



# **Children's Rights and Wellbeing Impact Assessment**

## **National 5, Higher and Advanced Higher Alternative Certification Model 2021**

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# Background and context

## COVID-19 and cancellation of the 2021 National Qualifications examination diet

On 7 October 2020, following consideration of the significant and ongoing education disruption experienced by learners as a result of COVID-19, it was determined that there were too many risks to the planned implementation of a full exam diet for SQA graded National Courses in 2021 and that it would therefore be unfair to learners to proceed as intended. Consequently, the Deputy First Minister asked SQA to take an alternative approach to National 5 awarding in 2021, based on two key recommendations by Professor Mark Priestley<sup>1</sup>:

- ♦ suspension of the National 5 examinations diet in 2021, with qualifications awarded on the basis of centre estimation based upon validated assessments
- ♦ development of a nationally-recognised, fully transparent and proportionate system for moderation of centre-based assessment

The subsequent decision on 8 November to cancel the 2021 Higher and Advanced Higher examination diet, as disruption to learning and teaching continued to worsen, meant that the alternative certification approach was extended to Higher and Advanced Higher courses.

## National Qualifications 2021 group

The National Qualifications 2021 Group was established to co-create and implement an Alternative Certification Model (ACM) for 2021 which would be based on teacher and lecturer judgement supported by assessment resources and quality assurance. The group includes representation from the Association of Directors of Education in Scotland (ADES), Colleges Scotland, Education Scotland, the Educational Institute of Scotland (EIS), School Leaders Scotland (SLS), the Scottish Council of Independent Schools (SCIS), the Scottish Qualifications Authority (SQA), the Scottish Government, National Parent Forum of Scotland, and the Scottish Youth Parliament.

## Alternative Certification Model (ACM) 2021

The 2021 ACM represents a significant adjustment to SQA's longstanding policy and practice for NQ awarding, as well as an adjustment to the ACM developed for use in 2020. This includes the absence of any estimates or results based on statistical analysis. The 2021 ACM is based on teacher and lecturer judgement supported by quality assurance approaches to support them in generating provisional results that will be finalised and used for awarding and certification. The principal adjustments from previous approaches and models relate to:

- ♦ the use of teacher and lecturer judgement to determine results
- ♦ required candidate evidence

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

- ◆ the quality assurance processes for supporting and verifying valid and reliable evidence and assessment decisions

The model is intended to be positive and to allow SQA to continue to contribute to equality of opportunity in the Scottish education and skills system. It will enable certification in 2021, based on teacher and learner judgement and supported by quality assurance, in a way that meets the three key principles of:

- ◆ 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

This Children' Rights and Wellbeing Impact Assessment (CRWIA) sets out to assess the impact of the 2021 ACM on young people. It builds on, and should be read alongside, the SQA's [Equality Impact Assessment — National 5, Higher and Advanced Higher Alternative Certification Model 2021](#).

# CRWIA Stage 1

## Screening: key questions

### 1. Name the policy and describe its overall aims

#### **National 5, Higher and Advanced Higher Alternative Certification Model 2021**

The policy will enable certification in 2021, based on teacher and learner judgement and supported by quality assurance, and meeting the three key principles of:

- ♦ 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

### 2. What aspects of the policy/measure will affect children and young people up to the age of 18?

The principal adjustments from previous awarding approaches and models that will have an effect are:

- ♦ the use of teacher and lecturer judgement to determine results
- ♦ required candidate evidence
- ♦ the quality assurance processes for supporting and verifying valid and reliable evidence and assessment decisions

### 3. What likely impact — direct or indirect — will the policy/measure have on children and young people?

The changes to course assessment and awarding will allow children and young people to complete their selected National Qualifications courses under COVID-19 (coronavirus) restrictions, and to be awarded grades that reflect their achievement. They will be able to celebrate their attainment and progress to continued education, training or employment where entry relies on SQA grades.

### 4. Which groups of children and young people will be affected?

SQA understands that 'child' means every human being below the age of 18, unless majority is attained earlier under the law applicable to the child. We also understand that our corporate parenting responsibilities under the Children and Young People (Scotland) Act 2014 not only apply to children who are looked after by local authorities, but also to young people up to the age of 26 who were looked after at age 16 or later.

We recognise that any changes made to awarding graded National Qualifications in 2021 will impact on children and young people.

**5. Will this require a CRWIA?**

Yes. As above, SQA recognises that any changes made to awarding graded National Qualifications in 2021 will impact on children and young people.

# The CRWIA: key questions

## 1. Which UNCRC articles are relevant to the policy/measure?

### **Article 2: non-discrimination**

Children should not be discriminated against in the enjoyment of their rights. No child should be discriminated against because of the situation or status of their parent/carer(s).

