested by ADES.

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<sup>10</sup> Although this is based on A-levels we do not have reasons to think that it operates different in Scotland.

Many respondents have suggested that it would have been possible to undertake qualitative moderation to complement the quantitative approach used, for example dialogue with centres, and this was initially considered by SQA, before being rejected on two stated grounds: 1] the sheer scale of the task would be impossible given limited resources and short time scales; and 2] to attempt to do so would create inequity if not all centres could be involved in dialogue. A decision to moderate centre estimates using a purely quantitative moderation procedure created, according to many respondents, a huge gap. Teachers, head teachers and local authorities we have spoken to, felt very strongly that there was a need to have a system in place for verifying evidence used for producing estimates, at least for those cases where the centre estimates were in a stark contrast with historical attainment trend, prior to moving to a national moderation phase. Although many respondents agreed that this might not been feasible for the SQA, given the time constraints, to engage in a dialogue with every centre, they felt that the SQA should have engaged in dialogue with local authorities. For example,

In their position paper submitted to this review ADES said:

ADES continued to communicate with SQA over a willingness to support the moderation process. They offered that every local authority would make themselves available to discuss a 'first draft' of grades where patterns at departmental level, school level or authority level were not in line with previous trends. It was accepted that SQA could not be expected to work with individual centres but could have worked with 32 local authorities. Despite a series of conversations, SQA declined this offer giving reasons of potential unfairness. It is our believe [sic] that this could have had a major bearing on the outcomes.'

Indeed, we have seen evidence that local authorities were concerned that centre estimates would be subject to arbitrary moderation by the national moderation process. According to one LA, 'The additional step of asking the SQA to contact Directors of Education in LAs to discuss any anomalies would have helped prevent this.' As we have already described in previous sections, some local authorities (although there was a considerable variation in these practices) told us that their centres submitted rationales for variances between the 2020 centre estimates and the centre's historical attainment to SQA. Other local authorities collected such data from the centres and expected to be contacted by SQA.

Based on the stages described above, the following procedure was applied (this is a simplified description of the procedure; see the SQA technical report for a detailed description):

- Historical attainment data were used to calculate an upper and lower tolerance for estimates for each centre, course and grade.
- For each one of years 2016,2017, 2018 and 2019, centres were ranked by proportion of entries achieved each grade (per course)
- These rankings were split into ventiles (20 bands).
- A representative attainment percentage was derived for each ventile, by taking the four-year mean percentage for each ventile.

- The acceptable tolerance for each school/course/ grade combination was two ventiles higher than its historical best and two ventiles lower than its historical worst performance<sup>11</sup>.
- Moderation took place if the estimate was outside the tolerance range
- In addition to centre moderation to ensure consistency with that centre's historic attainment, this approach also ensures that the cumulative moderated outcomes across centres for a course are within pre-defined national tolerances using the SPDs.

To implement this moderation procedure the optimisation technique based on mixed integer linear program (or programming) (MILP) was used (SQA, 2020, p.40). MILP is part of a family of Mathematical Programming techniques that optimise (by maximising or minimising) a (linear) objective function subject to a number of constraints. Mixed integer programming adds an additional condition that some of the variables are integers. MILP has many applications such as production planning, scheduling, et cetera. (Williams, 2013). SQA defined the optimisation problem as follows: When adjustment was needed the primary linear objective function was to minimise the number of candidates moved between the grades to meet the centre constraints for each grade and A-C rate (SQA Technical Report, p. 40).

As explained previously, we have not had access to the student datasets and detailed methodology and the detailed algorithm/computer code used by SQA (nor the resources/time to undertake such an analysis in the context of a rapid review). These would be needed to conduct a comprehensive analysis of the working of the ACM, and/or examining in detail the overall suitability of using the MILP approach to moderation, as well as exploring whether some changes in the definition of the optimisation problem, including the formulation of the primary objective function, could have produced better moderation results. The datasets and codes would also be required to conduct modelling and evaluate alternative approaches. Such an analysis would be necessary to address various questions raised by our review, for example relating to evidence of unexplained variance in moderation between different schools (with some centre moderation results for some subjects being lower than they should, based on the centre's historical attainment trends), between subjects in the same schools (e.g. MSA position paper) and (anecdotally) between candidates within the same cohort. We have, however, seen local authority and school level analysis of trends in grade adjustment, suggesting a number of problems highlighted below.

### **Issues arising from the moderation process**

The first issue is the one that has received lots of media attention: the schools in areas with higher level of socio-economic disadvantage have been downgraded more than schools in more advantageous areas. Concerns about the impact of statistical moderation on the outcomes of pupils from disadvantaged schools were voiced repeatedly before the publication of the results on 4<sup>th</sup> August. For example, a

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<sup>11</sup> If any centre had only one or two years' attainment history on a course for which they had entries in 2020, then the historic range for that centre on that grade was extended in each direction, to provide a range of five ventile bands. The additional allowance of two ventiles in each direction is then further applied to this extended ventile range. Centres with no history (i.e. presenting entries for a course for the first time) were therefore awarded the original estimates submitted by their centres (SQA, 2020, p.36)

letter sent to the DFM in July by Johann Lamont MSP, detailing comments made by constituents – made the following points:

The SQA is going to change pupils' grades to ensure attainment is in line with "prior attainment" of that centre. This will disproportionately punish schools in more deprived communities whilst simultaneously over rewarding schools in more affluent communities. This is because the pass rate in the former is historically lower than that of the latter. (letter from Johann Lamont MSP, copied to the DFM, 15<sup>th</sup> July, 2020)

This outcome might have been anticipated. Existing research shows that there is a large variation in the accuracy of the predicted grades between different types of schools and by student socio-economic background (Wyness, 2016). There are two reasons why the schools in areas with higher level of socio-economic disadvantage were downgraded more than schools in more advantageous areas:

1. Schools in socially and economically disadvantaged areas historically have on average lower levels of attainment than schools in advantaged areas. Therefore, standardizing in line with prior attainment of the centre disproportionately affects schools in more deprived areas. As a result, high performers at historically low attaining schools would be disproportionately affected by moderation based on historical record of the school because their grades are out with the aggregate level historical performance.
2. Pupils in poor schools are more likely to be lower attaining. Lower attaining pupils are harder to predict, and more likely to be over-predicted. Hence, moderating grades based on the actual performance of their schools would inevitably result in more downgrading for these pupils: students from the most disadvantaged backgrounds are more likely to experience moderate to severe over-prediction (from 2 to 5 grade points) than those from the most advantaged background (ibid).

Therefore, if acceptable tolerance for each school/course/ grade combination is based on the school's historical performance, then given the tendency of over-predicting grades in these schools the estimates would need to be adjusted (downgraded) more to meet the acceptable tolerances. This approach, which at a centre level managed to produce plausible distributions in line with and often better than a centre's historical patterns, seemed to fare far worse at the level of subjects<sup>12</sup> and worse still at the level of individual pupils. Although, this year, the results of schools in areas of socio-economic deprivation were overall better compared to previous years, emerging evidence suggests that individual level injustices have happened, with 'outliers', such as high performing pupils in these low performing schools, who were arbitrarily downgraded. The evidence of the narrowing of the attainment gap between the students from the least and the most disadvantaged socio-economic backgrounds in 2020 has been praised, yet this feels like over-focusing on a wrong metric, since this aggregate trend hides the fact that high attaining students from lower socio-economic backgrounds and improving schools in disadvantaged areas were downgraded more by the moderation procedure, than their more socially and economically advantaged peers in historically better

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<sup>12</sup> Based on the information provided by head teachers and LAs. A full analysis of the datasets would be needed to confirm this.

performing schools. More research is needed to gauge the nature and extent of these patterns.

Some schools presented data for this review (based on the analyses of the adjusted grades in relation to the teachers' estimates and historical trends) that shows that, although the 2020 grade distribution at the level of schools broadly resembled historical grade distributions, there were huge variations between the 2020 results and the historical trends for some subjects, and from the evidence presented by the head teachers, there were many candidates whose grades were moderated down in an apparently arbitrary way. Conversely, mediocre students in high performing schools may be unduly rewarded with higher than their estimated grades. While the latter problem was far less discussed in the media than the former one, we saw that many teachers felt very strongly, not only where their estimates were downgraded, but also when their estimates were upgraded in an unjustified way.

