



Equality Impact Assessment: SQA Appeals Service 2021

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Background and context

Alternative Certification Model 2021

The 2021 Alternative Certification Model (ACM) represents a significant adjustment to SQA's long-standing policy and practice for awarding graded National Courses, as well as a significant change to the ACM that we developed for use in 2020. This includes the absence of any estimates or results based on statistical analysis. The 2021 ACM is based on teacher and lecturer judgement, supported by quality assurance approaches to help them in generating provisional results that will be used for awarding and certification. The principal adjustments from previous approaches and models relate to:

- ◆ the use of teacher and lecturer judgement to determine results
- ◆ required candidate evidence
- ◆ the quality assurance processes for supporting and verifying valid and reliable evidence and assessment decisions

The model is intended to support equality of opportunity in the Scottish education and skills system. It is designed to enable certification in 2021, based on teacher and lecturer judgement and supported by quality assurance, in a way that meets the three key principles of:

- ◆ fairness to all learners
- ◆ safe and secure certification of qualifications, while following the latest public health advice
- ◆ maintaining the integrity and credibility of the qualifications system, ensuring that standards are maintained over time, in the interest of learners

2021 appeals service

Need for an appeals service

In 2020, SQA and the Scottish Government accepted the recommendations set out by Professor Mark Priestley in the Experience [National Qualifications Experience 2020 Rapid Review](#) that, in relation to appeals, there should be:

...‘... a review of qualification appeals systems, including consideration of the rights and roles of young people, in the context of the incorporation of the UNCRC into Scottish law..’

and

...‘... the development by SQA and partners of digital materials and systems for producing, assessing and moderating assessment evidence, to ensure that

operational processes for gathering candidate evidence for appeals are less reliant on paper-based systems.'

In 2020, in response to the Priestley Review, the Scottish Government stated that it fully recognises 'that young people are rights-holders and key stakeholders with the education system. We will ask the SQA to review the appeals system for National Qualifications, working closely with education partners, including young people, to ensure it best meets the needs of young people in line with the principles of the UNCRC'.

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

The appeals service builds on the ACM designed by the National Qualifications Group 2021. The model has been designed with learners' interests as a core consideration, constrained by the fluid and challenging circumstances affecting the education sector in 2021.

The ACM 2021 commits centres to providing ongoing feedback to learners regarding their progress and assessments, including, at the conclusion of the course, provisional grades based on evidence of demonstrated attainment.

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

Key features of the appeals service

The appeals model enables learners to appeal to SQA, following one or more clarification conversations with their centre, where the learner remains dissatisfied with their result. If any errors are identified by the centre at this point, the centre can bring these to SQA's attention. The conversation(s) can take place before and/or after certification of their award on 10 August.

If the centre and the learner agree on an appeal following this conversation, the centre can put forward the learner's appeal on their behalf. If the centre and the learner do not agree, but the learner still wants to appeal, the learner will be able to initiate an appeal with SQA directly. The appeal will proceed if the learner and centre confirm that a clarification conversation has taken place, and where the centre provides any information and assessment evidence asked for by SQA.

The appeals model enables three types of appeal to be requested:

- A Academic judgement —the learner disagrees with the centre’s quality-assured academic judgement in its assessment of the learner’s original evidence.
- B Administrative error — the learner believes that there has been an error in transferring the provisional result from the centre to SQA, or in SQA processing the provisional result.
- C Discrimination — learners can appeal in two circumstances:
 - There has been discrimination or other unlawful conduct contrary to the Equality Act 2010, acknowledged in writing by the centre, or established through court proceedings or by a ruling of the SPSO.
 - The centre failed to comply with SQA’s requirements in relation to providing assessment arrangements in relation to assessment evidence that contributed to a disabled learner’s provisional result.

The learner will be asked to identify the type of appeal that applies, and to explain their reasons for appeal for types B and C.

This year, learners’ provisional results are being determined by schools and colleges based on demonstrated attainment. The fundamental principle of the ACM — that all awarding decisions are based on evidence of demonstrated attainment — must be carried through into the approach to appeals.

All awarding decisions — even those where the evidence is subject to an additional review because of an appeal — will be solely based on demonstrated attainment. This means that, at any stage, including appeals, a learner’s result will be consistent with the knowledge, skills and understanding for which they have produced evidence.

Learners should be aware that any appeal could potentially result in an award remaining the same, being upgraded or being downgraded. The purpose of an appeal is to ensure that a learner achieves the grade their evidence merits.

