

Children’s Rights and Wellbeing Impact Assessment: Equality of Access to SQA Qualifications Policy

Section 1: Background and context

Approach to impact assessment

This document summarises the evidence that SQA has considered in reviewing its Equality of Access to SQA Qualifications policy. SQA supports lifelong learning, and awards qualifications to learners of all ages, but many learners taking SQA graded National Courses are aged between 15 and 18, and would be defined as a ‘child’ under the United Nations Convention on the Rights of the Child (UNCRC).

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

Section 4 sets out the assessment of the impact of our Equality of Access to SQA Qualifications policy in relation to children and young people’s rights and wellbeing.

More information with an equality focus is available in SQA’s accompanying Equality Impact Assessment on this policy.

Section 2: CRWIA Stage 1 – Screening key questions

1 Name the policy and describe its overall aims

The policy explains SQA's approach to enable equality of access to assessment and qualifications. SQA supports the principle of equal opportunities in employment, education and training, and opposes all forms of discrimination on the basis of protected characteristics (disability, race, age, religion or belief, sex, gender reassignment, pregnancy and maternity or sexual orientation).

Other factors affecting young people, such as socio-economic disadvantage, or circumstances that present barriers to accessing qualifications, are also considered wherever possible. Although such factors are not covered under the Equality Act 2010, SQA recognises that a wide range of factors can have an impact on a young person's ability to achieve qualifications. Furthermore, SQA has a corporate parenting commitment to ensure we consider the needs of care experienced young people, by treating care experience as if it were a protected characteristic covered by the Equality Act 2010.

As this policy relates to how SQA enables access to qualifications, a positive impact on all young people (particularly for disabled young people) is explicitly intended and very likely.

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

SQA supports lifelong learning and equality of access to our qualifications. As Scotland's national awarding body, certification of qualifications take place for learners of all ages. However, it is recognised that many learners taking SQA graded National Courses are aged between 15 and 18 and would identify as young people. The Equality of Access to SQA Qualifications policy applies to all young people undertaking SQA qualifications, including National Qualifications, Higher National, Vocational and Occupational Qualifications.

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

The Equality of Access to SQA Qualifications policy applies to equally to all young people undertaking SQA qualifications, including National Qualifications, Higher National, Vocational and Occupational Qualifications. It is anticipated that this will have a positive impact on all young people. This policy also recognises the implementation of the UNCRC (Incorporation) (Scotland) Act 2024 and demonstrates SQA's commitment to listening to young people who undertake our qualifications, or from organisations that represent their views and educational needs.

5 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 recognises that our Equality of Access to SQA Qualifications policy applies to equally to all young people undertaking SQA qualifications, including National Qualifications, Higher National, Vocational and Occupational Qualifications. In particular, SQA's responsibilities as Scotland's national awarding body under sections 53 and 96(7) under the Equality Act 2010 will specifically apply to disabled young people.

6 Will this require a CRWIA?

Yes. As above, SQA recognises that our Equality of Access to SQA Qualifications policy applies to equally to all young people undertaking SQA qualifications, including National Qualifications, Higher National, Vocational and Occupational Qualifications.

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

SQA considers that the following articles are particularly relevant to our Equality of Access to Qualifications policy:

- ◆ Article 2: non-discrimination
- ◆ Article 3: best interests of the child
- ◆ Article 12: respect for the views of the child
- ◆ Article 13: freedom of expression
- ◆ Article 14: freedom of thought, belief and religion
- ◆ Article 17: access to information from the media
- ◆ Article 23: children with a disability
- ◆ Article 28: right to education
- ◆ Article 29: goals of education
- ◆ Article 30: children from minority or indigenous groups

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/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 13: freedom of expression

Every child has the right to be free to express their thoughts and opinions and to access information that support their understanding of matters that affect them, as long as it is within the law.

Article 14: freedom of thought, belief and religion

Every child has the right to think and believe what they choose, and to practise their religion, as long as they are not stopping other people from enjoying their rights. This article applies directly to governments and public authorities who must respect the rights and responsibilities of parents to guide their child as they grow up.

However, SQA recognises that in producing course and unit specifications and assessment materials, care must also be taken to ensure that the rights of the child under this Article is respected. This includes careful consideration of wording and language used in SQA's published and assessment materials to ensure they do not set out expectations for young people to respond to questions in an assessment that contravenes their views, belief or religion.

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 his or her 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 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: children from minority or indigenous groups

Every child has the right to learn and use the language, customs and religion of their family, whether or not these are shared by the majority of the people in the country where they live.

Section 4: Assessment of impact and mitigations

Key elements

This part of the impact assessment further examines the key elements of the Equality of Access to SQA Qualifications policy in line with the relevant UNCRC Articles as outlined in section 3 and considers:

- ◆ whether the policy may have different impacts on different groups of young people
- ◆ what mitigating actions might be adopted if a potential negative impact was identified for any area of rights or any group of young people
- ◆ where aspects of the policy can contribute to the young people in Scotland.

