

Equality Impact Assessment

Summary

Name of policy or practice	Awarding 2024 — Examination Exceptional Circumstances Consideration Service (EECCS) and Appeals Service
New policy or revision	Revision
Policy owner (role)	Martyn Ware
Date policy owner confirmed completion	27 February 2024
Agreed schedule review date	1 December 2024
Additional review date (Action review date)	

Action plan

This section is completed at the end of the Equality Impact Assessment. Due to the importance of embedding equality in SQA through our actions the action plan will be the focus and record of ongoing actions.

Explain how you will monitor and record the actual impact on equality groups, including how the evidence can be revisited to measure the actual impact.

Required actions	Owner	Date	Comment and review
Actions taken to monitor the implementation of policy and the impact on equality groups (evidence and consultation)			[ONGOING RECORD]
Diet 2023 Evaluation — analysis of quantitative and qualitative data from surveys and interviews with learners, practitioners, senior appointees and SQA Qualifications staff.	NQ Policy Team	March 2024	Ongoing — not yet published at time of EqIA completion. Evaluation of 2022–23 approach will be used to inform development of 2024–25 approach.
Analysis of Appeals and EECCS statistics and results	NQ Policy Team	Published annually following conclusion of the diet.	This will be reviewed once published in late 2024 to inform considerations for any changes / improvements to future approaches.
Regular engagement with NQ24 Working Group and NQ24 Strategic Group (external)	NQ Policy Team	Ongoing	Meetings are scheduled to take place on a monthly basis.
SQA will continue to monitor intelligence from Appeals and EECCS enquiries and complaints	NQ Policy Team	Ongoing	To inform considerations for any changes / improvements to future approaches. This is an ongoing piece of work.
Review SQA Equalities Monitoring Report	NQ Policy Team	Published August 2024	This will be reviewed once published in August 2024.
A Children’s Rights and Wellbeing Impact Assessment has also been undertaken and will require to be updated based on any new evidence.	NQ Policy Team	Ongoing	This is an ongoing piece of work.

Identified actions	General equality duty	Owner	Date	Comment and review
Explore ways in which additional learner data / evidence on protected characteristics relating to learners using the EECCS and Appeals Services could be obtained.	Disability, race, religion or belief, sexual orientation, marriage / civil partnership, gender re-assignment (gender identity and transgender), pregnancy / maternity and care experience.	Policy, Analysis and Standards Directorate	Ongoing	SQA Equalities and Data and Analytics colleagues are in the process of submitting a request for additional subcategory equality data from the Scottish Government Pupil Census data. If the application is successful, this data has the potential to help inform further monitoring of the EECCS and Appeals Service.

Policy aims

What is the rationale for this policy or practice?
<p>As part of the Awarding 2024 approach, the Examination Exceptional Circumstances Consideration Service (EECCS) and the Appeals service have been developed in parallel to support learners who are undertaking National 5, Higher and Advanced Higher National Courses.</p> <p><u>Examination Exceptional Circumstances Consideration Service (EECCS)</u></p> <p>The EECCS supports learners who have been unable to attend an examination or learners whose performance in the examination may have been affected by personal circumstances, or an unplanned incident on the day. There is no charge for this service, and it is available for all examinations that appear in SQA's examination timetable. Exceptional circumstances are circumstances that are unplanned and fundamentally affect the ability of learners to attend or perform on the day in an examination. Examiners are provided with the learner's estimate, any alternative academic evidence, any relevant non-question paper component candidate materials (for example a folio or project), and any attempted question papers related to the request. Examiners review this evidence and award a grade.</p> <p>Eligibility for the EECCS is determined by the school, college or training provider based on guidance provided by SQA and authorised by the head of centre or their delegate. In other words, centres access the service to help support fairness of access — there is no direct access for learners. Responsibility for determining eligibility to use the service lies with the head of centre or their delegate. This is important as it is the schools, colleges and training providers that are closer to the particular circumstances learners experience and so it is appropriate that they make these decisions in collaboration with their learners, based on this developed understanding of their circumstances and the associated impacts. Also, centres are better placed to understand the specific requirements related to the submission of an EECCS request and as such can better support learners in deciding whether a request should be made. SQA has trust in the head of centre role to ensure use of the service is as legitimate and consistent as possible. It should be noted that learners are required to give their consent to ensure they agree with a request being submitted on their behalf.</p>

All learners are eligible for the Examination Exceptional Circumstances Consideration Service where:

- they have experienced a valid exceptional circumstance
- they have completed all the compulsory non-question paper components
- an estimate has been submitted for them
- alternative evidence for the impacted examination components is available.

This is a pre-certification service that covers situations where an exceptional circumstance may have impacted a learner's performance on the day of an examination. Non-question paper components are not covered by the service. Existing arrangements for these non-question paper components allow enough flexibility for learners who are unable to meet submission dates or attend a scheduled visiting assessment. A priority appeal can be requested if the learner requires a result to secure a conditional place at university, college, employment or training.

EECCS Appeals

Examination Exceptional Circumstance Consideration Service (EECCS) appeals are available on two possible grounds. Heads of centre can appeal on a learner's behalf if they believe that SQA's decision to refuse an EECCS request that was submitted within the published timescales, based on all the evidence available to SQA at the time, is wrong. Appeals can also be submitted if it is believed that there was procedural irregularity in SQA's handling of an EECCS request which contributed to a decision that, based on all the evidence available to SQA at the time, is wrong. An appeals panel may seek relevant information to inform its decision. An appeal for the EECCS is based purely on a process or administrative error made by SQA.

An appeal submitted on the grounds of a refusal of an EECCS request or procedural irregularity would be considered by an appeals panel consisting of SQA heads of service. If the panel uphold the appeal, the evidence may be reviewed by an SQA experienced examiner who was not involved in the original review, where this is appropriate. An outcome of this process is that a learner's grade could go up, down or stay the same. A downgrade will only occur in circumstances where the academic evidence submitted by the school, college or training provider clearly does not support the estimate. SQA has the responsibility to ensure that the integrity of its qualifications is maintained. For these to be seen as credible and robust, a learner's attainment is based on demonstrated evidence. To mitigate the impact of such instances, SQA has produced guidance for teachers, lecturers and practitioners delivering National Courses. The guidance explains what estimates are and gives examples of the types of assessment evidence needed to ensure a robust estimate. SQA has also produced an online training course, delivered via SQA Academy, which assists teachers, lecturers and practitioners in producing estimates for National Courses, for gathering assessment evidence and applying national standards.

The Appeals Service

The Appeals service provides learners with the opportunity to request a review of their SQA-marked assessment components. If learners have concerns about their final grade for National 5, Higher or Advanced Higher courses, they can request a marking review of the external assessment materials that were submitted to SQA for marking. The outcome of an appeal is final and can result in no change to a grade, an upgrade, or a downgrade. The Appeals service is based on SQA's 2019 post-results services (PRS) which offered a marking review service and a clerical check service. Enhancements were made to this in 2023, which will continue to apply. These relate to:

- learners having the right to request an appeal directly from SQA should they have concerns about their final grade for National 5, Higher or Advanced Higher courses.
- the introduction of a free of charge marking review service, which will include a clerical check where appropriate.

The previous marking review service offered in 2019 (PRS) was a charged service which had the potential to affect learners by creating a barrier to access. Although SQA intended for the fee to be met by schools, colleges and training providers, SQA does not have evidence to determine whether this was the case, or whether, in some instances, learners and their families were charged by the school, college and training provider to meet these costs. SQA acknowledges that to ensure the service is fair and accessible to all learners, and to allow them to access the service directly, the Appeals service must be free of charge.

There will be no provision for the review of alternative evidence as part of Appeals for National Qualifications at National 5, Higher and Advanced Higher. The Appeals service is designed to complement the EECCS. The EECCS allows for a learner's alternative academic evidence to be considered in circumstances where their performance in the examination, or ability to attend the examination, has been impacted by circumstances beyond their control.

Learners are eligible to apply for an appeal if they have been awarded a final grade based on externally assessed components that were submitted to SQA for marking. Learners are not able to apply for an appeal if:

- a penalty has been applied due to established learner malpractice
- an award has been reached using the Examination Exceptional Circumstances Consideration Service (EECCS) — in these cases, a full review of all learner materials will have been undertaken before certification
- a learner has been certificated at grade A — a marking review is designed to address situations where the certificated grade result requires to be reviewed and there is no grade higher than an A. An exception to this rule is where a learner is in receipt of a conditional offer from university that requires a band A1. These requests should be submitted via the learner's centre. Centres must notify SQA of Band 1 requests at submission.

A priority appeal can be requested if the learner requires a result to secure a conditional place at university, college, employment or training. The procedure is the same for priority and standard appeals and both will consist of a marking review, including a clerical check, where appropriate. However, priority appeals will be considered earlier to support learners' UCAS applications and conditional offers for employment opportunities. The outcome to priority appeals will be released earlier for this reason.

