



2021 National Qualifications Appeals Process Consultation Analysis

Contents

Introduction	1
Background	1
Consultation process and methodology	1
Respondent profiles and statistics	2
Executive summary	3
Question 1: Explanation of judgements	3
Questions 2 and 3: Appeals models	4
Question 4: Grade changes following appeals	5
Question 5: Volume of appeals	6
Question 6: Grounds of appeal	7
Question 7: Explaining the appeals process	8
Question 8: Equality impact	9
Question 9: Prioritisation of appeals	10
In-depth analyses of Questions 1–9	11
Analysis of Question 1	11
Theme: Content of explanations	11
Theme: The premise is flawed	14
Theme: Timing of discussions	16
Analysis of Questions 2 and 3	20
In relation to Question 2:	22
Arguments in favour of schools and colleges carrying out the initial stage of appeals:	22
Theme: Schools and colleges are more familiar with learners	22
Theme: In the spirit of the ACM	23
Theme: Simpler to check mistakes	24
Theme: Importance of dialogue	25
Theme: Limitations on school or college involvement	26
Arguments against schools and colleges carrying out the initial stage of appeals:	27
Theme: School and college workload	27
Theme: Impractical for schools and colleges to carry out the initial stage of appeals	28
Theme: Inappropriate to decide both grade and appeal	29
Theme: Relationships with parents, carers and learners	32
Theme: Practicalities of the process	34
In relation to Question 3:	35
Theme: Reasons in favour of SQA involvement	35
Theme: Reasons against SQA involvement	37

Theme: Centres should not be involved in the appeals process	38
Theme: Specific cases should be resolved by SQA	39
Theme: A limited number of appeals should be escalated to SQA	41
Analysis of Question 4	43
Theme: Exceptional circumstances should be considered	43
Theme: Grades should not be downgraded	45
Theme: When a grade is changed, it has other implications	48
Theme: Learners must know what an appeal will be based on and how this may affect a grade	49
Theme: If there is no risk of a grade being downgraded then all learners would appeal	49
Analysis of Question 5	50
Theme: Communication about the ACM	50
Theme: It is not possible to limit appeals	52
Theme: Clarity on criteria for appeals	54
Theme: Fees	56
Theme: Other suggestions on minimising the number of appeals	56
Theme: The model adopted will have implications for the number of appeals	57
Analysis of Question 6	59
Theme: Proposed grounds are correct	59
Theme: Additional grounds are required (within demonstrated attainment)	61
Theme: Additional grounds are required (beyond demonstrated attainment)	62
Theme: Lack of clarity	65
Theme: Grounds are incorrect	66
Analysis of Question 7	69
Theme: Clear explanation of the appeals system is required	69
Theme: Channel suggestions	71
Theme: Simplicity	75
Analysis of Question 8	77
Theme: Social class	77
Theme: Protected characteristics	78
Theme: Impact on learners as a whole	82
Theme: Impact on teachers and lecturers	84
Theme: Improved access to appeals	86
Theme: Positive outcomes	88
Analysis of Question 9	90
How should the consideration of appeals be prioritised?	90
Theme: Prioritisation is correct	90
Theme: Other groups should be added	91
Theme: No prioritisation is necessary	93

Introduction

Background

SQA will implement a National Qualifications appeals process in 2021, ensuring fairness and equity for learners and reflecting the rights contained in the [United Nations Convention on the Rights of the Child](#). To inform the development of the appeals model, we launched a consultation to gather stakeholders' views on a range of draft proposals. The consultation included options for managing the appeals process in 2021 and the proposed elements of the appeals process.

The consultation was open to all SQA stakeholders. It opened on 12 March 2021 and closed on 26 March 2021.

The purpose of this document is to provide analyses of the key points raised during the consultation process. SQA's responses to those points are detailed in the Appeals Model, the Equality Impact Assessment and the Children's Rights and Wellbeing Impact Assessment.

Consultation process and methodology

We gathered feedback on our draft proposals via a consultation questionnaire with nine substantive questions. Questions focused on:

- ◆ how learners can be supported when deciding whether to make an appeal
- ◆ how the appeals process should be managed between centres and SQA
- ◆ the parameters of the appeals process and the grounds for appeal
- ◆ SQA's public sector equality duty

The consultation was published on SQA's website and a large majority of responses were directly submitted online, with a small number submitted via email.

The responses demonstrated expertise, knowledge, and sincerely held opinions on the National Qualifications appeals process in 2021, and we thank all of those who took the time to provide a response.

In the consultation document, we sought views on the proposals, rather than closed yes/no responses. This encouraged participants to provide reasoning for their responses which allowed SQA to better understand considerations. Our analysis of responses seeks to identify the most common themes and issues that arose from the consultation. It does not report on every individual point raised in the consultation responses. Nonetheless, all responses were analysed.

Our aim was to identify the main themes and the full range of views expressed in relation to each question, together with areas of agreement and disagreement in the views of different types of respondent. The analysis identifies key themes by respondent type, where appropriate.

Where permission to publish has been provided, the consultation responses are now available to view online.

Respondent profiles and statistics

This consultation was open to all SQA stakeholders, but we particularly welcomed the views of learners, parents and carers, practitioners in schools, colleges and training providers, and responses from the users of our qualifications, such as employers and apprenticeship and higher education providers.

A total of 1,114 responses were received — 93% from individuals and 7% from organisations. The majority of responses were from teachers.

Respondent type	Number	Percentage
Teacher	868	78%
Parent/carers	104	9%
Organisation	80	7%
Learner	23	2%
Undisclosed	15	1%
Other individual	15	1%
Lecturer	9	1%

Table 1 Respondent profiles and numbers

Although representing only 7% of respondents, there was a wide range of interests represented among the organisations that responded. These organisations included schools, colleges, local authorities, unions, professional associations, parent organisations, and learner representatives.

It should be noted that some individuals submitted comments very similar in nature to comments from organisations (particularly unions and schools). Generally, these comments were included separately in the analysis.

