

Children's Rights and Wellbeing Impact Assessment Contingency arrangement for incomplete evidence for graded National Courses in 2021

Section 1: Background and context

Approach to impact assessment

This document summarises the evidence that SQA has reviewed in developing the incomplete evidence contingency arrangement for graded National Courses in 2021 that relates to impacts on children's rights and wellbeing. SQA supports lifelong learning, and awards qualifications to learners of all ages, but it is clear that many learners taking SQA graded National Courses are aged 15, 16 or 17 and would identify as children or young people.

The contingency arrangement follows on closely from the work already done on the Alternative Certification Model (ACM) 2021 (including the 2021 appeals service). The ACM, the appeals service and the contingency arrangement have each been developed as part of the national response to disruption to learning in 2020–21. They have been designed to alleviate as much disadvantage as possible, while still allowing young learners to demonstrate their knowledge, understanding and skills. The contingency arrangement is a further important but relatively minor alteration to the general ACM process.

SQA reviewed the range of available evidence to inform its decisions in the context of its duties as the statutory national awarding body in Scotland for qualifications other than degrees. These duties are set out in the Education (Scotland) Act 1996, as amended.

The principal components of the contingency arrangement were determined by SQA's Board of Management following advice from its Qualifications Committee, Advisory Council and Code of Practice Governance Group.

Section 4 sets out the assessment of the impact of key components of the contingency arrangements for graded national courses in relation to children's and young people's rights and wellbeing.

As with the impact assessments for the ACM and appeals service, other groups of learners, such as those who are socio-economically disadvantaged, or who experience other circumstances that present barriers to accessing qualifications, have also been considered wherever possible. Although such groups are not covered specifically by the Equality Act 2010, SQA recognises that a wide range of factors can have an impact on a learner's ability to achieve qualifications. Furthermore, SQA has a specific Corporate Parenting commitment to ensure that its equality impact assessment (EIA) process considers the needs of care-

experienced young people, by treating care experience as if it were a protected characteristic covered by the Equality Act.

More information with an equality focus is available in SQA's Equality Impact Assessment of the incomplete evidence contingency arrangement for graded National Courses in 2021.

2: CRWIA Stage 1 Screening: key questions

1 Name the policy and describe its overall aims.

SQA incomplete evidence contingency arrangement for graded National Courses in 2021

The contingency arrangement builds on the ACM designed by the National Qualifications Group 2021, and offers an additional mitigation to address any remaining negative children's rights impacts arising from the ACM design.

The arrangements have been designed with learners' interests as a core consideration, constrained by the fluid and challenging circumstances affecting the education sector in 2021. It aims to build on the flexibility of the ACM to offer a certification opportunity for those learners who have completed the learning for their course but have not been able to produce all of the assessment evidence required to enable their centre to submit a provisional result to SQA by the 25 June deadline.

2 What aspects of the service will affect children and young people up to the age of 18?

SQA supports lifelong learning, and awards qualifications to learners of all ages, but many learners taking SQA graded national courses are aged 15, 16 or 17 and would identify as children or young people. Therefore, all aspects of the contingency arrangement have potential to affect those children and young people taking SQA graded national courses in 2021. Key components assessed for their impact on children and young people's rights and wellbeing are:

- ◆ Eligibility of learners
- ◆ Roles and responsibilities of centres
- ◆ Evidence generation and results process

3 What likely impact — direct or indirect — will the service have on children and young people?

The incomplete evidence contingency arrangement will be led by centres and is intended for learners who have been unduly disadvantaged by severe disruption to learning and teaching during 2020–21 session and have completed their course but not completed all the required

assessment by 25 June. Centres would work with learners to identify whether using the contingency arrangement is a suitable option.

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

SQA understands that 'child' means every human being below the age of 18. 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.

SQA recognises that this contingency arrangement will impact on children and young people.

5 Will this require a CRWIA?

While there is no formal or legal requirement for SQA to undertake or publish a Children's Rights and Wellbeing Impact Assessment, SQA recognises that any changes made to awarding graded National Qualifications in 2021 — including the incomplete evidence contingency arrangement — will impact on children and young people. In line with good practice, SQA describes in this document its assessment of the positive and negative impacts of the incomplete evidence contingency arrangement for graded National Courses in 2021 and actions adopted to maximise positive impacts and minimise negative impacts.

SQA respects the rights of the child described in the United Nations Convention on the Rights of the Child and the rights protected by the European Convention on Human Rights.

