

## **Equality Impact Assessment**

### **Contingency arrangement for incomplete evidence for graded National Courses in 2021**

# Introduction

The incomplete evidence contingency arrangement follows on closely from the work already completed on the Alternate Certification Model 2021 and the Appeals Service 2021. The ACM, the appeals service and the incomplete evidence contingency arrangement recognise the disruption to learning in 2020–21 and have sought where possible to alleviate as much disadvantage as possible, while still allowing learners to demonstrate their knowledge, understanding and skills, for example by extending the entry date for results, the modifications to course content and provision of an appeals service.

## Background and context

### Alternative Certification Model (ACM) 2021

The 2021 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 developed for use in 2020. This includes the absence of any estimates or results based on statistical analysis.

The 2021 ACM is based on judgements made by teachers and lecturers, with quality assurance approaches to support them in generating provisional results that will be used for awarding and certification. The principal adjustments from previous approaches and models are:

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

The model is intended to be positive and to allow SQA to continue to contribute to equality of opportunity in the Scottish education and skills system. It will enable certification in 2021 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.

### Incomplete evidence contingency arrangement 2021

In June 2021, SQA announced an arrangement by which learners who had not had the opportunity to complete their assessment evidence by the deadline of 25 June would be able to complete assessment evidence and have a provisional result submitted to SQA by 3

September. This was intended, as far as possible, to mitigate the impacts of COVID-19 on learners. Examples of learners for whom the arrangement could be useful might include:

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

This arrangement was not intended as an opportunity to delay assessment or to provide an extended period of preparation over the summer break. Nor does it enable learners to have another opportunity for assessment that has already been undertaken, in pursuit of a higher grade.

For full details please see our [Contingency arrangement for incomplete evidence web page](#).

## **Public Sector Equality Duty and scope and development of this Equality Impact Assessment (EIA)**

The public sector equality duty (PSED) requires SQA to pay 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 specific responsibility to assess the impact of new or modified policies and practices against these needs and to take account of the results of that assessment in developing new policies and practices. Accordingly, this is an Equality Impact Assessment (EIA) of the contingency arrangement for graded National Courses in session 2020–21.

This EIA considers the potential impacts of the incomplete evidence contingency arrangement 2021 on learners who share protected characteristics and looks at ways in which any potential negative impacts identified could be mitigated. Other groups of learners, such as those who are socio-economically disadvantaged, or who experience other circumstances that present barriers to accessing qualifications, have also been considered wherever possible. Although these groups are not covered specifically by the Equality Act 2010, the NQ 2021 group recognises that a wide range of factors can impact a candidate's ability to achieve qualifications. Furthermore, SQA has a Corporate Parenting commitment to

ensure that 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.

The impact assessments for the ACM 2021 set out the importance of demonstrated attainment against the national standard to ensure that qualifications remain a reliable indicator of a learner's knowledge, understanding and skills. This enables learners 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.

For this reason, this EIA is intended to be read in conjunction with the:

- ◆ Alternative Certification Model 2021 Equality Impact Assessment (February 2021)
- ◆ Appeals Service 2021 Equality Impact Assessment (May 2021)

The equality evidence and mitigating actions described within these equality impact assessments is relevant here, such as the evidence of the impacts of COVID-19 on a range of learners with protected characteristics, the detail of the quality assurance processes that underpin the ACM 2021, and discussion of the importance of demonstrated attainment as a basis for awarding decisions. The contingency arrangement is a further — important but relatively minor — alteration to the overall ACM process.

This EIA has evolved alongside the development of the incomplete evidence contingency arrangement 2021.

## **Evidence considered.**

Review of evidence:

- ◆ Evidence gathered 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 impact of COVID-19 on Fair Access to Higher [Education](#) and other reports.

Engagement with:

- ◆ SQA has engaged with the National Qualifications 2021 Group throughout development of the ACM for 2020–21 and discussed the contingency arrangement with this group and its supporting working group on a number of occasions.
- ◆ The senior committees within SQA that have specific experience and responsibility for decisions relating to the principles of assessment, awarding and appeals.

Appeals consultation findings:

The consultation asked for views on a range of draft proposals, including several potential appeals models. Some of the consultation feedback is relevant to the development of the contingency arrangement and includes 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.
- ◆ A significant number of responses argued that SQA should consider learners' personal circumstances this year through appeal, to prevent any further disadvantage to learners including those with protected characteristics.