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

Public sector equality duty and scope and development of the EIA

The public sector equality duty (PSED) requires SQA, in the exercise of its functions, to have due regard to the need to:

- ◆ eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- ◆ advance equality of opportunity between people who share a protected characteristic and those who do not
- ◆ foster good relations between people who share a protected characteristic and those who do not

In addition, SQA has a responsibility to assess the impact of new or modified policies and practices against these needs, and take account of the results of that assessment in developing new policies and practices. Accordingly, this is an equality impact assessment (EIA) of the appeals service for graded National Courses in session 2020–21.

This EIA considers the potential impact of the 2021 appeals service on candidates who share protected characteristics and how any potential negative impacts on those candidates could be mitigated. Other factors affecting candidates, such as socio-economic disadvantage, or circumstances that present barriers to accessing qualifications, have also been considered wherever possible. Although such factors are not covered specifically by the Equality Act 2010, the NQ 2021 Group recognises that a wide range of factors can have an impact on a candidate's ability to achieve qualifications. Furthermore, SQA has a corporate parenting commitment to ensure its EIA process considers the needs of care-experienced young people, by treating care experience as if it were a protected characteristic covered by the Equality Act 2010.

This EIA is intended to be read in conjunction with [the ACM Equalities Impact Assessment February 2021](#), which explores in detail the main aims of the ACM, potential issues and mitigation. The appeals process is the final stage in the ACM, and so this EIA should be regarded as building on the ACM EIA.

The equality evidence and mitigating actions described in the ACM EIA are relevant here. These include evidence of the impacts of COVID-19 on a range of learners with protected characteristics, the detail of the quality assurance processes which underpin the ACM 2021, and discussion of the importance of demonstrated attainment as a basis for awarding decisions. In particular, the risk of bias affecting some assessment decisions, which has a potential adverse impact on all candidates (including those with protected characteristics), is relevant to this EIA of the appeals service. The risk may remain to some degree despite the quality assurance approaches that are in place to mitigate it.

This EIA has informed the evolution of the appeals service.

Evidence considered since publication of ACM EIA in February 2021

Review of evidence:

- ◆ The desktop research reviewed in relation to appeals for the National Course certification model in 2020.
- ◆ Desktop research and consultation responses reviewed in relation to ACM 2021.
- ◆ Desktop review of published secondary evidence including the Equity Audit completed by Education Scotland and Scottish Government in January 2021, interim report on [The Impact of COVID-19 on Fair Access to Higher Education](#) and other reports.

Engagement:

- ◆ SQA has engaged with the National Qualifications 2021 Group throughout development of the ACM for 2020–21 and discussed the components of the appeals service with this Group and its supporting working group on a number of occasions.

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

Research:

- ◆ SQA commissioned primary research (see next subsection 'Consultation findings summary') to better understand the views of employers and education institutions who provide the opportunities that learners seek to access by means of their SQA qualifications. This will be published alongside this EIA.
- ◆ SQA commissioned research and advice on relevant areas of law as they affect decision-making on appeals, including a report on appeals and the incorporation of the UNCRC in domestic law in international comparator qualification systems.

Consultation findings summary

The consultation asked for views on a range of draft proposals, including several potential appeals models. A main aim was to gather views on the equality-related aspects of the appeals model to make sure that fairness and equity for learners are at the heart of the appeals system used for National Qualifications in 2021. The feedback has shaped SQA's approach for 2021, which strives to ensure SQA discharges the PSED.

The consultation was open to all SQA stakeholders and SQA particularly welcomed the views of learners, parents and carers, and practitioners in schools, colleges and training providers. A report of the consultation findings will be published alongside this impact assessment.

A wide range of comments were received, some of which directly related to the impact of the proposed system on individuals with protected characteristics, while others covered the more general impacts of the proposed appeals system. A range of themes emerged:

Socio-economic background

- ◆ A view that the appeals system may be used disproportionately by more affluent learners who have support from parents/family who understand how the education system functions. Other groups of learners, such as those from less affluent backgrounds; those with little or no parental/family support and a range of learners with protected characteristics (including learners with English as an additional language; those with disabilities or additional support needs; those who are care-experienced) may make less use of an appeals system as they may not have the support to do so or may not find it accessible — leading to potentially missing out on successful appeals.

