



Scottish Qualifications Authority

**Children's Rights Interim Report — 1
April 2020 to 31 January 2022**

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Introduction

This interim report covering the period 1 April 2020 to 31 January 2022 accompanies SQA's first Children's Rights Report, which covers the period 1 April 2017 to 30 March 2020. To ensure stakeholders are aware of the most up to date position regarding SQA's activity in support of children's rights, this interim report was also compiled. It should be read in conjunction with the main report.

The Children and Young People (Scotland) Act 2014 places a duty on a range of public authorities to report, 'as soon as practicable' after the end of each three-year period, the steps they have taken to secure better or further effect the requirements of the United Nations Convention on the Rights of the Child (UNCRC)¹.

While reporting periods should ordinarily be three years, the timescale for completing the first Children's Rights Report was extended due to the COVID-19 pandemic.

SQA's ambition is to become a leading public body in ensuring that children's rights are recognised, as set out in the UNCRC. This will reflect our purpose of helping people to fulfil their potential and achieve their ambitions.

This report highlights the actions we have taken during the reporting period to support children and young people in Scotland to realise their rights.

We will produce another report to cover the full three-year period once that concludes in March 2023.

Scottish Qualifications Authority (SQA)

SQA is the national accreditation and awarding body for Scotland. Our purpose is to help people to achieve and fulfil their potential. We do this by providing them with credible recognition of the skills and knowledge they have demonstrated, which in turn supports their choices in life and work.

SQA provides opportunities for success for thousands of candidates each year, positively impacting on them, their families and on society.

A young person's school or college acts as an intermediary in our engagement with young people. Our direct interactions with children and young people are limited. However, we understand our responsibilities and duties to young people and work hard to ensure that their voices are heard and their interests are at the centre of all that we do.

SQA Accreditation

SQA Accreditation has a statutory remit to accredit and quality assure qualifications in Scotland, thereby safeguarding the interests of learners, employers, parents, funding bodies, providers, and the Scottish Government. It does this by independently approving and regulating awarding bodies operating in Scotland and accrediting their qualifications, which

include Scottish Vocational Qualifications (SVQs), Regulatory and Licensing Qualifications, and other competence-based qualifications.

Children's rights

Children and young people have the same human rights as adults. They span the entire spectrum of civil, political, economic, social, cultural, and environmental rights. Children and young people also have additional rights that recognise that childhood is a special, protected time, in which children must be allowed to grow, learn, play, develop, and flourish with dignity.²

United Nations Convention on the Rights of the Child (UNCRC)

Specific human rights for children are set out in the UNCRC.

The Scottish Government is committed to Scotland being the best place in the world for a child to grow up. The National Outcome for children and young people is that children grow up loved, safe, and respected, so that they reach their full potential. A central part of this vision is the recognition of, respect for, and promotion of children's human rights. These include rights to be treated fairly, to be heard, and to be as healthy as possible³.

Embedding the UNCRC in policy and practice is a key way to help advance children's wellbeing.

There are 54 articles in the UNCRC. To make reporting on children's rights simpler, the UN recommends using clusters. We have adopted this approach for this report. These eight clusters group the rights and protocols under themes:

- ◆ general measures of implementation
- ◆ general principles of the UNCRC
- ◆ civil rights and freedoms
- ◆ violence against children
- ◆ family environment and alternative care
- ◆ basic health and welfare
- ◆ education, leisure, and culture
- ◆ special protection measures

Getting it right for every child (GIRFEC)

Scotland's GIRFEC⁴ provides Scotland with a consistent framework and shared language for promoting, supporting, and safeguarding the wellbeing of children and young people based on the principle that every child should be safe, healthy, achieving, nurtured, active, respected, responsible, and included (SHANARRI⁵ factors).

GIRFEC is central to all government policies which support children, young people and their families and is delivered through services and people who work with families. SQA takes this wider context into account through our work.

Child Rights and Wellbeing Impact Assessments (CRWIA)

The Scottish Government's CRWIA is a tool which those engaging with, or who make decisions which may impact on, children can use to support a child rights-based approach.

SQA has incorporated the CRWIA processes and guidance into our work.

Cluster (i) — General measures of implementation

This cluster focuses on what government is expected to do to implement the UNCRC through law, policy, and decisions which impact on children. It applies to legal measures (through legislation). It also applies to non-legal measures which progress implementation of the Convention including national strategies and action plans; resource allocation and monitoring; children's rights training, awareness-raising, and capacity-building; development and collection of data on children's lives; collaboration with all sectors including children.

Purpose, vision, mission, outcomes, and values

SQA remains committed to helping everyone in Scotland to realise their potential and to achieve their ambitions. SQA holds a unique position in Scotland's education and training system, and we are acutely aware of our responsibility to uphold both the accessibility and the credibility of Scotland's qualifications system. SQA's qualifications and associated expert services help individuals to progress and develop in their own lives and careers.

SQA is proud to be at the heart of the Scottish education and training system. We play a key role as the provider of the vast majority of qualifications delivered by schools and colleges, and the largest supplier of vocational qualifications.

As an accrediting body, SQA sets and maintains standards for many other awarding bodies, and for accredited qualifications, which provide evidence that learners can do their jobs well (these can be studied in colleges or in the workplace).

SQA also plays an important role in supporting Foundation Apprenticeships and the wider Developing the Young Workforce (DYW) Policy, and our qualifications form part of the majority of Scotland's Modern Apprenticeships.

Purpose

We are proud of our unique role in the education and skills system. Our work supports learners at all levels, in many different types of centre, and impacts universities, employers, and the wider economy. In delivering the strategic priorities outlined in our corporate plan⁶, SQA work in partnership with our customers and stakeholders, in Scotland and elsewhere. In doing so, we demonstrate that we truly understand and live up to our purpose to help people fulfil their full potential.

Mission

SQA provides credible recognition of skills and knowledge through qualifications to support choice and progression in life and work.

Vision

Quality-assured qualifications provide opportunities to people, supporting progression in the labour market and a sustainable and successful economy.

Our outcomes

To help us deliver on our purpose and mission, we have identified the following outcomes. These will be our strategic priorities for the period 2020–23:

- ◆ We provide a credible qualifications system
- ◆ We are flexible in meeting customer needs
- ◆ We have a sustainable business operating model that is appropriately resourced in order to deliver our remit now and in the future
- ◆ We are a thriving organisation, with quality jobs and a fair work environment for all our people
- ◆ We are trusted, respected, and valued by our customers, stakeholders, and partners

Our values

We will continue to live up to our purpose, mission, and vision by putting our values into practice:

Trusted

We are open and transparent in our communication and decision-making.

Progressive

We challenge the status quo and embrace new ideas and ways of working.

Enabling

We set and uphold high standards of behaviour in line with our values.

Learner engagement strategy

At its core, SQA is an organisation built around people — our colleagues, learners, parents, carers, teachers, education centre staff, training providers, and more. Indeed, the purpose of our organisation is to support learners at all levels and to help people fulfil their potential.

To do this effectively, we need to work in partnership with our learners and their parents/carers. Our 2021–22 learner strategy builds upon our existing communication and engagement with learners and their parents/carers and will help to reposition SQA so we stand side by side with young people.

Following the publication of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, public authorities must meet UNCRC requirements and consider children's rights. This includes their participation rights. Participation rights encompass a child's freedom to express opinions and to have a say in matters affecting their own lives — for example, education.

SQA's learner strategy not only sets out the importance of learner engagement, but it will allow us to identify new opportunities to hear from our learners and continue to build on

current momentum. It is important to note all colleagues in SQA have responsibility for embedding and supporting the strategy.

Our strategy helps to address some of the immediate challenges faced by our organisation, but has also been devised with longer-term change in mind. It also helps to set high standards and strong principles for learner engagement in SQA's successor body.

The strategy has been developed by the Learner and Parent Engagement Team and has drawn on information included in the UNCRC, Scottish Government National Outcomes, SQA Performance Framework and SQA Corporate Plan, as well as feedback from organisations representing young people.

