Children's rights and wellbeing impact assessment (CRWIA)

Use of generative artificial intelligence (GenAI) by learners when completing assessment tasks — updated position

Section 1: Background and context

Approach to impact assessment

SQA supports lifelong learning, and awards qualifications to learners of all ages, but many learners taking SQA qualifications are aged 15, 16 or 17 and would identify as young people. We have reviewed evidence on our position regarding learners' use of GenAI as it impacts on children's rights and wellbeing. This document summarises our review.

The review serves to inform our decisions as the statutory national awarding body in Scotland for qualifications other than degrees. These duties are set out in the Education (Scotland) Act 1996, as amended.

The purpose of our position is to help learners and practitioners make informed decisions on the use of GenAI in assessment contexts. We recognise that both groups may wish to use GenAI tools in their wider learning and teaching activities. However, classroom practices such as teaching and learning methods fall outside the scope of this stance, as SQA's remit is limited to the assessment and awarding of qualifications.

The fast-paced advances in GenAI technologies offer opportunities for education and assessment. Together with our partners in the education sector, we continue to explore those opportunities and seek ways to overcome potential challenges. SQA has an ongoing programme of consultation and engagement, including various events, surveys and focus groups, to develop our understanding of the impact of GenAI on learning and teaching, and the implications for assessment. Through this work, we have seen many examples of GenAI's potential across the education sector. However, several concerns remain about the potential for misuse of GenAI in assessment contexts. It is important that we embrace emergent technologies responsibly to support learners and practitioners while maintaining the integrity of SQA qualifications and ensuring equity, transparency and fairness.

The use of GenAI tools or functionality is only considered acceptable when it does not compromise or attempt to compromise the integrity of SQA course assessments or certification.

We have no evidence to suggest that disabled learners and those with additional support needs are being prevented from using assistive technology that incorporates GenAI on a large scale. However, by specifically mentioning assistive technology in our updated stance, we make clear that as long as assistive technology (with GenAI incorporated into its functionality) does not contravene the published assessment standards and conditions, it can be used in SQA assessments.

It is important to point out that learners reserve the right **not** to engage within GenAI tools if they wish.

Section 4 assesses the impact of our updated position on the use of GenAI tools by learners in assessment contexts in relation to the rights and wellbeing of children and young people.

Section 2: CRWIA Stage 1 Screening: key questions

1. Name the policy and describe its overall aims.

Use of generative artificial intelligence (GenAI) by learners when completing assessment tasks — updated position

The purpose of this position is to help learners and practitioners make informed decisions in relation to the use of GenAI in assessment contexts. In 2023, when we developed our initial position, we said we would regularly review and update it as necessary.

Since then, GenAI tools and functionality have increasingly been appearing in common digital tools such as search engines. This means it is now almost impossible to avoid GenAI. The time is right for SQA to update its position on GenAI in assessment to help learners and practitioners engage with the tools in a manner that preserves the integrity of SQA qualifications. However, it is also important to educate learners on the potential for GenAI to reinforce harmful stereotypes or biases. By giving examples of acceptable and unacceptable uses of GenAI in assessment, we seek to promote better understanding of responsible GenAI use.

By specifically mentioning assistive technology in our updated stance, we aim to be clear in our position that assistive technology (with GenAI incorporated into its functionality) can be used in SQA assessments, provided its use does not contravene the published assessment standards and conditions.

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

SQA supports lifelong learning, and awards qualifications to learners of all ages. SQA's 2024 Equality Monitoring Report provides the following information on the age of learners entered for National Courses at National 5, Higher and Advanced Higher:

National 5
Below 15 — 0.2%
Aged between 15 and 18 — 99.3%
Over 18 — 0.5%

Higher
Below 15 — 0.0%
Aged between 15 and 18 — 99.2%
Over 18 — 0.8%

Advanced Higher
Below 15 — 0.0%
Aged between 15 and 18 — 99.6%
Over 18 — 0.4%

SQA does not currently hold equality data on college learners that allow us to monitor the impact of this policy on those entered for vocational and regulated qualifications. However, it is clear that the 'Use of generative artificial intelligence by learners when completing assessment tasks — updated position' has the potential to affect children and young people taking SQA qualifications.