Learners with protected characteristics

- ◆ There were a range of comments relating to learners who may be entitled to reasonable adjustments such as assessment arrangements. There were concerns that those learners may not get the support they need, due to disruption caused by COVID-19, which in turn could impact adversely on their ability to appeal.
- ◆ Learners with English as an additional language or learners with additional support needs may find it harder to understand and access the appeals system.
- ◆ Some respondents argued that it was important that appeals were carried out by SQA to limit the possibility of any unconscious or conscious bias within a centre, and that appeals information should be considered without personal information to prevent discrimination against those with protected characteristics.
- ◆ A significant number of responses advocated that SQA should consider learners' personal circumstances this year through appeal, to prevent any further disadvantage to learners including those with protected characteristics.
- ◆ Other respondents acknowledged that learners had been impacted in different ways but that disruption to learning is difficult to mitigate in a consistent way while maintaining the validity of the ACM 2021.
- ◆ Several respondents advocated SQA monitoring the impact of the appeals process on individuals with protected characteristics.
- ◆ Some respondents suggested an EIA and Children's Rights and Wellbeing Impact Assessment be developed in parallel to the development of the appeals model.
- ◆ Several respondents advocated that SQA needs to make sure that its communications about the appeals process are accessible to learners and in particular learners with a range of protected characteristics.

Impact on all learners

- ◆ Several respondents suggested a need for rapid and accurate resolution of both the assessment and appeals process, to positively support the mental health and wellbeing of learners.
- ◆ Again, the need for SQA and centres to communicate in a clear and accessible way to learners about the appeals service was regarded as essential so learners are aware of their ability to appeal and understand when they can and cannot appeal.

Improved access to appeals

- ◆ A number of comments suggested that the absence of a fee for the appeals service for learners or their centres would make the appeals process equitable; it is open to all learners and all learners should feel as though their appeal will be heard.
- ◆ Discussions between learners and centres should enable all learners to make informed decisions about making an appeal.
- ◆ A significant number of respondents expressed the view that independent adjudication of appeals was essential and that by SQA deciding upon appeal results, this would help SQA to fulfil the PSED.

Positive outcomes from proposed appeals service

- ◆ Learners receive accurate grades.
- ◆ Appeals process could reduce the potential for discrimination and unfairness if a learner feels they have been treated unfairly.

The consultation feedback suggests that the provision of an appeals service for graded National Courses in 2021 is broadly welcomed. Responses suggest that the model has the potential to provide an equitable process for appeals for all learners, including learners with protected characteristics. This feedback has been considered in the development and evolution of the appeals service.

Equality impacts

1 Accessibility

1.1 Learner-led appeals

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

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

SQA's established post-results services rely on the professional judgement of senior staff in SQA centres to balance their awareness of a learner's knowledge, understanding and skills with their understanding of the national standard for the qualification before deciding whether to proceed with an appeal on their behalf. Post-results services apply where the learner's grade award results from external assessment by SQA.

In its EIA for the planned post-certification review service in 2020, SQA identified a potential source of discrimination and therefore negative impact. It was possible that perceived or actual bias or discrimination might influence a centre's decision as to whether to make a post-certification review request on behalf of a learner.

SQA has also considered consultation responses on equal access to ways to challenge decisions. A concern has been identified that not all learners will have support from parents/family to articulate the reason for their appeal. Some learners — for example, those with disabilities or additional support needs — may need or prefer to ask a representative to handle complex matters on their behalf.

Mitigating actions

The 2021 appeals service enables learners to appeal to SQA through their centre or directly where necessary. SQA's standard arrangements for learners to authorise representatives to progress an appeal on their behalf will apply. SQA will include details of advocacy

organisations that can support learners in the appeal process on its website and in appeals communications.

SQA sought advice as part of its appeals consultation and in discussions with its Equality and Inclusion Key Partners' Group and Learners' Panel to inform its communication plans to provide the best possible basis for learners, parents/carers and others to understand and access the appeals service.

The ability for learners to appeal their grade through their centre, or directly to SQA where necessary, contributes to advancement of equality of opportunity and the elimination of discrimination. It offers a further safeguard against any potential bias or discrimination at the marking stage, or in a centre's decision to put forward a learner's appeal. The appeals service ensures that all learners, including those with protected characteristics, have the ability to appeal their grade if they are simply dissatisfied that the grade reflects their true attainment. SQA will review the uptake of the appeals service by learners with protected characteristics.

1.2 No direct cost recovery

Established SQA post-results services do not involve learner-led appeals. They are initiated by an SQA centre on the basis of professional judgement by senior centre staff. In post-results services, the costs of administering the system are partly recovered from learners' centres where a clerical check or marking review does not lead to a change in grade.