Collaboration with other organisations

In recent years, SQA has deepened our collaboration and engagement with a range of learner organisations and representatives and others as we embed a children's rights-based approach across all aspects of our work and enhance our understanding of the issues facing our learners.

Organisations we have worked with include:

- ◆ Children's Hearings Scotland (CHS)
- ◆ Children and Young People's Commissioner Scotland (CYPCS)
- ◆ Enquire
- ◆ Equality and Human Rights Commission (EHRC)
- ◆ Scottish Children's Reporter Administration (SCRA)
- ◆ Scottish Youth Parliament (SYP)
- ◆ Sparqs (Student Partnerships in Quality Scotland)
- ◆ Who Cares? Scotland
- ◆ Young People's Champions Boards
- ◆ Young Scot

Training

SQA staff have attended YouthLink Scotland training on Recognising and Realising Children's Rights, and Together: Scottish Alliance for Children's Rights training on Data Collection, Child's Rights Impact Assessments and Rights-Based Budgeting.

We have a training course available to colleagues on our SQA Academy site on corporate parenting. The course looks at the following questions:

- ◆ What is a corporate parent?
- ◆ What responsibilities does SQA have?
- ◆ What does it mean for SQA staff?

The training was devised by Who Cares? Scotland.

Staff and appointees are also encouraged to complete the SQA Academy course on Designing Inclusive Assessments. This course provides guidance, with exemplars, on how to design assessments to be as accessible as possible. A related Assessment Arrangements course on SQA Academy was finalised in November 2020.

Cluster (ii) — General principles of the UNCRC

This cluster focuses on the four general principles of the UNCRC:

- ◆ non-discrimination (Article 2): children should not be discriminated against
- ◆ best interests of the child (Article 3): every decision and action must be in a child's best interests
- ◆ survival and development (Article 6): every child has the right to life and to develop to their full potential
- ◆ respect for the views of the child (Article 12)

Article 2: children should not be discriminated against

The Public Sector Equality Duty requires SQA to review policies and activities in order to eliminate unlawful discrimination, to advance equality of opportunity, and to foster good relations between people with different protected characteristics⁷.

SQA's commitment to embedding equalities in all aspects of the development of the qualifications systems is reflected in Governing Principle 7 of our Code of Practice, which states:

SQA will ensure that all qualifications and assessments are as fair and accessible as possible and that the needs of candidates are met in the administration of its assessments.

SQA's Equality of Access to SQA Qualifications Policy outlines the organisation's commitment to promoting and facilitating access to our qualifications.

During the challenges presented by the COVID-19 pandemic, equality, diversity, and inclusion have been fundamental to our response. It is more important than ever to ensure this is central to everything we do and embedded in our day-to-day work.

We will continue to ensure that we actively consider our obligations under the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, and that we are aware of and respond to the impact of COVID-19 on people with one or more of the protected characteristics. We aim to ensure our equality outcomes will set the framework for the work we will undertake to make improvements for the communities we serve.

Rapid review of National Qualifications experience 2020

On 19 March 2020, the Deputy First Minister, John Swinney MSP, announced the cancellation of the 2020 examination diet, in line with the latest public health advice. This was the first time Scotland's annual exam timetable has been cancelled since it began in 1888.

Following the exceptional circumstances in 2020, Professor Mark Priestley was commissioned to conduct a review of events. The Scottish Government's response sets out the nine recommendations contained within Professor Priestley's report: 'Rapid Review of National Qualifications Experience 2020', published on 7 October 2020.

Professor Priestley's Review of the National Qualifications 2020 experience includes a specific recommendation relating to equality:

Recommendation 4: A commitment to embedding equalities in all aspects of the development of qualifications systems.

Considerations of principles of equity, ensuring just decisions for all individual students, should inform all processes for the award of qualifications. This means ensuring that Equalities and Children's Rights Impact Assessments are conducted at the outset of developing arrangements for the coming year, and that the principles contained therein should be at the heart of all planning and development. We would strongly endorse the idea of the government and SQA continuing to work closely with CYPCS and EHRC to realise these principles.

We will take steps to improve our equality review of qualifications process, training for qualifications development staff and appointees, and guidance on assessment arrangements for practitioners.

Impact Assessments

We carried out and published impact assessments on equality and children's rights between March 2020 and March 2021. These covered:

- ◆ the Alternative Certification Model in 2020
- ◆ proposed course modifications in Autumn 2020
- ◆ the Alternative Certification Model in 2021

2020 Alternative Certification Model (2020 ACM)

Following a national lockdown in March 2020 and the subsequent cancellation of 2020 exams, SQA began to gather equality evidence to inform the development of the ACM and continued until the model was finalised.

The potential impact of each stage of the ACM on candidates who share protected characteristics was considered, along with how any potential negative impacts identified could be mitigated. Other groups of candidates, such as those who are socio-economically disadvantaged or who experience other contexts and factors that might present barriers to accessing qualifications, were also considered wherever possible.

Although such groups are not covered specifically by the Equality Act, we recognised that a wide range of factors can have an impact on a candidate's ability to achieve our qualifications. Research, consultation, and the development of the ACM iteratively informed each other until completion of the work.

Alongside this, a CRWIA was produced, focusing on how the ACM might impact on children and young people, in relation to UNCRC articles such as non-discrimination, best interests of the child, right to be listened to and taken seriously, right to information, and right to education.

More details are available under cluster (vii).

Proposed modifications to course assessment at National 5, Higher and Advanced Higher 2020–21

The Scottish Government's *Coronavirus (COVID-19): strategic framework for re-opening schools, early learning and childcare provision* made it clear that a full timetable of SQA exams and coursework was planned at all levels in 2021. However, recognising the continued impact of COVID-19 on learning and teaching, a decision was taken to modify existing course assessments at National 5, Higher and Advanced Higher for session 2020–21. This was in line with the strategic framework, with the intention to support delivery and assessment within the contexts presented by COVID-19 restrictions, while maintaining the original rationale, purpose and aims of courses.

At this point, and across all subjects, course content remained unchanged to maintain the integrity of qualifications. Planned course assessment modifications would continue to sample across the mandatory skills, knowledge and understanding of each course while introducing modifications designed to support centres to work within constraints represented by existing and potential COVID-19 restrictions, including:

- ◆ less time for teaching and learning
- ◆ potential for local or national lockdown
- ◆ increased use of blended learning
- ◆ restrictions for practical subjects which require interaction with others, group work, use and sharing of specialist equipment and/or instruments, fieldwork, and other requirements

Activity and decision-making reflected established processes for the development and revision of National Qualifications. In this respect the work undertaken to modify the balance and scope of assessment types used to generate evidence for awarding in diet 2021 represented an extension of existing, well-established practice. An Equality Impact Assessment⁸ (EqIA) and a CRWIA⁹ were completed as part of this work. Evidence informing these was gathered from equality reviews carried out by each qualification team and senior appointees, our equality monitoring processes, and SQA's technical consultation on the proposed modification, which included equality questions.

More details are available under cluster (vii).

2021 Alternative Certification Model (2021 ACM)

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. 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 ACM was extended to Higher and Advanced Higher courses.

The 2021 ACM represented a significant adjustment to SQA's longstanding policy and practice for awarding graded National Courses, as well as a significant change to the ACM developed for use in 2020. This included the absence of any estimates or results based on statistical analysis. The 2021 ACM was based on teacher and lecturer judgement, with quality assurance approaches to support them in generating provisional results. The development of the 2021 ACM was informed by the views of a wide range of stakeholders, including the Scottish Youth Parliament, through the National Qualifications Steering and Working Groups.

The principal adjustments from previous approaches and models relate to:

- ◆ 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

An EqIA¹⁰ and a CRWIA¹¹ were completed as part of this work, developed by a process of gathering, considering, and acting upon key equalities evidence throughout the finalisation of the 2021 ACM. Qualifications teams also revisited equality review forms when appropriate to inform subject-specific work to adjust course assessment requirements¹².

