

1 – 03/03/21

From: Jonathan.Sewell@gov.scot <Jonathan.Sewell@gov.scot>
Sent: 03 March 2021 16:02
To: Steve Borley <Steve.Borley@sqa.org.uk>
Subject: RE: Reworked Appeals Review Consultation

No problem, can do then.

From: Steve Borley <Steve.Borley@sqa.org.uk>
Sent: 03 March 2021 16:00
To: Sewell J (Jonathan) (ECON) <Jonathan.Sewell@gov.scot>
Subject: RE: Reworked Appeals Review Consultation

Argh. Sorry - can you do 12.30-13.00?

From: Jonathan.Sewell@gov.scot <Jonathan.Sewell@gov.scot>
Sent: 03 March 2021 15:10
To: Steve Borley <Steve.Borley@sqa.org.uk>
Subject: RE: Reworked Appeals Review Consultation

I could do 12-12.30 tomorrow.

Or if easier I could do 5.15 today (if working group ends on time I can just about be back for then).

Thanks

Jonathan

From: Steve Borley <Steve.Borley@sqa.org.uk>
Sent: 03 March 2021 15:06
To: Sewell J (Jonathan) (ECON) <Jonathan.Sewell@gov.scot>
Subject: RE: Reworked Appeals Review Consultation

I'll struggle tomorrow morning as I'm fully committed.

I could do 11-11.30 or 12-12.30 (will only take a few minutes though).

Steve

From: Jonathan.Sewell@gov.scot <Jonathan.Sewell@gov.scot>
Sent: 03 March 2021 15:03
To: Steve Borley <Steve.Borley@sqa.org.uk> Redacted - section 38(1)(b) personal data
Cc: [REDACTED] <[\[REDACTED\]@sqa.org.uk](mailto:[REDACTED]@sqa.org.uk)>; Michael Baxter <Michael.Baxter@sqa.org.uk>
Subject: RE: Reworked Appeals Review Consultation

Thanks for this Steve.

Redacted - out of scope

[REDACTED] would you have some time tomorrow morning before 11?

Jonathan

From: Steve Borley <Steve.Borley@sqa.org.uk> Redacted - section 38(1)(b) personal data
Sent: 03 March 2021 14:31
To: Sewell J (Jonathan) (ECON) <Jonathan.Sewell@gov.scot>
Cc: [REDACTED] <[REDACTED]@sqa.org.uk>; Michael Baxter <Michael.Baxter@sqa.org.uk>
Subject: RE: Reworked Appeals Review Consultation

Hi Jonathan

I've added some brief comments below – could we possible have a call after the Working Group later, please?

Thanks

Steve

From: Jonathan.Sewell@gov.scot <Jonathan.Sewell@gov.scot>
Sent: 03 March 2021 10:20
To: Steve Borley <Steve.Borley@sqa.org.uk> Redacted - section 38(1)(b) personal data
Cc: [REDACTED] <[REDACTED]@sqa.org.uk>; Michael Baxter <Michael.Baxter@sqa.org.uk>
Subject: RE: Reworked Appeals Review Consultation

Morning Steve

Yes, a lot of busy days at the moment for us all.

Thanks for setting a lot of issues out here, and apologies for not being able to provide feedback on the consultation document earlier (see sentence number one...). I recognise that where you are with things there are little to no scope for making changes to the document, so the comments here are more around how the process is developed in parallel to the consultation and then what may want to be used alongside the results of the consultation.

I understand about the intention to publish next week, and regardless of the pre-election period I agree that there is merit and a need to get this out to the system and understand wider views and relative strength of them.

Redacted - section 30(b)(ii) - free and frank exchange of views

Between your points to note and reading the proposed I'd make the following observations.