3: The CRWIA

3.1 The CRWIA context

Review of the incomplete evidence contingency arrangement

Scotland is set to directly incorporate the United Nations Convention on the Rights of the Child (UNCRC) into domestic law. The UNCRC (Incorporation) (Scotland) Bill was introduced to the Scottish Parliament on 1 September 2020. When enacted, it will be unlawful for public authorities to act in any way that is incompatible with the UNCRC requirements.

3.2 The CRWIA: key questions

3.2.1 Which UNCRC articles are relevant to the contingency arrangements?

SQA considers that the following articles are particularly relevant to the contingency arrangements. The [United Nations Children's Fund \(UNICEF\) child-friendly descriptors](#) have been set out below.

Article 2: non-discrimination

All children have all these rights, no matter who they are, where they live, what language they speak, what their religion is, what they think, what they look like, if they are a boy or girl, if they have a disability, if they are rich or poor, and no matter who their parents or families are or what their parents or families believe or do. No child should be treated unfairly for any reason.

Article 3: best interests of the child

When adults make decisions, they should think about how their decisions will affect children. All adults should do what is best for children. Governments should make sure children are protected and looked after by their parents, or by other people when this is needed. Governments should make sure that people and places responsible for looking after children are doing a good job.

Article 6: life survival and development

Every child has the right to be alive. Governments must make sure that children survive and develop in the best possible way.

Article 12: respect for children's views

Children have the right to give their opinions freely on issues that affect them. Adults should listen and take children seriously.

Article 17: right to information

Children have the right to get information from the internet, radio, television, newspapers, books and other sources. Adults should make sure the information they are getting is not harmful. Governments should encourage the media to share information from lots of different sources, in languages that all children can understand.

Article 23: children with disabilities

Every child with a disability should enjoy the best possible life in society. Governments should remove all obstacles for children with disabilities to become independent and to participate actively in the community.

Article 28: right to education

Every child has the right to an education. Primary education should be free. Secondary and higher education should be available to every child. Children should be encouraged to go to school to the highest level possible. Discipline in schools should respect children's rights and never use violence.

Article 29: aims of education.

Children's education should help them fully develop their personalities, talents and abilities. It should teach them to understand their own rights, and to respect other people's rights, cultures and differences. It should help them to live peacefully and protect the environment.

3.2.2 What impact will the contingency arrangement have on children's rights?

SQA has developed the contingency arrangement for graded National Courses in 2021 with learners' interests at the heart, constrained by the fluid and challenging circumstances affecting the education sector in 2021. The contingency arrangement has the potential to advance the realisation of children's rights in Scotland. For full details please see our [Contingency arrangement for incomplete evidence web page](#)

The table below outlines the UNCRC rights that will be engaged by each component of the contingency arrangement:

Article	Relevant elements of contingency arrangements
2 Non-discrimination	Eligibility of learners Role and responsibilities of centres
3 Best interests of the child	Eligibility of learners Role and responsibilities of centres
6 Life survival and development	Eligibility of learners
12 Respect for children's views	Eligibility of learners Role and responsibilities of centres
17 Right to information	Role and responsibilities of centres
23 Children with disabilities	Eligibility of learners Role and responsibilities of centres
28 Right to education	Eligibility of learners Role and responsibilities of centres Evidence generation and results process

29 Aims of education	Evidence generation and results process
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4: Assessment of impact and mitigations

Components of incomplete evidence contingency arrangement

This part of the impact assessment examines the components of the contingency arrangement in line with the relevant UNCRC Articles and considers:

- ◆ Whether it has different impacts on different groups of children and young people.
- ◆ If a potential negative impact was assessed for any area of rights or any group of children and young people, the mitigating actions that can be adopted.
- ◆ Where the contingency arrangement can contribute to the wellbeing of children and young people in Scotland.

4.1 Eligibility of learners

Description of the incomplete evidence contingency arrangement

In June 2021, SQA announced an arrangement by which learners who had not had the opportunity to complete all their assessment evidence by the deadline of June 25 would be able to complete evidence so their centre could submit a provisional result by 3 September. This was intended, as far as possible, to mitigate the impacts of COVID-19 on learners. Examples of learners for whom the arrangement could be useful might include:

- ◆ A learner whose medical condition has prevented full and timely engagement with the centre's evidence-gathering process.
- ◆ A learner who has been required to self-isolate due to COVID, either as a case or contact, during the centre's evidence-gathering process.
- ◆ A learner who has suffered bereavement or other trauma during the centre's evidence-gathering process.
- ◆ A learner who was shielding during the centre's evidence-gathering process.