More details are available under cluster (vii).

Support, effective guidance, and training on inclusive design for those involved in the development of assessment

SQA recognises the clear links between equality, accessibility, and validity. Assessments that are well designed and accessible will differentiate between those candidates who have the required knowledge, skills, and understanding of the qualification and those who do not. They will not differentiate on other factors, and will provide all candidates with the fairest possible opportunities to show what they know, understand, and can do.

As part of its ongoing programme of supporting professional development and practice, all SQA staff and appointees (Principal Assessors, Principal Verifiers, Item Writers, and Item Checkers) involved in the design of SQA assessments are trained in the principles of assessment and assessment development. This includes training on the principles of validity, reliability, and equality and inclusion.

The programme of professional development was curtailed by COVID-19 during 2019–20, but did include a targeted unit-writing training for subject development teams in March 2021. This training included equality and inclusion content.

We aim to re-establish our programme of regular training opportunities on inclusive design in assessment.

A guidance document on designing inclusive assessment is available for staff, and a series of design principle handbooks to inform review and development of National Courses has been completed. These include content and guidance on key principles and responsibilities related to equality, inclusion, and access.

SQA Accreditation

SQA Accreditation is committed to reviewing the work of awarding bodies and their approved providers in relation to the use of Recognition of Prior Learning (RPL) to ensure that the policy and processes do not discriminate against any of the protected characteristics.

All awarding bodies have an appropriate RPL policy in place. In our visits to samples of each awarding body's approved providers, we found no evidence to suggest discrimination had occurred. SQA Accreditation also undertook to review the special considerations and adjustments to the assessment policies of awarding bodies and the implementation of these at provider level to ensure that there was no discrimination. Through our auditing and provider monitoring activities, we found no evidence that the way special considerations and adjustments to assessment were applied involved any discrimination.

Appeals

In 2020, in response to the Priestley Review, the Scottish Government stated that it fully recognises:

...that young people are rights-holders and key stakeholders with the education system. We will ask the SQA to review the appeals system for National Qualifications, working closely with education partners, including young people, to ensure it best meets the needs of young people in line with the principles of the UNCRC.

This meant that a review of the appeals service for National Qualifications was required. The aim of the appeals service is to provide those learners who are not satisfied with their results to appeal them. The service enables learners who wish to do so to appeal directly to SQA.

The existence of the appeals service is in itself a measure that SQA believes serves the needs (required by the Public Sector Equality Duty) of eliminating discrimination and advancing equality of opportunity. It offers a degree of mitigation against the potential that a candidate's results do not reflect their demonstrated attainment because of discrimination (as defined under the terms of the Equality Act 2010). It is an additional measure to provide opportunity for all by offering a final mechanism to ensure that learners have been awarded the grades they deserve and can proceed to the next stage of education, employment, or training where this relies on attainment in SQA National Qualifications.

The 2021 ACM provided for learners and their centres to hold one or more clarification conversations to help learners to understand the processes and judgements that had led to their result. When a learner remained dissatisfied with their result, the appeals service enabled centres to initiate an appeal request to SQA on their behalf, or for learners to appeal directly where necessary.

Learners told SQA that it is important that they were able to challenge an SQA grade award where they believed that it was wrong. Learners described their experiences of occasions in previous years where they wanted to challenge an SQA grade award and, following discussion, their centre declined to proceed with that challenge.

SQA's established post-results services rely on the professional judgement of senior staff in SQA centres to balance their awareness of a learner's knowledge, understanding and skills with their understanding of the national standard for the qualification before deciding whether to proceed with an appeal on their behalf. Post-results services apply where the learner's grade award results from external assessment by SQA. In its EqIA for the planned post-certification review service in 2020¹³, SQA identified a potential source of discrimination and therefore negative impact. It was possible that perceived or actual bias or discrimination might influence a centre's decision as to whether to make a post-certification review request on behalf of a learner.

The 2021 appeals service enabled learners to appeal to SQA through their centre or directly where necessary. SQA sought advice as part of its appeals consultation and in discussions with its Equality and Inclusion Key Partners' Group and Learner Panel to inform its communication plans to provide the best possible basis for learners, parents/carers, and others to understand and access the appeals service.

The ability for learners to appeal their grade through their centre, or directly to SQA where necessary, contributed to advancement of equality of opportunity and the elimination of discrimination. It offered a further safeguard against any potential bias or discrimination at the marking stage, or in a centre's decision to put forward a learner's appeal. The appeals service ensured that all learners, including those with protected characteristics, had the ability to appeal their grade if they were dissatisfied that the grade reflected their true attainment.

More details on 2021 appeals are available under cluster (vii).

Article 3: every decision and action must be in a child's best interests

Future of Scotland's national education agencies

SQA sees the Scottish Government's recent statement on education reform as an important one, providing some clarity on the way forward for its staff and customers. SQA is pleased that the announcement recognises the strength and coherence in its broad range of functions and that much of these will stay together in a new qualifications body.

SQA's job now is to continue to deliver for learners, schools, colleges and its other customers while working with others to ensure a smooth transition to the new qualifications body.

Appeals 2021

The 2021 appeals service further built on the ACM designed by the National Qualifications Group 2021. Both the ACM and appeals model were designed with learners' interests as a core consideration. The ACM 2021 committed centres to providing ongoing feedback to learners regarding their progress and assessments, including, at the conclusion of the course, provisional grades based on evidence of demonstrated attainment.

The appeals model enabled learners to appeal to SQA, following one or more clarification conversations with their centre, where the learner remained dissatisfied with their result.

Clarification conversations could take place before and/or after certification of their award on 10 August. If the centre and the learner agreed on an appeal following this conversation, the centre could put forward the learner's appeal on their behalf. If the centre and the learner did not agree, but the learner still wanted to appeal, the learner would be able to initiate an appeal with SQA directly. The appeal proceeded if the learner and centre confirmed that a clarification conversation had taken place, and where the centre provided any information and assessment evidence asked for by SQA.

The appeals service did not charge a fee from learners or centres.

More details on 2021 appeals are available under cluster (vii) of this report.

Exceptional Circumstances and Appeals 2022

In February 2022, SQA confirmed that a package of support services¹⁴ would be available for learners who are taking National 5, Higher, and Advanced Higher courses in 2022.

The additional support follows the significant modifications already made to course assessments at the start of the school year to help reduce the volume of assessment and ease the workload of learners, teachers, and lecturers, while maintaining the credibility and integrity of the qualifications.

Exceptional circumstances

The exceptional circumstances service is available for learners who are unable to attend an exam due to a reason beyond their control, such as a medical condition (including COVID-19 related absence) or bereavement, or who are affected by disruption on the day of the exam as reported by the chief invigilator.

The exam exceptional circumstances service will involve SQA appointees — practising teachers and lecturers — reviewing alternative assessment evidence that learners have completed through the year. Schools, colleges, and training providers will need to send the evidence to SQA. This evidence will be judged against the national standard.

Appeals

All parts of the Scottish education system agree that, as in any year, it is important that there is an appeals process available for learners who want to question their SQA results. In 2022, all learners will continue to have free direct access to the appeals service and a priority service will also be available for those applying to university, college, training or employment.

The purpose of the appeals process is to provide centres and learners with the opportunity to review an SQA National Course grade whenever a learner has not achieved the expected result for the externally-assessed components of their course.

In 2022, centres will hold a discussion with those learners who have not achieved their estimated grades, ensuring there is clarity between the learner and centre on whether an appeal is being progressed. The learner has the final say as to whether an appeal should be submitted to SQA.

2022's appeals service will involve SQA appointees — practising teachers and lecturers — who will review alternative assessment evidence that learners have completed through the year. This will be the same evidence as that used for an exam exceptional circumstances request, which will be judged against the same national standard for that course. SQA will also conduct a clerical check on the exam script.

Learners' grades through the appeals process will be based on the higher grade of the two types of evidence (exam script or alternative assessment evidence).