The second problem suggested by emerging evidence was that some centres were extensively moderated and ended up with attainment levels lower than they expected or had achieved in the previous four years<sup>13</sup>. From our conversation with the SQA technical panel, it seems that this inadvertently resulted from trying to prevent a creation of centre constraints that are too rigid and do not allow some degree of variability for centres that might perform better/worse in 2020 than in the past four years. To achieve this greater variability, the tolerance intervals estimated for every centre (for each grade/course/level), first based on the centre's performance over the years 2016-2019, were expanded both upwards and downwards. The rationale for allowing a tolerance both ways, rather than upwards only, was to avoid unnecessary upward adjustment of estimates which were lower than the historical performance. Yet, in some cases, where a centre was found to have 'overestimated' compared to the historical attainment, it was adjusted downwards towards the point lower than their historical attainment (although still within their tolerance interval). We think it plausible that in addition to what was mentioned, there were cases where centres had estimated better grades than in previous years, yet still within the tolerance range, but might have been downgraded anyway, because the national level corrections for the tolerance range were added, which might have been lower than the centres' historical attainment<sup>14</sup>. Of course, these are only hypotheses which cannot be tested without having access to the computer code, used for the moderation algorithms, and the data. Yet, it seems that introducing more rigid restrictions on the lower boundary of tolerances, which would not allow the centres to be moderated below their historical averages, would have solved these problems.

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<sup>13</sup> Based on the information provided by head teachers and LAs. A full analysis of the datasets would be needed to confirm this.

<sup>14</sup> Distributions (SPD) to introduce adjustments to the tolerances, based on centre-level constraints. The SPDs were estimated as a proportional national attainment level for each grade on a given course. Although the SQA (2020) Technical Report says that they "sought to take the average of as many recent comparable years of attainment data as was available for the course", it subsequently clarified the SPDs were based on two year (2018 and 2019) averages only for National 5 courses, while the SPDs produced for Higher and Advanced Higher courses were predominantly based on 2019 data (p. 29). The latter means that, if the 2019 national result were particularly low for some courses (which we know has been the case for some Higher courses), that could have affected the acceptable tolerances for these courses and downgraded the centre results more than it should, based on the centre's historical attainment alone.



Another potential source of the problem might be the way in which the optimisation problem was defined. A linear program contains two elements: a cost/optimal function and a set of constraints. The constraints must be met at all costs. The cost function, on the other hand should be minimised provided that no constraint is violated. The solution tells us the optimal value of each unknown, such that the cost function is minimised and each constraint is met. If the priority is to prevent an extreme grade movement this should have been set as a constraint. The cost function, on the other hand, should depend on the difference from the historical attainment patterns, since this is what the approach sought to minimise. Yet, SQA did this the other way around. They set the cost function depending on grades movement and assumed that giving high penalties to particular types of movement (e.g. three or more grades) would prevent these movements; but this did not always seem to be the case. High cost is unlikely, but it is still possible. Only if it was given as a constraint could it never happen.

The third problem lies in small numbers of entries in many courses<sup>15</sup> and the resulting problem of over-moderation of some courses<sup>16</sup>, which were big enough to be included in the moderation procedure, but still far too small to obtain reliable statistical estimates. Thus, relatively small numbers of candidates distributed across many centres means it is challenging to make statistically significant decisions across centres and nationally in some low-uptake subjects (ibid). Yet, the SQA states that, for the approach adopted in the moderation process for setting centre constraints, sample sizes are not critical (SQA, 2020). SQA believed that the problem of year on year variability of the outcomes for small centres was solved by setting the tolerance range for each grade/course/centre as the minimum to maximum attainment of the centre on this grade for this course, for years 2016-2019, plus additional tolerances to allow for year-on-year changes in the centre performance. Yet, it seems that the latter still did not solve the problem of year-on year variability. This is to a large extent because teachers' estimates for small uptake courses are less based on the historical patterns and more on teachers' knowledge of the pupils whose grades were estimated this year (after all teachers know that six students who they taught last year might be very different to six students they teach this year).

The fourth problem – downgrades of more than one grade or from pass to fail – has been referred to as the waterfall effect (which was downplayed by SQA in reporting of the national trends). What we have seen in the local authority data analysis looked more like an avalanche effect– the smallest number of entries moved from A to B, then larger numbers from B to C and still larger from C to D. One local authority specifically mentioned that the largest number of moderations were for grade C<sup>17</sup>. We posit various reasons for this. First, when adjustment was required, entire bands were moved up or down.

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<sup>15</sup> In 2019 for National 5, at least half of class entry sizes were made up of 19 or fewer candidates; for Higher, at least half of class entry sizes were made up of 14 or fewer candidates; and for Advanced Higher, at least half of class entry sizes were made up of four or fewer candidates (SQA 2020).

<sup>16</sup> Based on the moderation vs result data provided by teachers.

<sup>17</sup> Based on the information provided by head teachers and LAs. A full analysis of the datasets would be needed to confirm this.

... where it was necessary for entries in a refined band to be moved into another refined band in another grade, those entries previously in the recipient refined band were displaced, rather than the two groups of entries merging. (SQA, 2020, p.34).

This had a knock on effect on the lower band's entries, which were respectively moved further down (when A grades become B grades, the lowest band of B grades may have to become C grade, etc.). Thus, for entries in a refined band (e.g. band 5 in grade A) to be moved into next refined band (e.g. band 6 in grade B) those entries previously in the band 6 were displaced, rather than the two groups of entries merging (SQA 2020). That might result in too many entries being moved down.

We think that one way to avoid this was to use ranking of students within the grade bands (submitted by centres) and to move a minimum amount of lowest ranked entries from the bottom of a higher band to the top of the next band when required, and merge them with the entries which are already within this band, with moving the lowest ranked entries from this band to the next one only if the total number of estimates within a refined lower band exceeded the centre's historical proportion with tolerances.

A related problem is that students in lower grade bands paid a price for overestimation in higher grade bands. The following example illustrates this. The total number of estimates within grade A exceeded the centre's historical proportion with tolerances, while the total number of estimates within the grade B corresponds with the centre's historical proportion with tolerances. Yet, when one moves entries out the grade A and down to grade B, then as the result of this is to move the lowest band(s) of B grades into C grade bands, and so on. As a result, although the original number of entries achieving grades B and C were within the tolerance interval, the students would be downgraded (including from pass to fail) because their teachers 'overestimated' their higher performing classmates.

The potential inequity here lies in the arbitrary nature of the approach; its inability to deal with cohort by cohort variation and particularly its effects on individuals. The use of an appeals system is a technical solution that fails to appreciate the impact on individuals and subsequently on public opinion. As stated by CYPSC in their position paper to the review:

However as a method it appears to have ignored the fact that each statistical point on the graph is an individual young person whose work, effort and attainment have been moderated based on factors entirely outwith their control and which have no bearing on their individual abilities. It succeeds in creating an overall perception of fairness but fails to deliver actual fairness for individuals. (CYPSC position paper)

Email correspondence between the SQA and the government suggests that this issue and its explosive implications for public opinion appear to have not been fully grasped by SQA, other than through its recourse to appeals, until the EQIA was finalised in July, nor by the government until after the results and EQIA were seen at the end of July. Even at this late stage, the focus seemed to rest on presenting a positive picture (the attainment gap had closed in general terms) rather than seeking a fuller understanding of the nuances in the data.

The DFM has asked that we do lots of digging in the stats to show how young people from deprived backgrounds have not been disadvantaged by the results. (Government email, 6<sup>th</sup> August)

We concur with SQA's position that it was not possible, to engage in dialogue at a centre level. We do, however agree with many stakeholders that the following would have been possible:

- Analysis of data to identify anomalies, drawing on government and local government expertise in statistics.
- Dialogue with local authorities to discuss and moderate in a qualitative sense (for example engaging with the rationales for cohort variance collected by local authorities.