SQA's research reviewed a range of systems around the world in relation to opportunities for learners to challenge academic judgements in National Qualifications. The research identified that, where a learner is able to challenge this type of decision, it is common for unsuccessful appeals to incur a fee. In some countries, a fee applies regardless of the outcome of the appeal, and in some countries the fee is very substantial. The issue of ability to pay a fee could be a barrier for some learners, including those with protected characteristics, and may dissuade them from making an appeal.

Mitigating actions

The costs of providing a learner-led appeals service for graded National Courses will not be recovered directly from learners through a charge, even where the appeal does not lead to a change in grade. Having no fee means this is a more equitable service — there are no financial barriers to learners who wish to appeal. This contributes to equality of opportunity by enabling learners from all socio-economic backgrounds to access the appeals service. To the extent that socio-economic disadvantage disproportionately affects one or more groups with protected characteristics, the 'no fee' approach contributes to equality of opportunity between those who share those protected characteristics and those who do not.

1.3 Types of appeal

The appeals model enables three types of appeal to be requested:

- A Academic judgement — the learner disagrees with the centre’s quality -assured academic judgement in its assessment of the learner’s original evidence.
- B Administrative error — the learner believes that there has been an error in transferring the provisional result from the centre to SQA, or in SQA processing the provisional result, or
- C Discrimination —learners can appeal in two circumstances:
 - There has been discrimination or other unlawful conduct contrary to the Equality Act 2010, acknowledged in writing by the centre, or established through court proceedings or by a ruling of the SPSO.
 - The centre failed to comply with SQA’s requirements in relation to providing assessment arrangements in relation to assessment evidence that contributed to a disabled learner’s provisional result.

The learner will be asked to identify the type of appeal that applies, and to explain their reasons for appeal for types B and C.

As the summary of the consultation responses above indicates, respondents expressed views that various groups of learners were less likely to make use of the appeals service than learners from affluent households. These groups included learners from more deprived backgrounds, learners who may not have strong parental support, including care-experienced young people, and learners with English as an additional language or who have additional support needs. Concerns were identified that the requirement, within the proposed grounds described in the consultation, for children to explain the reason for their appeal with reference to SQA assessment requirements, might have a negative impact on children’s rights to have their voice heard and to non-discrimination.

A number of respondents raised issues around alternative assessment arrangements. Some concerns were expressed that learners with disabilities may not get the support that they need, due to disruption caused by COVID-19.

A large number of respondents, from all different groups, stated the importance of SQA and schools and colleges communicating clearly with learners. This was seen as essential so that learners are aware of their ability to appeal, and understand when they can and cannot appeal. This has to be done in a way that is accessible to learners.

Mitigating actions

Providing an appeals service that enables a learner to request an appeal where they believe that the centre has not complied with SQA’s requirements for fairness in assessment processes and awarding decisions provides a positive safeguard for learners where agreed and required assessment arrangements to adjust for a disability have not been provided within a centre.

For learners who have been subject to discrimination or other conduct contrary to the Equality Act 2010 within their centre in relation to their SQA qualification, where this has been acknowledged in writing by the centre or established through court proceedings or a

complaint upheld by the SPSO, SQA will take actions to provide a solution in relation to the qualification. The solution might involve, for example, a review of existing alternative assessment evidence created in the correct assessment conditions.

To mitigate the potential for some learners to find it more difficult to access the appeals model, SQA's standard arrangements for learners to authorise representatives to progress an appeal on their behalf will apply. SQA will include details of advocacy organisations that can support learners on its website and in appeals communications.

SQA sought advice as part of its appeals consultation and in discussions with its Equality and Inclusion Key Partners' Group and Learners' Panel to inform communication plans to provide the best possible basis for learners, parents/carers and others to understand and access the appeals service where needed. These mitigating actions aim to advance equality of opportunity; eliminate discrimination; and promote good relations between those with protected characteristics and those without.

2 Awarding and appeals model

2.1. Demonstrated attainment

There is a clear interaction between the basis of the awarding decision made by centres and any subsequent grounds for an appeal to be made.

This year, learners' provisional results are being determined by schools and colleges based on demonstrated attainment. The fundamental principle of the ACM — that all awarding decisions are based on evidence of demonstrated attainment — must be carried through into the approach to appeals.

All awarding decisions — even those where the evidence is subject to an additional review because of an appeal — will be solely based on demonstrated attainment. This means that, at any stage (including appeals), a learner's result will be consistent with the knowledge, skills and understanding for which they have produced evidence.

Learners should be aware that any appeal could result in an award remaining the same, being upgraded or being downgraded. The purpose of an appeal is to ensure that a learner achieves the grade their evidence merits.