The appeals process clearly has a large interaction with that of any process to deal with disrupted learning. The NQ group has discussed disrupted learning, but I don't think it has come to a clear conclusion, whereas the appeals consultation does look like it sets a minimum threshold for learning, and if that can't be met then regardless of the circumstances of why it happened then certification can't go ahead. Whilst I appreciate the need to maintain standards and ensure fairness, I think in this

instance due to the subjectivity of fairness it gets very difficult. I'm not saying that the appeals consultation has to settle this issue as it is wider than it, but you may need to be prepared for some people taking this interpretation. Additionally the first para on page 4 indicates that centres have flexibility to take individual circumstances into account, but this is within a set range of parameters, if a learner hasn't completed sufficient learning to enable assessment then as it stands there is nothing the centre can do about that and there is no route for a learner to appeal what is in effect a non-award.

Redacted - section 30(b)(ii) - free and frank exchange of views

The discussion about fairness is very good, fairness will always be subjective, so actually defining what is considered fair under these circumstances is crucial to the integrity and deliverability of the process. However, I think expectations are for a wider definition of fairness given the circumstances that learners have been faced. This links back in to the previous para, and is touched on again further down these points.

Redacted - section 30(b)(ii) - free and frank exchange of views

Apologies if I've missed it, but I don't think you are asking any questions about timing of appeals? Where there is a clear requirement set for centres to discuss provisional results before being submitted, and then little expectation that they will be changed, then a learner will be waiting for 6-7 weeks knowing that they want to appeal. I recognise there are lots of issues created by doing appeals work before results day, but should there be a question on it as to the need to start appeals early and the impact of doing so?

Redacted - section 30(b)(ii) - free and frank exchange of views

I agree the point about grades going down has to be in there, but there is a question about how local flexibility is used and what variance it creates in assessment

approach and marking standards between schools. Yes, there is guidance and sampling will be done, but you could get some mixed results. I think the answer is the guidance and sampling and sharing of best practice, but again there could be some challenge here.

In a similar way the local flexibility over assessment could create inequalities i.e. within an agreed spectrum of behaviour there may be perceived easier approaches to assessment in one centre versus another. Again the answer must be guidance and sharing best practice (as I don't think there will be sampling of assessment approaches), but given local centre variance in approach what might be fair in one centre may be different to another and so appeals on the basis of process being adhered to could be a bit restrictive in terms of delivering fairness.

Redacted - section 30(b)(ii) - free and frank exchange of views

The issue of generating additional assessment evidence in some appeals cases is an interesting one and has obviously had some discussion so far. In principle I see the value of it, in practice I see the difficulty of it, so it will be interesting to see what the responses to the consultation say about it. I did wonder if a sub question to question 13 could have been "what other possible approaches may there be to requiring a learner to develop new assessment evidence", but it may be that genuinely there aren't any practical options.

Redacted - section 30(b)(ii) - free and frank exchange of views

There is also a question about the potential for different processes in schools versus colleges. This may be the best practical approach, but there would be need to be clarity over the similarities of the processes and as such that fairness is delivered – an agreed set of principles operating in both systems would be a good way of doing this.

Redacted - section 30(b)(ii) - free and frank exchange of views

In the first para of the document it may look like you are conceding that UNCRC means that a learner has a direct right of appeal, I'm not sure that has been fully proven to be the case, do you need to soften that last sentence to suggest if a direct right of appeal is needed? I can see why you wouldn't want to ask a consultation question of whether a direct right of appeal is necessary, but the narrative might want to be careful to not concede that such an approach is necessary when the evidence is mixed.

I'm slightly confused by the third bullet point on page 12. When it refers to sampling is that referring internal centre sampling, or SQA sampling? I think more broadly this grounds for appeal would become clearer in the final guidance.

Redacted - section 30(b)(ii) - free and frank exchange of views

Overall, I agree with the approach you're taking, it will just be interesting to see what the results are as there are is some real scope here for disagreement from different stakeholders.

Redacted - section 30(b)(ii) - free and frank exchange of views

Again apologies for the delay on this. I'd be happy to discuss any of it if that would be helpful.

Good luck with the qualifications committee.

