

**SQA**  
**2021 National Qualifications Appeals Process Consultation**  
**26 March 2021**

The NASUWT's submission sets out the Union's views on the Scottish Qualifications Authority (SQA) National Qualifications Appeal Process for 2021. The NASUWT's evidence is informed directly by serving teacher and headteacher members and also by the work of its representative committees and consultative structures, made up of practising teachers and school leaders working in the education system.

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## Introduction

1. The NASUWT welcomes the opportunity to comment on the SQA consultation covering three draft proposals for the 2021 National Qualifications appeals process. The Union is, however, concerned that the framing of the consultation questions will provide skewed results as the wording of some questions necessitates respondents tacitly agreeing to accept the SQA narrative of there being only three options, and that substantial workload burdens on teachers, schools and local authorities are an inevitability. Rather than an open consultation, which engaged with the profession in the creation of a fit-for-purpose appeal system, teachers are instead being asked to identify which sub-optimal option they can best tolerate.
2. There is significant frustration among the teaching profession that this short two-week consultation process does not provide ample opportunity for engagement and reflection in the creation of the appeals system, and that it will not allow localised quality assurance processes, which are already in train, to dovetail into the SQA appeal process. Neither is it taking place at a time when teachers have sufficient capacity to respond at length. In short, it is unclear why this consultation process could not have taken place much earlier.
3. For the avoidance of doubt, the NASUWT cannot support any of the three models which have been proposed, as they all put considerable emphasis on centre involvement. It is the view of our members that all of the proposed models are not only flawed, unrealistic and undermining of the academic rigour, professionalism and integrity of the Scottish education system, but that they will also cause significant distress to the teaching workforce and potentially open the floodgates to litigation. Even the third option, which has the greatest involvement from the SQA, would place an enormous workload burden on schools to act as gate-keepers and administrators.

4. Only this week, the Education and Skills Committee of the Scottish Parliament *Legacy Report* set out that:

*'we have monitored the performance of SQA and Education Scotland over the last five years. We remain unconvinced that these bodies in their current form are fit for purpose. Confidence among practitioners in these organisations also appears low and it is clear that structural reform is now required. With the OECD report due to be published this year, we urge our successor Committee to undertake work early in the new Parliamentary session with a view to establishing what such structural reform could and should encompass.'*

5. The Committee accurately outlined the existing deficit of confidence in the SQA. Our members are concerned that the proposed appeals options suggest a lack of trust in the professionalism of teachers before the process has begun. As such, the proposals within the consultation paper do nothing to bolster teacher confidence or trust in the SQA.
6. Many professionals have expressed the opinion that the SQA has not done enough to support teachers with the proposed Alternative Certification Model: while an assessment paper for each subject has been provided, it has also been advised that teachers make their own version(s), in addition to being responsible for marking and quality assurance. An enormous responsibility has been placed on teachers to implement the necessary assessments and undertake the marking and quality assurance needed to make decisions on the predicted results for learners. The workload to manage this process will be exorbitant. While teachers are determined to do their best for their pupils, they are working under high levels of stress and anxiety, none of which is reflected in the SQA proposals.
7. Any proposal which requires the teacher/school to be involved in a conversation or meeting with an individual candidate, and provide a tailored response, both intentionally and blatantly ignores the inherent and significant logistical challenges facing practitioners. Teachers will be

exceptionally busy supporting learners with their continued education and mitigating for the expected gaps in learning and the consequences of two lockdowns on the attainment and progress of young people. There has been no consideration of the time and space in the system to manage a system of internal appeals.

8. The narrative within the consultation document, which seeks to place responsibility on schools and teachers who will already have gone through a rigorous process of marking and quality assurance to reach suggested grades for pupils, also conveniently overlooks the potential for upsetting relationships between schools and families. Each proposal could lead to an avalanche of appeals requests. Furthermore, it is anticipated that such appeals will be a frustrating and fruitless experience for the majority of learners, given that each local authority and school will naturally have faith in their own processes, having themselves created and managed the quality assurance process. An expensive, time-consuming and wasteful appeals process will serve only to damage relationships at a point in the education system where the focus should be on supporting recovery and rebuilding system confidence.
9. Any model suggesting centres were given the responsibility to explain and clarify their academic judgements and their local quality assurance approach should also have provided detailed guidance and support in the following areas:
  - What is to stop management in schools (and across local authorities) pressuring teachers and manipulating the results?
  - Are punitive systems going to be adopted in which an individual teacher's marking does not conform to the local quality assurance system? In some subjects, the marking of assessments is very subjective.
  - Could individual teachers be subject to individual legal challenge to the outcome of any school-based assessments?