What evidence is there to support the implementation or development of this policy or practice?

The 2023 Appeals service and Examination Exceptional Circumstances Consideration Service (EECCS) were developed after gathering extensive feedback on the 2022 services and taking advice from the wider education community. This included learner, parent / carer, practitioner, school, college, local authority, and teacher and lecturer union representatives on the National Qualifications 2023 Group and SQA's Advisory Council. An extensive evaluation of awarding in 2022, including the Appeals service, was carried out with more than 3,500 learners, teachers, lecturers, and parents and carers giving their views and reflecting on their experiences in 2022. A number of emerging themes were identified through the evaluation in relation to appeals:

- The Appeals service increased workload substantially for many teachers and lecturers, owing to the need to gather and submit alternative evidence to SQA. There was also some evidence that the alternative evidence approach led to an increase in the overall amount of assessment for learners.
- The system used led to perceptions of unfairness, as it was not clear to practitioners or learners why evidence submitted to SQA did not lead to an improved grade. Similarly, in 2022, only learners who had received an estimate higher than their certificated grade were eligible to appeal.
- The timing and clarity of communications around the process and evidence requirements further added to concerns around fairness.
- When asked about the appeals approach for 2023, there were mixed views about the preferred approach among stakeholder groups.
- Stakeholders and participants in the evaluation suggested the previous post-results service could be 'enhanced' to address some of the concerns raised in the past about access, by making it free and giving learners direct access. Participants highlighted that the exceptional circumstances service could continue to provide an alternative evidence route for learners facing extenuating circumstances who require that option.

In SQA's 2022 [National Qualifications Evaluation](#) research project, the majority of learners who participated in the survey indicated that they were not satisfied with the Appeals Service in 2022 and felt that it was unfair. The learners who responded to SQA's survey and SQA's Learner Panel also fed back that the information in SQA guidance and communications was unclear and that the language used needed to be easier to understand and more user-friendly. SQA had also received a number of enquiries and complaints from learners who were keen to use the Appeals Service in 2022 but believed the service did not meet their needs as there was no opportunity for their exam scripts to be reviewed.

Fairness was also an overarching theme from all audience groups. Learners felt that the Appeals Service 2022 was misleading, that there were inconsistencies in how evidence was reviewed between subjects, and that greater transparency on how marks were allocated was needed. Learners also fed back in SQA's 2022 National Qualifications Evaluation research project that it was important for them to be able to submit a request directly to SQA without going through their school, college or training provider. Learners felt that being able to submit a request directly to SQA would eliminate any potential teacher or lecturer bias. Additionally, it was felt unfair that only learners who had received an estimate higher than their certificated grade were eligible to appeal.

On 25 January 2023, SQA's Board of Management approved, based on presented evidence, that SQA should adopt a post-result marking review service in 2023, accompanied by an Examination Exceptional Circumstances Consideration Service (EECCS) that provides support for those learners who have suffered exceptional circumstances. After significant consultation with the partner communication group, SQA's post-results service in 2023 was titled 'Appeals 2023' and comprised of a marking review (including a clerical check, where appropriate). The Appeals service delivered in 2023 was based largely on SQA's 2019 post-results services (PRS), a long-standing service, delivered from 2014 to 2019, which offered a marking review service and a clerical check service. This is a similar service to that which is provided by other awarding bodies across the rest of the UK. Additional enhancements were made to this model in 2023, which related to:

- learners having the right to request an appeal directly from SQA should they have concerns about their final grade for National 5, Higher or Advanced Higher courses.
- the introduction of a free of charge marking review service, which will include a clerical check where appropriate.

In 2024, the Appeals Service and EECCS will mirror the approach taken in 2023. The Appeals service is designed to complement the EECC service. The evidence and rationale for moving away from an appeals system that uses alternative evidence, based on perceptions of unfairness, varying standards and over assessment of learners, to one that takes the form of marking review, as implemented in 2023, remain current and provide the evidence base for the service in 2023–24. This approach also brings SQA into line with the approaches used by other awarding bodies in the rest of the UK. The enhancements made to the Appeals service in 2023 that relate to enabling learner direct access and offering the service free of charge, will remain. These enhancements remove barriers learners may have otherwise faced in accessing the services. They also eliminate any potential teacher or lecturer bias related to submitting an appeal request.

When the EECCS process for 2022–23 was considered, SQA set up an external advisory group with a wide range of representatives, including school and parent groups drawn from the National Qualifications Working Group 2022. This group was unanimous in its support for all requests to come via the head of centre in the interests of fairness to learners. This approach was also supported by the National Qualifications Strategic Group in 2022. In the interest of maintaining fairness to all learners across Scotland, SQA has continued with this approach in 2023–24, as learners do not have direct access to the EECC service and this could result in bias or barriers to accessing the service. Responsibility for determining eligibility to use the service lies with the head of centre or their delegate. This is important as it is the schools, colleges and training providers that are closer to the particular circumstances learners experience and so it is appropriate that they make these decisions in collaboration with their learners, based on this developed understanding of their circumstances and the associated impacts. Also, centres are better placed to understand the specific

requirements related to the submission of an EECCS request and as such can better support learners in deciding whether a request should be made. SQA has trust in the head of centre role to ensure use of the service is as legitimate and consistent as possible. It should be noted that learners are required to give their consent to ensure they agree with a request being submitted on their behalf.

Feedback from SQA's Learner Panel in 2023 suggested that the scenarios in previous EECCS guidance were open to interpretation and that this had the potential for bias from teaching practitioners about what is defined as a 'disruption' or 'exceptional circumstance'. SQA acknowledged this feedback from learners on SQA's Learner Panel and from those learners who participated in SQA's 2022 National Qualifications Evaluation research project. Using this information, SQA has produced supportive guidance for centres, with input from key stakeholders, which provides centres with a framework to operate the EECCS. This includes greater clarity on the eligibility criteria for heads of centres to decide whether to submit a request for this service. The guidance acknowledges that it does not and cannot reflect every possible scenario that may occur but does include clearer examples of likely scenarios to aid decision making. At the specific instruction of the Learner Panel, this guidance also highlights that personal exceptional circumstances can relate to situations where a learner has caring responsibilities that prevent their attendance at the exam or affects their performance. SQA also produces a 'Your Exams' guidance document which provides learners with information on the EECC service to ensure that they are aware that this service is available.

A legal review of the Appeals 2023 policy and EECCS policy was undertaken in March 2023. Feedback received was incorporated into the diet 2022–23 version and remains in the 2023–24 versions.

A full evaluation of the 2023 assessment approach is underway but has not yet concluded. Preliminary results from SQA's survey work confirm the following responses from learners:

- **Understanding the Appeals process**

Of those learners that submitted an appeal, 915 learners responded to this question. The majority (65%) agreed or strongly agreed that they understood the Appeals process in 2023. 23% of learners disagreed or strongly disagreed.

- **Fairness of Appeals process**

Of those learners that submitted an appeal, 913 responded to this question. 17% agreed or strongly agreed that the Appeals process was fair. **63% of learners disagreed or strongly disagreed that the process was fair.**

- **Satisfaction with Appeals process**

Of those learners that submitted an appeal, 913 responded to this question. 15% agreed or strongly agreed that they were satisfied with the Appeals process in 2023. **59% disagreed or strongly disagreed that they were satisfied with the process.**

Early analysis has highlighted that a significant number of learners would prefer a return to an Appeals service for National Qualifications that includes the use of alternative academic evidence. Survey comments indicate that learners feel the use of alternative evidence would be fairer as the process takes into consideration their previous work. Some learners who expressed this said that they felt their learning was and continued to be impacted by the pandemic but that this was not taken into account by the 2023 Appeals service. Learners also expressed that the previous Appeals process had made prelims and work carried out throughout the year seem more worthwhile, and that the outcomes of this system better reflected the abilities of the candidate because of this. Some learners also indicated that changing the system from year to year put them at a disadvantage and they would prefer a consistent approach.

The evidence and rationale for moving away from an appeals system that uses alternative evidence, based on perceptions of unfairness, varying standards and over assessment of learners, to one that takes the form of marking review, as implemented in 2023, remain current and provide the evidence base for the service in 2023–24. Offering the Appeals service (marking review) addresses the balance between the needs of the system (variable quality and volume of alternative academic evidence submitted by schools, colleges and training providers) and the needs of learners (equity for all learners). Evidence available to SQA showed that learners did not always benefit from the 2022 approach to appeals based only on alternative evidence provided by their school, college or training provider. The variable quality and volume of evidence meant that the evidence made available was not always comparable. This made it difficult for SQA to ensure there was a consistency in the outcomes reached.