Thanks

Jonathan

From: Steve Borley <Steve.Borley@sqa.org.uk>
Sent: 02 March 2021 12:00 Redacted - section 38(1)(b) - personal data
To: Sewell J (Jonathan) (ECON) <Jonathan.Sewell@gov.scot>
Cc: [REDACTED] <[REDACTED]@sqa.org.uk>; Michael Baxter <Michael.Baxter@sqa.org.uk>
Subject: Reworked Appeals Review Consultation

Hi Jonathan,

Again, another busy day I'm sure.

I wanted to provide you with an updated version of the appeals consultation; the attached is going to our Qualifications Committee and Board this week so wanted you to have fresh sight too. It contains much the same in terms of messages and principles though we have reframed how we have expressed some of it following the discussions at the NQ working and steering groups.

I've also attached our research into HE/FE/Employer attitudes about appeals (and quals more generally). We anticipate we'll publish this alongside the consultation as a reference for those who

are interested. In order to get things completed before the pre-election period, we aim to have the consultation out for responses next week (w/c 8 March) – that would allow us to run it for two weeks prior to the pre-election period beginning.

There are some things in here that I'd like to highlight as, not surprisingly, there are stakeholders and opinion-formers whose position will likely differ and we want to make sure you and Ministers are aware.

Points to note

The role of qualifications: we take the opportunity to explain, as plainly as we can, the purpose and value of qualifications. We particularly highlight the centrality of demonstrated attainment in both 2021 and, indeed, every year.

Disruption in 2021: we acknowledge the disrupted learning and teaching in 2021, and further acknowledge the workload issues in schools and colleges that follow this disruption.

Mitigation measures: we provide a description of the adjustments to evidence requirements and the flexibility for assessment that is being afforded to centres in 2021, making it explicit that these are the measures in place that are designed to mitigate disruption to learning and that further steps - such as inferring attainment – is not possible.

Fairness: we explain that fairness is rooted in whether SQA processes have been followed or not.

Three potential models: we outline that the appeals model could be wholly in centres, a mix of centre and SQA responsibility or wholly with SQA. We note the differences of opinion expressed in NQ2021 groups about the desirability of these models to different stakeholders. We also note that all models require centres to play some role in the appeals process.

Principle: direct right of appeal by candidates. This will be necessary to meet regulatory expectations.

Principle: appeals are there to correct errors or unfairness. They are not a second opinion to assuage disappointment.

Principle: centre dialogue at the point a provisional result is determined is vital. This conversation is both required to meet regulatory requirements to keep the awarding model rights-compliant and also the best way of mitigating large numbers of appeals.

Principle: appeal decisions will be symmetric. As all awarding decisions are on demonstrated attainment, so it follows that a second review of the evidence may lead to grades going up, down or remaining the same. Note there are several influential voices who will expect a 'no detriment' approach – very probably including learner representative groups.

Principle: conditions and grounds for appeal will apply. Candidates must meet the condition of having discussed their results with their centre ahead of an appeal. The appeal must meet either the ground of an administrative error or the ground of unfairness in the awarding process. These will have to be explained not simply stated.

Principle: SQA's first stage will be to check centre process adherence. This will enable a decision to be made on whether processes had been properly carried out. If so, then we anticipate few appeals progressing beyond this process review stage.

Principle: where processes have not been applied appropriately, there will be two potential routes for a remedy. The most common will be asking a second subject specialist to review the evidence. However, in instances where the unfairness was found in the candidate's ability to generate evidence – for example, where pre-agreed assessment arrangements had not been made available – then an alternative remedy would be more appropriate. We have suggested this would be for other/new evidence to be reviewed. Note the NQ2021 groups have reservations about this remedy however, as yet, there has been no suggested alternative solution for candidates in this position.

Principle: SQA will not charge any fees for either centres or learners in 2021. Note this has yet to be formally agreed with the Scottish Government but we do not anticipate any appetite to introduce a pricing mechanism in 2021.

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I anticipate that our position that mitigations for 2021 are already baked in to the awarding process (and that there won't and can't be any adjustments made in the appeals process) will generate comment. I also suspect that the role of qualifications and where they draw their value (see the HE/FE/Employer research...) will often be left out of the narrative or flatly disagreed with by some commentators - as will the distinction between fairness and disappointment. Some commentators have also been vocal in calling for no detriment appeals so we would anticipate comment on our proposed symmetric approach.