The potential for awards to remain the same, be upgraded or be downgraded on appeal is important in ensuring the principle of awarding qualifications based on a learner's demonstrated attainment is maintained throughout all stages of the process in 2021. However, through engagement with learners, parent and their representative groups SQA understands that there is a body of opinion that believes the impact of this principle is disproportionate on learners' wellbeing and, as such, is unfair.

In equality terms, the fact that such an approach contains an element of risk for a learner's decision making could lead to increased pressure on some learners, a pressure that may discourage some — for instance those with a mental health condition such as anxiety — from accessing the appeals service. [The impact assessments for the ACM 2021](#) set out the

importance of demonstrated attainment in terms of the national standard to ensure that qualifications remain a reliable indicator of a learner's knowledge, understanding and skills. This is what enables them to access the opportunities for employment or further learning they seek when taking SQA qualifications. Much of the evidence, analysis of impacts and mitigations described in the assessments for the ACM also apply here.

SQA is aware that learning has been widely disrupted across schools and colleges this year, and that the individual impact on learners' access to continued learning and ability to generate assessment evidence has varied widely. The [Equity Audit](#) published in January 2021 by Education Scotland and the Scottish Government explores the disruption to learning in some depth. The impact assessments for the ACM describe the mitigations adopted by SQA to provide flexibility that offers the maximum possible opportunity for learners to demonstrate their knowledge, understanding and skills.

SQA was asked to look into any potential for the appeals model for 2021 graded National Courses to include the consideration of contextual information about individual learners' circumstances as a factor in determining their grade award. The contextual information that was suggested included an individual's experience of ill-health or bereavement, socio-economic characteristics, care experience or young carer status.

When asked if an appeal outcome should be evidence-based, the vast majority of respondents to SQA's appeals consultation agreed. This view was shared across the respondent types, with the majority of each respondent type agreeing that an appeal outcome should be the grade that the evidence shows ought to be awarded. Many of these positive responses also said that: exceptional circumstances should be considered; learners should be aware of the nature of the appeals process; and if there was no risk of a grade being downgraded, the appeals process could be overwhelmed with appeals from all learners.

A very small number of respondents stated that they did not agree with an appeal outcome being evidence-based. Most of these respondents disagreed with the potential downgrading of grades as some felt that learners had suffered enough in the past year, and some believed exceptional circumstances should also be considered.

Around 15% of respondents did not answer the question or did not explicitly state whether they agreed or disagreed with an appeal outcome being evidence-based. However, most of these respondents disagreed with the potential downgrading of grades, while some questioned the need for an appeal when the grades should be based on evidence anyway.

SQA has provided guidance to centre staff in determining provisional results based on assessment evidence in relation to a national standard based on knowledge, understanding and skills. This aims to prevent unconscious bias leading to discrimination. SQA has not been able to identify a fair and practical way to consider individual contextual information in an appeals service for a grade award without introducing a risk of bias or discrimination.

Mitigating actions

Many of the mitigations described in the [assessments for the ACM](#) will also apply here; these include course modifications, provision of assessment instruments, and SQA support around understanding standards and quality assurance.

As with the ACM, the requirement for grade decisions to be based on a quality-assured assessment of demonstrated attainment alone is important in maintaining the integrity of qualifications. As such, despite the views expressed about the impact of appeals that may lead to a downgrade, it is not possible to remove this from the appeals model and still maintain the key principle that all qualifications should be awarded on the basis of demonstrated attainment. Noting the potential for stress and anxiety this may cause, SQA is working with other organisations to develop support for all learners who may find either the summer break or the appeals process a source of stress. The aim is to mitigate the impact on learners by working closely with other bodies to ensure that everyone has access to appropriate support.

The ACM 2021 provides for centres to hold a clarification conversation with learners to explain the possible outcomes of an evidence-based appeal, as an opportunity to provide supportive advice to learners on their best interests when deciding whether to initiate an appeal. An appeal may result in a grade remaining the same, being upgraded, or being downgraded in line with the evidence on which it is based. The ACM 2021 asks that centres and learners confirm that this conversation has taken place, so that learners have had the benefit of this professional advice. SQA will provide guidance to centres on the approach to clarification conversations to help strive for consistency across centres.

2.2 Roles and responsibilities of SQA and centres

The ACM 2021 commits centres to provide ongoing feedback to learners regarding their progress and assessments, including, at the conclusion of the course, provisional grades based on evidence of demonstrated attainment.