After examining this evidence, we believe that – despite the constraints of time and resources – more systematic engagement between SQA and different stakeholders in a process of co-construction might have resulted in developing a moderation system that was more equitable to individual candidates. This could have mitigated the impact that the publication of the results had on young people, their families, teachers and general public. It is a view reflected in the evidence submitted by stakeholders, for example:

A stronger commitment to genuine partnership working may well have headed off the subsequent debacle. It would certainly have eliminated the bulk of individual discrepancies (EIS position paper)

## Post Certification Review and Appeals

Perceived strengths	Perceived weaknesses
<ul style="list-style-type: none"> <li>• The original PCR process was technically appropriate with clear guidance, based on a review of individual candidate evidence.</li> <li>• PCR was free-of-charge and thus there were no cost disincentives for centres.</li> <li>• The priority 'fast-track' PCR process was designed to address the needs of students whose university offers were dependent on their grades.</li> </ul>	<ul style="list-style-type: none"> <li>• PCR was perceived widely as an appeals process, rather than an integral part of the awarding process.</li> <li>• This was exacerbated by SQA not publishing details of the statistical moderation process and its likely implications.</li> <li>• While technically appropriate, the PCR took insufficient account of equity, especially the impact of the process on individuals.</li> <li>• The revised appeals process following the decision to revert to teacher grades narrowed the grounds for appeal, with subsequent problems for schools and young people.</li> <li>• Appeals can only be initiated by centres, with no right of appeal for young people.</li> </ul>

Overall assessment
The likely impact of the PCR process, and its public reception in relation to equity issues, could have been thought through more carefully. Clearer messaging <sup>18</sup> about the role of the appeals system, and discussion prior to results day about the ACM model and its implications would have helped mitigate the subsequent political furore. Use of qualitative moderation after the submission of estimates, to complement the statistical approach, may have greatly reduced the number of cases requiring recourse to appeal. In line with the recently announced incorporation of the UNCRC into Scottish law, consideration needs to be given to whether young people should be able to initiate appeals (as rights holders).

The processes outlined for appeals – Post Certification Review – and associated documentation, were clear and technically appropriate in the view of many respondents. Many teachers found, for instance, that the additional guidance on what constituted evidence to be helpful (e.g. independent schools panel). Nevertheless, the appeals process lies at the heart of the fundamental problem with the ACM, and is subject to a number of caveats raised by different stakeholders.

The view of many respondents, echoed to some extent in our discussions with SQA relates to the manner in which the appeals stage of the ACM was presented. Typically, appeals are a recourse available to small numbers of young people, for example to question a grade on the grounds of extenuating circumstances. In such a scenario, it is entirely correct to present the appeals system as a bolt-on part of the process. In the circumstances of 2020, when estimates might be unreliable, and when a statistical approach to moderation might even amplify this, and/or create inequity at a cohort or individual level, an appeals process serves a very different process. In this case, it is an integral part of the ACM, intended for large scale application to ‘fix’ problems that are a consequence of the system of awarding grades itself. In this scenario, the final appeals stage should, in the view of many respondents, have been more strongly emphasised this year as pre-award part of the awarding process, rather than its usual function as a separate post-award process affecting only small numbers of candidates.

Clear understanding highlighted to the country that the awarding of grades was only a step of the overall process. It should have been communicated that this was not the final step to determining grades and that the appeals process both at authority and school level was the final process. (ADES position paper)

This is an issue of messaging, but one that seems to have had profound consequences due to the expectations created. SQA communications did indeed

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<sup>18</sup> SQA guidance for centres (Post-Certification Review – Information for centres), released in June and revised in July stated: ‘The alternative certification model is based on teachers’ and lecturers’ estimates, which have been moderated by schools, colleges and SQA. The process may lead to a candidate or group of candidates being certificated with a grade that’s different from their estimated grade. To be as fair as possible to candidates, we are providing a post-certification review (appeals) service to allow centres to request a review of the grade awarded for a candidate or a group of candidates.’ While this clearly indicates the possible effects of moderation, it conveys a message that PCR is an appeals process rather than an integral stage in the process.

position the ACM as a four stage process – but the high numbers of respondents making the above points indicates clearly that the messaging could have been more effective. Moreover, the view of many respondents (local authorities and teachers) – and one we share – is that expectations could have been different, had there been publication in June of more detail about the national moderation process, as called for by the Scottish Parliament Education and Skills Committee.

This would have allowed an explicit acknowledgement that under the unique circumstances, such a process would not only be needed, but was to an extent unavoidable to deal with inevitable issues of students being penalised unfairly.

The second point relates to the likely number of appeals that would have been necessary had the original PCR system being carried to its conclusion – numbering in the tens of thousands. Head teachers perceived this to be a shifting of the burden of appeals from SQA to schools, with significant workload and capacity issues (head teacher panel). We note here the strong view of many respondents that a qualitative supplementary approach to national moderation may have mitigated this.

We share the view that addressing anomalies at the level of individuals was not possible given the pressures on the system, but agree with ADES and other respondents that the number of appeals could have been reduced greatly had there been more analysis of data trends in June, relating to anomalies and dialogue at local authority level (for example to explain variance at cohort and subject levels<sup>19</sup>).

Head teacher and local authorities have reported issues arising from the revised appeals system, introduced once the DFM announced the decision to honour centre estimates, in response to the controversy that erupted following results day. The decision to exclude academic judgment (e.g. where new evidence questions the original estimation) from the revised appeals process has removed recourse to students to pursue appeals where estimates were inaccurate, and placed large pressures on schools<sup>20</sup>. Many respondents have stated that where schools accept the right to appeal on the grounds of bias/discrimination in the original decision, this places schools at risk (e.g. litigation). This in turn may create conditions where appeals are denied because they are not in the school's interest to pursue them:

In this situation young people are dependent upon the school or college agreeing that they have discriminated against the young person or have made an administrative or procedural error and submitting an appeal' (CYPCS position paper).

We have seen significant evidence that this situation is severely damaging relations between schools and parents. The decision to limit grounds for appeal seems to us to be both unnecessary and counter-productive. First, following the decision to revert to estimated grades appears to place only a small number of students – schools report typically 3-4 cases – at a disadvantage, and yet these small numbers have created a great deal of controversy, out of proportion to the number of cases.

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<sup>19</sup> Noting that not all centres sit within local authorities)

<sup>20</sup> SQA's position is that meant that any appeals process that did not award based on the original centre estimate was contrary to the Ministerial direction on the 11 August 2020.

Second, SQA has repeatedly emphasised to us that many centre estimates were inaccurate; and yet, the system put in place by SQA denies students an avenue to appeal against inaccurate estimates.

A related issue raised by some stakeholders, especially young people, is the view that the appeals process continues to deny young people the option to personally instigate appeals. Only a school can lodge an appeal. According to CYPSC,

Being denied a direct right of appeal, where they believe they have experienced discrimination, breaches not only the young person's right to an effective remedy under Article 13 and the prohibition on discrimination in Article 14 of the ECHR, and Article 2 of the UNCRC and in the case of disabled young people Article 23 of the UNCRC. (CYPSC position paper).

We suggest that, following the announcement by the First Minister on 1<sup>st</sup> September 2020 that the UNCRC will be incorporated as far as possible into Scottish law, the time has come to review the rights and role of young people in the examinations appeals process.

## Equalities

Perceived strengths	Perceived weaknesses
<ul style="list-style-type: none"> <li>• The principle of 'fairness to all learners' was clearly stated as underpinning the ACM.</li> <li>• EQIA and CRIA documents were produced by SQA.</li> <li>• There was a clear focus on bias in assessment, and well-received training on unconscious bias.</li> </ul>	<ul style="list-style-type: none"> <li>• EQIA and CRIA documents were produced very late in the process, with only limited evidence that equalities issues had been fully considered at the development stage of the ACM.</li> <li>• SQA does not routinely collect equality data about candidates.</li> <li>• SQA's position that it does not have a sound legal basis for routinely collecting information about protected characteristics appeared to impede analysis of data in relation to equalities issues.</li> <li>• The nuanced impact of the ACM in relation to equalities seems to have been obscured by a debate as to whether the ACM advantaged or disadvantaged cohorts in low SES centres.</li> </ul>
Overall assessment	
<p>There need for more systematic and robust systems in future to address equalities issues, particularly in relation to the collection and analysis of data, and in the central role of equalities impact assessment in the design and implementation of awarding systems.</p>	

It is clear that equalities issues were considered at various stages of the process of developing and implementing the ACM. We have, for example, seen evidence of discussion relating to bias in the estimation process as early as March (followed by the well-received unconscious bias training), and (following an offer of support from EHRC on 9<sup>th</sup> April), ongoing dialogue between SQA and various organisations such as the Scottish Youth Parliament and EHRC regarding equalities issues. A primary focus on equalities work seems to have been in the area of bias in assessment, with less focus on how the moderation process itself might produce inequity. For example, the following extract from a presentation to the SQA Board suggests that a focus on bias may even have prevented analyses related to identifying equalities issues, by anonymising data.