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

The overall aim of updating our position on GenAI is to help learners and practitioners make informed decisions about using GenAI in assessment contexts. This should bring a level of consistency that was perhaps lacking in our initial position in 2023. (We know from responses to our survey on GenAI that many in the sector saw this position as an outright ban on the technology. But others did not, and have been increasing their use of the technology in class over the past two years.) If learners are supported to understand the positives and negatives of GenAI, they can benefit from positive impacts, such as having personalised learning experiences. However, practitioners must be alert to the flaws within the technology, such as its potential to perpetuate harmful stereotypes or biases. If left unchallenged, these could have negative impacts.

Finally, by specifically mentioning assistive technology in our updated stance, we hope for a positive impact on those learners who need to access the technology.

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

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

SQA's 2024 Equality Monitoring Report provides the following information on the age of learners:

National 5
Below 15 — 0.2%
Aged between 15 and 18 — 99.3%
Over 18 — 0.5%

Higher
Below 15 — 0.0%
Aged between 15 and 18 — 99.2%
Over 18 — 0.8%

Advanced Higher
Below 15 — 0.0%
Aged between 15 and 18 — 99.6%
Over 18 — 0.4%

This means that the overwhelming majority of our NQ learners, and some learners taking vocational and regulated qualifications, will be affected.

5. Will this require a CRWIA?

Yes. As above, SQA recognises that our updated position on the use of GenAI by learners when completing assessment tasks will impact on children and young people entered for SQA qualifications.

Section 3: The CRWIA: United Nations Convention on the Rights of the Child

SQA considers that the following articles are particularly relevant:

- Article 2: Non-discrimination
- Article 3: Best interests of the child
- Article 12: Respect for the views of the child
- Article 14: Freedom of thought and religion
- Article 16: Protection of privacy
- Article 17: Access to information from the media
- Article 20: Children without families
- Article 23: Children with a disability
- Article 28: Right to education
- Article 29: Aims of education
- Article 30: Minority language, culture and religion

The United Nations Children's Fund (UNICEF) descriptors have been set out below.

Article 2: Non-discrimination

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

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

Article 3: Best interests of the child

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

Article 12: Respect for the views of the child

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

Article 14: Freedom of thought and religion

Children can choose their own thoughts, opinions and religion, but this should not stop other people from enjoying their rights.

Article 16: Protection of privacy

Every child has the right to privacy. The law must protect children's privacy, family, home, communications and reputation.

Article 17: Right to information

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

Article 20: Children without families

Every child who cannot be looked after by their own family has the right to be looked after properly by people who respect the child's religion, culture, language and other aspects of their life.

Article 23: Children with disabilities

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

Article 28: Right to education

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

Article 29: Aims of education

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

Article 30: Minority culture, language and religion

Children have the right to use their own language, culture and religion — even if these are not shared by most people in the country where they live.

Section 4: Assessment of impact and mitigations

Key elements

This part of the impact assessment examines the key elements of the updated position on the use of GenAI tools by learners in assessment contexts, in line with the relevant UNCRC articles outlined in section 3, and considers:

- whether the arrangements may have different impacts on different groups of children and young people
- what mitigating actions might be adopted if a potential negative impact was identified for any area of rights or any group of children and young people
- where the updated position on the use of GenAI tools by learners in assessment contexts can contribute to the wellbeing of children and young people in Scotland

Use of generative artificial intelligence by learners when completing assessment tasks — updated position

Potential impacts on children and young people

The overall aim of updating our position on GenAI is to help learners and practitioners make informed decisions about using GenAI in assessment contexts. If learners are supported to understand the positives and negatives of GenAI, they can benefit from positive impacts, such as having personalised learning experiences. However, practitioners must be alert to the flaws within the technology, such as its potential to perpetuate harmful stereotypes or biases. If left unchallenged, these could have negative impacts.

