Equality Impact Assessment

Language of Assessment and Certification in Units and Qualifications Validated by SQA (Delivered in the United Kingdom)

approved by the Qualifications Development Management Team in September 2022.

The Public Sector Equality Duty (PSED) requires SQA 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 SQA has a responsibility to assess the impact of new or modified policies and practices against these needs.

Accordingly, this is an EqIA of the Language of Assessment and Certification in Units and Qualifications Validated by SQA (Delivered in the United Kingdom). This policy applies to:

- National Qualifications (including National Courses including Skills for Work, and Scottish Baccalaureates)
- Higher National Qualifications
- Advanced Certificates / Diplomas
- Professional Development Awards
- National Certificates
- National Progression Awards
- Awards (AWDs)
- Awards / Certificates/ Diplomas (workplace)
- Component Units of the above
- Freestanding units

The purpose of this policy is to outline the principles and criteria in relation to the language of assessment and certification of Units and qualifications validated by SQA and delivered by Centres in the United Kingdom.

Scotland's main language by custom and usage is English, with Gaelic, Scots, and British Sign Language making up the country's other main language groups. English and Gaelic are the principal languages of learning and teaching in Scotland, this is reflected in the languages SQA certificate and assess in.

There are two categories of exclusion to this policy where SQA will allow assessment in languages other than English for Units and qualifications validated by SQA: Gaelic Medium Qualifications and Assessment Arrangements - British Sign Language.

This EqIA highlights the key themes and potential impacts on learners and mitigating actions.

This EqIA is underpinned by other work SQA takes to meet its PSED. As an awarding body, SQA works with schools, colleges, universities, industry, and government, to ensure that qualifications, are inclusive and accessible to all, recognising the achievements of learners, and providing clear pathways to further learning or employment. The SQA Awarding Body Code of Practice outlines how SQA ensures that its qualifications are of a high quality and fit for purpose, and that the assessment of these qualifications is monitored and maintained to a consistently high standard. By doing so, it sets out the framework by which SQA safeguards the integrity of SQA's qualifications and assessment standards and ensures public confidence.

The Code of Practice is based on a set of 13 governing principles, which govern how SQA meets its statutory duties and self-regulates its activities.

Governing Principle 7 is specifically related to equalities issues and states that: 'SQA will ensure that all qualifications and assessments are as fair and accessible as possible and that the needs of candidates are met in the administration of its assessments.'

The SQA Equality of Access to SQA Qualifications policy outlines the organisation's commitment to promoting and facilitating access to our qualifications. In practice, this means that every reasonable step will be taken to ensure that we:

♦ Produce qualifications based on national standards, which are as accessible as possible. We will equality review our qualifications to identify any aspects that might adversely impact learners who share particular protected characteristics. We will aim to remove such adverse impacts, wherever possible, and minimise them where it is not possible to remove them altogether.
♦ Develop methods of assessment and quality assurance which are sensitive to the needs of all candidates, but which do not compromise our overarching aims of fairness and consistency.

♦ Provide assessment arrangements to allow disabled candidates and/or those with additional support needs to access the assessment without compromising its integrity. For disabled candidates, we will make reasonable adjustments in accordance with the requirements of the Equality Act 2010.

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This policy has been updated in line with guidance from an internal working group and to provide greater clarity particularly around the roles and responsibilities of the centre and Awarding Body, and the qualification products to which the policy applies. A glossary of terms was included and links to SQA's other policies relating to Language of Assessment have been included. This policy is subject to a shorter review period of one year, applied to allow for monitoring activity to be undertaken logging any requests received from centres to determine if our current policy position on Language of Assessment and Certification in Units and Qualifications Validated by SQA (Delivered in the United Kingdom) needs to be modified to meet the needs of our centres and learners.