Executive summary

Question 1: Explanation of judgements

- ◆ When asked about centres explaining their judgements prior to any appeals, many respondents thought such explanations would not be necessary, either because this should not be a centre's responsibility, or because explanations would have already been given through the 2021 Alternative Certification Model (ACM).
- ◆ Many teachers disagreed with the suggestion that they would have to 'explain, in detail, the reason for their judgement'. Concerns were raised around workload, pressure from parents and this being an unnecessary and bureaucratic step. It was repeatedly pointed out that SQA does not explain judgements when awarding grades.
- ◆ On the other hand, from those respondents more supportive of pre-appeal explanations, there was a range of suggestions on what the nature of pre-appeal discussions should be, and what supporting evidence should be used to facilitate discussions. Suggestions included assessment instruments, marking instructions, Understanding Standards materials, and details of moderation activities and quality assurance processes.
- ◆ With regards to the timing of pre-appeal discussions, numerous respondents thought that centre–learner dialogue would be ongoing as part of the ACM and that any pre-appeal discussions would fall out of that, as a matter of course. Others thought discussions should take place when learners are told their provisional grade, with few respondents arguing that discussions should occur post-certification.
- ◆ Some respondents, particularly learners and their representatives and parents/carers, called for detailed written explanations of centre judgements. Teacher respondents were much less likely to suggest written reports, preferring face-to-face, online, or telephone clarifying conversations.

-

Questions 2 and 3: Appeals models

- ◆ The majority of respondents thought that the initial stage of an appeal ought to be determined by SQA. However, there were differing views among the different participant groups for this consultation exercise. Teachers, other individuals, organisations and respondents who chose not to state which group they fell into thought that SQA ought to handle the initial stage of appeals. Parents/carers, learners and lecturers tended to feel that the initial stage should be handled by centres.
- ◆ In the event that the initial stage of the appeals process is carried out by schools and colleges, all respondent groups thought that there was a need for at least some learners to be able to escalate an appeal to SQA.
- ◆ Those who thought that schools and colleges should carry out the initial phase argued that schools and colleges had greater knowledge of their learners than SQA. They also suggested that this approach would result in quicker decisions, allow for greater dialogue and was more in line with the spirit of the ACM.
- ◆ Those who thought that SQA should carry out the initial phase of appeals largely pointed out the increased workload on teachers due to the ACM and the COVID-19 pandemic. They also argued that it would not be possible to have independent subject specialists carry out appeals because they would already have been involved in the initial marking and grading of learners' work, due to the checks and balances built into the ACM.
- ◆ They also had concerns around the impact on relationships between schools, parents/carers and learners and a view that it was inappropriate for schools or colleges to decide both a learner's initial grade and to determine the result of a subsequent appeal.
- ◆ If the initial stage of appeals is carried out by schools and colleges, respondents were asked whether some learners should have a further right of appeal to SQA. Many respondents thought that this should be an option in all cases where the learner remained dissatisfied. Others suggested that particular cases should be considered by SQA, including discrimination or bias, assessment arrangements, appeals based on centre processes and special circumstances.
- ◆ The arguments in favour of a further right of appeal to SQA were similar to those made against the first stage of appeals being carried out by centres. They included the need for independent adjudication, the impact on relationships between teachers, learners and parents/carers, and the need for a consistent approach across all schools and colleges.
- ◆ Those who thought that there was not a need for a further right of appeal to SQA tended to argue that such a right would undermine teacher judgement, and that it would not be necessary as very few errors would be made under the ACM. A small number of respondents also thought that SQA was in a worse position than schools or colleges to make a final decision on an appeal.

Question 4: Grade changes following appeals

- ◆ A substantial majority of respondents agreed that an appeal outcome should be the grade that the evidence shows ought to be awarded. This majority view was shared across the respondent types.
- ◆ A significant number of respondents argued that exceptional circumstances and an appropriate range of evidence should be considered during the appeals process to ensure it is fair, as many learners have had their education disrupted for various reasons and the quality of online learning provision has also varied.
- ◆ Of those respondents who do not support the possible downgrading of grades following an appeal, the main reasons given were that learners may be deterred from appealing; learners have experienced enough stress; teachers are best-placed to award grades; and learners should not be penalised for incorrect marking. However, a number of, mainly teacher, respondents thought that the risk of being downgraded would help to limit an influx of appeals from learners.
- ◆ Teachers highlighted the potential implications of changing grades following an appeal. Some thought grade changes could affect the credibility of the process, while others believed that any changes should result in a wider review of grades.
- ◆ Numerous respondents, most of whom were teachers, stated that learners should understand that an appeal outcome will be evidence-based and the grade might remain the same, be upgraded or downgraded.

-
-

Question 5: Volume of appeals

- ◆ Given the circumstances and difficulties of the past year, many respondents commented that a lot of learners are likely to genuinely feel that they have been unfairly treated and deserve to appeal if they wish. Several respondents thought that issues of resource and capacity for appeals were the responsibility of SQA and the Scottish Government alone.
- ◆ However, various respondents suggested that learners would be deterred from appealing unnecessarily if they fully understood and had confidence in the 2021 ACM and its quality assurance processes. There was a clear feeling that learners and parents/carers having as much detail as possible would limit the numbers of more speculative appeals.
- ◆ Numerous comments suggested that SQA needs to communicate clear, accessible, unambiguous, and easily understood information directly to parents/carers and learners. This should constitute the criteria for appeals, the parameters of the appeals process, and the evidence required to appeal.
- ◆ Several respondents thought that the possibility that appeals could potentially result in a downgrade would create a natural check on appeals, preventing an influx of those that may be inappropriate. Several respondents thought that this should be well publicised and made clear to learners before they decide whether to submit an appeal.

