

Ms Fiona Robertson
Chief Executive
Scottish Qualifications Authority
Via email: Fiona.robertson@sqa.org.uk

7 August 2020

Dear Fiona,

Thank you for your letter of 31 July in which you set out your commitment to ensure that “all learners are treated in as fair a way as possible” and that young people “get the results they deserve”. I entirely agree that those should be the measures of success for the alternative assessment model, for SQA, and for the Scottish Government.

You will recall that I expressed concerns in my previous letters about the risks of not involving children and young people at all stages of decision making, of the need for much greater transparency and of the requirement to take a rights-based approach in line with their best interests, to ensure potential disadvantage is mitigated.

Unfortunately, it appears that these risks have been realised and too many young people have not received the results they deserve. Children from more deprived areas reporting being downgraded, not based on an assessment of their own abilities and potential but on the historic performance of the school they attend. The unfairness of this approach is obvious.

I recognise the challenging situation in which SQA found itself in March, the difficulty in arriving at an alternative model of assessment, and the need for there to be some method of moderation to quality assure teacher estimates against evidence. However, I remain deeply concerned that the process selected and undertaken has created unnecessary unfairness and disadvantage for a significant number of young people.

I understand SQA applied a statistical model that sought to bring estimated grades and ranking back into line with previous exam' performance and statistical trends in order to protect the integrity of the system. This appears to be based on a number of assumptions.

- That significant criticism would have been made if grades were higher this year than in previous years, and if children from more deprived backgrounds had performed better than expected
- That it is possible and desirable to directly compare grades based on teacher estimates with those based on exam performance in previous years
- That system level results – in other words the overall grade distribution and attainment gap data - were more important than achieving fairness for individuals

I note that teachers were not asked to predict the performance of a child if they had taken an exam. The guidance provided to schools by SQA sought “...a *holistic professional judgement based on a candidate's attainment in all aspects of the course (ie all course components) and should reflect the candidate's demonstrated and inferred attainment of the required skills, knowledge and understanding for the predicted grade and band estimated.*” It should not be surprising perhaps that estimates were not in line with previous exam performance statistics – the method of assessment was different this year (and may even have been fairer in terms of the opportunity it provided children from more deprived backgrounds to have their abilities recognised).

It is true that the national picture shows the moderated grade distribution following historical patterns and trends, with a small narrowing of the attainment gap. Viewing it through a data table or as a graph may give the impression that the process has been fair – even progressive. 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.

I am therefore seeking further assurance on the following points. I would be grateful if you could confirm that:

- SQA will ensure that the appeals process is directly accessible to young people where a school has declined to submit an appeal, or where the young person disagrees with the grade estimated by the school, with appropriate timescales and supports being provided
- SQA will ensure that the appeals process is able to take account of the widest possible evidence including course work and assessment portfolios already submitted to SQA or schools
- Appeals will be determined based solely on the evidence presented and without reference to any further statistical modelling
- SQA will seek all necessary resource from the Scottish Government to manage the anticipated high volume of appeals swiftly, fairly and robustly
- SQA will adopt a “no detriment” policy similar to those put in place by universities and colleges
- If this results in significantly higher pass marks compared to previous years, no further adjustment will be made to grades to seek to bring them into line with those historic statistics

I will be writing to the Deputy First Minister with the same list of requests and will be asking him to consider using his powers in terms of section 9 of the Education (Scotland) Act 1996 to direct SQA in these matters if it proves necessary to do so. I very much hope that this will not be the case, but I am mindful that SQA's refusal to discuss its methodology in advance has resulted in conversations that could and should have taken place three or four months ago now having to happen at even greater pace, and against a backdrop of many children and young people experiencing significant anxiety and distress, not to mention the practical implications of missing out on college or

university placements. We cannot change the past, but I urge you to move swiftly to ensure that children's rights are at the heart of the process moving forward, and to act decisively to restore confidence in SQA and the assessment process.

On that note, while I am pleased that SQA heeded our calls to publish a Children's Rights Impact Assessment, I would refer you to the assessment conducted by our Young Advisors Group on 2nd June 2020 (attached with this letter). In their rapid assessment they identified and assessed seven UNCRC rights potentially impacted by the exam' cancellation, while the SQA document only identifies five and does not assess the positive or negative impact on those rights of the decisions taken.

In my letter of 23 July, I noted that SQA is subject to duties in terms of Part 9 of the Children and Young People (Scotland) Act 2014 in relation to care experienced children. You explained that SQA has "...identified actions throughout this process to ensure we meet our statutory corporate parenting duties." I have not yet come across details of these actions in the CRWIA, the EQIA or any of the other documents I have reviewed. I would be grateful if you could direct me to the relevant document where this is set out. Similarly I note that the CRWIA does not conform to the revised Scottish Government model.

As before, in light of the ongoing interest in this matter expressed by the Scottish Parliament's Education and Skills Committee I will also send a copy of this letter to the Committee Convenor to inform their consideration.

I look forward to hearing from you.

Your sincerely



Nick Hobbs



Head of Advice and Investigations

Children and Young People's Commissioner Scotland