SQA is conducting both an EqlA and a CRWIA into these services.

Article 6: every child has the right to life and to develop to their full potential

Our academic and vocational qualifications give learners in Scotland and beyond an extensive and flexible range of learning opportunities. This helps them develop to their full potential and fulfil their ambitions.

National Qualifications reform

Exams and National Qualifications are to be reformed. In October 2021, the Cabinet Secretary said new qualifications will be developed to ensure learners' achievements are fairly recognised¹⁵.

A wide range of views will be sought on the reforms, with young people and teachers informing how the new system will work.

This is an opportunity to ensure that Scotland's qualifications and assessments help to develop the skills and capabilities of Scotland's young people through an approach to qualifications and assessments that reflects more learner-centric and pandemic-proof delivery methods.

Article 12: respect for the views of the child

SQA continues to carry out a wide range of research and consultations to gather the views of our stakeholders, including learners. Learners bring a unique perspective to our work. They are active within the education system and are directly impacted by the decisions we make. By better understanding the challenges and opportunities they face, we will seek to make improvements and enhance the experience of learners in Scotland where we can.

We can give learners a voice, an ear, and, where possible, act on their insight for the benefit of all.

Learner Panel

In October 2020, SQA established a Learner Panel which meets monthly and is run by the SYP on our behalf.

Following feedback from the learners and SYP, membership of the Panel was renewed in September 2021 and now includes 25 learners from across Scotland in S3 to S6 and college. The reformed Panel also established a new charter which sets out the expectations of the members and enables inclusive, informative and meaningful discussions.

The Panel discussions are learner-led which not only supports the charter, but provides valuable insight into a range of topics. As well as continuing to seek learners' views on issues related to the post-pandemic modifications to qualifications and assessment, SQA also seeks the views of learners on the future of assessment, communications and services. As part of their role on the Panel, the learners have been consulting with their own networks to gather feedback from their peers and teachers to provide a more holistic picture.

The charter is included in this report as an [Appendix](#).

Pulse surveys

Largely as a response to the COVID-19 pandemic, in 2020, SQA set up a new pulse survey tool. Pulse surveys are a type of check-in, designed to take a snapshot of views on different topics. This type of survey gives respondents an opportunity to engage directly with SQA.

Three pulse survey panels were established: one for learners, one for parents and carers, and one for educational professionals. More than 2,000 learners have opted to sign up for pulse surveys so far¹⁶.

Learners were asked about SQA's communication and engagement with them in November 2020, for their views on SQA's website in January 2021, and for their perspectives on the 2021 ACM in August 2021.

Scottish Stakeholder Tracking research

Our Scottish Stakeholder Tracking research has been carried out annually since 2001 and targets key groups in Scotland, one of which is young people. The research looks at the profile of SQA and our qualifications among Scottish audiences, and tracks changes in views through time.

Every year, the Scottish Stakeholder Tracking programme asks learners and their parents and carers about the delivery, clarity and accuracy of SQA certification. In 2020, this was adapted to include additional questions around estimates, fairness and communication.

Evaluation of the 2021 ACM

SQA carried out evaluation activity on the 2021 ACM to develop a better understanding of the lived experience of learners and practitioners. This project included both survey work and in-depth interviews with learners who sat National Qualifications in 2021, and will help to inform future decision-making in SQA.

We are aiming to publish the findings of this research in the first quarter of 2022.

Remote assessment research

SQA is conducting research that aims to help improve our guidance on, and approach to, remote assessment in order to better support learners and practitioners. A programme of primary research is being carried out to identify how remote and digital approaches to assessment are being used in (and beyond) the classroom. The research includes a dedicated strand which seeks to better understand learner experiences, allowing us to identify learner concerns around remote assessment approaches and more effectively consider learner needs within SQA guidance to centres.

Perception of Standards

SQA has worked with Oxford and Glasgow universities on the Perception of Standards project, which seeks to better understand the views of key stakeholder groups, and how they perceive standards in qualifications. As part of this project, survey work and focus groups were carried out with learners.

Findings will be published in due course.

Learner focus groups

Throughout the autumn of 2021, SQA colleagues in the Policy, Analysis and Standards directorate held a number of focus groups with learners exploring issues that affected them. These included assessment and exams in 2021–22 and how the system can respond fairly to individual circumstances (Appeals, Exceptional Circumstances, other post-results services).

SQA plans to continue using focus groups to support research activity, while also ensuring the groups are as varied and as representative as possible. We are exploring how a group of learners with a fixed membership could be established to support research and policy development. This would ensure research and policy project work can be developed in collaboration with learners, while providing them with an opportunity to engage with SQA for a sustained period of time, giving them the chance to gain experience in project work and develop new skills.

Other engagement

Other learner engagement that has taken place over the last year includes:

- ◆ SYP and college learner representative on the National Qualifications Steering Group
- ◆ Regular engagement with learner representative organisations including Young Scot, Enquire, Who Cares? Scotland, Sparqs and SYP

Future plans

Moving forward, to support the participation rights set out by the UNCRC Bill, SQA needs to encourage further two-way communication and provide more opportunities for learners to participate in discussions affecting their future. To ensure participation is effective for both learners and SQA, we intend using the seven Golden Rules for Participation as set out by the Children and Young People's Commissioner.

The rules are designed to help anyone working with, and for, children and young people. Their purpose is to remind adults of what participation means from the point of view of children and young people, and to encourage children and young people to think about what they need from adults to support them to participate. We will seek to use these as a guide to inform and help shape how our engagement with learners will look and feel.

The Golden Rules for Participation are:

1. Understand my rights
2. A chance to be involved
3. Remember — it's my choice
4. Value me
5. Support me
6. Work together
7. Keep in touch

As the environment we operate in continues to evolve, so too will our engagement and communication. SQA will:

- ◆ define what it means to put the learner at the centre of our organisation and develop processes to support our colleagues to do this
- ◆ be clear, consistent, authentic, and bold in our approach to engagement
- ◆ demonstrate we are side by side with learners
- ◆ re-assure, support, and engage with learners in a proactive manner
- ◆ build credibility and advocacy with our learners, parents, and carers
- ◆ commit to partnership working

In the short to medium term our actions seek to:

- ◆ refresh the membership of the Learner Panel to represent a wider group and agree the remit of the Panel
- ◆ work in partnership with SYP to deliver monthly Learner Panels
- ◆ proactively link to the work of the NQ22 Group to provide information and updates to the Learner Panel and provide feedback from the Learner Panel to the NQ22 Group on matters which they can influence
- ◆ work with learners and their representative organisations to co-create key communications and publications to ensure they are simple, straightforward, and easily understood
- ◆ continue to meet regularly and build relationships with learner representative organisations
- ◆ investigate the implications for SQA of UNCRC incorporation. Ensure that obligations are being met across the organisation. Explore opportunities that UNCRC presents to enhance the learner experience
- ◆ work across SQA to promote the importance of hearing and valuing the learner voice and develop a process to ensure that learner engagement becomes an integral part of our work
- ◆ revamp SQA's stakeholder research programme to better understand the views and experiences of all types of learner

Longer-term aims include ensuring that the learner voice is a central pillar of the organisation that replaces SQA and a review of our applications and online offerings to learners.

Cluster (iii) — Civil rights and freedoms

This cluster focuses on children's civil rights and freedoms including children's right to move freely in public space and to meet with others; children's right to think and believe what they like, to access information and speak their mind as long it is not harmful to others; children's right to keep personal matters and communications private; and their right to be protected from inhumane or degrading treatment.

Guidance and support

SQA continues to provide guidance and support for learners on an ongoing basis.