Such monitoring activity will enable us to establish stakeholder requirements, ensuring that SQA is able to meet these where appropriate, and remain compliant with our self-regulatory obligation (SQA, 2017. *SQA Awarding Body Code of Practice*. Available at: https://www.sqa.org.uk/files_ccc/SQA_Awarding_Body_Code_of_Practice.pdf).   SQA Awarding Body undertakes an annual review of compliance against the SQA Code of Practice Governing Principles (GPs), along with a review of compliance for regulated qualification against the Regulators' requirements, using the same process. The identification of relevant evidence is collated by Compliance Co-ordinators in each business area and submitted to the Compliance Team. The evidence is reviewed to identify any gaps in compliance or any risks to non-compliance.

This policy will be applied consistently to all learners, regardless of protected characteristics or socio-economic status.

This policy and any supporting guidance will be reviewed on an ongoing basis with a further in-depth review scheduled to complete in September 2023.

The following section of the document outlines some key actions that support the development and implementation of the policy.

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.

Agreed Schedule Review Date	September 2023 **Extending out to April 2024 in order to fulfil planned external engagement activities and to ensure that revised policy position and underpinning support is robust and in place.**	Additional Schedule Review Date	N/A

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 & Review
To ensure that the approach to Language of Assessment and Certification in Units and Qualifications Validated by SQA (Delivered in the United Kingdom) is communicated to all learners and delivering centres effectively. The effective communication of the policy will allow the relevant feedback to reach SQA and on receipt of this feedback SQA will be able to assess impact in the context of PSED and make the adjustments, as necessary.	Research and Policy Manager	April 2024	It has been agreed that all outward facing policies will be published on SQA website. The Policy Steering Group (PSG) is taking this work forward to ensure that a planned and measured approach to this action is taken. Paper presented to Standards & Policy Group in August 2023, and the publication of external facing policies now approved. Process being devised to support this action by wider Policy team.
Monitor requests received from centres to provide a qualification or unit in a language other than English.	Research and Policy Manager	September 2023	The Policy, Research and Standards team will communicate with Qualification Development colleagues to encourage them to alert PRS who will keep a log of these requests. Ongoing. Ivanti process set up in July 2023 to record and monitor requests. This process was publicised across the wider organisation to ensure awareness and use. A Policy Review mailbox is also in place and communications to QDD to encourage all QMs to send such requests for monitoring. The number received has been minimal.

Monitor requests received from centres to provide a qualifications or unit in Gaelic, in line with meeting our Gaelic Action Plan.	Research and Policy Manager	September 2023	The Policy, Research and Standards team will communicate with Qualification Development colleagues to encourage them to alert PRS who will keep a log of these requests. Ongoing. Ivanti process set up in July 2023 to record and monitor requests. This process was publicised across the wider organisation to ensure awareness and use. A Policy Review mailbox is also in place and communications to QDD to encourage all QMs to send such requests for monitoring. The number received has been minimal.

Establish a plan for engagement activity to ensure the policy remains fit for purpose, including equality considerations. On receipt of this feedback SQA will be able to assess impact in the context of PSED and make the adjustments, as necessary.	Research and Policy Manager	September 2023	Ongoing Initial internal consultation undertaken in April 2023. Internal engagement undertaken with Operations Directorate during April, May & June. Internal ongoing engagement undertaken with SQA Qualification Manager and Coordinator for Gaelic. Internal SQA cross functional team stood up, Initial meeting held in July with second meeting held in September. More dates to be scheduled. Initial external engagement with Sabhal Mor Ostaig in September. Further external engagement yet to be confirmed.
SQA will monitor the status of Scots language in line with Scottish Government directives.	Research and Policy Manager	September 2023	Ongoing.
SQA will review the data emerging from the Pupil's Census and determine if there are any points for consideration in review of this policy.	Research and Policy Manager	September 2023	Data and Analytics team are currently seeking access to the Pupil's census. This action will be reliant on access being granted. Ongoing.