Article 2 also deals with discrimination based on most of the protected characteristics covered by the Equality Act 2010, but it is not identical. For example, it deals with discrimination based on the characteristics and political opinions of a child's parents and guardians and on 'activities' and 'property'.

### **Article 3: best interests of the child**

Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing — and that the institutions, services and facilities responsible for their care and protection conform to established standards.

### **Article 12: respect for the views of the child**

Every child has a right to express their views and have them given due weight in accordance with their age and maturity. Children should be provided with the opportunity to be heard, either directly or through a representative or appropriate body.

### **Article 17: right to information**

Every child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral wellbeing and physical and mental health. The article is principally about the mass media but SQA recognises that the information it produces contributes to the fulfilment of article 17.

### **Article 28: right to education**

Every child has the right to education no matter who they are: regardless of race, gender, or disability; if they are in detention; or if they are a refugee. While SQA does not determine the right to education in Scotland, it does have a responsibility to provide assessment and certification of SQA qualifications for learners in 2021 as a result of the COVID-19 public health emergency.

## **2. What impact will the policy/measure will have on children's rights?**

The policy/measures will have the potential to advance the realisation of children's rights in Scotland.

### **Article 2: non-discrimination**

The Equality Act 2010 places clear duties on SQA not to discriminate against people who wish to be or who are candidates for SQA's qualifications because of their disability, race, sex, gender reassignment, religion or belief, age or sexual orientation (known as 'protected characteristics'). This means that SQA's assessment criteria cannot be discriminatory and that SQA must consider how to make reasonable adjustments for disabled candidates who need them.

An Equality Impact Assessment (EIA) of proposed changes to course assessment in National Qualifications was carried out in October 2020. Qualifications teams and senior appointees considered existing Equality Review Forms as part of the process of developing and finalising proposed modifications. The EIA summarises details of how the intended modifications reshape course assessments, the potential equality impacts that may result, and the mitigations that could be put in place for any identified disadvantage.

Since the decision to cancel the 2021 exam diet for National 5, Higher and Advanced Higher, and in response to continuing challenges across the education system presented by COVID-19 and associated public health measures, the modifications originally proposed have formed the basis of guidance on generating valid and reliable evidence for estimating, quality assuring and finalising centre-generated results for candidates. Qualifications teams continue to consider this guidance and revisit Equality Review Forms as necessary to ensure any further proposed course modification meet equality principles and duties as well as maintain the integrity of qualifications.

### **Article 3: best interests of the child**

Article 3 states that the interests of children and young people should be thought about at all levels of society, and that their rights should be respected by people in power. In other words, adults should think about the best interests of children and young people when making choices that affect them. As noted above, while not all candidates are children and young people, most of them are. The changes to course assessment and generation of results represented by the provisions within the 2021 ACM ensure that:

- ◆ children and young people have more learning and teaching time to gain the skills, knowledge and understanding which form the content of NQ courses
- ◆ there is a more flexible approach to the assessment of learners that can be implemented in ways which reflect and respond to local and individual circumstances
- ◆ children and young people can have confidence that qualifications awarded in diet 2021 are as valid, reliable, equitable and fair as qualifications awarded in any other year

### **Article 12: respect for the views of the child**

Article 12 recognises that children and young people do not have as much power as adults but states they still have the human right to have opinions and for those opinions to be heard and taken seriously.



Children and young people were able to respond to the technical consultation on the proposed modifications to course assessment which have subsequently informed the evidence requirements for the 2021 ACM. Almost 22% of the responses (3631) were from candidates, the overwhelming majority of whom are children and young people. The responses were considered in final decision-making about evidence requirements for each subject.

Two young people have joined and participate in the SQA Qualifications Committee, which gives technical, strategic and policy advice regarding our qualifications to our Board. SQA has also established a learner panel, who have been consulted on the ACM. It also works and engages with national bodies, such as Young Scot, the Scottish Youth Parliament and the Children and Young People's Commissioner Scotland to seek the opinions of children and young people.

Feedback gathered from the SQA learner panel on the quality assurance approach to the ACM included the following:

- ◆ Panel members felt that, although they are reassured that SQA's sampling process will ensure fair treatment, the amount of work involved for learners isn't fair. In addition, schools are taking a different approach. Some teachers are not valuing classroom assessments as much as prelims, therefore some are focussing on two assessment blocks to gather evidence.
- ◆ For those who are more focused on continuous assessment, there is a lot of pressure on young people to perform to their best in every test they do. They feel this is a lot of pressure to be dealing with throughout the year, which can lead to mental health issues.
- ◆ There is a lot of confusion around what assessment evidence is to be gathered and when. Having this information would be beneficial and some panel members believed that their school/college should be discussing this with them.
- ◆ The panel also spoke in general about how information is still quite confusing and that they would benefit from clear decisions. There are no exams for National 5, yet some schools are still running prelim exams, which adds to the confusion for learners.
- ◆ In terms of how SQA should communicate with learners, the group felt that messages from their school or college can be diluted by the time the information reaches them. A solution could be for SQA to have direct contact with learners. For example, face to face visits to schools/colleges and/or posting information directly would be useful. SQA can also make good use of online videos about how schools/colleges will be sampled.
- ◆ The panel welcomed the level of checking among their school, college and local authority. They also welcomed checks being carried out by SQA. However, they do not want SQA to compare this year's results with previous years. They felt this would be extremely unfair as this year is a completely different situation for learners.
- ◆ There was general concern for those in deprived areas as well as those who have had to self-isolate. There was comment made about the quality of teaching for those experiencing a lot of disruption.
- ◆ The panel felt that SQA should be able to show some leniency towards learners who have been affected by restrictions in practical and creative subjects, as well as for those who have had to self-isolate multiple times.

SQA commissioned research into the current concerns of learners, parents/carers and the organisations that represent them. Key highlights from learner feedback include:

- ◆ Learners believe there is a wide range of issues facing Scottish education that relate to COVID-19, including ensuring the effectiveness of online learning and putting in place a predicted grades process which is fair and effective.
- ◆ They have a wider range of concerns about their future that relate to COVID-19, from unfavourable comparisons to the cohorts that have come before them and will come after them (and, in particular, being viewed as a learner cohort that hadn't been taught or examined properly), getting a place at college or university, and getting a job.
- ◆ Learners believed that SQA could have a role to play in alleviating their concerns, ranging from a desire for more effective communication, to wanting to ensure that the message is getting through to employers that learners are being well prepared for the workplace. They believe that SQA should be sharing information with them both directly (for example, through social media and texts) and indirectly (for example, through their school/college).

SQA has a complaints process that is open to children. This process is in line with the model complaints-handling process prescribed by the Scottish Public Services Ombudsman and allows for individual children to express dissatisfaction about SQA's action or lack of action, or about the standard of service provided by or on behalf of SQA. This is an important way in which children and young people have a voice about matters that affect them in relation to SQA.

#### **Article 17: right to information**

This article states that children and young people should be able to access information. The article is principally about the mass media, but SQA recognises that the information it produces contributes to the fulfilment of article 17.

The NQ 2021 group is providing information to children and young people on the SQA website about the proposed changes. SQA provides key messages and announcements, supported by interactive and informative content, through social media channels, including SQA's Facebook page, MySQA Facebook page, Twitter (@SQAnews and @MySQA), as well as through the SQA website.

For learners, SQA provides support and resources on our dedicated learner web pages. We work and engage with national bodies, such as the National Parent Forum of Scotland, Who Cares? Scotland, Connect, Young Scot, the Scottish Youth Parliament, the Children and Young People's Commissioner Scotland, and the Scottish Government's parental engagement network, to share information on what is happening and when, as well as to ensure our messaging is clear for them.

#### **Article 28: right to education**

The provisions in the 2021 ACM are designed to support the assessment and certification of SQA National Qualifications in 2021, and to ensure that the achievements of young people are recognised through our qualifications system during an uncertain year. The model includes provision for flexibility in gathering assessment evidence according to local and individual circumstances.

### **3. Will there be different impacts on different groups of children and young people?**

SQA has carried out and published an Equality Impact Assessment on the 2021 ACM.

The EIA found that the 2021 ACM is necessary to respond to changed and changing circumstances brought about by the COVID-19 pandemic. It has been developed to continue to provide accessible and inclusive qualifications and assessment which minimise potential barriers to entry and achievement.

The model is designed to be implemented in a consistent way across centres to ensure the continued integrity of courses and maintain public confidence in the qualifications. Inbuilt flexibility also allows for subject-specific and local arrangements to meet the needs and circumstances of candidates, and to allow them to gain recognition for their learning. This in turn will provide opportunities for progression to further planned education, employment and training.

The EIA found that the 2021 ACM may have a potential negative impact on some candidates where COVID-19 circumstances mean that they are unable to generate the required evidence to demonstrate their ability. There is also a potential negative impact on some candidates with protected characteristics because of the unknown but possible risk of bias in assessment decisions.

Full details are given in the Equality Impact Assessment.

### **4. If a negative impact is assessed for any area of rights or any group of children and young people, what options have you considered to modify the proposal, or mitigate the impact?**

The EIA found that the flexibility inherent in the ACM mean that the risks of different impacts are likely to be small and centres are able to take actions to prevent these in most circumstances.