-

Question 6: Grounds for appeal

- ◆ Responses betrayed a level of confusion over what SQA means by fairness. Definitions of fairness could be subjective; there were calls for clarification and for SQA's definition for the purposes of appeals to be made more explicit. While some thought that the definition of fairness could be so broad as to encompass a range of appeals, other respondents argued SQA's definition was too narrow and limited.
- ◆ Respondents who thought that the proposed grounds were correct thought that they were the fairest and most equitable way to address the issue of appeals in the extraordinary circumstances.
- ◆ Several comments, all from teachers, emphasised that certification, and, by extension, any appeals, must be based on demonstrated attainment. Within this, other suggested grounds for appeal included discrimination or bias, marking error, and academic judgement.
- ◆ Others thought that grounds for appeal should go beyond demonstrated attainment. Extenuating circumstances that some respondents thought should warrant an appeal included: the impact of COVID-19 on mental health; digital access; bereavement; illness; prolonged or multiple absences; caring responsibilities; missed or disrupted learning; and Scottish Index of Multiple Deprivation (SIMD) decile.
- ◆ A number of schools and teachers took issue with the second proposed ground for appeal, and particularly the wording 'the centre failed to comply with SQA's requirements'. Several respondents thought such wording implied criticism of centres and suggests SQA does not trust centre judgement.
- ◆ Numerous teachers suggested one or other of the proposed grounds for appeal should not be required. While some stated that administrative errors should not be grounds for an appeal on the basis that they should be sorted out quickly and efficiently between SQA and the centre, others suggested that appeals would not be necessary should the ACM processes work as intended. Teachers cited centres' own quality assurance processes and learners' awareness of provisional grades as two reasons why grounds for appeals will not be required.

-

Question 7: Explaining the appeals process

- ◆ When asked how best to explain the appeals system to learners in the context of fairness in the assessments, a considerable number of respondents, across all groups, stressed the importance of clear, unambiguous, up to date guidelines. These guidelines were requested in several formats to be shared through various channels in a timely and efficient manner, building on information already in the public domain.
- ◆ Teachers highlighted concerns surrounding grade requirements and awards and stressed the importance of sharing guidelines and systems used to produce consistent grades with all stakeholders, to minimise disappointment and confusion as well as ensuring uniformity across all local authority and postcode areas.
- ◆ A considerable number of respondents, from all stakeholder groups, stressed the importance of transparency of the appeals process. Many respondents reported ambiguity and confusion over the information received to date from SQA.
- ◆ The majority of respondents felt that information on appeals ought to be available in a mix of printed and online formats, as a means of reaching the widest audience in the available timeframe. Among the many comments discussing possible channels of communication, arguments were put forward, by teachers primarily, noting that learners would be more inclined to take note of easily accessible information, presented online.
- ◆ Numerous learner and parent/carers respondents expressed a preference for information to be channelled through teachers and/or lecturers. Despite this, there was a clear feeling among many teacher respondents that, ultimately, SQA must be responsible for all communication of information, given the appeals system is a national issue and responsibility of disseminating the information ought not to be devolved to teachers or lecturers.

Question 8: Equality impact

- ◆ Several respondents raised concerns around additional assessment arrangements, and how to ensure that the system works effectively. Some concerns were expressed that learners may not get the support that they need, due to disruption caused by COVID-19.
- ◆ Respondents also mentioned learners with additional support needs, and learners with English as an additional language as groups that may be disadvantaged by the appeals process. Some suggested that learners in these groups may not be aware of the appeals process and how to use it, that they may not have the support required to access the process, and that they may not have the confidence to use the process.
- ◆ Several respondents raised issues of both conscious and unconscious bias. Some respondents suggested that appeals were carried out by SQA to limit the possibility of bias within a centre. Other respondents focused on the need for both the marking and appeals process to be as anonymous as possible to minimise any bias. Some of these respondents felt that this was particularly necessary to prevent any discrimination against learners with protected characteristics.
- ◆ Many respondents advocated that SQA should give more consideration to exceptional circumstances this year. Some of these respondents felt that it was essential that SQA allowed a degree of inferred attainment this year, and that not to do so would disadvantage those who would need most support. This could include individuals with protected characteristics.
- ◆ A significant number of respondents argued that more affluent learners, often supported by parents who understand how the education system functions, would make disproportionate use of the appeals system. Some also felt that learners from more deprived areas, and those who may lack parental support, may not appeal even when they had legitimate grounds to do so.
- ◆ Some respondents focused on the impact on learners in general. These respondents argued that all learners required both quick and accurate resolution of appeals, and clear communication with both SQA and their school or college.
- ◆ Other respondents commented on the impact on teachers and lecturers. These respondents suggested that issues of workload and stress, undermining of teacher judgement, damage to relationships between learners, parents/carers and teachers and potential harassment or victimisation of teachers and lecturers all need to be considered by SQA.

Question 9: Prioritisation of appeals

- ◆ More than half of the consultation respondents suggested that they were satisfied with the standard approach to prioritise appeals based on immediate progression requirements. This was generally considered the most fair and equitable approach.
- ◆ Several respondents suggested that those learners who are leaving school or college should be prioritised over others and some suggested that — possibly after the immediate prioritisation of employment or tertiary education — the next most important factor for appeals is progression within school.
- ◆ Various other suggestions were received from relatively small numbers of respondents: learners facing October UCAS deadlines; learners whose mental health may be adversely affected; appeals where bias or discrimination may be a factor; prioritisation should be on the basis of SIMD decile; possible administrative errors should be prioritised as these will be quickly resolved; cases of a high number of appeals from one school or department; and exceptional circumstances.

In-depth analyses of Questions 1–9

Analysis of Question 1

To allow learners to decide whether to submit an appeal, and to respect learners' rights, there is a need for centres to explain, in detail, the reason for their judgement. How can this best be done?

When asked about centres explaining their judgements in advance of appeals, many respondents suggested situations where learners may need more in-depth information. On the other hand, a large proportion of respondents suggested that such explanations would not be necessary, either because this should not be a centre's responsibility or because explanations would have already been given via the 2021 ACM. There were also several comments which, although not as clearly opposed to the need to give learners explanations for judgements, expressed that explanations would happen on an ongoing basis through the ACM and there was no need for explicit explanations before appeals.

These themes are explored in more detail below.

