

**Professor Hayward's Independent Review of Qualifications  
and Assessment  
13 January 2023**

**Introduction**

1. The NASUWT welcomes the opportunity to comment on Professor Hayward's Independent Review of Qualifications and Assessment.
2. The NASUWT is the Teachers' Union, representing teachers and school leaders in all sectors of education.
3. From an early juncture, the NASUWT has expressed reservations about the pace of this process, the adequacy of communication, the structures and mechanisms for liaison with and between the Independent Review Group (IRG) and Community Collaborative Group (CCG) and, fundamentally, the inability of the review to provide meaningful opportunities for classroom teacher involvement.
4. In Phase 1 of the process ('Establishing a vision and principles'), draft materials were slow to emerge, the teachers involved were not given time to explore them with colleagues, and the broader attempt to involve schools was poorly handled. Many schools did not receive materials, while those that did either had inadequate time to discuss them and respond, or only received them after the deadline for responses had expired.
5. Many of the issues were acknowledged, including the concerns that barriers to engagement for teachers had been overlooked in the Phase 1

engagement model. Indeed, these concerns were evidenced by the lower than anticipated numbers of school returns in Phase 1. Having outlined our concerns in detail, we had hoped that lessons would have been learned and that Phase 2 of the process would have been much improved. Unfortunately, this does not appear to be the case.

6. It was odd that we progressed to Phase 2 when Phase 1 of the process had not yet been completed and a finalised vision and set of principles agreed. Once again, materials were produced by the secretariat to share with schools and encourage engagement, but these materials were not discussed with teacher trade unions or the classroom teachers on the CCG.
7. Member feedback unfortunately indicates that there has been very little engagement with Phase 2 of Professor Hayward's Independent Review. Very few teachers received any information directly from their employer, let alone had any dedicated time allocated to enable them to engage with colleagues or indeed pupils.
8. Without reasonable time for classroom teachers and their representatives to make considered contributions, the review is in danger of failing to convince the profession of its value.
9. The NASUWT is committed to securing a review process which is inclusive, responsive and thorough, and which will therefore command the respect and confidence of our members and the profession at large. In order to achieve this, transparency, accountability and engagement must become cornerstones of the change-management process.
10. By any definition, there has been a flawed stakeholder-engagement process associated with the Review. It will be very difficult for the outcomes to rest on any claim that they were the product of meaningful consultation with all relevant stakeholder groups.

11. The strategy, moving forward, requires urgent consideration. For example, it is stated that the evidence to responses to Phase Two of the Review will be 'independently analysed' in the development of a preferred proposal. It is not acceptable for the process by which such a proposal will be identified to be set out in such opaque terms. Equally, the consultation document confirms that the Independent Review will report after the National Discussion and allow time to 'consider the findings' from that piece of work before reporting to the Cabinet Secretary. This statement is deeply concerning, as more than mere 'consideration' will be necessary.

12. Swift action is needed before the perception of the process in the minds of the profession irrevocably crystallises, diluting confidence in the review and hampering any potential for positive transformative change.

**Question 1: Should information be gathered across all four capacities? Please consider each of the capacities in turn. What kinds of information should be gathered on learners' progress and achievements in each capacity?**

13. The fundamental principles of the Curriculum for Education (CfE) are not broken, but the NASUWT has significant concerns over the manner in which these principles have been applied in practice.

14. While CfE signalled a progressive approach to curricular design which would support teachers' professional judgement, this has not been easily aligned with the cultural reality within schools. As such, Scottish education has never fully achieved the ambitions of CfE, although primary settings have moved closer to the intended vision than secondary. In the secondary sector, the hierarchy of qualifications continues to dominate and drives not only the Senior Phase but also much of the Broad General Education (BGE), which militates against excellence and is not in tune with the principles of CfE.