- **Understanding the EECCS process**

Of those learners that confirmed an EECCS request had been submitted on their behalf, 327 responded to this question. 45% agreed or strongly agreed that they understood the EECCS process, while 35% neither agreed nor disagreed. 20% of learners disagreed or strongly disagreed that they understood the EECCS process.

- **Fairness of the EECCS process**

Of those learners that submitted an EECCS request, 322 learners responded to this question. 41% of learners agreed or strongly agreed that they thought the EECCS process was fair, 41% neither agreed nor disagreed and 18% disagreed or strongly disagreed that it was fair.

- **Satisfaction with the EECCS process**

Of those learners that submitted an EECCS request, 326 learners responded to this question. 40.5% of learners agreed or strongly agreed that they were satisfied with the EECCS process. 41% neither agreed or disagreed and 18.5% disagreed or strongly disagreed that they were satisfied with the process.

Overall, it was a small proportion of the learners surveyed that confirmed an EECCS request had been submitted on their behalf. While there are a significant number of learners who neither agreed nor disagreed with the questions they were asked, it is unclear from the evaluation why they

selected this response. However, an almost equal proportion of learners of 41% and above agreed or strongly agreed that they understood EECCS, that the service was fair and that they were satisfied with the service.

In providing the same Appeals and EECC services in 2024, SQA is providing stability to the system by ensuring a consistent approach and is using an Appeals approach which brings SQA into line with the approach used in other awarding bodies in the rest of the UK. However, these early results from the 2023 evaluation learner's survey do clearly indicate that a significant number of learners would prefer an Appeals approach which makes use of their alternative academic evidence. SQA will consider this learner feedback when the full results of the 2023 evaluation are analysed to determine how it will respond to this in relation to the delivery of the Appeals service and EECCS for future examination diets.

What are the aims of this policy or practice?

A number of key principles and aims underpin the Examination Exceptional Circumstances Consideration Service. These principles and aims must be pursued, and none can be demoted or ignored in offering the EECCS.

- **Fairness** — any service should seek to ensure fairness both to those learners who access the service and those who do not. In other words, it should not confer an unfair advantage.
- **Demonstrated attainment** — a qualification grade should always be based upon direct evidence of knowledge, understanding and skills ie demonstrated attainment.
- **Externality** — regardless of the route to the grade, an appointee, trained and monitored by SQA, should review the evidence submitted with requests to use this service, against the National standard.
- **Uphold the primacy of taking examinations** — the central assumption of examinations should not be undermined through offering this service. Eligible courses have been designed to have at least one examination component (validity) and these examinations provide a standardised assessment and controlled environment to support fairness and reliability.
- **Manageability and deliverability** — any services should be deliverable by the system in the necessary timelines, including SQA processes, recruitment of appointees, and centres in transferring alternative academic evidence to SQA.
- **Credibility of results** — this service should deliver results that command the confidence of the system, both at individual level and also at a system level.
- **Empathy** — this service supports and is supported by the right attitudes and behaviours.

Underpinning the Appeals service is a set of agreed core principles.

1. Fairness to all learners.
2. Safe and secure certification of qualifications.

3. Maintaining the integrity and credibility of the qualification system, by ensuring that standards are maintained over time, in the interests of learners.

[SQA's Governing Principles](#) govern how SQA meets its statutory duties and self-regulates its activities. The policies on Appeals and EECCS support and are supported by, in particular:

- **Governing Principle 6** — SQA will work in partnership with its appointees and centres to ensure that all assessments used in its qualifications are valid and reliable.
- **Governing Principle 7** — SQA will ensure that **all qualifications and assessments are as fair and accessible as possible** and that the needs of learners are met in the management of its assessments.
- **Governing Principle 11** — SQA will work in partnership with centres to ensure that the standards of its qualifications are consistently monitored and maintained.

The EECCS has been developed to provide greater support to learners who experience disruption at the time of the exam. This service supports learners who may, for example, be affected by a medical condition at the time of examination, or bereavement (which could occur before the examination), or particular domestic circumstances. It also supports learners who have been affected by disruption during their exam. Examination circumstances relate to instances where learners have been affected during the exam by a disruption, or other exam circumstance, reported by the chief invigilator. This includes situations where the centre fails to correctly implement a pre-agreed assessment arrangement for disabled learners or those with additional support needs.

This service aims to ensure that learners impacted by a disruption or exceptional circumstance are still able to receive a grade that reflects their demonstrated attainment, particularly disabled learners, or those with additional support needs, and to allow them to achieve a qualification that would provide them with the skills, knowledge and understanding to allow them to progress to further and higher education or a career pathway of their choosing. This approach also mitigates the real risk of the EECCS being perceived as an alternative to taking the exam. Arrangements for assessing National Qualifications in 2024 are based on the central planning assumption that exams will take place. The policy makes it clear that the EECCS is a service designed to support learners who have experienced disruption which impacts them on the day of the exam.

In providing the Appeals process, SQA is striving to provide reassurance to learners who believe an error was made in the initial marking process. SQA want learners to receive a qualification and grade which is a fair and accurate reflection of their knowledge, understanding and skills. A key point in the development of the service was that the mechanism must be fair to all learners — not just those who access the service. The service should not advantage some learners at the expense of others. In 2024, as was the case in 2023, the marking review will be carried out by an experienced marker. Marking reviews are subject to quality assurance to ensure that they are carried out in line with the national standard. The marking review makes sure that:

- all parts of the externally assessed course components have been marked
- the marking is in line with the national standard
- the marks given for each answer have been totalled correctly, where appropriate
- the correct mark has been entered.

The Appeals service is not a re-mark service. The key consideration is whether the marking of each component (and overall) has been carried out to national standards and within agreed tolerances. Offering the Appeals service addresses the balance between the needs of the system (variable quality and volume of alternative academic evidence submitted by schools, colleges and training providers) and the needs of learners undertaking SQA National Qualifications (equity for all learners). As the Appeals service involves a review of coursework and exams set by SQA, these will be marked and reviewed against national standards. This reduces the possibility of any potential teacher bias introduced in internal assessments that were submitted for the Appeals 2022 service. By reviewing SQA-set assessments as part of the Appeals service, this ensures fairness for all learners as the quality of evidence will not differ across Scotland based on geographical area. The existing robust quality assurance processes in SQA's assessment process, which are also part of the Appeals service, will also reduce any potential bias when marking assessments completed by learners.

Grades can go up, go down or stay the same. There is a small chance that a grade could go down, but it is expected that this would only happen in circumstances where it has been clearly identified through the marking review process or clerical check that demonstrates clearly that the original certificated grade was made in error. SQA examiners undertake rigorous training to ensure they are clear on the marking process and that these must meet national standards, however errors, albeit minimal, do occur. SQA acknowledged feedback from learners that this will have a negative impact, but it is a difficult decision SQA must make to ensure the integrity of its qualifications.

Schools, colleges and training providers are required to support their learners to make an informed decision about whether a request should be submitted for the Appeals service. To ensure fairness and equity to all learners, particularly for those with a range of protected characteristics, if the learner is unable to reach an agreement with their school, college or training provider on whether to submit an appeal request, there will be a facility for them to submit a request directly to SQA for the Appeals service. A provision will also be made for disabled learners and those with additional support needs, or those who do not feel confident in doing so independently, to authorise a representative to submit a request on their behalf.

As the external SQA assessments are set according to national standards, the service can be seen to be fairer to all learners, particularly those in lower socio-economic areas, and learners with protected characteristics. As all learners across Scotland will be completing the same assessments for the same courses, there will be no variability in the validity, robustness and quality of alternative evidence submitted by schools, colleges and training providers. This means that SQA's Appeals service will rely on established procedures, that includes a robust quality assurance process, to ensure all learners receive an appropriate grade. There is a potential negative impact on learners when results are based on alternative evidence that does not meet national standards.

How is the content of these aims relevant to equality groups?

SQA's Appeals and EECC services are available to all learners undertaking National 5, Higher and Advanced Higher National Qualifications. SQA has considered the impact of these services on learners with protected characteristics. Furthermore, we have also considered learners and relevant others who are care experienced. In undertaking an Equality Impact Assessment of the Appeals and EECC services, we aim to establish whether there is a perceived differential impact on these groups of learners and consider what mitigating actions SQA may introduce.

SQA's EECCS is available to all learners undertaking National 5, Higher and Advanced Higher National Qualifications. The service meets the needs of a number of learners with the protected characteristic of disability — for example, disabled learners, or those that have additional support needs, or those who have a long-term health condition, as their circumstances mean they are more likely to utilise such a service.

EECCS is a service unique to Scotland in which alternative evidence can be submitted by schools, colleges and training providers on behalf of their learners. This is not a service made available by other UK awarding bodies. In this respect, this has a positive impact for learners with a range of protected characteristics, in particular disability and pregnancy or maternity. Allowing alternative evidence to be submitted and reviewed alongside any attempted coursework and exam scripts allows SQA examiners to determine a fair and appropriate grade. This means that where a learner's exam performance may have been affected by a disruption or exceptional circumstance, EECCS ensures an appropriate grade is awarded and shown on the certificate they receive in August, rather than having to wait until after certification for this to be reviewed.