## Equality impacts

### Eligibility of learners

#### 1 Criteria

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 to demonstrate their learning has varied widely. The [Equity Audit](#) published in January 2021 by Education Scotland and Scottish Government explores the disruption to learning in some depth.

It is widely acknowledged that those who already faced inequality, disadvantage, and deprivation (including learners with a range of protected characteristics) have been disproportionately impacted by COVID-19 and the associated restrictions, including the closure of schools and increased use of blended learning. 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.

The contingency arrangement covers learners who have experienced extreme disruption during the centre's evidence-gathering process. This may mean that some learners will not be able to complete all assessment evidence required by 25 June, putting them at risk of receiving no award for their qualification(s).

The contingency arrangement is available to those learners who have completed the learning and teaching of their course but have not been able to complete all their assessment evidence in time for the 25 June submission date. Learners will need to be made aware of the contingency arrangement and supported to understand them by their centres.

Centres should, taking full account of the flexibility of the Alternative Certification Model (ACM) to support teachers' professional judgement, do all they can to ensure that learners generate sufficient evidence by 25 June. Where this has not been possible, centres should consider the situation carefully and advise learners on which of the available options would be in their best interests:

- ◆ use the contingency arrangement, completing assessment evidence by 3 September.
- ◆ be presented for an alternative qualification.

- ◆ repeat the course and be presented in 2022.

## **Mitigating actions**

- ◆ Some learners, including those with the protected characteristic of disability, may be unduly disadvantaged (be at risk of not achieving a qualification) by severe disruption to learning and teaching in 2020–21. The contingency arrangement provides a further and final opportunity for those learners who have not generated enough assessment evidence by 25 June, to do so.
- ◆ In the ACM 2020–21, it is recommended that centres have clarification conversations with learners to ensure that learners understand whether they are at risk of no award due to incomplete assessment evidence and what using the contingency arrangement means for them.

## **Roles and responsibilities of centres**

### **1 Centres do all they can to ensure learners generate sufficient evidence by 25 June.**

Centres should, taking full account of the flexibility of the ACM to support practitioner's professional judgement, do all they can to ensure that learners can generate sufficient evidence by 25 June. Some learners, despite the flexibility offered within the ACM, may not be able to generate the required evidence due to experiencing extreme disruption during this session. This could include a range of learners with protected characteristics such as disability.

## **Mitigating actions**

- ◆ The contingency arrangement provides a further, limited, opportunity for learners to generate evidence for assessment.

### **2 Centres must carefully consider the best interests of learners to advise them to proceed with the contingency arrangement.**

The contingency arrangement offers a small window of opportunity to generate evidence, between centres re-opening in August and 3 September, and cuts across the summer holiday period for most centres. The summer period is an unavoidable 'pause' in the process that must be considered when identifying which learners are best placed to utilise the arrangement.

There is a risk for all learners, including those with protected characteristics, that completing their learning and teaching in June and returning in August to complete evidence for assessment may impact on their ability to recall their learning. Learners will be less well prepared for assessment at the end of August than they would have been at the end of June. Learners may struggle to maintain being 'assessment ready' over the summer period.

This could have a disproportionate impact on learners with disabilities and additional support needs.

Centres will need to ensure that, for learners whom they identify as being eligible for the contingency arrangement, fully understand what this means:

- ◆ Learners need to have this information before the summer holiday period begins.
- ◆ Learners should be aware that they will need to undertake assessments when returning to school/college in August.
- ◆ Learners need to be made aware that then they receive their SQA certificate on 10 August that any qualification for which they are utilising the IEC arrangement, will not appear on their certificate (this should not come as a surprise to learners or their parents/carers).

### **Mitigating actions**

- ◆ E-Sgoil provision will be available for learners to access support at the start of session 2021–22.
- ◆ Some learners will have the option to repeat the course in the following academic year.
- ◆ It is expected that the contingency arrangement will be utilised by relatively few learners.

## **3 June 2021 school and college leavers**

Some learners who are unable to produce all the required evidence by 25 June will not be returning to their centre after summer. For this reason, they may not be willing or able to take up opportunity to generate more evidence before 3 September. This may mean some learners 'settle' for no award.

### **Mitigating actions**

- ◆ Centres may decide that the contingency arrangement is not a suitable option for these learners, and to look instead to see how best to support them before the end of the academic year in June.