Neither the consultation document narrative nor the three distinct proposals address or acknowledge these concerns.

10. There is a significant strength of feeling within the profession that it is not appropriate to involve teachers in an appeals process. There are a number of other options which have not been discussed or considered within the SQA consultation paper. As a minimum, the SQA could have offered a temporary contract to teachers to mark SQA papers. Appeals might alternatively have been referred to the SQA as a neutral body: the learner evidence and marking scheme could be passed by the school to the SQA to enable a review and decision. Many schools are using the SQA secure papers which would also allow for judgements to be made across subjects with some level of consistency. Or perhaps the appeals system might have a formal SQA diet of exams in the Autumn which enables any learner who feels that they did not get the result they deserved to do a 'resit'?
11. Furthermore, the consultation paper shows no cross-border reflection. The Office for Statistics Regulation, in its review into the approach to developing statistical models for awarding grades in the UK in 2020, suggested that greater collaboration in statistical modelling between Westminster and the devolved jurisdictions such as Scotland was needed. While a statistical model is not being considered for 2021, a collaborative cross-border engagement process might still have been useful.
12. The model in England, for example, while still under discussion, looks likely to be different from each of the three SQA proposed models. In England, centres will submit their grades to awarding bodies following a process of internal and external quality assurance, although external quality assurance will be undertaken with a sample of schools only. Centres will not share the grades submitted for candidates with them, but they are expected to make clear what evidence has been used and the basis on which it has been assessed. Results will be released during the Summer. The grades will be issued and 'owned' by awarding bodies, not centres. There will then be a two-stage appeals process. The first stage will be a clerical check undertaken at the centre: it will not consider matters related to professional judgement and might involve, for example, making sure that marks have been added up correctly. It will not involve a

professional evaluation of the judgement that has been made. If the candidate is not happy with the outcome of the first-stage appeal, they can appeal to the awarding body under the second stage. It is only at the second stage that professional judgements can be considered. While the details of the second stage process have yet to be confirmed, it will probably require a centre to submit the evidence on which the grade was based on to the awarding body. The awarding body will consider this evidence and make its judgement. Grades can go up or down as a result of this process. While the process may not be able to be adopted wholesale for the Scottish context, it does provide an alternative model to consider.

13. It is also unhelpful that in many local authorities there is, as yet, no information for practitioners on the timing of the two additional in-service days which each council has been encouraged to agree with its secondary staff. Councils should have involved staff in the discussions around these days, as well as communicating any decision timeously. This further contributes to the sense of compound failure across the system to communicate timeously and effectively with the profession, and only serves to build intolerable uncertainty and additional anxiety among teachers. The NASUWT has been clear all along that schools and employers will need support from the Government, including dedicated time and space to make the system of teacher assessment as reliable and fair as possible. It is frustrating for practitioners that this message needs to be so frequently reiterated.

14. Finally, the coronavirus, and the emergency restrictions introduced to tackle it, have affected specific sections of society differently and disproportionately: older people, those with disabilities, black and minority ethnic (BME) people, as well as those from lower-socioeconomic groups who are most vulnerable to the transmission of the virus, and have also been affected by the scope and adequacy of the measures implemented to tackle coronavirus. The NASUWT agrees that it is very important in all appeals planning that pupils from deprived areas and those with protected characteristics are not unfairly penalised and that the qualification system

is sufficiently transparent to instil confidence in teachers, pupils, parents and employers. Many of the decisions made by the SQA in relation to the qualification process will not feel 'fair' to candidates. As one example, the following subject-specific feedback in relation to Physical Education was provided to the Education and Skills Committee on 02/03/21:

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

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

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

***Theory is based upon practical work:***

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

***Gender inequality:***

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

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

**Variability across the country:**

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

**Using evidence from previous years:**

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

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

15. The appeals system options as drafted do not attempt to overcome the disadvantage outlined above. The coronavirus has had an unequal impact on families which, at its core, produces an unfair outcome. The SQA documentation on assessment that uses the terminology ‘*valid, reliable, practicable, and equitable and fair*’ will not accord with the lived experience of pupils and teachers during the past year. Without recognising the

inherent barriers in the system, mention of the public sector equality duty appears notional and tokenistic.

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