The provisions in the ACM are intended to mitigate the potential impact of COVID-19 related disruption to learning on young people's rights to education and recognition of attainment by introducing increased flexibility in assessment and measures to mitigate reduction in learning and teaching time. It is anticipated that most candidates will have opportunities to generate appropriate evidence for assessment. Additionally, SQA's policy on access to qualifications includes provision for reasonable adjustments for disabled students in accordance with Section 96 of the Equality Act 2010, and assessment arrangements consideration for those with additional support needs. These respond to the individual needs of particular students and help to mitigate against any adverse impacts caused by disability or other contexts that present barriers to accessing qualifications. In the absence of an exam diet in 2021, responsibility for providing assessment arrangements lies with each presenting centre.

Consideration of bias included analysis of estimates and results for SQA graded National Courses in 2019 and 2020. This did not reveal systemic discrimination on the grounds of protected characteristics, although other research reveals that this is still a possibility.

The 2021 ACM includes additional and significant quality assurance elements to mitigate against this risk, however small, including:

- ♦ the provision of training materials which include guidance and expectations about conscious and unconscious bias
- ♦ the requirement for candidate evidence to corroborate provisional and finalised results
- ♦ moderation measures across departments, centres and local authorities or other consortia to ensure the validity and reliability of evidence and assessment decisions
- ♦ supportive quality assurance activities by SQA

Additionally, an appeals policy is under development which will allow challenges to grades awarded where there is evidence of unlawful discrimination under the terms of the Equality Act.

## **5. How will the policy/measure contribute to the wellbeing of children and young people in Scotland?**

The elements of the 2021 ACM have been developed to contribute to children's wellbeing, including those described by SHANARRI (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included) indicators. The measures will help ensure that:

- ♦ children and young people have more teaching time
- ♦ there is a more flexible approach to the assessment of learners
- ♦ children and young people can have confidence that qualifications awarded in diet 2021 are as valid, reliable, equitable and fair as qualifications awarded in any other year

### **Article 28: right to education**

The use of teacher and lecturer judgement to determine results, and changes to course assessment, are designed to support the assessment and certification of SQA National Qualifications in 2021 and to ensure that the achievements of young people are recognised through our qualifications system during an uncertain year.

## **6. How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland?**

The policy will help put the best interests of the child first by ensuring that education institutions agree, share and continue to implement established standards. It will protect children's right to education in Scotland during the uncertainty caused by the COVID-19 pandemic.

## **7. What evidence have you used to inform your assessment? What does it tell you?**

A wide range of evidence was considered in the development of the 2021 ACM including that gained through SQA's equality review of qualifications process, the 2020 technical consultation on modifications to coursework, and the associated EIA and CRWIA. Specific

monitoring, consultation and engagement to inform the development and impact assessments of the 2021 ACM has included:

- ◆ desk-based review of research, evidence and information published by equality, equity and education stakeholders
- ◆ review of research and reports published in response to 2020 attainment and processes
- ◆ information and reportage provided through SQA's media and parliamentary monitoring service and Liaison Team
- ◆ inbound communication and queries
- ◆ engagement and consultation with equalities stakeholders, learners and education professionals, including teachers, lecturers and senior management within schools and colleges
- ◆ intelligence from the member organisations represented on the NQ 2021 group and their own stakeholders

Many organisations and interest groups working with and on behalf of children and young people report that those facing inequality, disadvantage and deprivation have been disproportionately impacted by COVID-19 and the associated restrictions, including the closure of schools and increased use of blended learning. There have been significant impacts on those from minority and marginalised groups, minority ethnic people, those experiencing poverty and deprivation, learners with disabilities and additional support needs, those with mental health needs, learners who are young carers or care experienced, or learners who experience other contexts that present barriers to accessing education and qualifications.

The provisions in the 2021 ACM seek to mitigate where possible the impact of disruption to teaching, learning and assessment provision caused by COVID-19, so that learners can access qualifications and have their attainment recognised through awarding and certification.

Full details of evidence gathered are given in the Equality Impact Assessment.

## **8. Have you consulted with relevant stakeholders?**

As described above, relevant equalities and education stakeholders were consulted throughout the development of the 2021 ACM. The NQ 2021 group responsible for co-creating the ACM includes representation from a broad range of education stakeholders. SQA governance and management groups also considered the impact of the policy/measures.

## **9. Have you involved children and young people in the development of this policy/measure?**

Information on the views of children and young people was gathered through the Autumn technical consultation on course assessment modifications, which was subsequently used to inform the development of the 2021 ACM. 3631 candidates responded, the majority of whom are children and young people. High-level and analysis reports on the technical consultation

detail how feedback, including feedback from candidates, was used in the development of the policy.

Two young people have joined and participate in the SQA Qualifications Committee, which gives technical, strategic and policy advice regarding our qualifications to our Board. SQA commissioned research to gather the concerns of learners and established a learner panel who have been consulted on the ACM. We also work and engage with national bodies, such as Young Scot, the Scottish Youth Parliament and the Children and Young People's Commissioner Scotland to seek the opinions of children and young people.