This includes:

- ◆ issuing 'Your Exams' and 'Your Coursework' booklets annually to each National Qualification learner
- ◆ providing learners with a means to contact SQA all year round by phone or email with any questions they have about SQA qualifications. We provide an enhanced Candidate Advice Line during the National Qualification results period
- ◆ routinely seeking the views of learners on qualifications and assessment through surveys, consultations, interviews and focus groups. For example, research on Curriculum for Excellence (CfE) qualifications, engagement on HN Next Generation qualifications and regular tracking surveys seeking the views of learners on a range of qualification assessment issues
- ◆ MySQA — a service where learners can view their qualification information online and register to receive their National Qualification results by email and/or text message

In the past year, we have also delivered learner webinars in partnership with Enquire and Capital Radio.

Young Person Network

At SQA, inclusion and diversity are central to our success. We celebrate multiple approaches and points of view. So, we're building a culture where difference is valued which, in turn, reflects 21st century Scotland in the diversity of talent, skills and thinking of our team.

As well as working with young learners, SQA is an employer of young people. SQA's Young Person Network is a network designed to give young people working with SQA a platform where they will be heard, recognised and supported to influence change and ensure SQA fulfils its commitment to developing all of the young workforce.

The network is open to SQA employees aged 16–24 and allows our young people to become more confident, improve their job satisfaction and increase their skills and abilities by taking on new opportunities. The Young Person Network gives our young people the chance to grow their connections across the organisation.

There are also plans for the network to be involved with SQA's decision-making, in particular, the decisions that affect learners. The network will have the opportunity to work

with relevant departments on media campaigns for young people and work with schools and colleges to gather learners' views and address their concerns.

Cluster (iv) — Violence against children

This cluster focuses on situations where children experience violence in all its forms including physical and mental violence, abuse and neglect, maltreatment and exploitation including sexual abuse; it highlights the right of children to services which support their physical and psychological recovery; and emphasises that children should not be subjected to torture or to other cruel, inhuman, or degrading treatment or punishment including physical or corporal punishment.

SQA's direct interactions with children and young people are limited. In the main, a young person's school or college would act as an intermediary in SQA's engagement with learners. However, we understand our responsibilities and duties to young people.

Candidate wellbeing

SQA endeavours to protect children and adults who may be at risk of harm. We do this by identifying, assessing, and putting measures in place to minimise the risk of harm to children or adults. This commitment extends across SQA's functions, including our appointees.

In recognition of the important role that SQA can play in safeguarding the welfare of our candidates, we have been working with external stakeholders to establish a policy and associated procedures for child protection. The procedures outline the processes to be adopted if:

- ◆ concerns about a candidate's welfare or wellbeing are raised with an SQA colleague and/or one of our appointees
- ◆ a complaint related to a candidate's welfare or wellbeing is raised against an SQA colleague and/or one of our appointees

There are also procedures to ensure that SQA materials and assessments are appropriate in terms of text and language, for example, and that the overall Child Protection Policy and Procedures continue to be annually reviewed¹⁷.

Cluster (v) — Family environment and alternative care

This cluster focuses on: the primary role of parents and the support parents should have to bring up their children; the right of children to not be separated from parents unless this is in their best interests; the right of children to be well cared for where they live apart from their parents; the right of a child to maintain contact with both parents if that is in their best interests; the right of a child to have a say when decisions are made about where they should live, with placements subject to regular review; and the right of all children to be protected against all forms of violence and abuse.

Corporate Parenting

SQA remains an active and committed corporate parent; a steering group supports a wide range of activities. A corporate parent is an organisation or individual who has special responsibilities for looked-after children and care-experienced young people. The duties of a corporate parent are to:

- ◆ be alert to matters which might adversely affect looked-after children and care-experienced young people's wellbeing
- ◆ assess what services and support they might benefit from
- ◆ promote the interests of looked-after children and care-experienced young people
- ◆ provide them with opportunities to promote their wellbeing
- ◆ take appropriate action to help them access those opportunities
- ◆ improve corporate parenting wherever possible
- ◆ consider the impact on care-experienced young people as part of our equality impact assessments and children's rights and wellbeing impact assessments
- ◆ work to develop SQA's learner strategy via our learner panels and our engagement with Who Cares? Scotland
- ◆ contribute to the Champions Board (People Achieving Change — PAC Group) 'Care PAC'ages', providing crafts to support members. (SQA shared posts via social media about the details of Who Cares? Scotland's helpline and other useful information, and promoted the Who Cares? Scotland emergency appeal in response to COVID)

We have demonstrated our commitment to corporate parenting so far since March 2020, by:

- ◆ delivering Who Cares? Scotland training to SQA's Corporate Parenting Steering Group in November 2020
- ◆ launching a one-year Business and Admin Modern Apprenticeship programme in January 2021. (The new programme is inclusive for all young people aged between 16 and 19 years old and up to age 29 for any young person that is care-experienced. We made changes to SQA's recruitment process to ensure it is inclusive and accessible to all applicants. Opportunities were promoted via various networks to reach as many care-experienced young people as possible)
- ◆ planning the launch of SQA's Virtual Work Experience Placement in 2022. (This is a certified SCQF level 4 unit. We will liaise with both MCR Pathways¹⁸ and Developing the

Young Workforce¹⁹ to ensure these opportunities are promoted to care-experienced young people)

- ◆ working to revise and update our corporate parenting commitments

Although unable to hold an in-person celebration of the successes of care-experienced young people in August 2020 or 2021, as a key part of National Qualifications Results Day, we produced a virtual celebration²⁰ instead.

Cluster (vi) — Basic health and welfare

This cluster focuses on the health and welfare of all children and the consideration of disabled children's rights. All children should have the best possible standard of health, including access to relevant health services. There should be a focus on the determinants of children's health, including mental health.

Equality of Access

SQA's Equality of Access to SQA Qualifications Policy outlines the organisation's commitment to promoting and facilitating access to our qualifications. In practice, this means that every reasonable step is taken to ensure we:

- ◆ produce qualifications based on national standards that are as accessible as possible. We equality review our qualifications to identify any aspects that might adversely impact learners who share particular characteristics, and we aim to remove any such adverse impacts, wherever possible, and minimise them where it is not possible to remove them altogether
- ◆ develop methods of assessment and quality assurance that are sensitive to the needs of all candidates, but which do not compromise our overarching aims of fairness and consistency
- ◆ provide assessment arrangements to allow disabled candidates and/or those with additional support needs to access the assessment without compromising its integrity. For disabled candidates, we will make reasonable adjustments according to the requirements of the Equality Act 2010

SQA's equality review of qualifications²¹ process is a robust and transparent way of ensuring that:

- ◆ SQA qualifications are reviewed to ensure that they are not discriminatory for any learner on grounds of any of the protected characteristics
- ◆ due consideration is given to the reasonable adjustments that SQA can make to provide access to the qualifications for disabled learners

In February 2021, we published over one hundred equality review summaries on our 'Equality, diversity and inclusion' webpage²².

Assessment Arrangements (AAs)

SQA continues to promote and provide the appropriate use of AAs, including the use of assistive technologies for disabled candidates, to increase access to SQA qualifications. This is a longstanding policy with a positive impact on learners and their ability to access qualifications and assessments.

SQA works in close partnership with centres and disability stakeholder groups to identify and deliver appropriate AAs for the candidates who need them.

In session 2020–21, where results were based on teacher and lecturer judgement and internal assessment, centres were advised that they must ensure that candidates were provided with the AAs they would normally have in exams.

Engagement and support for AAs has included: webinars (on the policy and system, and on the requirements for audit); presentations to the Cross-Party Group on Dyslexia and to Dyslexia Scotland; and engagement with centres and other stakeholders in relation to specific candidates or general issues.

We continue to work with [CALL Scotland](#) to understand developments in the range of available assistive technologies that can be used to support learners, and which may be incorporated into AAs. CALL's work on the compatibility of Chromebooks and iPads (increasingly used in centres) with SQA's digital question papers informs the technical guidance available for centres and requires ongoing monitoring, especially as the number of candidates requesting digital question papers grows.

AAs data

AAs requests data is normally analysed annually. Although there are limitations in the information produced because the system was not designed for the extraction of statistical data, it is nevertheless useful for identifying trends and drawing inferences.