Theme: Content of explanations

Share policies and procedures

Several teachers suggested that the robust nature of the ACM and the policies and processes leading to the award of a grade should be shared with learners and parents/carers. It was thought that, in deciding whether to submit an appeal or not, knowing the moderation and verification processes taken by a centre could be instructive.

'The best way is for centres to share with learners and their guardians the quality assurance procedures that have been put in place to get to the point of their grade being decided.'

- Teacher

It was mentioned by several of the teachers that sharing details of quality assurance processes in advance would address the potential workload issues associated with explaining individual assessment decisions.

‘Are schools explaining the processes they have been through in terms of collation of evidence as well as marking and moderation? That is relatively straightforward and achievable by publishing details of policies and processes. Or are schools potentially explaining to individuals the granular detail of assessment decisions in each piece of work? This is potentially a massive job.’

- Teacher

Similarly, many of the respondents called for communication of the certification process from SQA, including moderation and quality assurance approaches. Dissemination methods suggested included directly to parents/carers and learners, on our website, on social media, in a video and via centres.

‘...quality assurance and moderation procedures will be in line with national guidance which would best be communicated to parents and young people by the SQA as a nationally standardised approach.’

- Teacher

This theme tied in, to an extent, with comments that centres should not be giving pre-appeal explanations to learners, discussed further below.

Share assessment decisions

While there were teachers who believed only policies and processes should be shared, there were others who suggested a range of materials that may help learners better understand their grade and, thus, whether to appeal or not. Notably, a number of parents/carers also commented here.

There were a range of suggestions relating to the nature of what such discussions should be, and what supporting evidence should be used to facilitate discussions.

‘Schools would explain to parents and young people specific assessment arrangements specific to the school and subject that a pupil is following.’

- Teacher

Learners and other individuals suggested the following be part of any pre-appeal explanation and discussion:

- ◆ assessment evidence
- ◆ mark allocation
- ◆ rationale for judgement
- ◆ exceptional circumstances

'Teachers should tell all learners what they used as evidence and learners should be able to ask their centres for a more in-depth explanation for their teachers' judgements.'

- Learner

Parents'/carers' suggestions included:

- ◆ written reports
- ◆ rationale for judgement
- ◆ local and national quality assurance process
- ◆ assessment evidence
- ◆ exemplars for each grade
- ◆ comparator evidence
- ◆ weightings
- ◆ marking scheme
- ◆ mark allocation
- ◆ where evidence is lacking

'Through face-to-face conversations with teachers, young people need to have the process clearly explained, and why in the judgement of their teacher they are being submitted for a particular grade. It also needs to be properly explained what the quality assurance process is around the awarding of this grade, ie has it been quality assured/checked by their head of department for example, and where applicable, have an opportunity for recourse with a more senior member of staff, to discuss any disparity that may occur between a young person and their teacher.'

- Parent council

Teacher and lecturer suggestions included:

- ◆ assessment instruments
- ◆ marking instructions
- ◆ details of moderation activities
- ◆ local and national quality assurance processes
- ◆ assessment arrangements implemented
- ◆ assessment evidence
- ◆ mark allocation
- ◆ Understanding Standards
- ◆ comparator evidence
- ◆ written report
- ◆ tracking reports
- ◆ rationale for judgement

‘Centres are already producing moderation and verification work, in place of a central SQA procedure, therefore this paperwork can be used to identify the reasons behind all judgements.’

- Teacher

‘Centres can share details of the assessment procedures and the moderation procedures that have taken place. This can include details around the relative weighting of aspects of the assessment materials, for example where folio pieces are worth more.’

- Teacher

It should be noted that there were a few teachers who agreed that there should be a pre-appeal discussion between the learner and the centre, but that this should focus not on the centre explaining its judgement, but on the learner explaining why they were considering an appeal. This links to several comments from teachers that this sort of discussion would take place in centres as standard before appeals in non-COVID years.

Theme: The premise is flawed

Centres should not have to explain grades to individual learners

When asked for their views on ‘explaining, in detail, the reason for their judgement’, many respondents — primarily teachers — commented on the impact this would have on their workload, the pressure they may receive from parents, and there was a general view that it would be an unnecessary and bureaucratic step. Moreover, it was repeatedly pointed out that SQA does not explain judgements when awarding grades in usual years.

Responses tied in with the choice of model, with several respondents commenting that Model 3 was the only acceptable one and that SQA needs to own and manage the appeals process in its entirety. Some felt that SQA may be abdicating its responsibility or trying to get centres to do its work.

The issue of workload was raised several times. Centres do not have the capacity to have in-depth discussions with every learner considering an appeal, particularly if this is at the start of the 2021-22 academic year. (The timing of any discussion is explored further below.)

‘The models suggested for appeals will...create significant workload implications for teaching staff at the start of the new session. We need to take due account of workload implications of centre-based appeals. At the start of the new session, staff will be focused on the shortfall in learning and teaching experience for many of our young people. Added to this, is what would have typically been a June start to senior phase will largely not be possible this session leading to a further impact on the new S4–S5 and S5–S6.’

- Local authority

Other teachers thought that these sorts of explanatory discussions would result in a questioning of teachers' professional judgement and would potentially be a source of conflict with learners and parents/carers.

'This is problematic because it immediately opens the channels to contest teacher grades.'

- Teacher

'Unfortunately appeals are likely to be very contentious and has the potential to create bad feeling between learners, parents and schools if they feel the school holds the ultimate power of decisions over appealing a disputed grade.'

- Teacher

Numerous respondents — again, mainly teachers — made the point that, as part of the ACM, learners and centres would have been discussing evidence, progress, and grades throughout the session. It was thought that there would be nothing new to add to a pre-appeal discussion, making it redundant and a duplication of effort.

'Learner conversations are part of the Alternative Certification Model and will have already taken place as part of the process — simply to repeat them at school level for appeals purposes is a flawed model.'

- Local authority

As mentioned above, several respondents disagreed with the premise that centres need to explain their judgements on the basis that this is not something SQA does in non-COVID years. There was a feeling that SQA is attempting to hold centres to a standard that it does not require of itself.