Measures built in to moderation and validation process e.g. all data anonymised for analysis, analysis at aggregate level. (presentation to the Board, 9<sup>th</sup> July)

Moreover, we found only limited evidence that equalities issues were systematically considered or built into the development of the ACM from the outset, other than the sorts of instances related above and through general commitments to and acknowledgement of equalities issues. Concerns about the absence of an Equalities Impact Assessment (EQIA) were raised as early as May by the Scottish Parliament Education and Skills Committee and Equalities and Human Rights Commission. At this point, the DFM stated it was a matter for the SQA (email correspondence). There is little evidence that this was undertaken comprehensively until July, after results were finalised. SQA (in its technical report published in August) described equality impact assessment as being developed ‘in parallel with’ the development of the ACM, rather than it being an integral part of the process. A meeting note on 11 July indicated that ‘SQA have committed to completing and publishing an EQIA to support the certification model, but have not given an indication of a likely date yet’ (Scottish Government 2020 Awarding Presentation to the Deputy First Minister, 11<sup>th</sup> July). The EQIA and accompanying Children’s Rights Impact Assessment (CRIA) documents and associated processes for their development attracted considerable criticism from interested stakeholders. .

The draft CRIA was not considered by the SQA Board until 30<sup>th</sup> July and the published document does not address the full range of rights engaged or properly assess the impact of decisions. This meant that the predictable negative impacts of the alternative certification model were not identified and no mitigations were put in place. In particular, the application of a statistical modelling approach at school level resulted in clear and obvious unfairness and disadvantage for many young people. The CRIA should have identified this. (CYPCS position paper)

From the start of this process the NASUWT also pressed for the SQA to publish the details of any equality impact assessment, 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. It is very difficult to understand how decisions were being taken in the absence of any completed equality assessment and the late arrival of the EIA only served to further undermine teachers’ confidence in the process.

The EHRC has also been critical of SQA for shortcomings in its treatment of equalities issues, while acknowledging the constraints on this:

SQA did act upon much of the information we provided. However, their effectiveness in meeting their duties was hampered by a lack of embedded structures and practice, which would have allowed them to fully consider equality in the development of the ACM. They were constrained in what they could do not only because of the very tight timescales they were working to but because:

- There was limited existing knowledge and expertise in meeting the PSED, which meant awareness of equality and an understanding of their statutory equality duties were not built into their decision-making structures;
- They do not routinely collect equality evidence, including equality data about candidates and the views and lived experiences of people with protected characteristics; and
- There was no systematic process to ensure such equality evidence and data was used to inform decision-making. (EHRC position paper)

A lack of access to equalities data is evident in correspondence between SQA and the government in July 2020 – ‘a request to perform analysis to support an Equalities Impact Assessment they are performing on their Alternative Certification Model’ (email from government official to John Swinney, 24 July. SQA requested government assistance to analyse attainment patterns using protected characteristic data. SQA do not have any records of the individual data for pupils apart from grades and estimates (and postcode).

SQA do not hold equalities data and therefore cannot examine the 2020 approach for impact on protected characteristics. (Note attached to internal government email dated 3<sup>rd</sup> August)

Two alternative approaches to this analysis were not subsequently possible: SQA's view was that they could not take receipt of equalities data from government in the absence of a ‘legal basis on which to hold and process pupil characteristic data’; and the government deemed that it could not undertake the analysis prior to results day as this might be seen as unwarranted interference in the workings of an independent exams regulator.

This means that for the analysis to proceed we would have to take receipt of SQA grade data. We would not otherwise receive the pre-moderation data and there could be some concern about us having access to this given the independent role of the SQA in using this data to award qualifications. However these concerns are somewhat reduced as (i) we would not be in a position to take receipt of the data from SQA until after results day on 4<sup>th</sup> August and (ii) the relevant documentation would make it clear that the data was shared only for the purposes of this analysis and that it would be deleted



immediately upon its completion. We have also consulted with [Redact s30(c)] who have advised that there is no legal impediment to proceeding with the analysis. (email from government official to John Swinney, 24 July)

Our data (interviews with teachers and parents) suggested that some protected groups were disadvantaged more than others, for example children with learning difficulties, and yet the full extent of this was unknown at the time due to a lack of analysis by SQA and the government. More research is necessary to explore these patterns.

The circumstances outlined above seem to have led to a situation where some of the impacts of the moderation model were not fully anticipated or mitigated. We have, for example, found little evidence in email communications between or public statements by SQA and the government that the equity nuances had been anticipated or publicly acknowledged (even fully understood) prior to the furore that erupted after the publication of results. Emails (for example those sent internally on 4<sup>th</sup> August) suggest a government priority to defend the position that the system is fair on low SES students, in the face of accusations that low SES centres were more likely to have had awards downgraded (e.g. emails about suggested lines of argument to justify the position). Within this dichotomous argument, some implications were clearly grasped (e.g. general pattern of rising attainment in low SES schools<sup>21</sup>), but the focus on this, combined with a lack of systematic statistical analysis at a fine grained level, seems to have obscured other effects (e.g. reported negative effects on high performing students in low performing schools<sup>22</sup>).

Another equity issue lies in variation in the evidence used to underpin estimation by centres. Although estimates were largely based on the evidence submitted prior to the closedown, there is evidence that, in some centres, later evidence was taken into account, which to cite one respondent was ‘incredibly unfair’ (local authority panel). Moreover, the evidence for appeals was considered up to 29 May (teacher panels) – this created an issue of inequity since there was a huge variation in the ability of young people to work from home and submit additional evidence (and there was a variation between schools in the amount of available support, virtual teaching, etc.). According to one Director of Education, there needed to be a clear statement that evidence should not be generated after lockdown – this caused ambiguity and unfairness – but neither SQA nor the government provided such a statement.

## Communication and transparency

Perceived strengths	Perceived weaknesses
<ul style="list-style-type: none"><li>• Extensive approach to communication developed by SQA.</li><li>• Some guidance was clear and well-received.</li><li>• Some evidence that SQA is developing approaches to working with young people.</li></ul>	<ul style="list-style-type: none"><li>• Unclear and inconsistent approaches to communication.</li><li>• An apparent reluctance by SQA to share some information, widely seen as a lack of transparency.</li></ul>

<sup>21</sup> As stated earlier in the report, more analysis of data is needed to explore these emerging patterns.

<sup>22</sup> As stated earlier in the report, more analysis of data is needed to explore these emerging patterns.

	<ul style="list-style-type: none"> <li>• SQA did not take up some offers of partnership working.</li> </ul>
<b>Overall assessment</b>	
In the context of the pandemic, SQA should continue to develop its work with young people (as stakeholders and rights holders) and to develop greater partnership working with other stakeholders. There needs to be greater transparency in relation to processes for awarding qualifications.	

While it is clear that SQA invested considerable resources in communicating key messages, and while guidance was in general welcomed as being clear, other aspects of communication were experienced in a less positive fashion.

There is a general perception by teachers that SQA communication throughout the process was not always clear or comprehensive (for example important updates being included in an FAQ). Some respondents (teacher and local authority panels) complained about a tendency to send out important updates on a Friday evening after schools had closed, especially when these generated high numbers of parent queries over the weekend.

Young people experienced SQA and school communications as ambiguous, unclear and inconsistent. Many young people and their families saw shortcomings in communication from schools and local authorities. This included: the decisions of LAs not to reveal estimates to children and parents, which due to lack of other communications added stress and anxieties; and young people and their families did not always understand what estimates mean (there was a conflation between the predicted grades, used for UCAS applications and estimates). All this added to the scale of the uproar after the publication of the results, since predicted grades could be more generous than the estimates. While we understand the decision (made by local authorities) to treat estimates as confidential, we are of the view that better communication with young people and their families from the start, including clearer communication about the implications of a statistical moderation system and the use of the appeals system to mitigate these, may have lessened the strong reaction to the published grades in August. We note here SQA's stated position of withholding some information to avoid causing undue confusion and stress, but emphasise that the majority view of young people and parents in our panels was that they wished for clearer and more comprehensive information on the awarding processes and their implications. For example, young people stated that they would have welcomed communication regarding the SQA timeline/development process; even if the SQA did not have the answers in a shifting landscape they would have appreciated being kept up-to-date with the thought process behind decision-making and ongoing developments.

Many respondents see SQA as lacking in transparency, and resistant to working with stakeholders in a genuinely collaborative manner.