This arrangement is not intended as an opportunity to delay assessment or to provide an extended period of preparation over the summer break. Nor does it enable learners to have another opportunity for assessment that has already been undertaken, in pursuit of a higher grade.

Potential impacts on children and young people

- ◆ Some children and young people have experienced severe disruption to learning and teaching in 2020–21, and despite having completed the course they may not have been able to complete all assessment requirements. The contingency arrangements enable some children and young people the opportunity to generate further evidence for assessment that may allow a provisional result to be determined.
- ◆ It is possible that the criteria for eligibility for the contingency arrangement may exclude some children and young people.

- ◆ It will be important that centres take into account the views of learners who may be children and young people, in determining who is eligible to utilise the contingency arrangement.

Relevant parts of UNCRC

Article 2	non-discrimination
Article 3	best interests of the child
Article 6	Life survival and development
Article 12	Respect for children's views
Article 23	Children with disabilities
Article 28	Right to education

Steps taken by SQA to mitigate impacts.

- ◆ Some learners may be unduly disadvantaged (they may be at risk of not achieving a qualification) by severe disruption to learning and teaching in 2020–21. The contingency arrangement provides a further opportunity for those learners who have completed the learning and teaching of the course but not completed enough evidence by 25 June, to do so. This contributes to children's right to non-discrimination (Article 2) and is in support of children's rights to have their life develop in the best way possible (Article 6); have their views heard and given due consideration (Article 12) and the duty for adults around the child to act in their best interests (Article 3).
- ◆ In the ACM 20–21, centres are required to discuss with learners their progress and assessments on an ongoing basis, and at the conclusion of the course to make sure that learners are aware of their provisional result. Centres can consider whether learners who are at risk of a 'no award' result could utilise the contingency arrangement and must ensure learners understand what this means. This is in support of children's right to have their views heard and given due consideration (Article 12) and the duty for adults around the child to act in their best interests (Article 3).
- ◆ These mitigations also support the duties and rights provided in Articles 23 and 28.

4.2 Roles and responsibilities of centers

Description of the contingency arrangements

Centres should, taking full account of the flexibility of the ACM to support teachers' professional judgement, do all they can to ensure that learners can generate sufficient evidence by 25 June.

The Alternative Certification Model for 2021 commits centres to providing ongoing feedback to learners on their progress and assessments, including, at the conclusion of the course, provisional results based on evidence of demonstrated attainment. The ACM provides for ongoing dialogue between learners and their centres so that the provisional results submitted by their centre do not come as a surprise to learners. It also enables centres to consider the

best interests of the learner, which may be to use this contingency arrangement, completing evidence by 3 September; be presented for an alternative qualification; or repeat the course and be presented in 2022.

The contingency arrangement offers a small window of opportunity to generate evidence, between centres re-opening in August and 3 September and cuts across the summer holiday period for most centres. The summer period is an unavoidable 'pause' in the process, which must be considered when identifying which learners are best placed and able to utilise the contingency arrangements.

There is a risk for all learners including children and young people, that completing their learning and teaching in June and returning in August to complete evidence for assessment, may impact on their ability to recall their learning. Learners may be less well prepared for assessment at the end of August than they are at the end of June. Learners may struggle to maintain being 'assessment ready' over the summer period. This could have a disproportionate impact on children and young people with disabilities and additional support needs. It is also worth noting that centres have different return dates in August so the window of opportunity to generate evidence for assessment will differ from centre to centre.

Centres will need to ensure that for the learners they identify as being eligible for the contingency arrangement, that those learners fully understand what this means:

- ◆ Learners need to have this information before the summer holiday period begins.
- ◆ Learners should be aware that they will need to undertake assessments when returning to their centre in August.
- ◆ Learners need to be made aware that then they receive their SQA certificate on 10 August that any qualification for which they are accessing the contingency arrangement will not appear on their certificate (this should not come as a surprise to learners or their parents/carers).

Potential impacts on children and young people

- ◆ Some learners who are unable to produce all the required evidence by 25 June will not be returning to their centre/school after summer. Therefore, they may not be willing or able to take up the opportunity to generate more evidence before 3 September. This may mean some learners 'settle' for no award.