'There is no need for centres to explain in detail the reasons for their judgements. The SQA does not have to do this when producing exam results.'

- Teacher

'I would challenge the above statement as, routinely, the SQA does not hold itself to this same level of accountability and carefully avoids external scrutiny of its marking decisions.'

- Teacher

The grading process is unclear

A handful of respondents suggested that centres may struggle to explain their assessment decisions while the process was still unclear and inconsistent across the country. A couple of parents/carers suggested that more information was required to bring clarity to the ACM, including what could be used as evidence; it was thought that uncertainty could lead to more

appeals. A couple of teachers also thought that clear national guidance from SQA was required to ensure clarity and parity across schools and colleges.

Theme: Timing of discussions

Opinions on the timing of pre-appeal discussions tied in, to a degree, with widespread views that such discussions were a natural part of the ACM. That is, numerous respondents thought that centre–learner dialogue would be ongoing as part of the ACM and that any pre-appeal discussions would be part of that, as a matter of course.

Post-certification

Few respondents stated that pre-appeal explanations of judgements should take place post-certification. While some thought an explanation should take place at this juncture, most thought that any discussions post-certification should be solely to clarify the process of appealing.

A small number of respondents thought that a post-certification discussion on judgements would only be needed if SQA had amended the grade awarded from the provisional grade.

At or just before provisional grade awards

Many respondents thought that explanatory discussions should take place once quality assurance and moderation activities had taken place.

‘Centres should be allowed to have these conversations with their individual pupils in June so that pupils fully understand their awards and know what they are going to get. These should not be happening in August. August is too far away and pupils’ expectations change through time. They should be told and have their awards explained to them in June when things are fresh and they remember what they have or have not done. This would result in very few appeals in August as everyone has the information already.’

- Teacher

‘This should be done when the provisional grades are given to enable time for appeals to be considered.’

- Teacher

Indeed, the Scottish Secondary Teachers' Association response suggested that no appeal should be accepted after 10 August if it had not already been discussed with the centre before 25 June. Several respondents reiterated that there would be no surprises this year and provisional grades would be extensively discussed; there would be no reason for pre-appeal dialogue to wait until certification.

Ongoing process

Many respondents of all types thought that discussions explaining judgements were an ongoing process, either because this is central to the 2021 ACM or it is a normal part of the teaching and learning process (or a combination).

‘... no young person will be unaware of the reasons for their teachers’ judgements before submitting provisional/centre estimated grades to the SQA. Indeed, if the young person has been able to participate in discussions and decisions, including when provisional grades are under consideration, we believe that the likelihood of such disputes would be reduced, as the young person would gain understanding of why they had been awarded those grades as well as being afforded an opportunity to discuss alternative evidence and any extenuating or personal circumstances or protected characteristics which are being taken into account.’

- Children and Young People’s Commissioner Scotland (CYPCS)

‘Consistent with good policy and practice in relation to assessment, teachers and lecturers within centres explain the reasons for assessment judgements to learners in naturally occurring teacher-student dialogue which is integral to the learning, teaching and assessment process. This dialogue aims to support young people with their learning and onward progression, and would occur whether there was an appeals process or not.’

- Educational Institute of Scotland (EIS)

Such comments could relate to ones suggesting that a specific pre-appeal discussion of judgements may be a duplication of effort; such discussions will have already taken place at every stage. Strong communication between centres and learners and parents/carers was thought to be a vital part of the ACM, and one that many respondents thought would preclude the need for specific, detailed pre-appeal explanations.

‘We are of the view that if the guidance supporting the Alternative Certification Model is implemented rigorously and in full in schools, that ongoing conversations and communication with candidates focused on standards and evidence of demonstrated attainment, throughout April, May and June, should provide them with a detailed explanation and understanding of why, in the judgement of the teacher, supported by the school, that a provisional result at a particular grade was being submitted.’

- School Leaders Scotland (SLS)

On the other hand, several teachers and schools noted that pre-appeal discussions between learner and centre were part of normal processes.

'This question does not take into account the processes agreed as part of the Alternative Certification Model. Within the model, schools have been asked to engage in dialogue with learners regarding their progress. This is, of course, part of every teacher's role to provide formative assessment which allows the learner to understand their progress. This means that the final provisional grade should not come as a surprise to the candidate.'

'Where a learner does want to submit an appeal, it is likely that they will want to speak to their school in the first instance. This has always been the case, in recent years through the post results service and previously through the appeals process. Schools are equipped to have these discussions to ensure the learner and parents understand the process and any implications. However, this must be on the basis that the appeal is being sent to SQA.'

- Association of Directors of Education in Scotland (ADES)

How the process will work

Views on how the process would work were shaped by views on the content of such discussions and, at a general level, by respondent type. Some respondents, particularly learners and their representatives and parents/carers, called for detailed explanations of centre judgements.

Parents/carers were especially keen for judgement rationales to be provided in writing. Some of these respondents called for every learner to receive a written report explaining assessment judgements. These could be disseminated by email, letter, or online.

'The reasons should be written down and shared with the learner. Following this a meeting should take place where the reasons can be explained and any questions asked.'

- Parent/carer

'This should be done in writing so the learner can make an informed decision about whether to submit an appeal with parents/carers being involved in the decision along with their children.'

- Parent/carer

Several parents/carers also suggested face-to-face meetings, either in person or online where further clarification could be offered.

Teacher respondents were much less likely to suggest written reports (although some did), preferring instead face-to-face, online, or telephone clarifying conversations covering those topics suggested earlier, such as standards, quality assurance, evidence, and the assessment instrument. Some thought that, as well as or instead of teachers, principal teachers or senior leadership should be involved in such meetings. As touched upon earlier, some respondents noted that this sort of discussion would be normal practice before any appeal in non-COVID years.

‘The idea of a formal conversation between the learner, teacher and possibly parents would be the ideal way for the learner to be aware of the totality of the evidence used to determine their grade.’

- Teacher

A number of respondents called for a common framework, proforma, or script to guide and shape such discussions, ideally produced and disseminated by SQA.