Previous concerns about SQA lack of transparency, and perceived organisational resistance to open communication came to the fore – lack of clear communication on how grades would be determined, with the SQA publishing their methodology on results day in a technical way which was not

in clear language for young people or parents/carers. (Connect position paper)

Some respondents reported a perception of SQA as remote from, and lacking in trust in teachers. This feeling has been reinforced by an apparent reluctance to share the technical details of the moderation model and its effects on estimates, despite multiple calls for this to be done.

Had SQA provided stakeholders with early sight of its proposed methodologies as had been recommended by the Scottish Parliament's Education and Skills Committee, this would have provided an opportunity to consider the extent to which they were fit-for-purpose and to put in place measures to address any unintended consequences. (Learned Societies position paper)

SQA justified this approach through a desire to avoid causing uncertainty:

I wonder if we should have been more overt about the profile of estimates versus historical distributions. It would have been difficult and it would not have been popular, but it would have certainly managed expectations. But it could also have unsettled teachers and young people. (SQA panel interview)

We have some sympathy with SQA's position, which can easily be criticised with the benefit of hindsight; we are aware that the full technical aspects of the methodology were iteratively developed through the analysis of data, and that there were genuine concerns about causing undue anxiety for young people. Nevertheless, we are of the view that it would have been constructive, for the reasons already outlined in this report, to have published relevant information about the methodology and its impact on estimates as soon as the estimates had been submitted by schools. The fact that this was not done has contributed to a widespread view – expressed repeatedly by respondents in our panel interviews – that SQA lacks transparency and does not trust in expertise that resides outside of the organisation. We reiterate the point that effective communication is effective insofar as it is experienced as such by its recipients; the fact that so many stakeholders experienced it otherwise should send a clear message to SQA.

We suggest that, given that COVID-19 has created a situation, presumably continuing into the new academic year, where whole system approaches will be needed for the foreseeable future. This can be achieved through dialogue and co-construction of systems required to award qualifications in the coming year in the face of a continuing pandemic. Stakeholders expressed a view that final decisions regarding qualifications need to be made by SQA, as the body with the formal responsibility for awarding qualifications (e.g. local authority panel). SQA can quite rightly point to its well-developed networks of practitioners, who provide a consultative function for the organisation (although we note that many teachers perceive these to be an inaccessible and closed clique; e.g. SAGT position paper). Nevertheless, testimony presented to the review conveys strong perceptions that SQA is an organisation that is resistant to working with stakeholders.

A meeting was brokered by ADES at beginning of April attended by SQA, EIS, SLS and ADES representatives to discuss methodology for determining grades. Support was offered from experienced practitioners across the system to help determine an appropriate methodology. SQA listened to the offers being put forward but felt they had the expertise and knowledge required within their own organisation. (ADES position paper)

We also note that SQA had developed some dialogue with young people during the summer of 2020, building on earlier initiatives since 2018 to involve young people more in decision making and communication (e.g. SQA 2018), and recognise young people as stakeholders. SQA has acknowledged the need to develop a more systematic approach to working with and engaging young people. These early steps provide good foundations for further embedding engagement with young people in their organisational processes, including over the coming year in the likely eventuality of continued COVID-19 disruption to qualifications.

In general, we see considerable potential for a greater involvement of stakeholders, especially in the context of the unprecedented situation caused by the pandemic. We agree with the view expressed by some respondents, that no one organisation could possibly have developed the best set of responses in such an unusual situation, and that this necessitated greater degrees of participative planning and decision making, which would draw more effectively on the collective expertise and contextual knowledge of professionals and young people.

We will return to these issues in our recommendations.

## **Impact on young people**

An important aspect of this review was to better understand the impact of the cancellation of the exam diet on young people. The perspectives of young people were gathered through online discussion panels and position papers submitted by key stakeholder groups. Young people were recruited through national stakeholder organisations including Children in Scotland, Scottish Youth Parliament, Children & Young People's Commissioner Scotland, Student Partnerships in Quality Scotland (SPARQS) and the 'SQA: Where's Our Say?' social media campaign. The young people were all sixteen and over and diverse in terms of geographic spread, level of qualification and type of centre. It should be noted some invited national stakeholder organisations were unable to participate due to the time constraints of the review.

We report on these experiences and perspectives in the following sections.

## **Events following cancellation of the exam diet**

There was a visceral reaction to the cancellation of the exam diet. Young people described a 'meltdown' situation, with students crying and screaming when the announcement was made. There was uncertainty surrounding what counted as evidence and the amount of evidence required. Students reported they were confused by the method by which grades were to be awarded – then about the uncertainty of coursework. Some students, whose schools had submitted coursework to the SQA for marking, had no access to it for evidence.

Inconsistent approaches to applying the Alternative Certification Model were described at school level. Different approaches were noted between teachers within and across departments. Some students reported that approaches varied between subjects, with traditionally academic subjects such as STEM subjects being more rigorous in their estimates than Arts based subjects. Students felt more confident in subjects where their teachers had a comprehensive record of their coursework (e.g. folders of evidence, tracking). Some students reported that their estimated grades would be based solely on prelims, and others on a mixture of evidence that had been collected. Moreover, some students reported that they had been told their estimated grades or there was an intimation of a grade band, whereas others were told this was not permissible.

Overall, the young people reported that the messages they received about their self-worth are based on their school performance. In short, grades matter in their lives. The fact that young people experienced inconsistent estimation processes regarding their estimated grades matters, when they experience the pressure that grades matter. The ongoing stress emerging from the cancellation of the exam diet cannot be underestimated.

## **Equity**

Many young people felt that extenuating circumstances were not taken into account during estimation. For example, students reported that extended periods of illness around the time of the prelims were not considered. Young people, who had experienced extenuating circumstances during the spring semester, such as bereavement, taking on caring responsibilities (young carers) and being care-experienced young people (whose home circumstances can be precarious due to their temporary nature), may not have generated much evidence for estimated grades, and hence were disadvantaged.

Students reported that the impact of poverty and the lack of funding in certain places for digital technology meant that often young people were working with mobile phones to write essays and access materials. Moreover, access to Wi-Fi is an issue within certain families. Young people will tend not to disclose these issues, because of the stigma surrounding poverty. The young people were aware that some private schools continued online teaching throughout lockdown, with fewer issues around technology. Young people reported being unable to hand in jotters with homework, or take jotters home. This disadvantaged students working on paper.

## **Wellbeing**

The societal impact of the anxiety, confusion and ongoing uncertainty of the pandemic needs to be acknowledged, as young people reported it is a very challenging situation for them.

Parents also reported negative effects on wellbeing – especially widespread anxiety.

For young people with Additional Support Needs (ASN), these pressures have been amplified. Some parents have reported that during the school closures there was a lack of support, and this in turn created additional anxiety and

pressure for children with ASN, and has had a long-term impact on their confidence, mental health, and well-being. (NPFS position paper)

Some parents report that their children now lack confidence in the system, lack motivation, and some relationships with schools and teachers have been detrimentally affected by the estimation process. (NPFS position paper)

## Transitions

There was a feeling that SQA had not considered the personal impact of the ACM on young people's lives, for example their school subject choices, university offers, college places, et cetera. Young people, who attained poorer than expected results, changed their university courses based on the results released on 4<sup>th</sup> August. When the decision to award estimates was made, and as A level results were released, they reported no communications from the Universities about their confirmation of the place, causing further stress and anxiety for them. It was reported that students who went through clearing, following poorer 4<sup>th</sup> August results, were not able to go back to their original course choices following the reversion to teacher estimates (i.e. it was too late to go back if their grades were upgraded). This has altered their study/career trajectory.

Students expressed concerns about the possibility of inflated university entrance grades for 2021, due to the number of students applying for places. Respondents urge flexibility (e.g. that offers are made based on two sittings because of the detriment they experienced in S5). It has also been reported that entrance grades have been inflated because of the increase in demand for places as a consequence of the number of students achieving high grades (e.g. we were told that Law at Glasgow has increased from 5As to 6As).

## Future exam arrangements

There is support amongst our respondents for the following:

- **Direct appeals process.** Young people are frustrated by the limited nature of the of the SQA appeals process for 2020. Young people have expressed that they were unable to challenge the decisions of their presenting centre and that they would like to see a direct appeal process available to individuals in 2021. This would account for the extenuating circumstances mentioned above.
- **Continuous assessment.** Young people would like to see achievement captured throughout the year, rather than the 'two term' dash towards examinations (in particular for Higher).
- **A more consistent, transparent moderation process.** The reports from students regarding the variation in how grades were estimated in schools, the nature of coursework and prelims, and the internal deadline for coursework have led them calling for a clear, consistent and transparent process of moderation. This could address the variation in moderation processes and the potential for teacher bias. It is also more likely to engender trust in the system and avoid erosion of teacher-student relationships in schools.