15. Rather than increasing assessment or evidence gathering across all capacities, feedback from NASUWT member-engagement events suggested that reducing the burden of assessment around 'successful learners' would create space for the other capacities to thrive:

*"Capacities are good for inspirations as to how to create ethos...but you can't assess them... [they are] there to guide creation and atmosphere of the class. Sure, embed them in the curriculum through your assessment of your subject, or interdisciplinary learning, but they are not something a pupil should get marks out of 10 for, or different levels."*

*"The successful learner part overrides everything else. The backwash from s4, 5, 6 leads to s1, 2, 3 focus on preparing them for exams."*

*"The timetable in secondary schools does not lend itself to the development of confident individuals: there is not enough flexibility."*

*"Pupils are still focused on attainment, which is not meeting the needs of every kid, or preparing them for life beyond school."*

*"...too assessment focused on secondary schools – lot of pressure and stress...Where is the support for mental wellbeing?"*

*"Is 'confident coder' the same as 'confident in hamlet'? Depends on context."*

*"Tick-box exercise to gather info on capacities – need time in schools to develop young people to become emotionally literate and media literate, to broaden horizons, know where to go for info on the planet, and be provided with resources to do that."*

16. The foundational principles of CfE have been lost in the secondary sector due to overassessment, and the COVID-19 crisis has exacerbated this existing systemic weakness.

**Question 2: What, if any, information on learners' achievements obtained outside school and college should be gathered? Please explain your response.**

17. At NASUWT engagement events, there was considerable concern raised about gathering information from outside school. It was clear that teachers were worried that the finances of individual families would overly influence outcomes, and that some pupils would be able to secure the relevant badges of attainment while others would have fewer opportunities to accrue the needed cultural capital. Teachers pointed to the fact that this socioeconomic divide is already visible in the system; for example, when looking at the spread of vocational courses or other experiences which are offered across schools. Some comments received were:

*“Middle-class pupils get tutors – I’m concerned about using out-of-school experiences which will entrench inequality.”*

*“Let’s avoid a record of achievement – no one asked to see it. There’s no place for a teacher other than writing a reference to collate that information – why would we get bogged down with that?”*

**Question 3: a) Should information be gathered on learners' skills and competencies as part of their senior phase? If you have views on how this might best be done please provide them here.**

18. The NASUWT held member-engagement events which allowed input from practitioners. Teachers raised questions about the support which would be needed for pupils and practitioners, the lack of a clear definition of skills and competencies, and the weight being placed on teacher voice within the review:

*“Pupils struggle to identify skills and need more guidance.”*

*“We can develop skills – they can be taught and we can measure skills in a subject. It is challenging to do that to a level of quality if we maintain the secondary curriculum and timetabling.”*

*“How much is this being led by teachers? Have teachers cried out for competencies? Not many colleagues talk about responsible citizens. Capacities are not something the profession is called out for. This exemplifies a top-down system of change.”*

**Question 4: Please share your thoughts on what a ‘better balanced’ assessment system would look like. As well as considering the balance between external examination and internal assessment you may also wish to comment on the frequency of examinations.**

19. We must recognise that there will be a diversity of views about these issues, including exam vs. non-exam assessment across the profession. It is definitely our experience that views on this issue tend to be influenced to a large extent by the subjects that teachers teach.

20. Workload and professional judgement are critical factors. For example, externally marked examinations have inherent workload advantages over teacher assessment, but teachers’ views are nuanced. Forms of assessment are not the only tools to secure workload reduction, as there is also, for example, additional staffing, and reduction in scrutiny. Many teachers who are keen to reduce workload remain sceptical about the removal of all non-exam assessment from most subjects. In large part, this concern is driven by their professional experience as teachers and their understanding that forms of assessment based totally on examinations are not optimal in assessing student learning. Equally, others, particularly in maths and science subjects, have expressed the view that removing non-examined assessment is positive, not simply for workload reasons, but because non-exam assessment was a poor way of assessing learning in these subjects.