The acknowledgement of the impacts of disruption on all learners, creates a set of arrangements with the potential to impact positively on all learners, including those with a range of protected characteristics. EECCS provides additional support for individual learners with additional challenges in undertaking exams in 2024. This is likely to offer support to learners with protected characteristics of disability and pregnancy and maternity.

Evidence, Consultation and Engagement

What stakeholders have you engaged with in the development of this policy or practice?

The Appeals 2023 service and EECCS were developed after gathering extensive feedback on the 2022 services and taking advice from the wider education community. This included learner, parent or carer, practitioner, school, college, local authority, and teacher and lecturer union representatives on the National Qualifications 2023 Group and SQA's Advisory Council. An extensive evaluation of awarding in 2022 was carried out with more than 3,500 learners, teachers, lecturers, parents or carers giving their views and reflecting on their experiences in 2022.

In 2023–24, the same approach to Appeals and EECCS is being taken as was used in 2022–23. Engagement in 2023–24 has included:

Internal SQA staff across the business, this includes colleagues from Operations, Qualifications Development, Policy, Analysis and Standards, Communications, Business Systems and Organisational Development.

NQ2024 Working Group and NQ2024 Strategic Group with representation from:

- School Leaders Scotland
- Association of Directors of Education Scotland
- Scottish Council of Independent Schools
- Education Institute of Scotland
- Scottish Secondary Teachers' Association
- NASUWT The Teachers Union
- Education Scotland
- National Union of Students Scotland
- Scottish Government
- Scottish Youth Parliament
- National Parent Forum of Scotland
- Colleges Scotland
- Universities Scotland
- SQA

Qualifications Committee — the Qualifications Committee provides strategic, policy and technical advice to the Board and senior officers on SQA's qualifications and their assessment, quality assurance and awarding systems.

What evidence about equality groups do you have to support this assessment?

Age	<p>SQA's Appeals and EECC services are available to all learners undertaking National 5, Higher and Advanced Higher National Qualifications. The Appeals and EECCS policies and associated processes apply equally to all learners.</p> <p>SQA's Equality Monitoring Report 2023 provides the following data for entries for these National Courses in academic year 2022–23:</p>			
	National 5 entries by age:	below 15 — 0.2%	15 to 18 — 99.3%	over 18 — 0.5%
	Higher entries by age:	below 15 — 0.0%	15 to 18 — 99.0%	over 18 — 1.0%
	Advanced Higher entries by age:	below 15 — 0.0%	15 to 18 — 99.5%	over 18 — 0.5%

	<p>As such, it can be determined that the majority of learners undertaking National Courses are between 15 and 18 years of age. This means that the majority of learners taking National Courses would be regarded as children and young people and as such, this is the demographic that is most affected by policy decisions related to the Appeals Service and EECCS. For this reason, a Children’s Rights and Wellbeing Impact Assessment (CRWIA) has also been undertaken for both the Appeals Service and EECCS.</p>																						
<p>Disability</p>	<p>SQA’s EECCS is available to all learners undertaking National 5, Higher and Advanced Higher National Qualifications. The Appeals and EECCS policies and associated processes apply equally to all learners.</p> <p>An exceptional circumstance is a circumstance that is unplanned and fundamentally affects a learner’s ability to attend or perform on the day in an examination. Exceptional circumstances are categorised as personal circumstances or examination circumstances. These are called outline reasons. Under each outline reason there are detailed reasons, such as a medical condition or a disruption. Centres are not required to specify the nature of the medical condition when submitting a request. As such we only have high level data regarding the reasons learners use the service. This is presented in the table below which covers use of the EECCS in diet 2022–23:</p> <table border="1" data-bbox="488 774 1232 1145"> <thead> <tr> <th>Reason</th> <th>Frequency</th> </tr> </thead> <tbody> <tr> <td>Disruption</td> <td>267</td> </tr> <tr> <td>Examination arrangements</td> <td>247</td> </tr> <tr> <td>Medical condition (absence)</td> <td>1,523</td> </tr> <tr> <td>Medical condition (sat the exam)</td> <td>1,069</td> </tr> <tr> <td>Bereavement (sat the exam)</td> <td>593</td> </tr> <tr> <td>Domestic circumstances (sat the exam)</td> <td>568</td> </tr> <tr> <td>Bereavement (absence)</td> <td>269</td> </tr> <tr> <td>Domestic circumstances (absence)</td> <td>160</td> </tr> <tr> <td>Exceptional absence</td> <td>50</td> </tr> <tr> <td>Total</td> <td>4,746</td> </tr> </tbody> </table> <p>The service meets the needs of a number of learners with the protected characteristic of disability — for example, learners with a disability, or those that have additional support needs, or those who have a long-term health condition, as their circumstances mean they are more likely to utilise such a service.</p> <p>Examination arrangement related exceptional circumstances include situations where the learner’s centre fails to correctly implement a pre-agreed assessment arrangement. Assessment arrangements allow disabled learners, or learners that have</p>	Reason	Frequency	Disruption	267	Examination arrangements	247	Medical condition (absence)	1,523	Medical condition (sat the exam)	1,069	Bereavement (sat the exam)	593	Domestic circumstances (sat the exam)	568	Bereavement (absence)	269	Domestic circumstances (absence)	160	Exceptional absence	50	Total	4,746
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	<p>been identified as having additional support needs, access to appropriate arrangements to complete the assessment without compromising its integrity. SQA's Summary of Assessment Arrangements report confirms that in 2023, 28,345 learners submitted a total of 91,880 requests for assessment arrangements. This represents an increase of 2640 learners from the previous year.</p> <p>In 2022, 2056 learners (of whom 277 identified as being disabled or as having additional support needs) were surveyed as part of the Evaluation of the 2022 Approach to the Assessment of Graded National Courses. In 2022 the areas of statistically significant difference between disabled learners or those with ASN and other learners, relating to Appeals and EECCS were:</p> <ul style="list-style-type: none"> • Disabled learners or those with ASN were more likely to report their centre putting in an EECCS request • Disabled learners or those with ASN were more likely to report submitting an appeal because of discrimination under the Equality Act, or agreed assessment arrangements not being provided in internal assessments • Disabled learners or those with ASN, who did not appeal, were less likely to know that they could. <p>3437 learners were surveyed as part of SQA's Diet 2023 Evaluation work. Results show that disabled learners or learners with ASN scored significantly higher on the teaching and learning disruption score than other learners. Disabled learners or learners with ASN also scored significantly lower regarding their overall satisfaction with the Appeals process than other learners.</p> <p>Survey results also showed that disabled learners and/or learners with ASN had statistically significant lower communication satisfaction scores than other learners. SQA has maintained open communications through its social media channels and by publishing articles on the SQA website related to both the Appeals Service and EECCS. This content is available to all learners and relates to developments with National Qualifications. SQA will consult with learners to ensure any communications and publications issued for the Appeals service are accessible to disabled learners or those with ASN.</p> <p>Schools, colleges and training providers are required to support their learners to make an informed decision about whether a request should be submitted for the Appeals service. To ensure fairness and equity to all learners, particularly for those with a range of protected characteristics, if the child or young person is unable to reach an agreement with their school, college or training provider on whether to submit an appeal request, there will be a facility for them to submit a request directly to SQA for the Appeals service. A provision will also be made for disabled learners or those with ASN, or those who do not feel confident in doing so independently, to authorise a representative to submit a request on their behalf.</p>
Race	<p>Information on the race of individuals who submit Appeals requests or EECCS requests is not sought or recorded. The Appeals and EECCS policies and associated processes apply equally to all learners.</p>