- **Flexible plans, clearly communicated.** The young people suggested that we need flexible plans, that are clearly communicated beforehand and that these should be in place now for the coming year.

### **Involvement of young people in meaningful engagement**

The young people participating in our review advocate a greater recourse to co-construction of policies and documentation. They see a need to be meaningfully involved in the process of policy development and enactment. This may have mitigated some of the issues which emerged in 2020. Relevant information, to guide young people through the process of awarding, could have been developed with young people and shared through media that they access. Keeping young people informed and connected seems key to building a system based on trust and mutual respect. Clear, consistent, transparent lines of communication are considered to be crucial by young people. The points mentioned above all feed into making this happen. Moreover, the young people were clear that telephone helplines do not suit all children and young people. The young people felt that instant messaging is often a less threatening medium rather than a telephone line<sup>23</sup>.

### **Longer term impact of this experience on young people**

Our review has highlighted a number of concerns raised by the young people, regarding the future:

- The ongoing impact of COVID-19 on courses, particularly practical subjects where social distancing and health & safety measures have impacted on course content (e.g. PE students reported that they are unable to play indoor sports);
- Mental health/wellbeing – this is and has been a period of prolonged anxiety, compounded by uncertainty relating to arrangements for 2021;
- Impact on relationships with teachers – students embarking on further study with teachers whose estimates they did not agree with;
- Mistrust in the qualifications system;
- Impact on the 2020 cohort – many young people expressed concern that their grades/achievements are devalued and would be looked upon unfavourably for entry to FE/HE and by future employers;
- Financial hardship – many young people have fallen into poverty as a result of the pandemic (e.g. parental job losses, increase in applications for free school meals and school clothing grants). It has been reported that many young people can no longer afford to go to university.

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<sup>23</sup> We note here that SQA offers a range of ways in which candidates can make contact including phone, email, Facebook, Twitter, MySQA Sam, Candidate Enquiry Webform. The consistent perceptions of young people interviewed, that SQA communication is confusing, perhaps indicates the need for greater engagement with young people (building on existing work) to co-construct communication channels and promote their wider use.



## Discussion

We commence this section of the report by reiterating the extremely challenging conditions under which the ACM was developed, implemented and subsequently received. This is the majority view of respondents, and such sentiments prefaced most panel discussions. Moreover, while this review has made critical observations about aspects of the process, it is not our intention to apportion blame; instead we see the review as an opportunity to offer constructive criticism which will inform future responses to the ongoing COVID-19 pandemic, and especially to ensure that young people undergo a consistent, rigorous and [above all] equitable approach to the award of qualifications in 2021. Award of qualifications in such circumstances is clearly a whole system issues, and requires whole system responses. We also preface our observations here with the following points:

- Young people, their families and teachers and lecturers deserve as much certainty as can be reasonably given in the face of an uncertain set of circumstances. This entails clear and transparent communication as soon as possible about the arrangements for 2021, and the rapid development of appropriate support and systems for making them happen.
- It has been communicated very clearly to us – by head teachers, teachers and local authorities – that it will not be possible to both prepare young people for examinations and work comprehensively to generate evidence to be used if they cannot run. This is a case of either/or – but not both. The general view that we need to prioritise a focus on the rigorous evidence base.

The development of the ACM required the establishment of quite different approaches to those employed normally – moving into unknown territory. It was clear that centre estimation would be needed as the foundation for awarding, and that some form of national moderation would be needed, given the historical issues of accuracy with predicted grades – exacerbated in this case by a lack of access to the full range of evidence and under-developed systems for local moderation that could not be easily set up in the available timeframes. This combination of factors created the ‘impossible situation’ described by many respondents. Within these constraints, a coherent approach was developed enabled the award of qualifications to proceed – and we note here that in 75% of cases, estimates submitted by centres were not adjusted.

That said, we believe that certain decisions could have been taken differently, and that this may have led to different outcomes, and prevented the subsequent negative reaction that led to this review. These decisions relate to the following:

- A greater recourse to partnership working in the early stages to develop the ACM. It is clear from our evidence that such working was on offer, but that it was not taken up by SQA.
- Greater transparency, as requested repeatedly (e.g. by the Scottish Parliament Education and Skills Committee) around the moderation system and its implications.
- A different presentation of the PCR as an integral part of the awarding process, rather than as a bolt-on appeals process (as is the case usually). It is worth reflecting here on how the use of different terminology might shape



perceptions of this phase of any future ACM. We also note here the potential for inequity in a system that intentionally puts large numbers of candidates through a post-award process with impacts (as noted in this report) on transitions.

- A greater level of embeddedness of equalities impact assessments in the development of awards systems, at the outset.
- Greater levels of cooperation between agencies, including between the SQA and Scottish/local government, for purposes including analysis of data and national moderation.
- More systemic engagement with young people, as stakeholders and as rights holders, to inform the development of systems.

In reviewing the 2020 award of National Qualifications, we have engaged with a very wide range of respondents, offering their perceptions of the process and sharing their experiences. We have also reviewed a wide range of written evidence. This has allowed us to form views on the development and application of the ACM, and has informed the recommendations we make in the final section of the report. We conclude this Discussion section with some observations.

First, we see a lack of appreciation, by key bodies throughout the process, that the issue of perceived fairness to individuals might become a toxic political issue if not handled with sensitivity and forethought. This has been exacerbated by the lack of clear processes for: 1] embedding thinking about equalities into the initial design of the ACM; 2] limited engagement in collaborative decision making and co-construction at the outset in the development of the model; and 3] a lack of targeted analysis of emerging data trends at key points in the process (compounded by a lack of equalities data at SQA and data-sharing agreements to permit closer working between the government and SQA).

One of the core issues emerging from this review is the apparent focus on the primacy of preserving previous years' distributions. A statement from SQA in one of our panel discussions would seem to reinforce this view:

At the end of the day the bigger picture is preserving the value of the certificate (SQA panel interview).

This concern seemed, in the view of many respondents, to override the other two principles (Fairness to all learners and Safe and secure certification), meaning that, once the estimates arrived at SQA at the end of May, insufficient attention was paid to the impact on individuals. For example, one head teacher stated that of the three principles, the focus was more on system integrity, and less on young people – and that this is wrong (head teacher panel).

We are not arguing here against the idea that national moderation necessary; quite the converse, in fact. However, in our view, the main problem with the specific approach to the moderation was that the task of maintaining integrity and credibility of the qualification system was treated as largely technical exercise that aimed to fit the shape of this year's estimates' distribution into the shape of the historical grade distribution. To achieve this, the procedure was developed that moved 'entries' (neglecting the fact that 'entries' weren't just figures but represented real people)

down the grade scale until the optimal distribution was achieved. Therefore, we would like to shift here the attention from 'how suitable the algorithm was for the task' to whether the task was operationalised in a valid way. Does a shape of the distribution that follows the historical patterns deliver fairness to individual learners and ensures that their grades reflect their effort and achievement? We do not think so. In fact, there was no way to achieve this task, because the statistical procedure did not use any information whatsoever about the individual candidates. So the main question here relates to what the moderation algorithm was supposed to do; and to do what it needs to do the algorithm needs adequate input (data). The algorithm does not 'care' that the data are individuals; it would move the data around until the 'optimal' distribution was achieved. But the solution is 'optimal' only in terms of total distribution, not because it reflects any attributes of individual learners; therefore, the solution could be unstable in terms of individuals. This is why there should have been adequate procedures for sense-checking of data at the level of centres and even subjects (e.g. analysis of data to identify outliers and anomalies), and manual adjustments based upon the qualitative information in the system (e.g. local authority rationales for variance). The appeals process provided a technical solution to this, but one limited by the resources needed to undertake massive numbers of appeals; more especially, it failed to account for the very real impacts on those large numbers of young people, including impact on mental health and wellbeing, and negative outcomes in relation to transitions to Higher Education.

We welcome the action by SQA to provide mitigation for the 2021 qualifications diet, and suggest strongly that arrangements are published as quickly as is possible, to obviate concerns in schools, where teaching of courses is already well-developed. This is essential to remove uncertainty and restore teacher and student confidence in the system. We also note that what is necessary this year will not be the same as long term consideration of the future of qualifications in Scotland. Nevertheless, we have some concerns about the draft proposals published in August, and the revised document due for publication at the time of writing.