21. A pragmatic assessment system would be able to recognise that the form that assessment takes should be determined by a professional understanding of the best way of assessing the particular area of skill, knowledge or understanding in question. What is right for mathematics, for example, may not be right for geography, art and design, or music. Some subjects may lend themselves to more examined assessment; some may lend themselves to less or to none at all.
22. It must be recognised that no form of assessment is perfect and all involve some trade-offs between complete validity and complete reliability. The form of assessment chosen must take account of the needs and circumstances of learners, because the current system can create profound issues for some learners with disabilities who face significant barriers to demonstrating their achievements through traditional terminal examinations.
23. The Union considers that, as far as possible, forms of assessment should be determined by a professional judgement about the most fit-for-purpose approach for the area of learning being assessed. This approach must also take into full account the needs and circumstances of those learners who may be disadvantaged by forms of assessment that do not allow them to demonstrate as fully as possible what they know, can do and understand.
24. It is helpful that the redrafted Principles make clear that the qualifications system should support flexible approaches to assessment. The NASUWT is clear that particular forms of assessment, whether examinations or coursework, should not be privileged inappropriately in the development of qualifications systems. Teachers are the experts in the assessment of their subjects, and their views should be taken into full account in the development of assessment models, including the balance struck between examinations and non-examined assessment, and which forms of assessment are best suited to particular aspects of learning.

25. Sadly, a significant weakness of the Review is that it appears to be proceeding without a careful subject-by-subject analysis of the ways in which different aspects of learning should be assessed.

**Question 5: Please share your thoughts (advantages/disadvantages) on the idea of introducing an achievement, award or qualification at the end of the BGE.**

26. The incoherence which has characterised the Review is exemplified through this proposal for the introduction of an 'achievement, award or qualification' at the end of the BGE phase. No meaningful explanation has been set out about the purposes that such accreditation of learning would achieve and how it would provide support to teachers' efforts to provide high-quality learning experiences for pupils. The Review has set out no evaluation of the balance of costs and benefits of this proposal, including how it might impact adversely on the already unsustainable workloads teachers and leaders face.

**Question 6: Please share your thoughts (advantages/disadvantages) on the idea of introducing a type of leaving certificate in the Senior Phase.**

27. Within the NASUWT member engagement events, concern has been raised that the systemic challenges which hamper our current system have not been addressed head on in the proposal. Teachers want to see a proposal that explicitly acknowledges and addresses their frustrations. The proposal for a leaving certificate would need to be articulated in a way that addresses their concerns – some examples of which are below:

*“We currently have an exclusive curriculum which benefits the small percentage of people who go to university.”*

*“We need to see greater understanding around Additional Support Needs (ASN) when talking about the curriculum and equity.”*

*“CfE is cluttered with a busy curriculum – we need to be more imaginative on what we do in s1 and s2, and allow transition.”*

*“A lot depends on the money invested, e.g. DYW PT – some have them and some schools don’t.”*

*“Education is about creating critical thinkers, introducing them to the world through your subject, opening their eyes and raising them above the immediacy of environment. We need to avoid dumbing down and channelling working class pupils into training. Pupils need to leave school with the tools to remake the world – working class communities need tools to change the world.”*

*“A lot of this will come down to money, how many teachers are employed for schools, and the staffing budget. To offer a broader range means smaller numbers in front of teachers.”*

*“Curriculum is not fit for purpose – too academic and literacy focused and teaching to the middle. Top and bottom are excluded.”*

*“Balance in senior phase when there are a range of option courses and a greater ability to move from one level to another.”*

*“Pupils need scaffolding there to move on. We want the system to be more robust.”*

*“Changes around nat 4/5 were a huge backward step – what we had before had value with everyone and change was made without asking teachers.”*

*“We no longer have a national education system – schools do not have BGE s1-3; they kept the 2/2/2 model and lied to everyone. The system has to be national and every school and authority has to be the same way.”*

*“Coasting can cause behaviour issues as pupils do not see the purpose of what they’re doing – If good enough to do a higher, why don’t you start working towards that? Does everyone have to do a nat 5 before they do a higher? Problem is rigidity of timetable and exam diet.”*

*“It’s hard to separate the BGE from the assessment system. The BGE has broadly failed. Third year is a waste of time. It’s chaos where kids have nine subjects in s3 and drop two in s4 and teachers can’t carry the same class 3-4th year.”*

*“Could do two years higher, but we need to be given that time – it would work for a lot of pupils – others who would want nat 5 and then no further. I feel we are advocating for change but powerless to implement the changes.”*

*“We need appropriate workload balance for teachers who deliver curriculum and teach kids skills. The system is too class committed to enable us to properly evaluate and develop lessons.”*

*“Any changes made need resources – produced nationally – quality resources like we had for Standard Grade.”*

28. The current system has failed to provide a coherent progression in the journey of learners (3-18 and beyond) that gives them the best possible educational experience and enables them to realise their ambitions. There are a myriad reasons underpinning this failure, including:

- (a) Transitions within the system between primary and secondary and between the BGE and senior phase are not working consistently across the country.
- (b) Conservatism within Scottish education has ensured that flexibilities within the system have not been utilised, other than in exceptional circumstances. To achieve the vision of CfE, in

reality, schools would need the flexibility to move away from a cohort approach.

