

Coronavirus (COVID-19): 2020 Results using teacher and lecturer estimates – child rights and wellbeing impact assessment

December 2020



Scottish Government
Riaghaltas na h-Alba
gov.scot

Coronavirus (COVID-19): 2020 Results using teacher and lecturer estimates – child rights and wellbeing impact assessment

This impact assessment considers the impacts to children's rights and wellbeing (CRWIA) as a result of using teacher and lecturer estimates following the cancellation of the examination diet in Spring 2020, due to COVID-19.

CRWIA Stage 1 Screening - key questions

1. Name the policy, and describe its overall aims.

2020 Results: using teacher and lecturer estimated grades

As part of the Scottish Government's response to the COVID-19 pandemic, the Deputy First Minister announced on 19 March 2020 that all local authority schools in Scotland would close from the end of the day on Friday 20 March 2020, this resulted in the cancellation of the examination diet in Spring 2020.

The Scottish Qualifications Authority (SQA) was asked by the Scottish Government to develop an alternative certification model to ensure that young people could receive awards this year. The Deputy First Minister met with a number of young people, following results day, to listen to their concerns on the alternative certification model and the impact this had on them and their future prospects.

In responding to young people's concerns on the alternative certification model the Deputy First Minister announced on 11 August that he was directing SQA to re-issue awards, for those students who were downgraded, on the basis of original teacher or lecturer estimates. This re-direction of policy will deliver the fairest approach for learners on National 5, Highers and Advance Highers courses, given the exceptional circumstances of 2020.

The aim of the policy, awarding results in 2020 using teacher and lecturer estimates, is to help achieve equity and fairness for all learners, and maintain faith in the Education system in the absence of being able to assess coursework or hold a full exam diet.

A full [Child Rights and Wellbeing Impact Assessment](https://www.sqa.org.uk/sqa/files_ccc/2020-sqa-alternative-certification-model-child-rights-wellbeing-impact-assessment.pdf)¹ (and [Equality Impact Assessment](https://www.sqa.org.uk/sqa/files_ccc/2020-sqa-alternative-certification-model-equality-impact-assessment.pdf)²) was undertaken by SQA on the alternative certification model, and included looking at the impact of using teacher and lecture estimates on learners. This CRWIA scoping exercise builds on the work by SQA, focusing on the analysis of impact of using teacher and lecturer estimates and the engagement Deputy First Minister undertook with young people.

¹ https://www.sqa.org.uk/sqa/files_ccc/2020-sqa-alternative-certification-model-child-rights-wellbeing-impact-assessment.pdf

² https://www.sqa.org.uk/sqa/files_ccc/2020-sqa-alternative-certification-model-equality-impact-assessment.pdf

2. What aspects of the policy/measure will affect children and young people up to the age of 18?

The Articles of the UNCRC and the child wellbeing indicators under the Children and Young People (Scotland) Act 2014 apply to all children and young people up to the age of 18, including non-citizen and undocumented children and young people.

This policy will award the teacher and lecturer estimates to all learners that were downgraded through the moderation process originally set for awarding exams results in 2020.

3. What likely impact – direct or indirect – will the policy/measure have on children and young people?

'Direct' impact refers to policies/measures where children and young people are directly affected by the proposed changes, e.g. in early years, education, child protection or looked after children (children in care). 'Indirect' impact refers to policies/measures that are not directly aimed at children but will have an impact on them. Examples include: welfare reforms, parental leave, housing supply, or local transport schemes.

This policy change will directly impact all learners where the estimated teacher grade was downgraded through the SQA alternative certification model, with all learners now being awarded their estimated grades as a minimum.

This approach to awarding results in 2020 will positively impact just under 76,000 learners, who were expecting to sit National 5, Higher or Advance Higher exams in Spring 2020 and saw their grades downgraded through the moderation process, helping to achieve equity and fairness for all learners. Around three quarters of teacher and lecturer grade estimates were not adjusted during the moderation process.

Building on the analysis by SQA in their CRWIA¹ which highlighted five UN Convention on the Rights of Child (UNCRC) articles considered relevant:

Article 2 Non-discrimination

Article 2 states all children have the rights set out in the UNCRC, and individual children and young people shouldn't be discriminated against when these rights are realised. This covers both direct and indirect discrimination.

Using SQA's analysis as a starting point, the Scottish Government has undertaken an Equality Impact Assessment covering the revised policy (using teacher and lecturer estimates), including further engagement with stakeholders
<http://www.gov.scot/ISBN/978-1-80004-412-8>.

The Equality Impact Assessment sets out the steps taken by SQA to mitigate the risks of bias and discrimination when using teacher and lecturer estimated grades.

Article 3 Best interests of the child

Article 3 states that the interests of children and young people should be thought about at all levels of society, and that their rights should be respected by people in power

The system of moderation, as part of the alternative certification model, meant that some young people did not receive awards they felt they were capable of achieving – and that their teachers and lecturers believed they deserved. The results left many young people feeling that their future had been determined by statistical modelling rather than their own capability and capacity.