Identified Actions	General Equality Duty	Owner	Date	Comment & Review
[LIST]	[CROSS REFERENCE]			

Policy Aims

Name of Policy or practice	Language of Assessment and Certification in Units and Qualifications Validated by SQA (Delivered in the United Kingdom)
New Policy or Revision	Policy Revision
Name of Policy Owner	Director of Policy, Analysis and Standards
Date Policy Owner Confirmed Completion	15 September 2022

What is the rationale for this policy or practice?
SQA must ensure that the assessment of our qualifications is valued and credible with users, partner organisations and the wider community as is set out in our Guide to Assessment (SQA, 2019. Available at: https://www.sqa.org.uk/files_ccc/Guide_To_Assessment.pdf) and establish through SQA's Code of Practice and described within the Governing Principles (SQA, 2017. Available at: https://www.sqa.org.uk/files_ccc/SQA_Awarding_Body_Code_of_Practice.pdf). Units and qualifications validated by SQA and delivered in the United Kingdom are assessed in English, and, in a range of subjects, Gaelic. Units and qualifications are all certificated in English unless they are delivered and assessed in the medium of Gaelic. Where qualifications are delivered and assessed in the medium of Gaelic all Units and qualification titles will appear in Gaelic on the certificate followed by an English translation in brackets. The certificate will also be a recognition statement (in English) to indicate that the course was assessed through the medium of Gaelic. SQA's Governing Principles govern how SQA meets its statutory duties and self-regulates its activities. The Language of Assessment and Certification in Units and Qualifications Validated by SQA (Delivered in the United Kingdom) policy supports the following Governing Principles: **Governing Principle 1:**   SQA will ensure that all processes for the development of qualifications, assessments and the maintenance of standards are as open and transparent as possible.

Governing Principle 7:	SQA will ensure that all qualifications and assessments are as fair and accessible as possible and that the needs of candidates are met in the administration of its assessments.

What evidence is there to support the implementation or development of this policy or practice?
Scottish Government identifies Scotland's main languages by custom and usage as English, with Gaelic, Scots, and British Sign Language making up the country's other main language groups (https://www.gov.scot/policies/languages/). Scottish Government is supporting the development of languages in Scotland by protecting and promoting Gaelic and British Sign Language (BSL) in particular through the Gaelic Language (Scotland) Act 2005 and British Sign Language (Scotland) Act 2015. Accordingly SQA assesses and certificates mainly in English but with commitment to increase certification of Gaelic Medium qualifications on line with our own Gaelic Action Plan (https://www.sqa.org.uk/sqa/files_ccc/gaelic-language-plan-2022-25-english.pdf).
Scottish Government is also promoting and protecting Scots however there is currently no directive for delivery, assessment, or certification in Scots. SQA will monitor its status.
The following policy document outlines Scottish Government's position on language including language in education. SQA is fully compliant. This policy also refers to Census information from 2011. https://www.gov.scot/policies/languages/
This document provides SQA's Gaelic Language Action Plan, with which this policy is aligned: (https://www.sqa.org.uk/sqa/files_ccc/gaelic-language-plan-2022-25-english.pdf).
This is the Scottish Government Gaelic Language (Scotland) Act 2005, with which this policy is aligned. https://www.legislation.gov.uk/asp/2005/7/contents
This is British Sign Language (Scotland) Act 2015, with which this policy is fully compliant. https://www.legislation.gov.uk/asp/2015/11/contents/enacted

What are the aims of this policy or practice?
The aim of the policy is to clearly outline SQA's position on the Language of Assessment and Certification in Units and Qualifications Validated by SQA (Delivered in the United Kingdom), including the exceptions to that policy.

Units and qualifications validated by SQA and delivered in the United Kingdom are assessed in English, and, in a range of subjects, Gaelic. Units and qualifications are all certificated in English unless they are delivered and assessed in the medium of Gaelic.