While most of the respondents thought that the process would follow an individualised approach, there were others who suggested a more general group process. Dedicated assemblies were mentioned by learners, parents/carers, and teachers.

‘Schools hosting assemblies or live information sessions. Leaflets, text messages, social media campaign, videos would be helpful and engaging too.’

- Teacher

As might be expected, those who proposed a group approach tended to believe that such discussions should focus on the quality assurance processes rather than detailed information about assessment decisions.

Other issues

Several respondents to this question did not reply specifically to how explaining reasons for judgements could best be done, but on their preferred model. In common with responses to other questions, a number suggested that only Model 3 would be acceptable and workable and that SQA needs to take the lead role in any appeals process. As previously noted, it was also mentioned that pre-appeal conversations take place as a matter of course in normal years and that should continue to be the case.

‘While this year as in previous years schools are happy to support the appeals process the emphasis seems to have changed in that the models presented propose that schools should not simply support the process but should in fact manage and deliver the vast bulk of the process and this we believe is wrong given all that schools have had to cope with during the context of the pandemic over the last two school sessions.’

- Local authority

Analysis of Questions 2 and 3

Q2: Is it appropriate that the result of the initial appeal is determined by the learner's school or college? Please explain the reasons for your answer.

Q3: If the result of the initial appeal is determined by the learner's school or college, is there a need for some learners to be able to further appeal to SQA? If so, under which circumstances?

Respondents were asked to provide a 'yes' or 'no' answer to each of these questions. The results are shown in the tables below:

Question 2: Is it appropriate that the result of the initial appeal is determined by the learner's school or college?			
Respondent type	No	Yes	No. of respondents
Learner	43%	57%	23
Lecturer	44%	56%	9
Organisation	78%	22%	74
Other Individual	80%	20%	15
Parent/Carer	36%	64%	99
Teacher	81%	19%	855
Undisclosed	82%	18%	11

As can be seen, while most responses received indicate that the initial stage of an appeal ought to be determined by SQA, there are differing views among the different participant groups for this question. Organisations, other individuals, teachers and respondents who chose not to state which group they fell into thought that SQA should handle the initial stage of appeals. Parents/carers, learners and lecturers tended to think that the initial appeal should be handled by centres.

In general, organisational responses tended to split along similar lines. Schools, trade unions and local authorities largely take the view that SQA should handle the initial stage of appeals. Learner organisations and colleges think that it should take place in centres.

Question 3: If the result of the initial appeal is determined by the learner's school or college, is there a need for some learners to be able to further appeal to SQA?

Respondent type	No	Yes	No. of respondents
Learner	17%	83%	23
Lecturer	38%	63%	8
Organisation	28%	72%	60
Other Individual	27%	73%	15
Parent/Carer	7%	93%	101
Teacher	33%	67%	788
Undisclosed	36%	64%	11

The responses to this question were more clear-cut. All respondent groups felt that there was a need for at least some learners to be able to escalate an appeal to SQA. It should also be noted that some respondents chose to answer 'no' to demonstrate that they reject all centre-led appeals models.

In relation to Question 2:

A range of arguments were put forward both by respondents who felt that it was most appropriate for the initial stage of appeals to take place in schools and colleges, and by those who preferred that SQA carried out this phase. The arguments presented did not tend to cover the same areas.

Those who thought that schools and colleges should carry out the initial phase concentrated on the increased knowledge of learners' academic abilities and personal circumstances. They also considered that such a system would result in quicker decisions, would allow for greater dialogue and was more in line with the spirit of the ACM.

Those who thought that SQA should carry out the initial phase largely pointed out the increased workload on teachers and questioned the practicalities of schools and colleges being able to run the appeals system given the other burdens on educational institutions in the pandemic. They also had concerns around the impact on relationships between schools, parents/carers and learners and a view that it was inappropriate for schools or colleges to decide both the learner's initial grade and to determine the result of the appeal. Each set of arguments will be considered in turn.

Arguments in favour of schools and colleges carrying out the initial stage of appeals:

Theme: Schools and colleges are more familiar with learners

Many of the respondents who thought that schools and colleges should handle the first stage of appeals thought so because they felt that a learner's school or college would have a better understanding of learners and their circumstances than SQA could. This, they felt, put the school or college in the best position to determine the initial result of any appeal.

'Schools know their learners and also know the procedures by which grades were awarded — therefore schools are best-placed to deal with initial appeals.'

- Teacher

Academic knowledge of learners

A range of comments were received from all participant groups claiming that teachers and lecturers are better placed to determine the result of an appeal due to their knowledge of a learner's academic performance and ability. Some of these respondents pointed out that there was no way that SQA could have a similar level of knowledge of individual learners.

'I don't think an organisation with no links to the individual student should have a say on the matter when the school/college knows how the student has performed throughout the year.'

- Learner

Knowledge of individual circumstances

Other respondents thought that schools and colleges knew more about a learner's individual circumstances and could take this into account in the appeals process. Such views were expressed by a range of audiences and groups. It was apparent that many of these respondents felt that a learner's individual circumstances need to be considered as a part of the appeals process.

'Young people felt that the initial appeal should be discussed with the school or college in the first instance, to clarify the reasons for the award and provide the opportunity for circumstances to be taken into account, as well as to ensure any admin errors can be resolved.'

- Scottish Youth Parliament

More equitable

A small number of respondents felt that a system where the initial stage in an appeal was determined by a learner's school or college was more equitable, either in protecting learners' mental health, or in allowing issues of equality to be considered more easily.

Theme: In the spirit of the ACM

Several respondents felt that, given the central nature of teachers' professional judgement in the ACM, it was appropriate that schools and colleges also carried out the initial stages of the appeals process.

Minimal need for appeals

A number of respondents felt that there would be a very limited need for appeals if the processes in the ACM were carried out properly. Many of these respondents thought that the checks and balances in place in the ACM meant that an appeal would be unlikely to be successful.

'Schools are going through a stressful period of moderation and verification of marking. The results will be thoroughly checked and scrutinised before being submitted; there should be little to no need for appeals.'