	<p>As previously established, over 99% of learners undertaking National Courses are between the ages of 15 and 18. As such, information provided in Scottish Government’s 2022 Pupil Census is relevant. With regard to ethnicity, the 2022 census indicated that 89% of learners were from the aggregated White ethnic group, 5% were from the aggregated Asian ethnic group and 4% were from the aggregated African, aggregated Arab, aggregated Caribbean or Black, and Mixed or Multiple ethnic groups. It should be noted that the figures above only include publicly funded and grant aided schools.</p> <p>3437 learners were surveyed as part of SQA’s Diet 2023 Evaluation work. Results show that 86% of survey respondents were from the aggregated White ethnic group, 7% were from the aggregated Asian ethnic group and 5% were from the aggregated African, aggregated Arab, aggregated Caribbean or Black, and Mixed or Multiple ethnic groups.</p> <p>Data in this area is limited as the studies we identified with regard to the Scottish education system focussed on the school experiences of Black, Asian and Ethnical Minority (BAME) young people, as opposed to their experience of the Scottish assessment system for National Courses. In addition, many studies have such small participant numbers that it is not possible to generalise these to the wider population.</p> <p>While language is not a characteristic protected in the Equality Act, there can be a relationship through nation of origin between language and the protected characteristic of race. People with English as a second or alternative language may experience difficulties in understanding our communications and guidance. SQA produces a ‘Your Exams’ guide which is written in age-appropriate plain English. Centre guidance produced for the Appeals Service and EECCS makes clear that centres are responsible for holding advisory discussions with learners to ensure they clearly understand the purpose of both services, the associated eligibility criteria, and how to submit a request. They are also responsible for helping the learner to determine if it is appropriate to use the services based on their individual circumstances, estimates and grades.</p>
Religion or belief	<p>SQA do not collect learner data on religion or belief. Information regarding the religion or belief of individuals who submit Appeals requests or EECCS requests is not sought or recorded. The Appeals and EECCS policies and associated processes apply equally to all learners.</p> <p>SQA is aware that there is a gap in the equality data held relating to this protected characteristic. Work is currently underway to explore opportunities for SQA to access available equality data for learners that allow us to better understand how our products and services impact on learners with a range of protected characteristics.</p>
Sex	<p>SQA’s Appeals and EECC services are available to all learners undertaking National 5, Higher and Advanced Higher National Qualifications. The Appeals and EECCS policies and associated processes apply equally to all learners.</p>

SQA's [Equality Monitoring Report 2023](#) provides the following data for entries for these National Courses in academic year 2022–23:

National 5 entries by sex:	Female — 50.2%	Male — 49.8%
Higher entries by sex:	Female — 53.7%	Male — 46.3%
Advanced Higher entries by sex:	Female — 55.3%	Male — 44.7%

With regard to attainment, the report also confirms the following:

National 5 — Female candidates had higher A to C and A attainment rates than male candidates at National 5 for each year in the period 2019 to 2022. This remains the case in 2023. The difference in A to C attainment between female candidates and male candidates in 2023 was 3.7 percentage points (in favour of females). This is similar to the 2022 value of 3.3 percentage points, also in favour of females. In 2019, the difference in A to C attainment between female candidates and male candidates was 4.2 percentage points.

Higher — Female candidates had higher A to C and A attainment rates than male candidates at Higher for each year in the period 2019 to 2022. This remains the case in 2023. The difference in A to C attainment between female candidates and male candidates in 2023 was 5.2 percentage points. This is similar to the 2022 value of 4.7 percentage points (both in favour of female candidates). In 2019, the difference in A to C attainment between female candidates and male candidates was 4.6 percentage points.

Advanced Higher — Female candidates had higher A to C and A attainment rates than male candidates at Advanced Higher for each year in the period 2019 to 2022. This remains the case in 2023. The difference in A to C attainment between female candidates and male candidates in 2023 was 5.4 percentage points. This is similar to the 2022 value of 5.8 percentage points (both in favour of female candidates). In 2019, the difference in A to C attainment between female candidates and male candidates was 4.6 percentage points.

What can be gathered from the data is that despite changes to the Appeals Service and EECCS models from 2019 to 2023, differences in attainment between females and males have remained consistent. Both services are designed to treat all learners fairly and equally.

The [Summary of Appeals outcomes 2023](#) report published by SQA confirms there was no significant difference of appeal rates by sex (Pearson's Chi-squared test: $X^2 = 0$, $df = 1$, $p = 0.986$). The appeal rate was higher for females than males by 0.7%. 21,375 appeals (7.6% of entries) were from females. 18,270 appeals (7.0% of entries) were from males. The Not

	<p>Applicable and Not Known sex categories had small entry numbers (65 and 110 respectively) and had 10 and fewer than five appeal requests, respectively.</p> <p>Appeal outcomes varied by sex (Pearson's Chi-squared test: $X^2 = 44$, $df = 2$, $p < 0.001$). The upgrade rate for females (11.0%) was higher than the upgrade rate for males (9.0%). The Not Applicable and Not Known sex categories had small entry numbers (65 and 110 respectively) and had 10 and fewer than five appeal requests, respectively.</p> <p>Due to the wide range of factors that can influence this upgrade rate, which is based on demonstrated evidence of individual learner attainment in a particular subject and at a particular SCQF level, it is not possible to determine why the upgrade rate for females was higher than the upgrade rate for males. SQA is confident that there is no evidence that this difference is linked to the Appeals service model or EECCS which are both designed to treat all learners fairly and equally.</p> <p>3437 learners were surveyed as part of SQA's Evaluation of Diet 2023 work, and results show that males scored significantly lower on the teaching and learning disruption score than other learners. Additionally, results indicate that females were significantly less satisfied with the appeals process than males. Males scored significantly higher on overall satisfaction than other learners.</p>
<p>Sexual orientation</p>	<p>Information regarding sexual orientation is not sought or recorded by the Appeals Service or the EECCS. The Appeals and EECCS policies and associated processes apply equally to all learners.</p> <p>3437 learners were surveyed as part of SQA's Evaluation of Diet 2023 work. Learners were asked if they identified as part of the LGBTQI+ community. 17% of learners responded that they did. Although not directly comparable to the survey question, according to the ONS, 3% of the UK population aged 16 years and over identified as lesbian, gay or bisexual (LGB) in 2022. For those aged 16 to 24 years, 9% or identified as LGB.</p> <p>The Diet 2023 Evaluation survey results indicated that LGBTQI+ learners had statistically significant lower communication satisfaction scores than other learners. LGBTQI+ learners also scored significantly higher on the teaching and learning disruption score than other learners and scored significantly lower on overall satisfaction with the Appeals process than other learners.</p> <p>Youth Scotland's Life in Scotland for LGBT Young People 2022 report states the following:</p> <ul style="list-style-type: none"> • 70% of participants felt that homophobia, biphobia and transphobia had a negative effect on their educational experience • 36% felt that homophobia, biphobia or transphobia had a negative effect on their educational attainment.

<p>Gender re-assignment (gender identity and transgender)</p>	<p>Information regarding gender re-assignment (gender identity and transgender) is not sought or recorded by the Appeals Service or the EECCS. The Appeals and EECCS policies and associated processes apply equally to all learners.</p> <p>3437 learners were surveyed as part of SQA's Evaluation of Diet 2023 work, 59% of survey respondents described their gender as woman or girl, 35% described their gender as man or boy and 2% described their gender as non-binary. Survey results show that nonbinary learners had statistically significant lower communication satisfaction scores than other learners.</p> <p>SQA is aware that there is a gap in the equality data held relating to this protected characteristic. Work is currently underway to explore opportunities for SQA to access available equality data for learners that allow us to better understand how our products and services impact on learners with a range of protected characteristics.</p>
<p>Marriage or civil partnership</p>	<p>SQA do not collect learner data on marriage or civil partnerships. The Appeals and EECCS policies and associated processes apply equally to all learners.</p> <p>As over 99% of learners undertaking National 5, Higher and Advanced Higher National Courses are between the ages of 15 and 18, it is highly unlikely that many learners with this protected characteristic would be accessing the Appeals Service or EECCS.</p> <p>It has not been possible to source any data relating to the number of individuals between the ages of 16 and 18 in Scotland who are married. The National Records for Scotland report that the average age of marriage has risen for both men and women: 'The average age at marriage has risen for both males and females. For first marriages, the average age of males has risen from 24.3 in the mid-1970s to 34.5 in 2019; the comparable figures for females are 22.4 in the mid-1970s and 32.9 in 2019.' The ONS give marital status by age but the groups are under 20 and 20–24, which does not provide useful data for this assessment — it also does not include Scotland in the data.</p>
<p>Pregnancy or maternity</p>	<p>SQA do not collect learner data on pregnancy and maternity. The Appeals and EECCS policies and associated processes apply equally to all learners.</p> <p>The National Records for Scotland report that the fertility rate for women aged 15–19 is at a historic low, showing the lowest rate (under 20 per 1000) since 1951. Due to this, and the data that more than 99% of learners undertaking National Courses are aged between 15 and 18, it is unlikely that many learners will be covered by this protected characteristic.</p> <p>SQA is aware that there is a gap in the equality data held relating to this protected characteristic. Work is currently underway to explore opportunities for SQA to access available equality data for learners that allow us to better understand how our products and services impact on learners with a range of protected characteristics.</p>