Potentially negative impacts

It is widely known among those familiar with GenAI that 'algorithms do not create biases themselves but perpetuate societal inequities and cultural prejudices. The reasons behind it include lack of access to data for target populations, due to historical exclusion from research and statistics, simplification and generalization of the target group's parameters (proxies), and unconscious and conscious bias within the society.' https://yonah.org/disability_algorithmic_risks.pdf

However, young people may not be aware of these flaws in the technology, and will need guidance to understand that GenAI outputs can be incorrect, harmful or show bias. (impacts all relevant articles but in particular Articles 2, 3, 12, 14, 23, 29, 30)

It is also the case that the technology may directly discriminate against learners with protected characteristics. For example, facial recognition technology has been shown to discriminate against several protected characteristics (including disability). Although this technology is unlikely to be used directly in the learning environment, it is a topic that could emerge as learners explore the technology in class. (impacts all relevant articles but in particular Articles 2 and 23)

GenAI amplifies existing social biases. Relying on GenAI to create images will not produce a representative view of the world. Care should be taken when providing prompts, and when reviewing generated works for biases that could discriminate against all protected characteristics. (impacts all relevant articles but in particular Articles 2, 3, 12, 14, 23, 29, 30)

A core concern with GenAI is that the owners of the technology, the people who train the models, and the training data itself, may lack diversity. This opens GenAI products up to the risk of not spotting their own biases. These include gender biases, which must be challenged. (impacts all relevant articles but in particular Articles 2, 3, 12, 14, 23, 29, 30)

Unlike most of their peers, care experienced learners may not have a consistent support in their lives — someone who can help them understand the appropriate or ethical use of GenAI tools. Likewise, there could be variability in their access to GenAI tools (and indeed digital equipment generally). The role of the practitioner and centre are key here to ensure care experienced learners are not 'left behind'. (impacts all relevant articles but in particular Articles 2, 3, 20, 29)

The following article discusses a factor impacting people based on their race: the issue of language (or the lack of diverse languages) that GenAI tools use and are trained on:

https://www.brookings.edu/articles/how-language-gaps-constrain-generative-ai-development/

'As it stands now, the majority of the world's speakers are being left behind if they are not part of one of the world's dominant languages, such as English, French, German, Spanish, Chinese, or Russian.' '…large language models (LLMs) that train AI tools, like generative AI, rely on binary internet data that serve to increase the gap between standard and non-standard speakers, widening the digital language divide.' (impacts all relevant articles but in particular Articles 2, 3, 12, 14, 29, 30)

All instances of bias or discrimination should be discussed and challenged.

Potentially positive impacts

Although there are well publicised flaws in the technology, it is also clear that it has huge potential to help learners. Every organisation in the education community shares a responsibility to equip learners to thrive in a world where GenAI tools will become widespread.

For learners with disabilities, AI-powered assistive tools can provide critical support. For instance, real-time transcription services can aid those with hearing impairments, while text-to-speech applications assist learners with visual impairments or reading difficulties. These tools make educational content more accessible, fostering inclusivity in the classroom. (impacts all relevant articles but in particular Articles 2 and 23)

The potential for GenAI to offer personalised learning experiences is something of benefit to all learners. Many learners would benefit from this approach, providing there is no stigma attached to those who benefit. (impacts all relevant articles but in particular Articles 2, 3, 12, 14, 23, 29, 30)

It is also the case that personalised learning is happening in Scotland already. Glasgow Clyde College referred to this approach in a blog they created with SQA in 2024 Glasgow Clyde College has invested heavily in generative AI apps for staff and this has led to its extensive use.

Disabled-Peoples-Rights-in-an-Artificial-Intelligence-World.pdf

The article above states that 'AI technology has immense potential to improve accessibility and inclusivity for disabled people and staff, such as those in education and social care need to be aware of the existence and any issues around AI for inclusion and access'.

'Growing an understanding of AI could equip staff with the ability to identify biases in AI algorithms that may discriminate against disabled people, and to recognise this and know to act.'

By engaging students with disabilities in discussions and decision-making processes about the use of GenAI in education, centres can promote mutual respect and understanding among all students. (impacts all relevant articles but in particular Articles, 2 and 23)

This article, which covers all learners, discusses the power of GenAI to promote inclusive learning environments:

https://www.frontierspartnerships.org/journals/british-journal-of-biomedical-science/articles/10.3389/bjbs.2024.14048/full

'GenAI can facilitate collaborative learning by providing tools that enhance communication and idea sharing among students, regardless of their linguistic or cultural backgrounds. This aligns with the principles of social constructivism, which posits that knowledge is constructed through social interactions and shared experience. GenAI tools can facilitate this approach by providing interactive environments and scaffolding student learning.' (impacts all relevant articles but in particular Articles 2, 12, 14, 30)

There is also an opportunity for centres to revisit this important guidance: Guidance on LGBT Inclusive Education