The appeals service enables learners to signal to SQA, via SQA's website, their intent to appeal their provisional result from late June 2021. This would follow one or more clarification conversations with their centre, where the learner remains dissatisfied with their result. Where any errors are identified by the centre at this point, the centre can bring these to SQA's attention. The conversation(s) can take place before and/or after certification of the learner's award on 10 August.

Where this is agreed between the centre and the learner following the conversation(s), the centre can put forward the learner's appeal. Where the centre and learner do not agree but the learner still wants to appeal, the learner will be able to register that they want to appeal with SQA directly. The appeal will proceed where the learner and centre confirm that a clarification conversation has taken place, and where the centre provides any information and assessment evidence asked for by SQA.

SQA recognises that learners and those who are involved in their lives care deeply about their National Course grade awards. The ACM provides for ongoing dialogue between learners and their centres so that the provisional grade results submitted by their centre do

not come as a surprise to learners. Centres know their learners best, and it is crucial that ongoing dialogue takes place, particularly with those learners who may have a range of protected characteristics (for example, learners with disabilities).

For those learners who are not satisfied with their provisional result, there will be a period when centres close for summer break and learners are not able to take any positive steps towards review, understanding or acceptance of their result. For those learners who do not accept their result and are managing mental health issues, this could be an acutely difficult period.

Mitigating actions

The appeals service follows steps taken by SQA, centres and others in the education sector, as described in the ACM, to provide robust quality-assured grade results, that are communicated to learners at conclusion of their course, building on ongoing conversations about their progress and assessment.

SQA has provided guidance to centres regarding the need to continue to provide assessment arrangements for learners with disabilities or additional support needs.

SQA has discussed with partners in the education sector the arrangements that can be put in place to support as many learners as possible to understand the judgements and processes leading to their result ahead of certification, and to provide or signpost appropriate sources of support for those who don't, over the summer break period. These actions are intended to advance equality of opportunity and eliminate discrimination.

2.3 Priority appeals service based on immediate progression need

In normal appeals procedures, centres can highlight learners to access a priority appeals service where there is an immediate progression opportunity within further or higher education dependent on the appeal outcome.

Following suggestions made in response to the appeals consultation, SQA explored expanding the definition of priority appeals to include learners with immediate workplace progression needs, those with known mental health conditions, and those facing the kind of personal circumstances that in other years would make them eligible for the exceptional circumstances consideration service.

This would recognise that there are circumstances beyond progression opportunities where learners would benefit from a swifter conclusion to their appeal.

When this was discussed with stakeholders, the view was expressed that it is appropriate and important to extend the priority appeals definition to take in workplace progression, but that introducing eligibility for priority appeals based on personal circumstances, unrelated to progression, would be subjective and would raise equity issues. This is because the decision to include the learners in the expanded categories would be at the discretion of the head of centre — and different heads of centre would draw different conclusions as to who should benefit from this approach, leading to inequity as different centres would apply the criteria in

different ways. Any attempt to aid consistency by tightly defining the criteria was also seen as problematic as it is inevitable that the definition would, at the margins, exclude some learners, leading to a different but equally difficult contestability.

Furthermore, stakeholders also expressed the view that, given the context of 2020–21, many learners may well reasonably be considered to have faced acute personal challenges and/or mental health issues. This, in turn, would increase the volume of priority appeals way beyond the capacity of the education system to support and determine these appeals in a timely manner (ahead of the UCAS deadline in early September), which would negate the benefit of a priority appeal process.

To help mitigate the risk to learners' wellbeing over the seven weeks between receiving their provisional results and certification day, it was suggested that SQA should run the appeals process from June for those appeals we define as priority appeals.

Some stakeholders were firmly against this approach. The key arguments against it centred on:

- ◆ An equity issue: time required by teachers to support these priority appeals would be time not spent on other learners in a crucial learning and teaching period (June).
- ◆ A concern that such an approach would send the wrong signal to the education system about seeking evidence for priority appeals before the period of teaching, assessment, quality assurance and checking results has been completed (25 June).
- ◆ Teacher workload issues: this would be a further series of tasks to ask teachers to do. These would include packaging evidence for SQA; dialogue with learners who could lodge a priority appeal; and explaining to those who are not eligible why they can't appeal. SQA received strong feedback from SLS, ADES and EIS that introducing this would have a materially negative effect on teacher and lecturer workload and, as a consequence, their wellbeing.
- ◆ In June, learners would only have provisional results: the formal result would not be known prior to 10 August and so it would be inappropriate to appeal before 10 August.