<p>Care experience (where relevant)</p>	<p>SQA has a corporate parenting commitment to ensure its EqIA process considers the needs of care-experienced young people, by treating care experience as if it were a protected characteristic covered by the Equality Act (2010). Additionally, a Children’s Rights and Wellbeing Impact Assessment (CRWIA) has also been undertaken for both the Appeals Service and EECCS.</p> <p>3437 learners were surveyed as part of SQA’s Evaluation of Diet 2023 work. 5% of survey respondents said that they were care experienced.</p> <p>While no evidence of any potential barriers was identified as part of this review, SQA is a proud corporate parent and acutely aware of the unique challenges that care-experienced people face. Our approach is, as with all learners, to protect the learner wherever possible and minimise any disadvantage or distress. SQA understands that ‘child’ means everyone under the age of 18 unless ‘under the law applicable to the child, majority is attained earlier’. 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. For this reason, a Children’s Rights and Wellbeing Impact Assessment (CRWIA) has also been undertaken for both the Appeals Service and EECCS.</p> <p>According to the Scottish Government’s Children’s Social Work Statistics Scotland: 2021 to 2022 report (published April 2023), on 31 July 2022, 14,627 children in Scotland were looked after or on the Child Protection Register — 1.5% of Scotland’s under 18 population. There were 12,596 looked after children in Scotland, a decrease of 5% from 31 July 2021. However, according to Who Cares? Scotland, these statistics do not take into consideration circumstances such as informal kinship care. Moreover, some learners may have historic care experience even if they are not currently in care.</p> <p>In August 2023, the Scottish Government published information on attainment and leaver destinations for school leavers in Scotland who were looked after during the 2021–22 school year. Headline figures show that more care-experienced children are staying in school for longer and achieving higher qualifications than the previous year. However, there are still large gaps compared with all learners. The latest figures show that:</p> <ul style="list-style-type: none"> • care-experienced school leavers continue to have lower attainment than other school leavers. • care-experienced children and young people leave school earlier than their non-care-experienced peers. • care-experienced children are less likely to be in positive destinations nine months after leaving school. • the rate of exclusions among care-experienced children is much higher than among the general school population. • the more disruption a child faces — for example placement moves — the higher their likelihood of exclusion.
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- figures show that at all levels, care-experienced students have lower rates of course completion at university and college than other students.
- care-experienced children are automatically deemed to have additional support needs, unless otherwise assessed.

The [SQA Corporate Parenting Plan 2023–26](#) provides the following data:

31.7% looked-after school leavers left in S4 or earlier (down from 37.3% in 2020–21) compared with 12.4% of all leavers in 2021–22.

78.3% looked-after school leavers with one or more qualification at SCQF level 4 or better (up from 70.9% in 2020–21), compared with 96.4% of all leavers in 2021–22.

SQA is aware that there is a gap in the equality data held relating to this protected characteristic. Work is currently underway to explore opportunities for SQA to access available equality data for learners that allow us to better understand how our products and services impact on learners with a range of protected characteristics.

Impact and opportunities for action

Protected characteristic: Age
General equality duties:
Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
The Appeals policy and EECCS policy apply equally to all learners and all equality groups. SQA does not hold any evidence to demonstrate that the process has a negative impact on learners with regard to the protected characteristic of age.
Advance equality of opportunity
<p>Core principle underpinning the Appeals service: Fairness to all learners</p> <p>Core principle underpinning the EECC service; Fairness — any service should seek to ensure fairness both to those learners who access the service as well as to those who do not. In other words, it should not confer an unfair advantage. Where an opportunity may exist in the future to advance equality of opportunity for this particular equality group this will be considered.</p> <p>As previously established, over 99% of learners undertaking National Courses are between the ages of 15 and 18. Learners can directly access SQA's Appeals service if they have a concern about the grade they have been awarded and they have attempted to discuss their concerns with their school, college or training provider but were unable to reach an agreement. By ensuring there is a facility for children and young people to directly access the Appeals service if their school, college or training provider are not supportive of their intention to do so, SQA acknowledges the rights of the child and provides them with an opportunity to be involved in a service that impacts their education. Children and young people who do not feel comfortable submitting a request directly to SQA will also be able to authorise a representative to do so on their behalf.</p> <p>A Children's Rights and Wellbeing Impact Assessment has also been undertaken for both the Appeals policy and the EECCS policy.</p>

Foster good relations

SQA currently works with the Scottish Youth Parliament (SYP) to run a monthly Learner Panel which consists of members of the Scottish Youth Parliament, school learners from S3–S6, college learners, and care-experienced learners. There is also a sub-group of the panel who work with SQA on their communications to provide feedback to help shape SQA’s messages and campaigns for a learner audience.

As well as continuing to seek learners’ views on issues directly related to the arrangements for assessing NQs, SQA has sought the views of learners on assessment, qualifications, communications and services. The full Diet 2023 evaluation will be published in due course. SQA will continue to seek the views of children and young people on any proposed changes to the future of assessment, qualifications, communications and services.

Protected characteristic: Disability

General equality duties:

Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010

The Appeals policy and EECCS policy apply equally to all learners and all equality groups.

It is recognised that a potential negative impact on learners with protected characteristics is the reliance on centres to submit a request for EECCS on the learner’s behalf. While appropriate and clear guidance and support can be published for schools, colleges and training providers to refer to, SQA does not have the ability to effectively mitigate any potential inequity in how this service is being used. However, SQA relies on the professional judgement of schools, colleges and training providers and their understanding of the learners’ individual circumstances to best support their learners to make an appropriate and informed decision about whether to access EECCS. There is also the option for learners with protected characteristics or their parent or carer to contact SQA if they are not satisfied with the way in which their concerns have been handled by the school, college or training provider.

Advance equality of opportunity

Core principle underpinning the Appeals service: Fairness to all learners

Core principle underpinning the EECC service; Fairness — any service should seek to ensure fairness both to those learners who access the service as well as to those who do not. In other words, it should not confer an unfair advantage. Where an opportunity may exist in the future to advance equality of opportunity for this particular equality group this will be considered.

The enhancements made to the Appeals service in 2023 that relate to enabling learner direct access and offering the service free of charge, will remain. These enhancements remove barriers learners may have otherwise faced accessing the services. They also eliminate any potential teacher or lecturer bias related to submitting an appeal request.

The EECC service has been developed to support learners who experience disruption at the time of the exam. This service aims to ensure that learners impacted by a disruption or exceptional circumstance are still able to receive a grade that reflects their demonstrated attainment, particularly learners with the protected characteristic of disability — for example, disabled learners, or those that have additional support needs, or those who have a long-term health condition, as their circumstances mean they are more likely to utilise such a service. EECCS is a service unique to Scotland in which alternative evidence can be submitted by schools, colleges and training providers on behalf of their learners. This is not a service made available by other UK awarding bodies. In this respect, this has a positive impact for learners with the protected characteristic of disability.

Examination arrangement related exceptional circumstances include situations where the learner's centre fails to correctly implement a pre-agreed assessment arrangement. Assessment arrangements allow disabled learners or those with additional support needs access to appropriate arrangements to complete the assessment without compromising its integrity.

Foster good relations

SQA has maintained open communications through its social media channels and by publishing articles on the SQA website related to both the Appeals Service and EECCS. This content is available to all learners and relates to developments with National Qualifications. SQA has considered feedback from learners about the need for clearer and more user-friendly language. SQA will consult with learners to ensure any communications and publications issued for the Appeals service are age-appropriate and accessible to disabled learners or those with additional support needs.

Protected characteristic: Race

General equality duties:

Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010

The Appeals policy and EECCS policy apply equally to all learners and all equality groups.

It is recognised that a potential negative impact on learners with protected characteristics is the reliance on centres to submit a request for EECCS on the learner's behalf. While appropriate and clear guidance and support can be published for schools, colleges and training providers to refer to, SQA does not have the ability to effectively mitigate any potential inequity in how this service is being used. However, SQA relies on the professional judgement of schools, colleges and training providers and their understanding of the learners' individual circumstances to best support their learners to make an appropriate and informed decision about whether to access EECCS. There is also the option for learners with protected characteristics or their parent or carer to contact SQA if they are not satisfied with the way in which their concerns have been handled by the school, college or training provider.

Advance equality of opportunity

Core principle underpinning the Appeals service: Fairness to all learners

Core principle underpinning the EECC service; Fairness — any service should seek to ensure fairness both to those learners who access the service as well as to those who do not. In other words, it should not confer an unfair advantage. Where an opportunity may exist in the future to advance equality of opportunity for this particular equality group this will be considered.

The enhancements made to the Appeals service in 2023 that relate to enabling learner direct access and offering the service free of charge, will remain. These enhancements remove barriers learners may have otherwise faced accessing the services. They also eliminate any potential teacher or lecturer bias related to submitting an appeal request.

Foster good relations

While language is not a characteristic protected in the Equality Act, there can be a relationship through nation of origin between language and the protected characteristic of race. People with English as a second or alternative language may experience difficulties in understanding our communications and guidance. SQA produces a 'Your Exams' guide which is written in age-appropriate plain English. Centre guidance produced for the Appeals Service and EECCS makes clear that centres are responsible for holding advisory discussions with learners to ensure they clearly understand the purpose of both services, the associated eligibility criteria, and how to submit a request. They are also responsible for helping the learner to determine if it is appropriate to use the services based on their individual circumstances, estimates and grades.