I'm sure the proposed absence of fees will generate little dissent but we recognise that is, in the end, a matter for SQA and the Government to agree. The absence of fees is obviously a financial matter and therefore would ultimately need to part of the overall financial discussions between us.

I know there's a lot here so happy to have a chat if that would be useful.

Steve

Steve Borley

Head of Strategic Planning & Governance

Strategic Planning & Governance, Corporate Services

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2 – 14/04/21

From: Jonathan.Sewell@gov.scot <Jonathan.Sewell@gov.scot>

Sent: 14 April 2021 16:06

To: Steve Borley <Steve.Borley@sqa.org.uk>

Cc: Michael Baxter <Michael.Baxter@sqa.org.uk>

Subject: RE: CERG 22 April

Thanks Steve

Tomorrow 10-11 or 3.30-5, or Friday 12-2 or 3-4 look good at the moment, so if any time then suits you that would be good.

Jonathan

From: Steve Borley <Steve.Borley@sqa.org.uk>
Sent: 14 April 2021 15:58
To: Sewell J (Jonathan) (ECON) <Jonathan.Sewell@gov.scot>
Cc: Michael Baxter <Michael.Baxter@sqa.org.uk>
Subject: RE: CERG 22 April

Hi Jonathan,

I'd be glad to give you an update on where we are to date – if you want to suggest some times for Thurs or Fri I'll send a Teams invite.

Steve

From: Jonathan.Sewell@gov.scot <Jonathan.Sewell@gov.scot>
Sent: 13 April 2021 16:24
To: Fiona Robertson <fiona.robertson@sqa.org.uk>
Cc: Malcolm.Pentland@gov.scot; Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>; Michael Baxter <Michael.Baxter@sqa.org.uk>; Steve Borley <Steve.Borley@sqa.org.uk>
Subject: RE: CERG 22 April

Thanks Fiona

That would be useful to touch base with Mike or Steve on appeals, but only if it wouldn't get in the way of the consultation analysis.

I should also be in a position before the end of the week to give a bit more information about how responsibilities will be shared out in the team, I'm just waiting for colleagues to return from leave before I can confirm.

Thanks

Jonathan

From: Fiona Robertson <fiona.robertson@sqa.org.uk>
Sent: 13 April 2021 16:14
To: Sewell J (Jonathan) (ECON) <Jonathan.Sewell@gov.scot>
Cc: Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Jean Blair <Jean.Blair@sqa.org.uk>; Gill Stewart <Gill.Stewart@sqa.org.uk>; Michael Baxter <Michael.Baxter@sqa.org.uk>; Steve Borley <Steve.Borley@sqa.org.uk>
Subject: RE: CERG 22 April

Hi Jonathan

Happy to provide a brief update to CERG, that's no problem.

I agree too early for appeals. We will start consulting with NQ Groups next week on elements of appeals process, very much as an iterative process, but consultation analysis has not yet concluded. Steve or Mike can update you informally on that if you wish. Have a good break when it comes.

Fiona

Fiona Robertson
Chief Executive
Scottish Qualifications Authority

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From: Jonathan.Sewell@gov.scot <Jonathan.Sewell@gov.scot>

Sent: 13 April 2021 16:05

To: Fiona Robertson <fiona.robertson@sqa.org.uk>

Cc: Malcolm.Pentland@gov.scot

Subject: CERG 22 April

Hi Fiona

I'm not sure if you are already aware of this, but the CERG team have noted that there is a planned update on qualifications 2021 scheduled for CERG next week on the 22nd. We imagine this would be an update on the work of the NQ21 Group and the delivery of the Alternative Certification Model, but given the discussion this morning it sounds a bit too early to also cover appeals 2020. I'm on leave from Friday, but if there is anything I can help with in advance of that then please let me know.