Where qualifications are delivered and assessed in the medium of Gaelic all Units and qualification titles will appear in Gaelic on the certificate followed by an English translation in brackets. The certificate will also be a recognition statement (in English) to indicate that the course was assessed through the medium of Gaelic.

Scotland's main language by custom and usage is English, with Gaelic, Scots, and British Sign Language making up the country's other main language groups. English and Gaelic are the principal languages of learning and teaching in Scotland, and this is reflected in the languages used in the assessment and certification of our Units and qualifications. Units and qualifications validated by SQA and delivered in the United Kingdom are assessed in English, and, in a range of subjects, Gaelic.

Language of assessment refers to the language used by a learner *in* their assessment. It does not refer to the assessment *of* languages, for example, modern languages.

All SQA Units and qualifications within the scope of this policy are certificated in English. Where candidates are assessed in Gaelic medium the qualification title will appear in Gaelic and the certificate will include a recognition statement. Recognition statements (in English) may be included on both paper certificates and electronic statements of certification for National Courses assessed through the medium of Gaelic.

The aim of the policy is to facilitate these processes and ensure they fall within SQA's remit and comply with its obligations.

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

The policy applies equally to all learners to ensure a consistency of approach that aims to maximise fairness to all groups of learners including equality groups. Although, language of assessment and certification could be construed as having race related connotations given the inherent connection often associated between race and languages spoken. The policy position may be limiting for some learners depending on ethnic origins.

Language of Assessment and Certification in Units and Qualifications Validated by SQA (Delivered in the United Kingdom) states that assessment and certification will be in English as it is Scotland's main language by custom and usage. In recognition of Scotland's most prominent minority language, the Gaelic Language (Scotland) Act 2005, The Education (Scotland) Act 2016 and SQA's own Gaelic plans this is reflected in the

languages used in the assessment and certification of our Units and qualifications. Units and qualifications validated by SQA and delivered in the United Kingdom are assessed in English, and, in a range of subjects, Gaelic.

We are committed to conducting consultation and monitoring activities. Emerging practices may shape future language of assessment and certifications requirements, in alignment with our commitment to review our existing policy position as appropriate.

We acknowledge that our Language of Assessment and Certification position could create a disadvantage to speakers of languages other than English however SQA does not have the resource or expertise to offer all qualifications in all other languages.

Evidence, Consultation and Engagement

What stakeholders have you engaged with in the development of this policy or practice?
To review this policy a short life working group (SLWG) was established from across SQA. The SLWG was formed of staff members with responsibility and expertise in: Research and Policy Managers across the Policy, Analysis and Standards directorate. Qualification Development providing representation across a range of subjects and sectors. SQA Operations representatives. Assessment Arrangements colleagues. Equalities representatives. SLWG recommended more clarity on roles of centre versus Awarding Body and including links to other Language of Assessment Policies for ease of access. A glossary of terms has been included and clarity on where and why this policy applies.

What evidence about equality groups do you have to support this assessment?	
Age	We do not currently collect this data on learners.
Disability	We do not currently collect this data on learners.
Race	We do not currently collect this data on learners. As we might expect, language of assessment should reflect the language of instruction in the interests of fairness to the learner. Since English is the common language of Scotland, this is reflected in the language of assessment recognised by SQA, and to a lesser extent some qualifications in Gaelic. BSL is available as an assessment arrangement where required. However, Scotland has a diverse language base. 2011 Scottish Census found that more than 150 languages other than English are used in Scottish homes (https://www.gov.scot/policies/languages/). Research from around the world (https://unesdoc.unesco.org/ark:/48223/pf0000372299) , The Impact of Language of Instruction in Schools on Student Achievement: Evidence from Malaysia Using the Synthetic Control Method (worldbank.org)) has shown that students who learn and are assessed in their first language outperform students who are assessed in additional languages.

	Though these studies are not based in the UK, similar studies in countries where English is one of the main languages of instruction have found similar results. Gundersen et. Al. (https://eric.ed.gov/?id=EJ989907) found distinct differences in academic success related to immigrant class and first language between immigrant and Canadian-born students in Canada.