Relevant parts of UNCRC

Article 2	non-discrimination
Article 3	best interests of the child
Article 12	Respect for children's views
Article 17	Right to information
Article 23	Children with disabilities
Article 28	Right to education

Steps taken by SQA to mitigate impacts.

- ◆ e-Sgoil provision will be available for learners to access support at the start of session 2021–22. This mitigates potential negative impact on children’s rights to non-discrimination (Article 2) and right to education (Article 28).
- ◆ Some learners will have the option to retake some qualifications in the following academic year in support of children’s rights to education (Articles 28 and 29).
- ◆ Centres may decide that using the contingency arrangement is not a suitable option for these learners and look to see how best to support them before the end of the academic year in June. Conversations between learners and their centres contribute to children’s rights to have their views heard and be given due consideration (Article 12), the right to information (Article 17) and the duty for adults around the child to act in their best interests (Article 3)

4.3 Evidence generation and results process

Description of the contingency arrangement

Learners who are unable to produce the required evidence by 25 June and who are identified as being able to utilise the contingency arrangement, will face a ‘pause’ in the process over the summer holiday period, before being able to provide more evidence. As described earlier, it is likely that learners may be less well prepared for assessment at the end of August than they will be at the end of June.

The contingency arrangement provides a further window of opportunity for learners to generate evidence for assessment between the start of the academic year in August and 3 September. This activity window occurs at the same time as learners will be starting learning and teaching for a new academic year and for the majority, progressing to a higher level of study, (such as National 5 to Higher). It is possible that learners, including those who are children and young people, may find this challenging. There is a risk that learners may struggle with completing evidence at the start of the next academic year and may not be able to generate the evidence required, leading to no award. There is a risk that some learners may change their mind on return to their centre in August and decide not to complete additional assessment and centres will have to use the partial evidence base to determine a provisional result anyway. It is also worth noting that centres have different return dates in August so the window of opportunity to generate evidence for assessment will differ from centre to centre.

An appropriate time between the centre’s re-opening in August until 3 September, either out with the learner day or at an appropriate time during the learner day by arrangement with the teacher/lecturer, should be found for the learner to undertake the assessment. This could mean learners will be in centres beyond their usual time and could have impacts for children and young people, such as those who have caring responsibilities, reliance on travel arrangements etc. There is a risk that learners may struggle with completing evidence in this way and will not be able to generate the evidence required, leading to no award.

Potential impacts on children and young people

- ◆ Some children and young people may find it difficult to complete assessment when they return to their centre in August, at the start of a new academic year.

Relevant parts of UNCRC

Article 2	right to non-discrimination
Article 28	Right to education
Article 29	aims of education.

Steps taken by SQA to mitigate impacts.

- ◆ e-Sgoil provision will be available for learners to access support at the start of session 2021–22. This mitigates the potential negative impact on children’s rights to non-discrimination (Article 2) and right to education (Article 28).
- ◆ SQA has discussed with partners in the education sector, the need to signpost appropriate sources of support over the summer break period for learners who wish to appeal their provisional result. This support could also potentially be utilised by learners accessing the contingency arrangement, in support of Articles 2 and 28.
- ◆ Centres should focus their efforts to support learners to generate evidence by concentrating on the gap the centre has identified in the candidate’s evidence.
- ◆ It is expected that the additional time required for learners to generate evidence will be at a minimum, as the focus should be on the gap in the learner’s required evidence only. Centres can utilise or draw upon the assessment tools that are already available (such as the SQA 2021 NQ assessment resources or adaptations thereof) of which the candidate has not already had experience. This is in support of children’s rights to education (Articles 28 and 29).

Summary table

Potential impacts	UNCR	Mitigating actions
Due to extreme circumstances some learners will be unable to produce assessment evidence required to be awarded a grade, by deadline of 25 June.	Article 2 Article 6 Article 23 Article 28	Incomplete Evidence Contingency Arrangement enables some learners a further window of opportunity in which to generate required evidence.
It is possible that the criteria for eligibility for the contingency arrangement may exclude some children and young people.	Article 3 Article 12 Article 23 Article 28	Centres will work to ensure that as far as possible, most learners can produce required assessment evidence by 25 June and not need to use the contingency arrangement. It is anticipated that relatively few learners will need to utilise this contingency arrangement.
Learners need to understand how the contingency arrangement works and what it means for them.	Article 3 Article 12 Article 17	Centres are required to discuss with learners their progress and assessments on an ongoing basis and fully explain the contingency arrangement.
Learners who are unable to produce required evidence by 25 June have to wait during the summer period before being able to provide more evidence.	Article 2 Article 28 Article 29	Led by the Scottish Government, SQA will work with a range of partners such as SDS to provide a number of support mechanisms/ signposting to appropriate agencies to support learners during the seven-week period
Some learners who are unable to produce required evidence by 25 June (particularly those in S5 and S6) may not be returning to their centre/school after summer and will find it difficult to take up the opportunity to generate more evidence.	Article 3 Article 12 Article 17 Article 28	Centres may decide that the contingency arrangement is not a suitable option for these learners and look to see how best to support them before the end of the academic year in June. Some learners may have the option to retake some qualifications in the following academic year.
Some children and young people will be unable to revise/prepare for further assessment during the summer period.	Article 2 Article 28	e-Sgoil provision will be available to support learners accessing the contingency arrangement in their preparations for assessment in the early part of the new session.