Thanks

Jonathan


Jonathan Sewell
Curriculum, Qualifications and Gaelic - Learning Directorate
Scottish Government

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email: Jonathan.sewell@scotland.gsi.gov.uk

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3 – 30/04/21

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From: @gov.scot @gov.scot>

Sent: 30 April 2021 07:15

To: Steve Borley <Steve.Borley@sqa.org.uk>

Cc: [REDACTED]@sqa.org.uk>

Subject: RE: NQ21 QA ACM WG meeting 28 April: Appeals paper

Steve

Thank you very much for the reply. Really appreciated.

Look forward to meeting later this morning.

Have a great day

[REDACTED]

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[REDACTED]

Joint Head of Qualifications Unit & Professional Insight Advisor

From: Steve Borley <Steve.Borley@sqa.org.uk>

Sent: 29 April 2021 17:43

To: [REDACTED]@gov.scot>

Redacted - section 38(1)(b) - personal data

Cc: [REDACTED]@sqa.org.uk>

Subject: RE: NQ21 QA ACM WG meeting 28 April: Appeals paper

Hi [REDACTED]

Thanks very much for your response (and enthusiasm). We will no doubt see you at the steering group tomorrow.

To broadly answer your point: this is at an early stage though SDS have indicated a desire to look at their provision; we have in mind some 3rd sector organisations to talk to - plus, although schools are closed, LAs aren't so there is a discussion to be had about how far they have non-school resources that could be utilised. There have also been supportive noises from colleagues in the HE sector too.

In terms of coordination, that's a good question at this point.

Regards

Steve

Redacted - section 38(1)(b) - personal data

From: [REDACTED]@gov.scot [REDACTED]@gov.scot>

Sent: 29 April 2021 14:03

To: [REDACTED]@sqa.org.uk>; Steve Borley <Steve.Borley@sqa.org.uk>

Subject: RE: NQ21 QA ACM WG meeting 28 April: Appeals paper

[REDACTED]

/Steve

Hope you are both having a great day?

It has been a delight to attend and be involved in recent NQ21 discussions.

We (as in the NQ team) have been chatting over the following highlighted line:

Summer break

All NQ 2021 stakeholders are conscious of the summer break between learners receiving their provisional results and certification day, when the full appeals process will open for all learners.

Stakeholders will work together to ensure there is support for candidates over these weeks.

Our query is, what do we envisage that support will look like? Which stakeholders will be involved and who will co-ordinate?

Conscious that this come up tomorrow through other stakeholders, so no need for a response today.

Thanks, have a lovely afternoon and evening

[Redacted]

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[Redacted]

Joint Head of Qualifications Unit & Professional Insight Advisor
Joint Head of Qualifications Unit & Professional Insight Advisor

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4 – 05/05/21

Redacted - section 38(1)(b) - personal data

From: [Redacted]@gov.scot [Redacted]n@gov.scot>
Sent: 05 May 2021 13:27
To: Steve Borley <Steve.Borley@sqa.org.uk>
Cc: [Redacted]@sqa.org.uk>
Subject: RE: NQ Appeals/Summer

Hi Steve

Thanks for the email and sorry for delay in replying.

I'd be delighted to have a chat with [Redacted] – [Redacted] please feel free to email me directly and we can sort a time out.

Thanks

[Redacted]

Redacted - section 38(1)(b) - personal data

[Redacted]

Joint Head of Qualifications Unit & Professional Insight Advisor

From: Steve Borley <Steve.Borley@sqa.org.uk>
Sent: 30 April 2021 17:04
To: [Redacted]
Cc: [Redacted]
Subject: NQ Appeals/Summer

Hi [REDACTED]

Redacted - section 38(1)(b) - personal data

Following your helpful email, I thought it would be a good idea to introduce you to [REDACTED] – cc'd – who is part of the SQA group looking to help shape up the support for candidates over the summer months.

Can I suggest you and [REDACTED] have a conversation? I think SG involvement at an early stage would help to galvanise others and lead to a more joined-up approach across both public and third sectors. Now feels like an 'iron's hot' moment too.

Thanks and have a good weekend

Steve

Steve Borley

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