As highlighted in the [Scottish Qualifications Authority Children's Rights Report April 2020 to April 2023](#), anti-racism is a priority within Scottish education. Pupils, parents and educators alike have stressed the importance of widening the curriculum and designing education environments that are free from racism. As a result, the Scottish Government has created the Anti-Racism in Education Programme (AREP) which sets out to implement this change. One important aspect of how the AREP works is the acknowledgement of lived experience as integral to informing decisions within the group. There are representatives from Intercultural Youth Scotland and the Scottish Youth Parliament to ensure the youth voice is brought forward. SQA and such partners are key drivers of the programme, and a specific SQA Anti-racist Education Plan is in place. The actions include raising awareness of anti-racism through training, collation of data to make evidence-based decisions, engaging with SQA employee networks, and considering our recruitment practices. Understanding how racism shows up in policy, procedures and products is essential to engaging with this work and it is understood that this requires long-term effort. SQA has a dedicated Research and Policy Manager who drives this anti-racist education work and we have recently engaged our director of communications as a sponsor for anti-racist education.

Protected characteristic: Religion or belief

General equality duty

Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010

The Appeals policy and EECCS policy apply equally to all learners and all equality groups.

It is recognised that a potential negative impact on learners with protected characteristics is the reliance on centres to submit a request for EECCS on the learner's behalf. While appropriate and clear guidance and support can be published for schools, colleges and training providers to refer to, SQA does not have the ability to effectively mitigate any potential inequity in how this service is being used. However, SQA relies on the professional judgement of schools, colleges and training providers and their understanding of the learners' individual circumstances to best support their learners to make an appropriate and informed decision about whether to access EECCS. There is also the option for learners with protected characteristics or their parent or carer to contact SQA if they are not satisfied with the way in which their concerns have been handled by the school, college or training provider.

Advance equality of opportunity

Core principle underpinning the Appeals service: Fairness to all learners

Core principle underpinning the EECC service; Fairness — any service should seek to ensure fairness both to those learners who access the service as well as to those who do not. In other words, it should not confer an unfair advantage. Where an opportunity may exist in the future to advance equality of opportunity for this particular equality group this will be considered.

The enhancements made to the Appeals service in 2023 that relate to enabling learner direct access and offering the service free of charge, will remain. These enhancements remove barriers learners may have otherwise faced accessing the services. They also eliminate any potential teacher or lecturer bias related to submitting an appeal request.

Foster good relations

SQA currently works with the Scottish Youth Parliament (SYP) to run a monthly Learner Panel which consists of members of the Scottish Youth Parliament, school learners from S3–S6, college learners, and care-experienced learners. There is also a sub-group of the panel who work with SQA on their communications to provide feedback to help shape SQA's messages and campaigns for a learner audience.

As well as continuing to seek learners' views on issues directly related to the arrangements for assessing NQs, SQA has sought the views of learners on assessment, qualifications, communications and services. The full Diet 2023 evaluation will be published in due course. SQA will continue to seek the views of children and young people on any proposed changes to the future of assessment, qualifications, communications and services.

Protected characteristic: Sex
General equality duty
Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
<p>The Appeals policy and EECCS policy apply equally to all learners and all equality groups.</p> <p>It is recognised that a potential negative impact on learners with protected characteristics is the reliance on centres to submit a request for EECCS on the learner’s behalf. While appropriate and clear guidance and support can be published for schools, colleges and training providers to refer to, SQA does not have the ability to effectively mitigate any potential inequity in how this service is being used. However, SQA relies on the professional judgement of schools, colleges and training providers and their understanding of the learners’ individual circumstances to best support their learners to make an appropriate and informed decision about whether to access EECCS. There is also the option for learners with protected characteristics or their parent or carer to contact SQA if they are not satisfied with the way in which their concerns have been handled by the school, college or training provider.</p>
Advance equality of opportunity
<p>Core principle underpinning the Appeals service: Fairness to all learners Core principle underpinning the EECC service; Fairness — any service should seek to ensure fairness both to those learners who access the service as well as to those who do not. In other words, it should not confer an unfair advantage. Where an opportunity may exist in the future to advance equality of opportunity for this particular equality group this will be considered.</p> <p>The enhancements made to the Appeals service in 2023 that relate to enabling learner direct access and offering the service free of charge, will remain. These enhancements remove barriers learners may have otherwise faced accessing the services. They also eliminate any potential teacher or lecturer bias related to submitting an appeal request.</p>
Foster good relations
<p>SQA currently works with the Scottish Youth Parliament (SYP) to run a monthly Learner Panel which consists of members of the Scottish Youth Parliament, school learners from S3–S6, college learners, and care-experienced learners. There is also a sub-group of the panel who work with SQA on their communications to provide feedback to help shape SQA’s messages and campaigns for a learner audience.</p> <p>As well as continuing to seek learners’ views on issues directly related to the arrangements for assessing NQs, SQA has sought the views of learners on assessment, qualifications, communications and services. The full Diet 2023 evaluation will be published in due course. SQA will continue to seek the views of children and young people on any proposed changes to the future of assessment, qualifications, communications and services.</p>

Protected characteristic: Sexual orientation
General equality duty
Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
<p>The Appeals policy and EECCS policy apply equally to all learners and all equality groups.</p> <p>It is recognised that a potential negative impact on learners with protected characteristics is the reliance on centres to submit a request for EECCS on the learner’s behalf. While appropriate and clear guidance and support can be published for schools, colleges and training providers to refer to, SQA does not have the ability to effectively mitigate any potential inequity in how this service is being used. However, SQA relies on the professional judgement of schools, colleges and training providers and their understanding of the learners’ individual circumstances to best support their learners to make an appropriate and informed decision about whether to access EECCS. There is also the option for learners with protected characteristics or their parent or carer to contact SQA if they are not satisfied with the way in which their concerns have been handled by the school, college or training provider.</p>
Advance equality of opportunity
<p>Core principle underpinning the Appeals service: Fairness to all learners Core principle underpinning the EECC service; Fairness — any service should seek to ensure fairness both to those learners who access the service as well as to those who do not. In other words, it should not confer an unfair advantage. Where an opportunity may exist in the future to advance equality of opportunity for this particular equality group this will be considered.</p> <p>The enhancements made to the Appeals service in 2023 that relate to enabling learner direct access and offering the service free of charge, will remain. These enhancements remove barriers learners may have otherwise faced accessing the services. They also eliminate any potential teacher or lecturer bias related to submitting an appeal request.</p>
Foster good relations
<p>As highlighted in the Scottish Qualifications Authority Children’s Rights Report April 2020 to April 2023, SQA is a member of the LGBT Inclusive Education Implementation Group which was established to take forward the recommendations of a report developed by the LGBT Inclusive Education Working Group in November 2018. The Scottish Government accepted all 33 recommendations of the report. Recommendation 15 is specific to SQA:</p> <p><i>In recognising the centrality of national qualifications in shaping educational discourse, that SQA and Education Scotland work with the Implementation Group to ensure appropriate inclusion of LGBT matters in the development of new or adapted course specifications, and relevant guidance, across the curriculum.</i></p>

SQA is committed to incorporating LGBT matters in new and revised National Courses. This commitment is driven by Recommendation 15 of the LGBT Inclusive Education Working Group report to the Scottish Ministers.

Protected characteristic: Gender re-assignment (gender identity and transgender)

General equality duty

Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010

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It is recognised that a potential negative impact on learners with protected characteristics is the reliance on centres to submit a request for EECCS on the learner's behalf. While appropriate and clear guidance and support can be published for schools, colleges and training providers to refer to, SQA does not have the ability to effectively mitigate any potential inequity in how this service is being used. However, SQA relies on the professional judgement of schools, colleges and training providers and their understanding of the learners' individual circumstances to best support their learners to make an appropriate and informed decision about whether to access EECCS. There is also the option for learners with protected characteristics or their parent or carer to contact SQA if they are not satisfied with the way in which their concerns have been handled by the school, college or training provider.

Advance equality of opportunity

Core principle underpinning the Appeals service: Fairness to all learners

Core principle underpinning the EECC service; Fairness — any service should seek to ensure fairness both to those learners who access the service as well as to those who do not. In other words, it should not confer an unfair advantage. Where an opportunity may exist in the future to advance equality of opportunity for this particular equality group this will be considered.

The enhancements made to the Appeals service in 2023 that relate to enabling learner direct access and offering the service free of charge, will remain. These enhancements remove barriers learners may have otherwise faced accessing the services. They also eliminate any potential teacher or lecturer bias related to submitting an appeal request.

Foster good relations

SQA has developed [guidance for centres](#) that raises awareness of gender identity and transgender and provides information on updating SQA's transgender learners' personal information.