Other stakeholders were more supportive, noting that priority appeals would only apply to learners who had fallen short of a conditional offer requirement for immediate HE, FE or employment progression. In 2019 these totalled fewer than 350 appeals — an average of fewer than one appeal per centre. Some education system stakeholders were comfortable that:

- ◆ they would know in advance of the provisional result submission deadline of 25 June which of their learners had fallen short of their progression requirements
- ◆ as such, packaging evidence for onward transfer to SQA would be possible prior to the end of term for the small number of affected learners per centre

From SQA's perspective, there is a risk that the short period prior to the 'go live' date provides a limited window in which to get the processes required to manage priority appeals up and running.

Delivery would also be at risk if SQA were unable secure senior appointees and evidence from centres in the tight window in which to consider priority appeals. Given the time

constraints, the SQA processes to support such appeals would also be manual, meaning there is a higher risk to safe and secure delivery.

SQA acknowledges that enabling priority appeals on the basis of progression to FE, HE or employment will be of benefit to some learners with a range of protected characteristics but not necessarily to all learners with protected characteristics.

Mitigating actions

Given the practical difficulties identified, SQA has decided to expand the definition of priority appeals to bring in those learners with a workplace progression need. SQA did not identify a way in which it would fairly, equitably or practically further extend the criteria for priority appeals.

SQA and stakeholders did consider widening the definition of 'priority' candidates, but concluded that setting firm criteria for determining who did and did not qualify as having a mental health issue or other circumstance that might enable a priority appeal was likely to lead to issues of unfairness at the margins of the definition — even criteria drawn with the best of intentions would be likely to lead to the unintended consequence of excluding some candidates who may have benefitted from a priority appeal. This then suggests a much wider set of criteria, but that would carry risks. It would ask centres to apply a large amount of discretion in determining who would and wouldn't benefit. This would likely be inconsistent and so would lead to differential access to the system across Scotland. This would itself be unfair.

In practice, this would likely lead to a situation where the number of priority candidates increased significantly as, locally, centres would tend to interpret any criteria loosely. The volume of priority appeals would increase beyond the education system's ability to manage and service such appeals, and may mean the priority process would be unable to meet its primary aim of settling appeals to a short deadline for the benefit of learners. This would have a negative impact on all priority learners, including those that access the service due to mental health concerns or their personal circumstances.

Therefore, on balance, it was felt there was no risk-free way of widening the service and, to avoid creating a wider set of equality issues for learners, it was best to retain a more limited definition of priority appeals. SQA will open the appeals service to all learners from 25 June, enabling them to register an appeal at that point or throughout the summer. Although the level of processing of appeals between this date and 10 August is low — as schools and colleges are closed so there is no opportunity for SQA to access required information or assessment evidence from them over this period — allowing appellants to register during the summer allows SQA to engage and communicate with them directly. Establishing a connection with appellants over the summer is a positive step SQA can take and is intended to assist in mitigating this risk.

Summary table

Theme	Potential impacts	Learners	Mitigating actions	PSED ¹
Accessibility	If there is a direct financial cost in making an appeal, it may not be possible for some learners to pay.	Potential impact on all learners including those with protected characteristics.	The appeals service will be provided at no cost to learners or centres.	I. II.
Accessibility	SQA should monitor the uptake of the appeals process for learners with protected characteristics.	Potential impact on all learners including those with protected characteristics.	SQA will carry out an analysis exercise by matching data to that held by the Scottish Government to enable an aggregated view of the uptake of the appeals process, including of those learners with protected characteristics.	II. II. III.
Accessibility	A centre may decline to make an appeal on behalf of a learner. Discussions between learners and centres should enable all learners to make informed decisions about making an appeal.	Potential impact on all learners including those with protected characteristics.	The appeals service enables learners to appeal directly to SQA and to signal their intent to appeal soon after their provisional results are known in June 2021. Evidence of clarification conversations taking place between learners and their centre.	I. II.
Accessibility	Some learners may find it difficult to understand or access the appeals service, and this may mean they do not make an appeal. The appeals system may be used disproportionately by more affluent learners who	Potential impact on those learners with the protected characteristic of disability.	Improve accessibility of the appeals service by implementing clear communications to learners and centres, including an easy-read version, and available in languages other than English.	I. II. III.

¹ Public Sector Equality Duty.