It allows us to monitor the number of requests being submitted, the most frequently requested AAs, the reasons for them (in terms of broad categories of difficulty), and the patterns of use of different types of arrangements.

Quality assuring centres' systems to provide AAs

SQA has a responsibility to ensure that the process of assessment is rigorous and fair for all candidates, and for this reason we must ensure that AAs are appropriate and only provided to those candidates who are eligible. We require that all centres have an effective internal quality assurance system for identifying and verifying candidates' eligibility for AAs in assessments, and the focus of our quality assurance is on assisting centres with this.

We developed a Professional Dialogue alternative to our previous approach of audit visits. This included advice and guidance on the requirements for AAs and auditing, and a discussion of the system in place in the centre. It was successfully implemented and well received, and helps to ensure that the devolved responsibility to make provisions for AAs continues to benefit those candidates who need them.

The Professional Dialogue approach is in place for session 2021–22.

Cluster (vii) — Education, leisure, and culture

This cluster focuses on the right of all children to an education that will help them achieve their potential without discrimination. Education should be child-centred and empowering and strengthen their capacity to enjoy the full range of children's human rights including their right to express their views and participate in all aspects of their education. Article 29 entitles children to a broad curriculum. Article 31 states that children have a right to play, recreational activities, rest, and leisure and to take part in cultural life.

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, we do have a responsibility to provide assessment and certification of our qualifications for learners.

Impact Assessments

SQA has carried out many impact assessments since March 2020. These are available on the SQA website and are referenced throughout this document and include the following:

2020 ACM

SQA was asked by the Scottish Government to develop an ACM following the Scottish Government decision to cancel the annual diet of examinations as a result of the COVID-19 public health emergency.

Desk-based research was undertaken to supplement understanding gained through equalities monitoring and engagement. This included research on issues experienced or exacerbated since school closure for a range of learners, such as: learners with disabilities and/or additional support needs; those from particular ethnic groups who may be additionally affected by interrupted learning or the risk of bias in estimating practice; those who are care-experienced; those who experience poverty and deprivation. Research was also undertaken on relevant education themes such as estimating practice and risk of bias in assessment judgements.

Targeted consultation was undertaken with key equalities partners who work with and for learners, who share protected characteristics and others who require additional support to access qualifications. Details of the proposed ACM and analysis of potential impacts were given. Opinion and advice were sought on the approach taken in the ACM, additional potential impacts not identified in the preliminary equality analysis, and any further actions that could be taken to mitigate against the risk to equity.

SQA also commissioned the SYP to conduct focus group research to support the development of the Equality Impact Assessment. The themes of the focus groups were:

- ◆ the impacts that enforced home learning has had on learners
- ◆ the ACM
- ◆ equalities
- ◆ the future of assessment

SQA published its EqIA²³ in August 2020.

Proposed modifications to National 5, Higher and Advanced Higher course assessments for session 2020–21

An October 2020 CRWIA²⁴ set out to assess the impact of the proposed modifications to National 5, Higher and Advanced Higher course assessments for session 2020–21 on young people. It focused on those articles we judged to be potentially most impacted by the modifications.

Article 2: non-discrimination

An EqIA²⁵ of the proposed changes to course assessment in National Qualifications was carried out in September 2020. As part of this, qualifications teams undertook an equality review for each course at National 5, Higher and Advanced Higher during development and finalisation of modifications, to ensure that there is no discrimination against people who wish to be or are candidates for SQA qualifications.

Article 3: best interests of the child

The proposed changes to coursework assessment were developed to 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, practicable, equitable, and fair as qualifications awarded in any other year

Article 12: respect for the views of the child

Children and young people were able to respond to the technical consultation on the proposed modifications to course assessment. Almost 22% of the responses (3,631) were from candidates, the overwhelming majority of whom are children and young people. The responses were considered in final decision-making about modifications for each subject. Two young people have joined, and participate in, our Qualifications Committee, which gives technical, strategic, and policy advice regarding our qualifications to our Board.

We work and engage with national bodies, such as Young Scot, SYP and CYPSC to seek the opinions of children and young people.

SQA has a complaints process that is open to children. This process is in line with the model complaints-handling process as prescribed by the Scottish Public Services Ombudsman (SPSO) 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

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, we provide support and resources on our dedicated learner web pages. We work and engage with national bodies, such as the National Parent Forum of Scotland (NPFs), Connect, Young Scot, the SYP, CYPCS, and the Scottish Government's parental engagement network, to share information on what is happening and when, as well as ensure our messaging is clear for them.

Article 28: right to education

The proposed changes to course assessment were designed to support the assessment and certification of SQA National Qualifications in 2021, and to ensure that the achievements of young people were recognised through our qualifications system during an uncertain year.

No different impacts on different groups of children and young people were identified. The proposed changes to coursework assessment were developed to contribute to children's wellbeing, including those described by SHANARRI indicators.

2021 ACM

The 2021 ACM was intended to be positive and to allow SQA to continue to contribute to equality of opportunity in the Scottish education and skills system. It enabled 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

A February 2021 CRWIA²⁶ set out to assess the impact of the 2021 ACM on young people.

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 sought to mitigate, where possible, the impact of disruption to teaching, learning, and assessment provision caused by COVID-19, so that learners could

access qualifications and have their attainment recognised through awarding and certification.

Again, the CRWIA focused mainly on those articles we judged to be potentially most impacted by the modifications.

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 re-assignment, 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 EqIA²⁷ on the 2021 ACM was carried out in February 2021. It found that the 2021 ACM was necessary to respond to changed and changing circumstances brought about by the COVID-19 pandemic. It was developed to continue to provide accessible and inclusive qualifications and assessment which minimise potential barriers to entry and achievement.

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

Analysis of estimates and results for SQA graded National Courses in 2019 and 2020 did not reveal systemic discrimination on the grounds of protected characteristics, although other research reveals that this was a possibility.

The 2021 ACM included 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

Article 3: best interests of the child

The changes to course assessment and generation of results represented by the provisions within the 2021 ACM ensured that:

- ◆ children and young people had more learning and teaching time to gain the skills, knowledge and understanding which form the content of NQ courses

- ◆ there was a more flexible approach to the assessment of learners that could be implemented in ways which reflected and responded to local and individual circumstances
- ◆ children and young people could 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

Feedback gathered from the SQA Learner Panel on the quality assurance approach to the ACM included the following:

- ◆ Panel members felt that, although they were re-assured that SQA's sampling process would ensure fair treatment, the amount of work involved for learners was not fair. In addition, there were concerns about schools taking different approaches.
- ◆ They felt that there was a lot of pressure on young people to perform to their best in every test they do, which could lead to mental health issues.
- ◆ There was confusion around what assessment evidence was to be gathered and when.
- ◆ The Panel also spoke in general about how information was quite confusing and that they would benefit from clear decisions.
- ◆ 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.
- ◆ 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 did not want SQA to compare 2021's results with previous years. They felt this would be unfair.
- ◆ There was general concern for those in deprived areas as well as those who had had to self-isolate.
- ◆ The Panel felt that SQA should be able to show some leniency towards particular groups of learners.

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

- ◆ Learners believed 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 had a wide 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).

Article 17: right to information

The NQ 2021 group provided information to children and young people on the SQA website about the proposed changes.

SQA continued to provide 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.

Article 28: right to education

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

The elements of the 2021 ACM were developed to contribute to children's wellbeing, including those described by SHANARRI indicators.

2021 Appeals service

In response to the Priestley Review, the Scottish Government stated that it fully recognises...

... that young people are rights-holders and key stakeholders within the education system. We will ask the SQA to review the appeals system for National Qualifications, working closely with education partners, including young people, to ensure it best meets the needs of young people in line with the principles of the UNCRC.

We agreed to implement the recommendation, so this was a key consideration in the design of the appeals process.

The SQA Appeals Service for Graded National Courses in 2021²⁸ built upon the ACM designed by the National Qualifications Group 2021. The service was designed with learners' interests as a core consideration and was widely consulted upon.