Protected characteristic: Marriage or civil partnership

General equality duty

Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010

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Advance equality of opportunity

Core principle underpinning the Appeals service: Fairness to all learners

Core principle underpinning the EECC service; Fairness — any service should seek to ensure fairness both to those learners who access the service as well as to those who do not. In other words, it should not confer an unfair advantage. Where an opportunity may exist in the future to advance equality of opportunity for this particular equality group this will be considered.

The enhancements made to the Appeals service in 2023 that relate to enabling learner direct access and offering the service free of charge, will remain. These enhancements remove barriers learners may have otherwise faced accessing the services. They also eliminate any potential teacher or lecturer bias related to submitting an appeal request.

Foster good relations

SQA does not have a Public Sector Equality duty to foster good relations on the basis of marriage and civil partnership.

Protected characteristic: Pregnancy or maternity

General equality duty

Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010

The Appeals policy and EECCS policy apply equally to all learners and all equality groups.

It is recognised that a potential negative impact on learners with protected characteristics is the reliance on centres to submit a request for EECCS on the learner's behalf. While appropriate and clear guidance and support can be published for schools, colleges and training providers to refer to, SQA does not have the ability to effectively mitigate any potential inequity in how this service is being used. However, SQA relies on the professional judgement of schools, colleges and training providers and their understanding of the learners' individual circumstances to best support their learners to make an appropriate and informed decision about whether to access EECCS. There is also the option for learners with protected characteristics or their parent or carer to contact SQA if they are not satisfied with the way in which their concerns have been handled by the school, college or training provider.

Advance equality of opportunity

Core principle underpinning the Appeals service: Fairness to all learners

Core principle underpinning the EECC service; Fairness — any service should seek to ensure fairness both to those learners who access the service as well as to those who do not. In other words, it should not confer an unfair advantage. Where an opportunity may exist in the future to advance equality of opportunity for this particular equality group this will be considered.

The enhancements made to the Appeals service in 2023 that relate to enabling learner direct access and offering the service free of charge, will remain. These enhancements remove barriers learners may have otherwise faced accessing the services. They also eliminate any potential teacher or lecturer bias related to submitting an appeal request.

The EECC service has been developed to provide learners who experience disruption at the time of the exam. This service aims to ensure that learners impacted by a disruption or exceptional circumstance are still able to receive a grade that reflects their demonstrated attainment, particularly learners with the protected characteristic of pregnancy or maternity as their circumstances mean they are more likely to utilise such a service. EECCS is a service unique to Scotland in which alternative evidence can be submitted by schools, colleges and training providers on behalf of their learners. This is not a service made available by other UK awarding bodies. In this respect, this has a positive impact for learners with the protected characteristic of pregnancy or maternity.

Examination arrangement related exceptional circumstances include situations where the learner's centre fails to correctly implement a pre-agreed assessment arrangement. Assessment arrangements allow disabled learners and or those with additional support needs, access to appropriate arrangements to complete the assessment without compromising its integrity.

Foster good relations

SQA currently works with the Scottish Youth Parliament (SYP) to run a monthly Learner Panel which consists of members of the Scottish Youth Parliament, school learners from S3–S6, college learners, and care-experienced learners. There is also a sub-group of the panel who work with SQA on their communications to provide feedback to help shape SQA's messages and campaigns for a learner audience.

As well as continuing to seek learners' views on issues directly related to the arrangements for assessing NQs, SQA has sought the views of learners on assessment, qualifications, communications and services. The full Diet 2023 evaluation will be published in due course. SQA will continue to seek the views of children and young people on any proposed changes to the future of assessment, qualifications, communications and services.

Due to the lack of evidence in this area, it is not possible to identify further impacts that might foster good relations between this group and others.

Considered by SQA: Care experience (where relevant)

General equality duty

Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010

The Appeals policy and EECCS policy apply equally to all learners and all equality groups.

It is recognised that a potential negative impact on learners with protected characteristics is the reliance on centres to submit a request for EECCS on the learner's behalf. While appropriate and clear guidance and support can be published for schools, colleges and training providers to refer to, SQA does not have the ability to effectively mitigate any potential inequity in how this service is being used. However, SQA relies on the professional judgement of schools, colleges and training providers and their understanding of the learners' individual circumstances to best support their learners to make an appropriate and informed decision about whether to access EECCS. There is also the option for learners with protected characteristics or their parent or carer to contact SQA if they are not satisfied with the way in which their concerns have been handled by the school, college or training provider.

Advance equality of opportunity

Core principle underpinning the Appeals service: Fairness to all learners

Core principle underpinning the EECC service; Fairness — any service should seek to ensure fairness both to those learners who access the service as well as to those who do not. In other words, it should not confer an unfair advantage. Where an opportunity may exist in the future to advance equality of opportunity for this particular equality group this will be considered.

The enhancements made to the Appeals service in 2023 that relate to enabling learner direct access and offering the service free of charge, will remain. These enhancements remove barriers learners may have otherwise faced accessing the services. They also eliminate any potential teacher or lecturer bias related to submitting an appeal request.

Foster good relations

SQA is a proud corporate parent and acutely aware of the unique challenges that care-experienced people face. Our approach is, as with all learners, to protect the learner wherever possible and minimise any disadvantage/distress. SQA understands that ‘child’ means everyone under the age of 18 unless ‘under the law applicable to the child, majority is attained earlier’. 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. For this reason, SQA has a corporate parenting commitment to ensure its EqIA process considers the needs of care-experienced young people, by treating care experience as if it were a protected characteristic covered by the Equality Act (2010). Additionally, a Children’s Rights and Wellbeing Impact Assessment (CRWIA) has also been undertaken for both the Appeals Service and EECCS.

As highlighted in the [Scottish Qualifications Authority Children’s Rights Report April 2020 to April 2023](#), SQA aim to ensure that employees are aware of SQA’s duties as a corporate parent and that they understand the lifelong impact of care experience. Our corporate induction programme includes information about SQA’s corporate parenting responsibilities, commitments, and the services we offer to support care-experienced young people. Our online corporate parenting training, available to all staff on our SQA Academy site, emphasises how important this role is to SQA. The training encourages staff to promote the wellbeing of care-experienced young people through the work they do, to consider possible links with their role and the implications for care-experienced young people, and to think about what they can change in their work to ensure that care-experienced young people are being supported.

Rationale

If you are proceeding with a decision that may have a negative impact and are not putting in place actions to mitigate against this, please explain how this is objectively justified.

It is recognised that a potential negative impact on learners with protected characteristics is the reliance on centres to submit a request for EECCS on the learner’s behalf. While appropriate and clear guidance and support can be published for schools, colleges and training providers to refer to, SQA does not have the ability to effectively mitigate any potential inequity in how this service is being used.

When the EECCS process for 2022–23 was considered, SQA set up an external advisory group with a wide range of representatives including school and parent groups drawn from the National Qualifications Working Group 2022. This group was unanimous in its support for all requests to come via the head of centre in the interests of fairness to learners. This approach was also supported by the National Qualifications Strategic Group in 2022. In the interest of maintaining fairness to all learners across Scotland, SQA has continued with this approach in 2023–24. As learners do not have direct access to the EECC service and this could result in bias or barriers to accessing the service, responsibility for determining eligibility to use the service lies with the head of centre or their delegate.

Eligibility for the EECCS in 2024, as in previous years, is determined by the school, college or training provider based on guidance provided by SQA and authorised by the head of centre or their delegate. In other words, centres access the service to help support fairness of access — there is no direct access for learners. Responsibility for determining eligibility to use the service lies with the head of centre or their delegate. This is important as it is the schools, colleges and training providers that are closer to the particular circumstances learners experience and so it is appropriate that they make these decisions in collaboration with their learners based on this developed understanding of their circumstances and the associated impacts. Also, centres are better placed to understand the specific requirements related to the submission of an EECCS request and as such can better support learners in deciding whether a request should be made. SQA has trust in the head of centre role to ensure use of the service is as legitimate, consistent and as fair as possible. It should be noted that learners are required to give their consent to ensure they agree with a request being submitted on their behalf.

In 2022 SQA acknowledged feedback from learners that described the current guidance to schools, colleges and training providers defining the types of exceptional circumstance that would be considered under EECCS as too vague. Learners raised concerns that the guidance may be open to bias from teachers and lecturers about whether to submit a request for a learner and how significantly the circumstance has affected their performance. Following engagement with SQA's learner panel on this, SQA updated the centre guidance in 2023 to ensure this is as clear and concise as possible to support heads of centre to decide whether to submit an EECCS request. This has the potential to address any negative impacts of teacher bias in deciding whether to submit a request on behalf of learners with protected characteristics.

This EqIA demonstrates that reasonable steps have been taken by SQA, within a highly complex set of circumstances, to consider the needs of learners across Scotland with protected characteristics, along with the requirement to ensure the integrity of qualifications. SQA will continue to carry out monitoring work to understand and evaluate the impacts of different arrangements on learners for determining the approach to assessment in the 2024–25 academic year.