Key: I. Advance equality of opportunity; II. Eliminate discrimination; III. Foster good relations

Theme	Potential impacts	Learners	Mitigating actions	PSED ¹
	<p>have support from parents/family who understand how the education system functions.</p> <p>Other groups of learners, such as those from less affluent backgrounds; those with little or no parental/family support; and a range of learners with protected characteristics (including learners with English as an additional language; those with disabilities or additional support needs; those who are care-experienced) may make less use of an appeals system as they may not have the support to do so or may not find it accessible — leading to potentially missing out on successful appeals.</p> <p>Learners with English as an additional language or learners with a range of additional support needs may find it harder to understand and access the appeals system.</p> <p>SQA needs to make sure that its communications about the appeals process are accessible to learners and in particular learners with a range of protected characteristics.</p>	<p>Potential impact on those who require additional support for learning or with mental health needs.</p> <p>Potential impact on those from socio-economically deprived backgrounds and other equity-related factors.</p> <p>Potential impact on learners who have care experience and learners who have English as an additional language.</p>	<p>SQA will include details of advocacy organisations that can support learners on its website and in communications.</p> <p>SQA sought advice as part of its appeals consultation and in discussions with its Equality and Inclusion Key Partners Group and Learners Panel to ensure comms developed on appeals provide the best possible information for learners and supporters to understand and access the appeals service.</p>	
Awarding and appeals process	<p>Risk of inaccurate awarding of results due to bias or discrimination.</p> <p>Risk of unconscious or conscious bias within a centre.</p>	Potential impact on all learners, including those with protected characteristics.	Appeals service provides final opportunity for learners to ensure their results are accurate. SQA carrying out all reviews of evidence.	II.
Awarding and appeals process	There were concerns that learners who have agreed assessment arrangements may not get the support they need, due to disruption caused by	Potential impact on disabled candidates.	Clarification conversations between centres and learners are part of ACM and appeals, providing the opportunity for assessment arrangement issues to be discussed and resolved.	I. II.

Theme	Potential impacts	Learners	Mitigating actions	PSED ¹
	COVID-19, which in turn could impact adversely on their ability to appeal.		There is a ground for appeal that relates to assessment arrangements to ensure candidates with identified needs have a route to a fair outcome.	
Awarding and appeals process	<p>Both the awarding and appeals processes only take evidence of demonstrated attainment into account, and so do not allow for any adjustment to take account of a learner's personal circumstances, for example the level of disruption they faced during the academic year.</p> <p>As learners have been impacted in different ways, disruption to learning is difficult to mitigate in a consistent way while maintaining the validity of the ACM 2021.</p>	Potential impact on all learners including those with protected characteristics.	<p>Qualifications are based on the demonstrated attainment of learners to evidence the competence required to achieve the qualification.</p> <p>Mitigating actions in the awarding model include:</p> <ul style="list-style-type: none"> ◆ Reduces course evidence requirements. ◆ Flexibility in assessment approaches. <p>The deadline for provisional result submission moved to 25 June to maximise learning and teaching time available.</p> <p>The incomplete evidence contingency service allows for more time for learners unable to complete assessments in time for 25 June submission of results.</p>	I.
Awarding and appeals process	Rapid resolution of appeals may not be possible due to the seven-week period between learners receiving results in June and appeals opening in August. This may have an adverse impact on some learners' mental health.	Potential impact on all learners including those with protected characteristics.	<p>The appeals service opens to allow learners to register an appeal from 25 June.</p> <p>Led by the Scottish Government, SQA will work with a range of partners such as SDS to provide a number of support mechanisms/signposting to appropriate agencies to support learners during the seven-week period.</p>	I. II.

Theme	Potential impacts	Learners	Mitigating actions	PSED ¹
			<p>SQA has discussed with partners in the education sector the arrangements that can be put in place to support as many learners as possible to reach a point of understanding and acceptance of their result ahead of certification.</p> <p>SQA has extended the eligibility criteria for the priority appeals service to include those with an immediate workplace progression opportunity depending on the outcome. The priority appeals service will open from 10 August.</p>	

Conclusions and next steps

SQA and the NQ 2021 Group will continue to monitor the impact of the ACM and appeals service on learners to determine whether any further actions are required, and to ensure clarity over emerging issues, roles and responsibilities.

This EIA has considered the appeals service, consultation feedback and evidence gathered, and details the potential positive and negative impacts of the appeals service. It indicates where mitigating actions have been taken to reduce potential negative impacts.

Requests for advice from centres submitted to the SQA Assessment Arrangements Team and Customer Contact Centre will be monitored, and there will be targeted consultation with different equality stakeholder groups (for example, through local authority learning support and disability networks) to allow consideration of any issues or concerns.