When assessing in more than one language there are issues around fairness, maintaining of standards and comparability of learner performance that must be considered, as this paper highlights (Sireci. S.G., (2005) *Problems and Issues in Linking Assessments Across Languages*). SQA must ensure that the assessment of our qualifications is valued and credible with users, partner organisations and the wider community therefore ensuring the maintenance of standards is an important consideration when assessing across languages.

As SQA does not currently collect data on the race (or indeed first spoken language) of its learners, it is difficult to know the true size of any impacts here. SQA are working towards broadening the learner evidence base through the Pupil Census to fill this gap.

References:

Soh, Yew Chong; Del Carpio, Ximena V.; Wang, Liang Choon. 2021. The Impact of Language of Instruction in Schools on Student Achievement: Evidence from Malaysia Using the Synthetic Control Method. Policy Research Working Paper; No. 9517. World Bank, Washington, DC. © World Bank. https://openknowledge.worldbank.org/handle/10986/35031 License: CC BY 3.0 IGO.

Gunderson, L., D' Silva, R.A., & Odo, D.M. (2012) *Immigrant Students Navigating Canadian Schools: A Longitudinal View.* Available online at: ERIC - EJ989907 - Immigrant Students Navigating Canadian Schools: A Longitudinal View, TESL Canada Journal, 2012 (ed.gov) [Accessed 09/02/2023] |
Religion or Belief	We do not currently collect this data on learners
Sex	We do not currently collect this data on learners
Sexual Orientation	We do not currently collect this data on learners
Gender Re-assignment (Gender identity and transgender)	We do not currently collect this data on learners

Marriage/Civil Partnership	We do not currently collect this data on learners
Pregnancy / Maternity	We do not currently collect this data on learners
Care experience (where relevant)	We do not currently collect this data on learners

Impact and Opportunities for Action

The impact that a policy or practice has on an equality group may be different and this requires to be recorded. The impact may not always be negative. Actions are taken to address any differential impact, and include actions to mitigate against any negative impact, to advance equality and to foster good relations between groups.

Each section contains questions for each equality group. These questions are here to support consideration; however, you can provide further detail. Focus initially on the equality groups that would be affected by this policy. If you do not consider that certain equality groups would be affected by this policy, you may leave these sections.

Protected Characteristic	General Equality Duty
Age	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	No impacts can be identified based on age.
	Advance equality of opportunity
	No impacts can be identified based on age.
	Foster good relations
	No impacts can be identified based on age.
Protected Characteristic	**General Equality Duty**
Disability	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	No impacts can be identified based on disability.
	Advance equality of opportunity
	Positive impact - BSL assessments are considered as reasonable adjustments thereby advancing equality of opportunity for candidates who use BSL. SQA identified a potential impact for disabled persons and put in place reasonable measures to mitigate this impact.

	Foster good relations
	No impacts can be identified based on disability.
Protected Characteristic	**General Equality Duty**
Race	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	Negative impact – We acknowledge that the 2011 Scottish Census found that more than 150 languages other than English are used in Scottish homes. Although, language of assessment and certification could be construed as having race related connotations given the inherent connection often associated between race and languages spoken. The policy position may be limiting for some learners depending on ethnic origins. This policy does not allow all Scottish learners to be assessed in the language of their custom or common usage as language of assessment occurs in English, to some extent Gaelic and British Sign Language, as assessment arrangements. SQA has Assessment Arrangements which can be put in place to support learners for whom English is not their first language, as measures to mitigate the impact of this policy. We acknowledge that our Language of Assessment and Certification position could create a disadvantage to speakers of languages other than English however SQA does not have the resource or expertise to offer all qualifications in all other languages.
	SQA is committed to monitoring this situation and reviewing this policy position as appropriate and in line with what is practical from a resource and expertise perspective.
	Advance equality of opportunity
	We would allow other assessment arrangements to support candidates where English is not the first language. Use of bilingual dictionary for candidates who have English as an additional language (sqa.org.uk)
	Foster good relations