## **Evidence generation and results process**

### **1 Assessment takes place in centres after summer.**

The contingency arrangement provides a further window of opportunity for learners to generate evidence for assessment between the start of the academic year in August until 3 September. This activity window occurs when learners begin learning and teaching for a new academic year and for many, progressing into a higher level of study, for instance National 5 to Higher.

It is possible that learners, including those with a range of protected characteristics, may find this challenging. There may be a risk that learners struggle with completing evidence at the

start of the next academic year and may not be able to generate the evidence required, leading to no award.

There is a risk that some learners may change their mind on return to centre in August and decide not to complete additional assessment, in which case centres will have to use the partial evidence base to determine a provisional result anyway. It is also worth noting that centres have different return dates in August, so the window of opportunity to generate assessment evidence will differ from centre to centre.

### **Mitigating actions**

- ◆ Centres should focus their efforts on supporting learners to generate evidence by concentrating on the gap the centre has identified in the candidate's evidence. Centres can utilise or draw upon the assessment tools that are already available (such as the SQA 2021 assessment resources or adaptations thereof), of which the candidate has not already had experience.
- ◆ e-Sgoil provision will be available to support learners accessing the incomplete evidence contingency arrangement in their preparations for assessment in the early part of the new session.

## **2 No additional input for learning and teaching**

The contingency arrangement does not include additional input for learning and teaching. An appropriate time between centre re-opening in August and 3 September, either outwith the learner day or at an appropriate time during the learner day by arrangement with the teacher/lecturer, should be found for the learner to undertake the assessment.

This could mean learners will be in centres beyond their usual time and could have impacts for learners with protected characteristics, such as those who have caring responsibilities or who rely on travel arrangements. There is a risk that learners may struggle with completing evidence in this way and will not be able to generate the evidence required, leading to no award.

### **Mitigating actions**

- ◆ It is expected that the additional time required for learners to generate evidence will be at a minimum, as the focus should be on the gap in the learner's required evidence only.
- ◆ e-Sgoil provision will be available to support learners accessing the contingency arrangements in their preparations for assessment in the early part of the new session.



# Summary

Potential impacts	Learners	Mitigating actions	PSED <sup>1</sup>
Eligibility of learners			
Due to severe disruption to learning and teaching and despite completing all the teaching and learning associated with the course, some learners will be unable to produce assessment evidence required by deadline of 25 June.	Potential impact on all learners including those with protected characteristics.	The contingency arrangement allows some learners a further window of opportunity in which to generate required evidence.	I. II.
Evidence generation and results process			
Learners who are unable to produce all the required evidence by 25 June have to wait over summer period before being able to generate more evidence.	Potential impact on all learners including those with protected characteristics of disability; those who require additional support for learning or with mental health needs.	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 summer period.	I. II.
		e-Sgoil provision available to learners at start of session 2021–22.	
		It is anticipated that the number of learners utilising the contingency arrangements will be relatively low.	
Roles and responsibilities of centres			
Some learners who are unable to produce all the required evidence by 25 June will not return to their centre after summer and will not be able to take up opportunity to generate more evidence.	Potential impact on all learners including those with protected characteristics.	Centres may decide that the contingency arrangement is not a suitable option for these learners and look to see how best to support them before the end of the academic year in June.	II.

<sup>1</sup> I Advance equality of opportunity

II Eliminate discrimination

III Foster good relations

Potential impacts	Learners	Mitigating actions	PSED <sup>1</sup>
		It is anticipated that the number of learners utilising the contingency arrangement will be relatively low.	II.
Centres will need to ensure that for learners who they identify as being eligible for the contingency arrangement, fully understand what this means. Some learners will not be willing or able to use the arrangements.	Potential impact on all learners including those with protected characteristics.	Some learners will have the option to retake some qualifications in the following academic year.	I. III.

## Conclusions and next steps

SQA and the NQ 2021 group will continue to monitor the impact of the ACM overall, including the incomplete evidence contingency arrangement, on learners to determine if any further actions are required, and to ensure clarity over emerging issues, roles, and responsibilities.

This impact assessment has considered the elements of the incomplete evidence contingency arrangement and the evidence gathered and details the potential positive and negative impacts of the incomplete evidence contingency arrangement.

This EIA also suggests where mitigating actions can be taken to reduce potential negative impacts.

Requests for advice 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.