- Teacher

In keeping with other internally assessed qualifications

A small number of respondents felt that appeals for National Qualifications in 2021 should be subject to similar procedures as other internally assessed qualifications, where centres develop their own quality assurance procedures and appeals processes, subject to approval by SQA through systems verification.

Trust in professional judgement

Some respondents focused heavily on the need to trust teachers' professional judgements, and felt that an appeals process where SQA made decisions on the correct grade for a learner was not consistent with that. Most of these were teachers, although some parents/carers and learners also took this view.

'In the current pandemic it is appropriate for the learner's school or college should determine the initial appeal. This is an extension of the responsibility given to teachers and schools and colleges to determine learners' assessment grades.'

- Teacher

Theme: Simpler to check mistakes

Another main justification for carrying out the first stage of appeals in centres was that it was more straightforward to do so.

Errors can be corrected more quickly

Several respondents felt that decisions could be made quicker if there was not a need to send evidence to SQA.

'This process could happen quite quickly in comparison to the time needed to collect materials, submit these to the SQA and the SQA employing someone to make this judgement.'

- Teacher

This was thought to be important to young people, as outlined by the CYPs:

'We support young people having an opportunity to approach their school or college initially if they are unhappy with their provisional grades. Young people's right to remedy includes a right to resolution as quickly and as close to the decision as possible.'

Less bureaucratic / Evidence is in the school or college

A considerable number of respondents also suggested that such a process would be less bureaucratic, often because the evidence that would be considered in any appeal is already in the school or college. Such views came from a wide range of different respondents, although predominantly from parents/carers and teachers.

'The school or college is best-placed to make judgements on results as they have the evidence available and colleagues within those establishments know the learner and can discuss meaningfully whether grades awarded are appropriate.'

- Teacher

Schools and colleges know the processes

Some respondents also cited the view that schools and colleges will have knowledge of the processes that they have used to assess learners in 2021 as an argument in favour of them carrying out the initial appeals process.

Theme: Importance of dialogue

A range of respondents across all types felt that a significant advantage of having the initial stage of appeals determined by a learner's school or college is that it would give an opportunity for dialogue to take place. Some respondents felt that this would be useful for explaining decisions to learners, and that this may reduce the need for formal appeals.

'Learners might not understand the reason for the decision and this could be explained to them, along with the moderation procedures.'

- Teacher

'...that should allow the learner good opportunities to discuss the reasons for the award with the centre. If the initial appeal is sent directly to the SQA then the opportunity for dialogue is lost.'

- Dyslexia Scotland

Other respondents envisaged that the dialogue that may take place could be wider than just an explanatory discussion. They felt that it would allow learners and/or their advocate to put forward reasons why the initial grade was incorrect.

'I feel the school should have to explain its decision, hear the views and input from the young person and parent. The school should have the option to change their original grade should they feel an error has been made or the full evidence has not been taken into account.'

- Parent/Carer

Theme: Limitations on school or college involvement

While a number of respondents felt that a school or college should determine the initial phase of appeals, they also felt that some limitations ought to be placed on the ways in which schools or colleges were involved.

Not all appeals should be resolved at centre level

Some respondents felt that *certain* types of appeals ought to be resolved at centre level. Most of those responses came from teachers. The most common suggestion was that appeals based on an administrative error could be best handled by a learner's school or college. In some cases, respondents felt that these cases could be handled more quickly without SQA's involvement.

'Simple mistakes which make it through any quality assurance, eg typos, transcription errors, etc could be handled quickly and simply by centres without need to refer to SQA.'

- Teacher

It was also suggested by a small number of respondents that centres could carry out a review of marking, although the level of detail that this would involve was not always clear.

Need for an escalation route to SQA

Of those who felt that the initial stage of appeals ought to be determined by SQA, a significant number stressed the need for learners to be able to escalate appeals to SQA. It was argued that this was necessary for several reasons. Some felt that there was a need for a final arbiter, while others felt that it was essential to handle any perceived bias from a learner's school or college.

Who should be involved in the appeal

Finally, several respondents made suggestions on how this might work in practice, and how centre-based appeals could be handled in a way that allows learners to feel that their appeal has been considered fairly. Suggestions included having appeals heard by staff who were not involved in the initial decision-making process, having appeals heard by more than one member of staff, or by having appeals heard by more senior staff. Some respondents noted that this may be difficult to achieve, while ensuring that those involved are also qualified in the appropriate subject.

Arguments against schools and colleges carrying out the initial stage of appeals:

Theme: School and college workload

A significant number of respondents raised issues around the overall workload of teachers and lecturers. Almost all such comments came from teachers, local authorities and their representative organisations.

Teachers overloaded due to ACM and COVID-19

Many of the comments focused on the additional workload that teachers and lecturers are facing, both because of the pandemic, and as a result of the changes to the assessment model that was introduced due to the decision to cancel exams in 2021. Some of these comments covered the impact of blended and remote learning, as well as the added burden of developing, marking and quality assuring learners' work and grades this year. There was a strong feeling that it would be unfair to add additional work through an internal appeals system. Some respondents noted that this would not be covered by their current working time agreement.

'In practical terms, the workload of teachers and lecturers has magnified considerably during this academic year and will continue to be under significant strain during the months of ACM delivery and beyond, with many teachers and lecturers already suffering associated health impacts or at risk of burnout. Dealing with internal appeals would add further to the already excessive workload pressures.'

'There is the risk, also, that if schools and colleges have to factor in time to deal with appeals, this will require internal deadlines which further reduce learning and teaching opportunities.'

- EIS

Teachers carrying out SQA's function

A considerable number of respondents suggested that, as the awarding body, SQA ought to carry out appeals. These comments were, again, almost exclusively from teachers.

'Appeals should be lodged with the SQA. That is the purpose of the examination body.'

- Teacher

Theme: Impractical for schools and colleges to carry out the initial stage of appeals

There were several arguments put forward which suggested that it was impractical to carry out the initial stage of appeals in schools and colleges. Some of these were caused by the approach of the ACM, while others related to the timescales for appeals to be carried out, and a perceived lack of expertise in handling appeals within schools and colleges. Again, most of these comments came from teachers, local authorities and their representative organisations.