	SQA set standard of language comprehension through the qualifications and assessments we set. However, we take steps to support candidates where their first language is not English through the use of assessment arrangements. Use of bilingual dictionary for candidates who have English as an additional language (sqa.org.uk)
Protected Characteristic	**General Equality Duty**
Religion or Belief	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	No impacts can be identified based on religion or belief.
	Advance equality of opportunity
	No impacts can be identified based on religion or belief.
	Foster good relations
	No impacts can be identified based on religion or belief.
Protected Characteristic	**General Equality Duty**
Sex	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	No impacts can be identified based on sex.
	Advance equality of opportunity
	No impacts can be identified based on sex.
	Foster good relations
	No impacts can be identified based on sex.
Protected Characteristic	**General Equality Duty**

Sexual Orientation	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	No impacts can be identified based on sexual orientation.
	Advance equality of opportunity
	No impacts can be identified based on sexual orientation.
	Foster good relations
	No impacts can be identified based on sexual orientation.
Protected Characteristic	**General Equality Duty**
Gender Re-assignment (Gender identity and transgender	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	No impacts can be identified based on gender re-assignment (Gender identity and transgender).
	Advance equality of opportunity
	No impacts can be identified based on gender re-assignment (Gender identity and transgender).
	Foster good relations
	No impacts can be identified based on gender re-assignment (Gender identity and transgender).
Protected Characteristic	**General Equality Duty**
Marriage/Civil Partnership	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	No impacts can be identified based on marriage/ civil partnership.
	Advance equality of opportunity
	No impacts can be identified based on marriage/ civil partnership.

	Foster good relations
	No impacts can be identified based on marriage/ civil partnership.
Protected Characteristic	**General Equality Duty**
Pregnancy / Maternity	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	No impacts can be identified based on pregnancy/ maternity.
	Advance equality of opportunity
	No impacts can be identified based on pregnancy/ maternity.
	Foster good relations
	No impacts can be identified based on pregnancy/ maternity.
Considered by SQA	**General Equality Duty**
Care experience (where relevant)	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	No impacts can be identified based on care experience.
	Advance equality of opportunity
	No impacts can be identified based on care experience.
	Foster good relations
	No impacts can be identified based on care experience.

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.

Important to note that this policy does not relate to the assessment of foreign languages but rather refers to the language used by a learner *in* their assessment.

SQA do not have the expertise or resource available to offer all qualifications in all languages. Linked to this is the need to maintain standards and validity of the qualifications. For example, it would also be necessary to ensure that standards remain consistent where assessment is being carried out in different languages. Therefore, the translation of any qualification would need both subject and language expertise to ensure that the level of the assessment was consistent regardless of the language in which the learner is being assessed.

SQA has a duty to end-users of SQA certificates including employers, HE and FE, it would be the end user's understanding that the candidate had demonstrated a competence of the English language in relation to the particular qualification undertaken.

SQA must be able to quality assure every aspect of our qualifications. Translating assessment materials meaningfully inevitably involves a degree of interpretation and re-phrasing in the foreign language. It is not a word for word process and translation and simultaneous maintenance of standards when assessing the same items in potentially numerous different languages is not a practicable for all languages.

We acknowledge that our Language of Assessment and Certification position could create a disadvantage to speakers of languages other than English however SQA does not have the resource or expertise to offer all qualifications in all other languages.

Furthermore, there is the issue of the language of assessment needing to align to the language of instruction. Therefore, candidates being assessed in a language other than English should also be receiving instruction in that language. The language of assessment in centres will be determined by the needs of the learners and aligned to the expertise of the staff who teach there. It is outwith SQA's gift to affect this. For example, in some centres, the main/ common language used by the entire centre is Gaelic.