Potential impacts	UNCR	Mitigating actions
<p>Centres will need to ensure that those learners whom they identify as being eligible for the contingency arrangement fully understand what this means. Some learners will not be willing or able to undertake the contingency arrangement.</p>	<p>Article 3 Article 12 Article 17 Article 28</p>	<p>Centres are required to discuss with learners their progress and assessments on an ongoing basis and fully explain the contingency arrangement.</p> <p>Centres may decide that the contingency arrangement is not a suitable option for these learners and look to see how best to support them before the end of the academic year in June.</p> <p>Some learners will have the option to retake some qualifications in the following academic year.</p>
<p>Some children and young people may find it difficult to complete assessment when they return to their centre in August, at the start of a new academic year.</p>	<p>Article 28 Article 29</p>	<p>It is expected that the additional time required for learners to generate evidence will be at a minimum, as the focus should be on the gap in the learners' required evidence only.</p>

5: Evidence and consultation

What evidence have you used to inform your assessment?

SQA reviewed equality evidence from a wide range of sources. These include the evidence gathered in relation to appeals for National Courses in 2020; the ACM for 2020–21 and the appeals service for graded National Courses in 2020–21. This included evidence from children themselves, in support of the Article 12 right to have their voice heard and taken seriously. It also included a desktop review of evidence from other sources, including the Equity Audit completed by Education Scotland and Scottish Government in January 2021. It includes engagement with:

- ◆ organisations representing learners, SQA centres, teachers, and lecturers.
- ◆ organisations who hold regulatory roles in terms of relevant areas of law
- ◆ organisations in other areas of the UK who have similar responsibilities to SQA.
- ◆ the senior committees within SQA that have specific experience and responsibility for decisions relating to the principles of assessment, awarding and appeals.

Have you consulted with relevant stakeholders?

SQA has engaged with the National Qualifications 2021 Group throughout development of the ACM for 2020–21 and discussed the components of the contingency arrangement with this Group and its supporting Working Group on a number of occasions.

The senior committees within SQA that have specific experience and responsibility for decisions relating to the principles of assessment, awarding and appeals have also been involved in considering the contingency arrangement.

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

Many members of SQA staff and committees have experience and understanding of working with learners and their families through previous teaching roles, through their work with SQA and as parents themselves. That experience was supplemented with activity to seek views from learners, parents and carers through individuals and representatives within SQA's Learner Panel, Qualifications Committee, and NQ 2021 Group, and indirectly through the appeals consultation.

There is a link between the early considerations of what an appeals model could look like and this incomplete evidence contingency arrangement. Respondents to the appeals consultation included a range of individuals and organisations including learners, parents/carers, teachers and lecturers, professional associations, schools, colleges, local authorities, and other organisations, including the Scottish Youth Parliament.

6: Conclusion

SQA has developed the incomplete evidence contingency arrangement for graded National Courses in 2021 with learners' interests at heart, constrained by the fluid and challenging circumstances affecting the education sector in 2021.

The contingency arrangement follows the principles of the Alternative Certification Model designed by the National Qualifications Group to support public confidence in this year's quality assured results.

This impact assessment identifies the principal sources of evidence reviewed by SQA, the positive and negative impacts identified within that evidence, and the decisions taken by SQA to maximise the positive impacts of the contingency arrangement for children and young people's rights and wellbeing and to mitigate any negative impacts identified.

The rights of children and young people have been a primary consideration in the development of this model. The contingency arrangement is designed to further advance the realisation of children's and young persons' rights, while ensuring SQA can deliver qualifications that provide a reliable indicator of knowledge, understanding and skills.