The 2021 ACM committed centres to providing ongoing feedback to learners regarding their progress and assessments, including, at the conclusion of the course, provisional grades based on evidence of demonstrated attainment. The appeals service enabled learners to appeal to SQA, following one or more clarification conversations with their centre, where the learner remained dissatisfied with their result. Learners could register that they want to appeal to SQA via its website, soon after receiving their provisional result in late June 2021.

An EqIA²⁹ and a CRWIA³⁰ regarding the 2021 appeals service were completed in June 2021.

Key components were assessed for their impact on children and young people's rights and wellbeing.

Potential impacts	Children's rights	Mitigating actions
If SQA charges a fee to make an appeal, it may not be possible for some people to afford it.	Article 2 Article 3 Article 12	SQA won't charge a fee.
Schools and colleges may not want to make an appeal on a learner's behalf.	Article 2 Article 3 Article 12	The appeals service enables learners to appeal directly to SQA and register that they want to appeal soon after their provisional results are known in June 2021.
Learners may not have all the information they need to help them decide whether to appeal or not.	Article 2 Article 3 Article 12	Discussions between learners and schools or colleges should take place and make sure learners have all the information they need before deciding whether to appeal or not.
Some learners may find it difficult to understand or access the appeals service. This may mean they do not make an appeal.	Article 2 Article 3 Article 12 Article 17	Clear communications will be sent to learners and centres, including an easy-read version, and will be available in languages other than English. SQA will include details of organisations that can support learners on its website and in communications.
Some learners may not have the support to make an appeal. Some learners may not find the service accessible. This means some learners may use the appeals service less. This means they might miss out on a successful appeal.	Article 2 Article 3 Article 12 Article 17	Clear communications will be sent to learners and centres, including an easy-read version, and will be available in languages other than English. SQA will include details of organisations that can support learners on its website and in communications.
Some learners who have agreed AAs may not have these arrangements put in place due to disruption caused by COVID-19.	Article 2 Article 3 Article 12	Discussion between learners and their schools or colleges should make sure learners are able to raise any questions about AAs with their school at an earlier stage, and that they have all the information they need before deciding whether to appeal. The service includes a type of appeal that allows learners to appeal if assessment arrangements were agreed but not yet in place.
The appeals service only considers evidence of demonstrated attainment when determining the grade. This means evidence of knowledge, understanding and skills for the qualification, related to a national standard.	Article 2 Article 3 Article 6 Article 12 Article 28 Article 29	There are mitigating actions in the awarding model, including: <ul style="list-style-type: none"> • Learners need to produce less evidence than in any other year. • Schools and colleges can assess candidates in ways that take their personal circumstances into account.

It doesn't take into account a learner's personal circumstances, for example the level of disruption they faced during the academic year.

- Schools and colleges have until 25 June to finalise results, giving as much time as possible for learning and assessment to create evidence.

Also, the Incomplete Evidence Contingency service allows more time for some learners to complete assessments in late August.

Rapid resolution of appeals is not possible over the summer months, meaning there is at least a seven-week period between learners receiving results in June and appeals processing beginning in August. The stress of waiting for an outcome over the summer may have an adverse impact on some learners' mental health.

Article 2
Article 3
Article 6
Article 12
Article 28
Article 29

The appeals service opens to allow learners to register an appeal from 25 June. Support for learners across the summer break is being developed across the Scottish education system. SQA is helping to co-ordinate this and is working with the Scottish Government and others so that support is available for learners who need it.

Discussion between learners and their schools or colleges should make sure learners have all the information they need before deciding whether to appeal or not.

Some learners may miss out on a progression opportunity in further or higher education, or employment, if an appeal cannot be resolved quickly.

Article 6
Article 28
Article 29

The priority appeals service will open from 10 August. SQA has extended the eligibility criteria for the priority appeals service to include those with an immediate workplace progression opportunity which depends on the outcome.

Contingency arrangement for incomplete evidence for graded National Courses in 2021

The incomplete evidence contingency arrangement followed on from the work on the 2021 ACM and the 2021 Appeals Service.

In June 2021, SQA announced an arrangement by which learners who had not had the opportunity to complete their assessment evidence by the deadline of 25 June would be able to complete assessment evidence and have a provisional result submitted to SQA 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 have included:

- ◆ A learner whose medical condition had prevented full and timely engagement with the centre's evidence-gathering process.
- ◆ A learner who had been required to self-isolate due to COVID-19, either as a case or contact, during the centre's evidence-gathering process.
- ◆ A learner who had suffered bereavement or other trauma during the centre's evidence-gathering process.
- ◆ A learner who was shielding during the centre's evidence-gathering process.

An EqIA³¹ and a CRWIA³² were undertaken in June 2021. The CRWIA 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.

Potential impacts	Children's rights	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	Article 2 Article 28 Article 29	Led by the Scottish Government, SQA will work with a range of partners such as Skills Development Scotland (SDS) to provide a number of support mechanisms/ signposting

before being able to provide more evidence.		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.
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.	Article 3 Article 12 Article 17 Article 28	Centres are required to discuss with learners their progress and assessments on an ongoing basis and fully explain the contingency arrangement. 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 will have the option to retake some qualifications in the following academic year.
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.	Article 28 Article 29	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.

A total of 465 entries registered for the incomplete evidence contingency service in 2021³³.

2021 appeals statistics

In 2021, for the first time, learners could appeal directly to SQA for free and were able to register that they wanted to appeal from Friday 25 June. Appeals were processed with the support of schools, colleges and training providers after learners received their results in August.

We published statistics for the 2021 appeals process in December 2021³⁴.

Of the 519,429 entries in 2020–21, there were 3,483 requests for an appeal on the grounds of academic judgement, unresolved administrative errors, or discrimination:

- ◆ 3,265 entries requested an appeal on the grounds of academic judgement.
- ◆ There were 30 appeals on the grounds of an unresolved administrative error.
- ◆ There were 188 appeals on the grounds of discrimination.

More than 93% of all requests were for academic judgement. A smaller number of requests were for unresolved administrative errors (0.9%) and discrimination (5%).

Across the three available grounds, 1.6% resulted in a grade change (57 of 3,483 requests) — 44 were upgrades and 13 were downgrades. There are seven appeals still under consideration which have been excluded from these figures.

As there were no standardised assessments in 2021, the appeals process required a different approach. Any evidence supplied in support of an appeal request was considered closely by SQA appointees — practising teachers and lecturers — who reviewed materials against the broad assessment requirements of the course.

The starting point for the review was that the judgements of schools, colleges, and training providers were fair and within acceptable tolerances — only if the appointee discerned a significant and material difference was a change in grade recommended.

Fiona Robertson, SQA Chief Executive, and Scotland’s Chief Examining Officer, said:

The vast majority of learners did not appeal their grades this year. However, it was important that a free, direct right of appeal was made available to learners as the final essential part of the alternative certification model. This was a major change from previous years and a direct response to the national consultation we conducted.

Curriculum and Assessment Board

SQA participates in the Curriculum and Assessment Board (CAB) sub-group on Children’s Rights in CfE. The sub-group will review Scotland’s curriculum framework and will make recommendations to the CAB for relevant changes to that framework in light of the Scottish Government’s commitment to incorporate the UNCRC into Scots law.

In order for children and young people to fully access and defend their rights and those of others, they must first know what they are and what that means in the context of their day-to-day lives. Throughout engagement on the UNCRC Bill there have been calls for children’s rights to be included as a fundamental part of the curriculum so that children are aware of the UNCRC and other rights protections; what this means for their day-to-day lives; how to act to promote rights; and how they might challenge perceived breaches of their rights.

A range of opportunities exists to amend curriculum content to ensure that it better aligns with the provisions of the UNCRC and ultimately better promotes children’s rights. This would also better align CfE with GIRFEC.

An initial assessment of curriculum content as conducted by the sub-group shows that CfE includes outcomes that explicitly link rights to responsibilities. There are a range of opportunities to amend curriculum content to ensure that it better aligns with the provisions of the UNCRC and ultimately better promotes children's rights.