- The proposals appear to be premised on an assumption that the examinations in 2021 will proceed as planned (and therefore seek to reduce the assessment burden to compensate for missed teaching and learning). This is by no means a given. There seems to be little consideration of the need to create a robust evidence base in the event that exams are not possible, and estimation once more becomes necessary. The removal of coursework components in many subjects will further erode the existing evidence base.
- The review has uncovered concerns that the proposals will lead to a narrowing of courses, with significant implications for education. Related to this, it has been communicated to us that the proposals may impact negatively on attainment, particularly for disadvantaged students who might perform better in coursework. Several respondents have suggested that the issue with the divergence of estimates and historical performance this year may not be due entirely to inaccurate estimation by centres (as SQA have consistently stated), but instead may also be influenced by a combination of recent policies to close the attainment gap and a possibility that teacher estimation actually provides a more accurate assessment of achievement than exams (which are said to disadvantage some learners).

- The SQA proposals have been criticised for offering a piecemeal approach, which differs from subject to subject. While there is some merit in addressing the contextual nuances of different subjects, there is also considerable merit in a set of proposals that offer a more holistic approach across the system. The BOCSH position paper, submitted to SQA in response to the consultation, and outlining a set of radical proposals – including suspending exams for N5 to allow more space for the arguably more important Higher exams diet – should be seriously considered. We have found widespread support for this sort of action from teachers, head teachers and local authorities, as we took evidence for the review.

In the longer term, and beyond the remit of this review, we wish to offer some observations about the future of qualifications. There is widespread support across all of the stakeholder groups, with whom we engaged during the review, for a fundamental rethink of the long-term approach to awarding qualifications. Many spoke of the ‘opportunity’ presented by the current disruption. The review has found consistent support from all stakeholders (including young people and parents, for a reduced emphasis on terminal examinations as the basis for qualifications. There is widespread support for continuous assessment and its benefits (including the potential for assessments to be used in a more formative way than at present), when teaching to the final test – often in highly formulaic ways – seems to be the norm. We do not hold with a prevalent discourse which frames this debate as an either/or-ism – e.g. either exams or coursework. Exams have their place in any qualifications system, as a valid method of assessment, albeit (as is the case with other methods) with particular strengths and weaknesses. We do, however, advocate a mature debate about the future of qualifications that involves enhancing assessment literacy amongst education professionals, as well as challenging stereotypical attitudes amongst the wider population about what constitutes valid assessment. This debate needs to be balanced against the literature that points to the potential unreliability of teacher assessment and variable levels of assessment literacy amongst teachers, particularly in highly performative cultures that can encourage grade inflation (e.g. Priestley & Adey, 2010; Willis et al., 2013; DeLuca et al., 2016). This in turn raises broader questions about the governance of education systems and particularly the place of accountability mechanisms in creating perverse incentives that might distort educational decision making (e.g. see: Cowie et al., 2007; Biesta, 2010; Priestley et al., 2015).

This, in turn, sheds light on the continued viability of a ladder of qualifications approach, characterised by the ‘two term dash’ and a competency-based ‘mastery’ approach to assessment. We would argue, on the basis of the evidence from our review, that the Covid-19 crisis has stimulated some valuable debate in this area, including amongst young people and their parents, and that the time is ripe for meaningful debate about larger scale reform. We note here that many young people want the opportunity to sit exams next year and said that physical measures should be put in place to allow this to happen (i.e. socially distanced exams/perspex screens). We suggest that these discussions are taken up by the OECD review and subsequently through a national conversation.

## Recommendations

### Summary of recommendations

1. Suspension of the National 5 examinations diet in 2021, with qualifications awarded on the basis of centre estimation based upon validated assessments.
2. The development of a nationally recognised, fully transparent and proportionate system for moderation of centre-based assessment.
3. The development of more extensive approaches to collaborative decision making and co-construction by professional stakeholders of assessment practices related to National Qualifications.
4. A commitment to embedding equalities in all aspects of the development of qualifications systems.
5. The development of more systematic processes for working with and engaging young people, as stakeholders and rights holders in education.
6. The development of a clear communications strategy, co-constructed with stakeholders, to ensure that the extraordinary arrangements for 2021 are as fully as possible understood by all parties.
7. A review of qualification appeals systems, including consideration of the rights and roles of young people, in the context of the incorporation of the UNCRC into Scottish law.
8. The commissioning of independent research into the development and application of the 2020 ACM, involving full access to anonymised attainment data and the statistical algorithms used to moderate grades.
9. The development by SQA and partners of digital materials and systems for producing, assessing and moderating assessment evidence, to ensure that operational processes for gathering candidate evidence for appeals is less reliant on paper-based systems.

### Rationale for recommendations

#### **1. Suspension of the National 5 examinations diet in 2021, with qualifications awarded on the basis of centre estimation based upon validated assessments.**

This recommendation draws on the oft-repeated statement in our panel discussions that schools lack the capacity, especially in the context of an already disrupted school year, to both prepare students for exams and develop a robust evidence base for centre estimations, should they be needed. It reflects to some extent the BOCSH position paper submitted in response to the August SQA consultation on arrangements for 2021. It is based on the following rationales:

- National 5 is not a leaving qualification for the majority of candidates<sup>24</sup>, and therefore less high-stakes for most.
- National 5 involves large numbers of candidates – cancelling the examinations diet would enable considerable space to be freed for the arguably more important Higher and Advanced Higher examinations (both of which involve smaller numbers of students, and can be dispersed more readily across school building).

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<sup>24</sup> For the 2018/19 school leaver cohort, 24.5% of school leavers' highest qualification was at SCQF Level 5 (Nat 5 level) (source Scottish Government).

- The cohorts currently entering school year S3 and S4 have already experienced considerable disruption to teaching time; cancelling the National 5 examinations would allow for additional teaching time in the summer of 2021 for both cohorts.

**2. The development of a nationally recognised, fully transparent and proportionate system for moderation of centre-based assessment.**

There is a need for a nationally recognised, fully transparent and proportionate system for moderation of estimation (and teacher assessment in general if required), with a number of stages and co-constructed by stakeholders with SQA. This will develop validated assessments for use in National 5 (see recommendation 1), address the current high variance in the capacity and expertise of local authorities, and draw upon the expertise that clearly resides in many LAs. We stress here that **moderation is much more than simply adjusting grades**. It should include: 1] **clear identification and validation of evidence sources**, along with development of protocols for their use (including protocols for using historical data showing both individual prior attainment and cohort variance); 2] **proportional internal verification procedures** (e.g. sampling of decisions and underpinning evidence); 3] **nationally agreed external verification procedures**, based on sampling of decisions and underpinning evidence; and 4] **statistical moderation to identify variance from trends**, accompanied by further qualitative verification (with clear messaging that this will focus on candidates not the system). We note here that such a system needs to be 'owned' by teachers, including teacher unions (due to concerns about workload and professional trust in teachers). Its development could be enhanced by fully utilising the experience and expertise of continuous assessment and moderation that resides with the FE college sector. Effective professional education to enhance assessment literacy is essential, and should be developed by SQA working with local authorities and the Regional Improvement Collaboratives as a matter of priority.

**3. The development of more extensive approaches to collaborative decision making and co-construction by professional stakeholders of assessment practices related to National Qualifications.**

A clear message from the review is that because COVID-19 is an unprecedented threat, normal processes are inadequate to deal with this. We heard strongly expressed sentiments that no single organisation can solve this issue. We have seen evidence that normal protocols and ways of working, including a perceived tendency for SQA to eschew external involvement in its technical processes, have actively hindered actions which might have mitigated the problems experienced this year. For the coming year, there needs to be proactive approach developed which enables a greater degree of collaborative decision making by actors across the system, including where necessary the establishment of systems for data sharing and analysis. Such an approach will ensure higher degrees of ownership of solutions developed in the coming months, and moreover ensure that knowledge – different ways of thinking, local contextual knowledge and expertise, et cetera. – can be pooled more readily.