'The way in which a school responds to homophobic, biphobic or transphobic incidents plays an important role in reinforcing a culture where the whole school community understands that such behaviour is unacceptable, and helps to prevent further escalation.' Given that GenAI bias can perpetuate harmful social or cultural stereotypes, centres should be vigilant for these and take proactive action as set out in this guidance. (impacts all relevant articles but in particular Articles 2, 12, 29)

Steps taken by SQA to mitigate impacts

We recognise that learners and practitioners may wish to make use of GenAI tools in their wider learning and teaching activities. However, classroom practices such as teaching and learning methods fall outside the scope of this position, as SQA's remit is limited to the assessment and awarding of qualifications, and does not extend to teaching and learning.

Although not working directly with learners on GenAI tools, SQA has completed an equality impact assessment on the potential impacts upon protected groups of learners.

We have made it clear in our position statement that learners reserve the right **not** to use GenAI tools if they wish. This will be important for those learners who, for whatever reason, do not wish to engage with them.

A key piece of work for SQA in this area is our communication, consultation and engagement activities with learners and practitioners. We regularly hold consultations, surveys and focus groups to keep up to date with the range of views on GenAI across the sector. There are plans to hold events with practitioners in the Autumn 2025 so they can discuss our position with us. At these events we will be keen to hear of any positive and negative impacts upon learners. As of August 2025, we are currently analysing the results of recent focus groups with learners. Once this information is available, we will analyse it to decide if we need to put further information or support in place for learners or practitioners.

It is also our plan to provide a 'child friendly' version of our updated position on GenAI for learners.

Within the equality impact assessment we have committed to the following action:

'Continuation of the External AI and Emergent Technologies Group. This group is made up of internal colleagues who utilise their knowledge, experience and contacts to keep abreast of the latest developments around AI and its impact on the education sector. The group will convene to bring together shared knowledge, and new information gained, of the impacts of GenAI use in qualifications and assessments to contribute towards evidence-based decision making.'

It is this group that will further evolve our position regarding GenAI in the future.

Finally, it is important to point out that SQA is not alone in the education community in relation to GenAI. All other agencies involved in education also have activity in this area. We will continue to work with our partners to share resources and intelligence about the impact GenAI is having on education and assessment.

Contributing to the wellbeing of children and young people

The overall aim of updating our position on GenAI is to help learners and practitioners make informed decisions about using GenAI in assessment contexts. If learners are supported to understand the positives and negatives of GenAI, they can benefit from positive impacts, such as having personalised learning experiences. However, practitioners must be alert to the flaws in the technology, such as the possibility for it to perpetuate harmful stereotypes or biases. If left unchallenged, these could have negative impacts.

Learners today will soon enter a world of further study or work where GenAI tools are commonplace. Our updated position on the use of GenAI in assessment contexts goes some way to helping centres prepare learners for this. However, it is important that GenAI use does not undermine learners' ability to demonstrate the required skills, knowledge and understanding for an assessment.

In our updated position we state that 'Before using any GenAI tools in SQA assessment contexts, learners and practitioners must ensure that this will not undermine learners' achievement of their learning objectives, or compromise the integrity of the assessment in any way.'

Our updated position contributes to the wellbeing of children and young people by promoting their rights under the UNCRC. For example:

- By including in our stance that learners can choose not to engage with GenAI tools if they wish, we are preserving their rights, especially in relation to Article 12.
- By completing and publishing an equality impact assessment we help to highlight the potential negative and positive impacts of GenAI use. This is especially relevant to Articles 2, 3, 14, 16, 17, 20, 23, 28, 29 and 30.
- By stressing that the use of GenAI must not undermine the achievement of their learning objectives, we are preserving their rights, especially in relation to Articles 28 and 29.
- By highlighting in our position the following two points, we are preserving their rights, especially in relation to Articles 3 and 16.
  - ‘Protect any personal and confidential data’
  - ‘Consider any age restrictions associated with the GenAI tool used’

We have consulted our key stakeholders in preparing our position statement. We will continue to consult learners, practitioners, centres and our partners as we further explore the impact of GenAI tools on assessment, and ensure their voices are integral to our decision-making process.

We also encourage practitioners to discuss the role of GenAI in assessment, and its broader implications for education, with their colleagues, teams and learners.