The revised policy, to use teacher and lecturer estimates for results in 2020, was delivered in direct response to concerns from young people, and made in the best interests of learners, the majority of whom are young people. This delivered fairness to all learners, as this policy change aims to maintain faith in the Education system and give young people, from all backgrounds, the confidence that your hard work will be fairly rewarded.

Article 12 Right to be listened to and taken seriously

Article 12 recognises that children and young people do not have as much power as adults but states they still have the human right to have opinions and for these opinions to be heard and taken seriously.

This results policy, using teacher and lecturer estimated grades, was delivered through engagement with young people, listening to their concerns and acting on this.

Following results day, Deputy First Minister had Zoom meetings with several young people who had written to him either privately and/or by open letter to discuss the SQA results. They included the SQA Where's Our Say group, who discussed children's rights issues. The Deputy First Minister has stated regularly that the views of young people about the downgrading of results strongly influenced his decision to revert all lowered grades to the original teacher estimates.

Article 17 Right to information

Article 17 of the UNCRC states that children and young people should be able to access information.

SQA hosts a range of information for learners on their web pages, with a dedicated webpage covering this year's exam results process [2020 Qualifications - your questions answered](https://www.sqa.org.uk/sqa/93797.9752.html)³.

³ <https://www.sqa.org.uk/sqa/93797.9752.html>

Article 28 Right to education

Article 28 of the UNCRC says that children and young people have the right to education no matter who they are: regardless of race, gender or disability; if they're in detention, or if they're a refugee.

SQA provides assessment and certification of its qualifications for all learners taking National 5, Higher and Advance higher courses. To deliver the fairest approach for all learners, and to ensure that the achievements of young people were recognised, SQA was directed by the Scottish Government to award all learners their teacher or lecturer estimated grade as a minimum (for learners whose award was upgraded through the moderation process, this was not changed, to ensure no detriment to any young person).

4. Which groups of children and young people will be affected?

Under the UNCRC, 'children' can refer to: individual children, groups of children, or children in general. Some groups of children will relate to the groups with protected characteristics under the Equality Act 2010: disability, race, religion or belief, sex, sexual orientation. 'Groups' can also refer to children by age band or setting, or those who are eligible for special protection or assistance: e.g. preschool children, children in hospital, children in rural areas, looked after children, young people who offend, victims of abuse or exploitation, child migrants, or children living in poverty.

All learners, the majority of which will be between ages 15 -18, undertaking National 5, Higher and Advance Higher courses, where their grade was downgraded through the SQA alternative model of certification will be positively affected by this policy decision, approximately 76,000 young people, giving all young learners their teacher or lecturer estimated grade as a minimum award.

A full Equality Impact Assessment (EQIA) was undertaken to consider the potential impact on children and young people with protected characteristics. The EQIA shows that

'while around three quarters of all teacher and lecturer estimates were upheld through the SQA certification model, for the cases where grades were adjusted downwards there was a focus on how this was profiled across young people, with the estimated grades of pupils in the most deprived areas adjusted to a larger degree than those of pupils in the least disadvantaged areas, leading to questions on the fairness of the process.'

Following a reconsideration of the impact this has had on learners already facing unprecedented challenges as a result of Covid 19, the SQA was directed to re-issue awards which were downgraded through moderation back to the teacher estimated grade. This was done on a basis of no detriment for individual learners; where a grade was increased through moderation the higher grade will stand. The revised certification process means that, across National 5, Higher and Advanced Higher, for all equality characteristics the 2020 pass rate was higher than the average pass rate amongst candidates between 2016 and 2019.'

5. Will this require a CRWIA?

Explain your reasons.

A full CRWIA was undertaken by SQA for the certification of exam results in 2020, which included analysis on using teacher and lecturer estimated grades. This scoping CRWIA builds on that analysis focusing on the revision in policy following ministerial engagement with young people.

This policy will ensure that all learners, who would have been sitting National 5, Highers, or Advanced Highers exams in Spring 2020, and had their estimated grade downgraded through the alternative certification model will be awarded their estimated grades by teachers or lecturers. This approach sees pupils rewarded for their predicted achievements in national qualifications, ensuring confidence in the fairness and value of Scottish education.

The revised approach to awarding results in 2020 is the direct result of engaging and listening to the concerns of the young people. With the analyses of the results for 2020, based on teacher or lecturer estimates, demonstrating that this approach has not disadvantaged any group of young people, as set out in the Equality Impact Assessment <http://www.gov.scot/ISBN/978-1-80004-412-8>.

From the available evidence, this revised policy is in the best interests of children and young people in Scotland. This policy change addresses the impacts arising from the alternative certification model, where some learners saw their grades downgraded from the teacher or lecturer estimates of performance.

CRWIA Declaration

Tick relevant section, and complete the form.

CRWIA required**CRWIA not required**

CRWIA is not required

Authorisation**Policy lead**

Senior Phase Unit

Date

10 Dec 2020

Deputy Director or equivalent

Malcolm Pentland
Deputy Director for Curriculum,
Qualifications and Gaelic

Date

10 Dec 2020



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2020

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80004-413-5 (web only)

Published by The Scottish Government, December 2020

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS771526 (12/20)

W W W . g o v . s c o t