- (c) The Senior Phase has created a postcode lottery across Scotland and there is a visible tension between local flexibility and national guidance.
- (d) There is a lack of a clear framework – such as in the number of subjects to be studied at Senior Phase.
- (e) Coherent progression in the BGE is hamstrung by the absence of a clear framework. Education Scotland has failed to properly explain that there is no need to cover all experiences and outcomes (Es+Os) and Benchmarks to achieve a CfE level, resulting in a tick-box culture which has severely limited teacher empowerment, allied with a lack of clear exemplification of standards in BGE.
- (f) An atmosphere of cognitive dissonance persists across the system with a lack of consistency between data-driven approaches alongside often nebulous guidance; a key example would be the vagueness of the BGE followed by the absolute rigidity of the SQA qualifications.
- (g) Levels of accountability applied to classroom teachers do not reflect the aspired level of autonomy.
- (h) There is a lack of parity between academic and vocational routes. For example, 'My World of Work' sits in and around academic work, in the spaces between timetabled classes, and there is insufficient time or support for class teachers to engage with it. The Scottish Credit and Qualifications Framework (SCQF) is already well-established and is slowly gaining traction in schools as a way of recognising a range of awards.
- (i) ASN and inclusion, as highlighted in the Morgan Review, remain an afterthought in policy development and curricular design.
- (j) Responsibility for achieving too many aims is piled onto teachers without sufficient resources.

- (k) There are very few best practice models available to adopt wholesale. Time is needed to develop alternative models, but there is no time available.
- (l) Strong school/college partnerships are necessary to see a step-change in the offers made to young people. These require a supportive local authority which buys in and is committed to genuine school/college partnership. For schools to buy in and build a broad timetable there needs to be support provided to management, as whole school timetable building which includes college availability is very difficult.
- (m) Where schools move away from an exam focus and look to wider CfE aims, it often feels tokenistic – for example, many of the Inter-Disciplinary Learning projects in the secondary sector. The success of CfE is unable to be achieved while the tail continues to wag the dog.
- (n) There is a persistent culture of using a safety net of focusing on the banking of evidence. We need to change the culture of what constitutes being successful at the end of the school journey.
- (o) Broader skills and experience of teachers are often overlooked in schools, and short-term supply or cover teachers are underutilised in supporting the development of wider skills.
- (p) The curriculum is supposed to have relevance to young people's lives, and more space needs to be provided for Personal and Social Education (PSE).
- (q) Mental health is becoming an increasing issue for all members of the school community and greater priority needs to be given to teaching pupils how to build healthy relationships.
- (r) Cultural issues with hierarchy within the system and within schools persist where command and control rather than collegial cultures exist, thereby creating dissonance with the values of equity, equality and social justice.

**Question 7: How should Scotland's qualifications and assessment system make best use of digital technologies?**

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29. Technological advancement requires an infrastructure including laptops and broadband. Technologies should only ever be used as a support for teachers undertaking curriculum and assessment and never as a replacement.
30. In many schools there are not enough laptops, and where schools are asking pupils to use their own devices, a two-tier system is created that undermines work to tackle socioeconomic disadvantage. In other authorities where schools have issued each pupil with an iPad, there have been unintended consequences and structural challenges, often resulting in pupils and staff feeling it may cause more trouble than it is worth. Teachers and pupils have reported difficulties in accessing the internet both at school and at home, particularly in rural areas where there are often issues of hidden poverty and unreliable mobile data and broadband. Indeed, this is indicative of a wider systemic central-belt assumption where policy initiatives are often created without considering the impact on rural areas.
31. Equally, there are knowledge barriers to pupils engaging with technology: often an assumption is made that children and young people will inherently know how to use a device, but this is not always true. Technology, while capable of being a good support in some circumstances, is not a universal quick fix. Austerity has also removed many of the IT support technician roles from schools, creating further workload burdens for teaching staff.
32. One positive suggestion made at an NASUWT member engagement event was that:

*“With a digital exam profile, we get asked all the time by employers to testify that a pupil has gone to school to get qualifications – bureaucratic nonsense to verify records. There is merit in an online database for employers and for SQA – although maybe GDPR issues.”*

**Question 8: How can we make sure that proposals for a future qualification system will uphold the rights of all learners to demonstrate their achievements? Have we missed anything?**

33. If the system uses more formative assessment relying on coursework marked by teachers, work will need to be undertaken to ensure that racial bias does not affect grades. Estimated grades for Black and Minority Ethnic learners are often lower than actual grades for blind-marked exams.<sup>1</sup> Higher levels of racial literacy in the education workforce will be essential to minimise the impact of implicit bias on grades. For that to happen, more time and resource is required for teachers to engage in ongoing and high-quality professional learning. Education leaders should also be supported to consider what measures can be used to minimise the impact of bias.

**Question 9: Is there anything else in relation to the reform of qualifications and assessment which is not covered in this consultation which you would like to raise?**

34. The purposes of this review remain rather opaque. In the Cabinet Secretary announcement in October 2021, the intention to reform qualifications assessments was made but the objective of this reform and the nature of the problems that it seeks to address are still not clear.

35. Change must not be instituted for the sake of change itself, to satiate short-term demands for individual accountability, to distract from institutional or structural inequality, or to mask issues of underfunding. The needs of teachers and learners must be placed at the centre of any recommendations.

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<sup>1</sup> See p54-55 of the 2020 SQA Equality Impact Assessment  
[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)

36. Finally, it may be of benefit to set out the following NASUWT principles for assessment and qualifications which the Union believes should be at the heart of any new system:

Assessment should:

- be valid: i.e., be appropriate for purpose, measure what is intended in ways that are appropriate and cover what needs to be assessed;
- be reliable: i.e. results should produce consistent outcomes and so be repeatable across time and situations;
- have outcomes that are comparable: it should be possible to compare the results of different assessment procedures;
- be manageable: it should place minimal workload burdens on teachers and avoid any unnecessary bureaucracy;
- be fair and equitable and inclusive: it should recognise the impact of social and cultural assumptions and minimise bias;
- support a broad and balanced curriculum: it should not drive or limit the curriculum offer;
- support pupil engagement and empower them to take responsibility for their own learning;
- respect and promote the notion of teachers' professional autonomy and judgement;
- have collaboration and cooperation at the heart of assessment practice;
- be evaluated regularly for its impact and effectiveness on pupil outcomes;
- measure progress as well as achievement;
- support teaching and learning goals.

Qualifications policy must:

- find a balance that meets young people's aspirations, ambitions, interests and talents and addresses the needs of the economy and employers;

- ensure the availability and accessibility of all qualifications across the regions including in rural areas;
- recognise the critical role played by the school and college workforce and workforce unions in securing high-quality provision through meaningful and genuine participation in the development of qualification frameworks;
- allow all pupils to demonstrate, through a range of appropriate qualifications, to recognise the range of abilities, their full potential as learners, and meet their educational needs and interests;
- recognise and value high-quality qualifications;
- support effective collaboration between schools, colleges and other educational institutions;
- ensure that effective steps are taken to avoid excessive teacher and school leader workload and to minimise levels of organisational bureaucracy;
- promote equality and diversity within the education system and complement work to tackle discrimination and prejudice;
- ensure that qualification design reflects rather than dictates the content of the curriculum and is consistent with its aims, values and purposes;
- tackle the causes of learner disaffection and disengagement from education;
- secure parity of esteem between vocational and academic learning pathways while retaining their distinctive purposes and teaching, learning and assessment methods;
- involve effective employer contributions through support and funding for work-based education and training; and
- be supported by appropriate levels of public investment.

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