Recommendations have been made to the CAB which indicate how Scotland's curriculum framework could be strengthened to improve the way that it recognises, supports, and enhances children's rights.

Work experience opportunities

Due to the COVID-19 pandemic in 2020, SQA's work experience programme for young people moved to a virtual course, available on SQA Academy. The SQA Virtual Work Experience programme gives young people an interactive immersion into real-life business situations at SQA, opportunities to learn and develop their skills, and a Virtual Work Experience qualification at SCQF level 4.

Modern Apprenticeships

In 2020, we put in place some changes to our Modern Apprenticeship recruitment:

- ◆ Application forms have changed from a statement to questions around the core skills of the role to make it easier for the young person to share their skills and experience.
- ◆ Shortlisting of applicants is done in collaboration with colleagues across the business including Human Resources (HR), Business Systems, and Business Development.
- ◆ Informal interviews are delivered by our current and ex-Modern Apprentices a week before the formal interview to help the young person get comfortable with interviewing on Microsoft Teams.
- ◆ Interview questions have changed to situational to enable applicants to talk about not what they have done, but what they would do if they had the opportunity.
- ◆ Meaningful feedback is captured at each stage and feedback sessions are offered to every candidate as an additional piece of their learning journey.
- ◆ All colleagues involved in the interviews completed training with Project Scotland focusing on intergenerational awareness and unconscious bias.

To date, 85% of our Modern Apprenticeship graduates have either secured permanent positions at SQA — working in our HR, Marketing, and Customer Services Teams — or gone on to secure employment elsewhere, further training or education at college or university.

Cluster (viii) — Special protection measures

This cluster focuses on groups of vulnerable and marginalised children who require special protection. These are often the children who are most at risk of having their rights ignored or infringed. They include asylum-seeking and refugee children, child victims of trafficking or exploitation, and children in trouble with the law.

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. SQA recognises that a wide range of factors can have an impact on a learner's ability to achieve qualifications.

We maintain our endeavour to produce qualifications based on national standards that are as accessible as possible. We equality review our qualifications to identify any aspects that might adversely impact learners who share particular characteristics, and we aim to remove any such adverse impacts, wherever possible, and minimise them where it is not possible to remove them altogether. We develop methods of assessment and quality assurance that are sensitive to the needs of all candidates, but which do not compromise our overarching aims of fairness and consistency.

Reflections

SQA is committed to the Scottish Government's ambition that Scotland become the best place for children to grow up and learn. We welcome the incorporation of the UNCRC. Since March 2020, SQA has progressed work in a range of areas that helps children realise their rights or improves children's rights in Scotland. We are proud of our achievements in helping children and young people fulfil their potential while maintaining national standards and a credible and fair qualifications system. Highlights include:

- ◆ our corporate parenting works
- ◆ our well-established AA procedures
- ◆ our CRWIAs
- ◆ our learner engagement strategy
- ◆ the Learner Panel
- ◆ children's direct right of appeal in 2021

We recognise, however, that we still have a way to go. We are still learning and listening. While we continue to face challenging circumstances in dealing with the consequences of the COVID-19 pandemic and an evolving Scottish education landscape, we are committed to children's rights and hearing the learner voice in all that we do.

SQA will implement more strategic approaches in embedding a children's rights approach and continue to work and engage with learners and their representatives to ensure that young people — and their rights — are at the heart of our work and of the new organisation.

Appendix

Learner Panel Group Charter, September 2021 — June 2022 (as of 8 February 2022)

A group charter is an agreement by everyone involved in the group of rules, expectations, and understandings that we all abide by whenever we meet or do anything with the group. This is to make sure the space is as inclusive, informative, and meaningful as possible.

As agreed on our induction panel on 31 August 2021, the Panel has agreed to a group charter that we will adhere to at every meeting: the Learners, SQA, and SYP.

This charter will be available to you all and we will make sure to have it on hand for every panel in case anyone wants to reference it or check we are adhering to it.

It's important to note that this is a living document, meaning that if we want to update it to more reflect the group's views, we can and should.

Commitments for all of us

- ◆ Make sure that everyone makes an effort to attend each panel, and if they cannot, to make sure they contact the SYP representative to let them know as soon as possible:
 - Life happens, but if we want to have meaningful and diverse conversations, we all have to participate!
- ◆ Everyone is respectful, inclusive, and considerate on each panel.
- ◆ Everyone gets a chance to speak:
 - We respect different points of view as long as they are not harmful to others.
 - We make sure to use the 'raise hand' function so everyone has space to speak.
 - Fair debate is encouraged, but hate speech or hurtful speech is not acceptable.
 - We all make sure to give as many opportunities to seldom-heard voices to speak as much as possible.
- ◆ Everyone is allowed to choose the way they make a point or speak:
 - This can be via the Jamboard, comments in the chat, raising a hand to speak in the group, or sending any comments or thoughts to the SYP representative beforehand — no one will be forced to speak.
- ◆ We all come prepared to the meetings:
 - Making sure SYP, SQA, and the learners have all read what they need to and are prepared to talk about the chosen topics ahead of the meeting (this is to make sure you all get as much meaningful participation as possible).
- ◆ Everything said in the meetings (unless otherwise consented from yourselves) is confidential to allow for an open and safe space to speak:
 - That means not posting about the Learner Panel on social media unless we all agree we're comfortable.
 - No publishing any names in briefings unless asked to.

- ◆ A willingness to collaborate and work together on solving issues (learners, SQA, and SYP).

Commitments from SYP

- ◆ SYP will send out a one-page briefing with information on the past panel and topics/information for the next panel at least two weeks ahead or one week ahead at the very latest.
- ◆ SYP will make sure to maintain confidentiality and make the briefings as accessible as possible.
- ◆ All topics will be put in a monthly survey made and sent out by the SYP representative to make sure everyone gets an opportunity to talk about an issue important to them.
- ◆ SYP will create a session plan to be prepared for each panel and will send out a list of topics and information from the session plan with the briefing.
- ◆ SYP will take notes at each meeting and will give everyone an opportunity to feed back on the briefing if they do not think it accurately reflected what they said.
- ◆ SYP will facilitate the meetings but will be more of an observer so you all can have good and meaningful discussion without input from SYP.

Commitments from SQA

- ◆ SQA will provide any relevant monthly updates either via the briefing SYP will send out, or in a quick update session at the beginning of each panel meeting.
- ◆ In an effort to provide clarity, SQA will give progress updates on actions the learners agree to at the beginning of each panel meeting, honouring 'you said, we did':
 - This is to encourage trust between the learners and SQA and to show the learners where their feedback is going (this will also be supported by SYP).
 - It will communicate the reasons why suggestions or feedback from the panel can't be accommodated.
- ◆ SQA will prepare beforehand and will commit to engaging in respectful, productive, and inclusive debate around challenging issues.

Glossary

AAs — Assessment Arrangements	NPFS — National Parent Forum of Scotland
ACM — Alternative Certification Model	NQ — National Qualification
CAB — Curriculum and Assessment Board	RPL — Recognition of Prior Learning
CfE — Curriculum for Excellence	SCRA — Scottish Children’s Reporters Administration
CHS — Children’s Hearings Scotland	SHANARRI — safe, healthy, achieving, nurtured, active, respected, responsible, included
CRWIA — Children’s Rights and Wellbeing Impact Assessment	SIMD — Scottish Index of Multiple Deprivation
CYPCS — Children and Young People’s Commissioner Scotland	Sparqs — Student Partnerships in Quality Scotland
DYW — Developing the Young Workforce	SPSO — Scottish Public Sector Ombudsman
EHRC — Equalities and Human Rights Commission	SVQ — Scottish Vocational Qualification
EqIA — Equalities Impact Assessment	SYP — Scottish Youth Parliament
GIRFEC — Getting it Right for Every Child	UNCRC — United Nations Convention on the Rights of the Child
HN — Higher National	

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