Potential impacts on children and young people

The Equality of Access to SQA Qualifications policy applies to equally to all young people undertaking SQA qualifications, including National Qualifications, Higher National, Vocational and Occupational Qualifications. The policy explains our approach to enable young people equality of access to our assessments and qualifications (Articles 28 and 29). SQA supports the principle of equal opportunities in employment, education and training, and opposes all forms of discrimination of protected characteristics (disability, race, age, religion or belief, sex, gender reassignment, pregnancy and maternity or sexual orientation) (Articles 2, 23 and 30).

As a corporate parent with responsibilities under the Children and Young People (Scotland) Act 2014, SQA's [Corporate Parenting Plan 2023-26](#) outlines our key priorities for care experienced people. This includes putting the voice and needs of care experienced people at the heart of SQA's decision making (2.4), enhancing opportunities for care experienced people to contribute to the development of SQA's products and services (4.2) and considering the views of care experienced people when designing qualifications to ensure that their care needs area met (4.3) (Articles 3, 12 and 13).

SQA is also a member of Scottish Government's [Anti-Racism in Education Programme \(AREP\)](#). SQA's commitment as a member of AREP is to continue to work with marginalised groups, to listen to the voices of young people from all minority ethnic backgrounds who experience racial inequality and to identify opportunities for improvement in ensuring our qualifications and assessments are anti-racist. SQA's Policy, Analysis and Standards – Equalities will continue to provide Qualifications Development staff with the support, training and guidance they need to enable them to be anti-racist and to fulfil the objectives of this policy (Articles 2, 3 12, 13, 14, 28, 29 and 30).

As the proportion of Black, Asian and Minority Ethnic learners undertaking our National Courses, for example, continues to increase annually, we recognise the need to ensure that our range of qualifications continue to meet the needs of our learner population. It is important that the range of SQA qualifications reflect a diverse cultural heritage to build on the aim of global citizenship that was identified during the implementation of Curriculum for Excellence (Articles 3, 14, 28 and 30).

As the appropriate regulator of general qualifications in Scotland, we have a duty to make reasonable adjustments for disabled young people while maintaining the integrity of the qualification, and to specify and publish where reasonable adjustments to National Qualifications cannot be made under section 96(7). We also have a duty, under section 53(7) of the Equality Act 2010, to assist centres with considerations of requests for reasonable adjustments that do not lower a competence standard, or to refuse any requests for reasonable adjustments that lowers a competence standard for vocational and occupational qualifications (Articles 3, 23 and 29).

Reasonable adjustments are also available for young people who may be negatively impacted by an assessment standard. For example in SQA National Practical Cookery course, learners are assessed on their competence with cooking specified dishes. For any young person who is unable to handle specific ingredients due to their religion or belief such as vegetarians or vegans who do not handle meat, as a reasonable adjustment these learners have the option to use meat alternatives. This allows learners to still be assessed against the same key skills required as part of the national standard (Articles 2, 3, 14, 28, 29 and 30).

Steps taken by SQA to mitigate impacts

As Scotland's national awarding body, we have a responsibility to ensure that any qualifications awarded and certificated by SQA meet national standards. This is to ensure there is a high degree of reliability and validity in the assessment process, which produces credible assessment results for our qualifications that are trusted by learners, parents and carers, centres, further and higher education institutions, employers, and training providers.

While we will make every effort to ensure there is an equality of opportunity for all learners to access SQA qualifications, there may be instances in which a reasonable adjustment request made for a disabled young people requires a change to be made to the assessment standard. The Equality Act 2010 gives SQA the authority to determine where a competence is required to be demonstrated in an assessment under Section 53(7) for vocational and occupational qualifications and section 96(7) for National Qualifications. In these instances, it may appear that a disabled young person is being discriminated against from being enabled to access our qualifications. While every effort is taken by relevant SQA colleagues to consider each request for a reasonable adjustment, as the national awarding body of Scotland, we must also consider the implications of certificating a young person for a qualification if they have not been able to demonstrate the competence required by further and higher education institutions or employers in the industry (Articles 3, 23 and 29).

SQA acknowledges that young people may be observing religious traditions throughout the year. For National Courses with externally assessed timetabled exams such as Ramadan, it is recognised that the demonstrated performance of young people fasting may be impacted. Due to the period in which schools and local authorities schedule their April holidays, this leaves SQA with a small window in which to deliver our annual exam diet, have coursework and exam scripts assessed and quality assured to ensure all learners receive their certificates in August. SQA advises centres to ensure appropriate support is in place for learners who are impacted during the exams when

following religious traditions as a temporary arrangement (such as breaks), and to submit a request through our Exam Exceptional Circumstance Consideration Service where required (Articles 13, 17, 28 and 30).

We will continue to review each request made for a reasonable adjustment on an individual basis, in line with the assessment requirements, and to maintain ongoing dialogue with relevant customers to explain our decision. We will also continue to review the information we make available to disabled young people to ensure it provides them with the right level of detail and understanding about how we reach our decisions (Articles 13, 17, 28 and 29).

It is also hoped that by externally publishing this policy that this provides further transparency about our decision making process and demonstrates our commitment to maintaining an equal opportunity of access for all young people who may experience unnecessary barriers as a result of their protected characteristic (Article 2, 3, 14, 23, 28, 29 and 30).