**4. A commitment to embedding equalities in all aspects of the development of qualifications systems.**

Considerations of principles of equity, ensuring just decisions for all individual students, should inform all processes for the award of qualifications. This means ensuring that Equalities and Children's Rights Impact Assessments are

conducted at the outset of developing arrangements for the coming year, and that the principles contained therein should be at the heart of all planning and development. We would strongly endorse the idea of the government and SQA continuing to work closely with CYPCS and EHRC to realise these principles

**5. The development of more systematic processes for working with and engaging young people, as stakeholders and rights holders in education.**

Young people, as stakeholder and rights holders, are at the heart of a qualifications system for schools and colleges, and need to be involved fully in decisions that affect them, in line with Scotland's obligations to the UNCRC. This entails thorough consultation with young people as both a precursor for development and as a sense-checking mechanism during development. We recommend that young people are involved in the co-construction of a more effective communications system, whereby SQA, Local Authorities and schools might better disseminate key messages about qualifications. We also recommend that the final report of this review is accompanied by a young people/family-friendly briefing that clearly communicates the key messages in the review. Young people should be actively involved in the publication of this briefing.

**6. The development of a clear communications strategy, co-constructed with stakeholders, to ensure that the extraordinary arrangements for 2021 are as fully as possible understood by all parties.**

The effectiveness of communication is ultimately measured by how it is experienced by its recipients. Despite extensive channels of communication developed by SQA, many respondents reported that they did not experience this communication as effective. We therefore recommend that SQA engages in dialogue with practitioners and young people to develop their channels of communication further, to highlight the key priorities for communication in the coming year (i.e. what recipients would like to know) and to identify key points in the year when messaging is needed.

**7. A review of qualification appeals systems, including consideration of the rights and roles of young people, in the context of the incorporation of the UNCRC into Scottish law.**

Current appeals processes should be reviewed to consider the following: 1] appeals which allow estimation to be revisited where new evidence becomes available; 2] the possibility of direct appeals by young people, in line with the principles of the UNCRC, particularly Article 12. According to CYPCS (position paper), 'Many of the negative impacts relating to the cancellation of the 2020 exam diet are the result of a failure to recognise young people as rights holders and as the key stakeholders of the Scottish education system. Similar failings must be avoided in the future through transparent and pro-active consideration of children's human rights at all stages of SQA and Scottish Government decision-making in future models for assessment and certification of young people's achievements.' We endorse this view.

**8. The commissioning of independent research into the development and application of the 2020 ACM, involving full access to anonymised attainment data and the statistical algorithms used to moderate grades.**

As stated in the Learned Societies position paper, 'While we appreciate that it would be very challenging to undertake such an evaluation within the timeframe of the review, there is a need to generate a detailed understanding of the methodological approach used in order to plan improvements for the future.' We

endorse this view. There needs to be a thorough independent analysis of the application of the ACM, using the estimation/attainment data and the specific codes/algorithms employed by SQA in 2020. This should include the following: 1] modelling of the algorithms used and alternatives; and 2] analysis of patterns of attainment, linked to demographic characteristics. This will enable fuller understanding of the issues relating to the use of statistical approaches to moderation (strengths and limitations), avoiding problems in future cohorts, and especially its impacts on the cohort of 2020. Analysis should include the effects of the 2020 awards on student transitions and destinations. This process should be achieved through the commissioning of independent fully-funded, accompanied by the publication of the full and transparent technical details of the approach employed, alongside the anonymised dataset, which would also facilitate analysis by independent researchers. We believe that the transparency involved in such an exercise would go a long way to restoring trust in the system.

**9. The development by SQA and partners of digital materials and systems for producing, assessing and moderating assessment evidence, to ensure that operational processes for gathering candidate evidence for appeals is less reliant on paper-based systems.**

Young people and other stakeholder groups (e.g. College Scotland, University of Glasgow Educational Assessment Network) have called for digitisation of coursework and other centre-based assessment materials, which would mitigate the problems caused by hard copies being inaccessible for estimation in 2020. This development would need to be accompanied by an evaluation of whether and how a digital divide in terms of access to hardware and software by young people might impact on disadvantaged young people.

## References

- Anders, J., Dilnot, C., Macmillan, L., & Wyness, G. (2020). *Grade Expectations: How well can we predict future grades based on past performance?* (No. 20-14). Centre for Education Policy and Equalising Opportunities, UCL Institute of Education.
- Biesta, G.J.J. (2010). *Good Education in an Age of Measurement: Ethics, Politics, Democracy*. Boulder, Co: Paradigm Publishers.
- Cowie, M., Taylor, D. & Croxford, L. (2007). 'Tough, Intelligent Accountability' in Scottish Secondary Schools and the role of Standard Tables and Charts (STACS): A Critical Appraisal. *Scottish Educational Review*, 39[1], 29-50.
- DeLuca, C., LaPointe-McEwan, D. & Luhanga, U. (2016). Teacher assessment literacy: A review of international standards and measures. *Educational Assessment, Evaluation and Accountability*, 28, 251–272.
- Everett, N. & Papageorgiou, J. (2011). *Investigating the Accuracy of Predicted A Level Grades as part of 2009 UCAS Admission Process*. <http://dera.ioe.ac.uk/id/eprint/9868> (accessed 23 September 2016).
- Murphy, R. & Wyness, G. (2020). Minority Report: the impact of predicted grades on university admissions of disadvantaged groups. *Education Economics*, 1-18.
- Paterson, L. (2018). *Scottish Education Policy: Why Surveys Matter*. CES Briefing, Number 66. Edinburgh: University of Edinburgh.
- Priestley, M. & Adey, C. (2010). *Supporting teacher assessment in National 4/5 Qualifications: a report for the Scottish Qualifications Authority*. Glasgow: SQA (unpublished).
- Priestley, M., Biesta, G.J.J. & Robinson, S. (2015). *Teacher Agency: An Ecological Approach*. London: Bloomsbury Academic.
- SQA (2018). 'Young people are experts of their own experience'. SQA Futures Blog. <https://blogs.sqa.org.uk/sqafutures/2018/10/22/young-people-are-experts-of-their-own-experience/> (accessed 23 September 2016).
- SQA (2020). *Technical Report: National Qualifications 2020 Awarding — Methodology Report*. Glasgow: Scottish Qualifications Authority.
- UCU (2015). *Undergraduate application and admission survey*. University and College Union. [https://www.ucu.org.uk/media/7330/UCU-undergraduate-application-and-admission-survey-Jun-15/pdf/ucu\\_undergraduateapplicationandadmissionsurvey\\_jun15rev1.pdf](https://www.ucu.org.uk/media/7330/UCU-undergraduate-application-and-admission-survey-Jun-15/pdf/ucu_undergraduateapplicationandadmissionsurvey_jun15rev1.pdf) (accessed 23 September 2016).
- Williams, H. P. (2013). *Model building in mathematical programming*. Oxford: John Wiley & Sons.
- Willis, J., Adie, L. & Klenowski, V. (2013). Conceptualising teachers' assessment literacies in an era of curriculum and assessment reform. *The Australian Educational Researcher*, 40, 241–256.
- Wilson, J. (2015). *Students should apply to university once they've received their grades, not before*, The Guardian Higher Education Network, blog post. <https://www.theguardian.com/higher-education-network/2015/jul/23/students-should-apply-to-university-once-theyve-received-their-grades-not-before> (accessed 23 September 2016).
- Wyness, G. (2016). *Predicted grades: accuracy and impact. A report for University and College Union*. London: University College London.



Young Scot Observatory/SQA (2018). Insight#SQAfutures.  
[https://www.sqa.org.uk/sqa/files\\_ccc/221018\\_SQAAssessmentFutures\\_YoungScotReport.pdf](https://www.sqa.org.uk/sqa/files_ccc/221018_SQAAssessmentFutures_YoungScotReport.pdf)

## Appendices

### Appendix A: Position papers submitted to the review

Organisation	Paper submitted	Publicly available?
ADES	Position paper	No
COSLA	Position paper	No
BOCSH	Position paper	Published online
SLS	Position paper	Published online
NASUWT	Submission to the Education and Skills Committee	No
EIS	Position paper	No
SSTA	Position paper	Published online
Connect	Position paper	No
National Parent Forum Scotland	Position paper	No
Colleges Scotland	Position paper	No
University of Glasgow, School of Education	Position paper	No
Learned Societies Group on STEM Education	Position paper	Published online
CYPCS	Position paper	Published online
Scottish Youth Parliament	Scottish Youth Parliament SQA Equality Impact Assessment and Alternative Certification Model Project Report- June 2020	Published online
Modern Studies Association (MSA)	Position paper	No
Scottish Association of Teachers of English (SATE)	Position paper	No
Scottish Association of Geography Teachers (SAGT)	Position paper	No



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