Lack of independent subject specialists

A significant number of teachers suggested that there would be great difficulty in finding the required number of independent subject specialists. This was largely due to the structures in place as part of the ACM, which mandate a range of checks and balances to ensure learners are treated fairly. As such, many teachers suggested that all subject specialists within a school would have played a significant part in the assessment and grading process. In some cases, respondents also suggested that teachers from neighbouring schools would also have been involved in moderation, making a local authority-based approach impractical. This problem would be worse in smaller schools and smaller local authority areas, but was raised by respondents from across Scotland.

'The size of our institution means we have no staff with the appropriate subject knowledge who would not have been part of either the original grading of the work, or the subsequent internal moderation. Colleagues in other local schools will also have been involved in moderation, so a local authority version of this is also impractical.

The only appeals model we can therefore support is Model 3.'

- Stromness Academy

Lack of staff due to holidays

Several respondents raised concerns about the timing of appeals. Given that certification will be completed during the school holidays, some respondents were concerned that teachers would be asked to work during the holidays to begin the appeals process.

'The appeals system starts during the holidays, but the promoted staff who usually have to deal with this will not be sufficient in a year where the gathering of evidence falls to schools, let alone the actual process being devolved to them. We cannot expect unpromoted staff to work during their holidays to complete a task which is not even being asked of them by their employers.'

- Teacher

Difficulties due to timescales (end of year)

A smaller number of respondents believed that having a centre-led appeals process would cause problems at the end of the current academic year. These were largely based on a belief that SQA may wish to start the appeals process in June, or that young people who were aware that they may not get the grade they sought would contact the school regarding appeals.

Difficulties due to timescales (new school year)

A larger group of respondents raised concerns about the impact on the new school year. Teachers pointed out that this is always a busy time, and would be busier in 2021–22 compared to other years, due to not being able to start new courses in June, as would normally be the case, and due to attempting to catch up with lost learning. Concerns were expressed that schools did not have the capacity to handle evaluating and adjudicating on appeals in conjunction with starting the new school year.

‘The workload of marking and appeals is being allocated to schools for Aug/Sept 2021. This will already be a time of great workload and stress for schools. Checking appeals and justifying that to parents places an additional burden on teachers/schools. Schools will not have the capacity to do this — nor do I believe that this should be delegated by SQA to schools/teachers.’

- Teacher

No prior experience of appeals work

Several respondents also pointed out that schools have no prior experience of handling appeals. Some also noted that no training in handling appeals has been provided.

‘Schools have no prior experience of managing internal appeals either for their own students or for those from other schools. They should not be involved in determining the outcome of any appeal by a candidate.’

- Teacher

Theme: Inappropriate to decide both grade and appeal

The most raised theme was around concerns about how appropriate it was for schools to decide on both the grade and the appeal. There were a range of different reasons for that, which are discussed further in the next section.

Teachers or schools may be unwilling to admit to errors

Several respondents felt that teachers and schools may be unwilling to admit to any errors that had occurred in the grading process. Most of these comments came from learners,

parents and carers, although some teachers also felt that it would be difficult to ensure that any bias in the grading process did not occur in the appeals process, or that teachers may be unwilling to criticise or overrule colleagues.

'There is already a lack of objectivity in the awarding of grades, schools will be under pressure to defend grades, and keep appeals processes limited. There needs to be some capacity for an external assessment that has been lacking in the process of grade determination in general this year.'

- Parent/Carer

Learners may lack confidence in appeal results

Some respondents also raised issues around the importance of learners having confidence in the results of their appeals. Most, but not all, of these comments came from teachers. The most common view was that if a learner was unhappy with a centre's judgement or processes, they would be unlikely to have faith in the same centre carrying out their appeal. It was also felt that such learners would be likely to want to escalate any unsuccessful appeals to SQA.

'I think there is an equity issue here as well as a perception of fairness. If a parent already feels there is an issue with the centre's teacher judgement, then asking the centre to determine the appeal initially will not sit well with the learner or the parent/carer. The likely outcome then is that there will be a request for it to escalate to the SQA thereby only building in a delay and a time lag at a time when there is a high level of anxiety for young people.'

- Teacher

Difficult to enforce the national standard

A range of respondents felt that it was important to have a consistent approach to appeals to better enforce the national standard, and that this was best done by SQA carrying out the appeals process. Respondents of all types made this argument and felt that it was essential to maintain consistency between schools and colleges across Scotland.

'Seeking consistency has been a focus from the beginning. The ACM has been designed to give learners a confidence that there will be consistency. For learners to have this same confidence in the appeals process, ADES believes this must be managed and led by SQA.'

- ADES

Unclear how centres can carry out a meaningful appeal

A large number of respondents, almost all of whom are teachers, suggested it would be difficult for schools and colleges to carry out a meaningful appeals process. It was felt that, given the time and effort which has gone into determining grades under the ACM, and the rigorous processes which centres will have gone through, it was very likely that most appeals would be unsuccessful. Respondents argued that schools and colleges would be looking at exactly the same evidence a second time, and that the centre would be unlikely to find a flaw in its own processes.

'The process of estimates is one we take very seriously and do out absolute best for all learners to ensure fairness. The process will involve extensive whole faculty discussions for each individual, and if a learner has an issue with their grade, not sure what more the school can do or how they are meant to give an unbiased fair judgement.'

- Teacher

Some respondents went further, arguing that there is no need for an appeals process at all this year due to the moderation and quality assurance in place. It was argued that appeals would lead to questioning teacher judgement, and a loss of faith in the ACM and the grades awarded to learners.

'I don't believe there is a requirement for an appeals process given the level of preparation of assessments and the moderation and quality assurance checks in place. SQA should be supporting the ACM through not opening up an avenue to question a system we believe is fair and equitable for young people and which is supportive given the disruption experienced this year.'

- Teacher

Need for independent judgement

A very large number of respondents emphasised the need for independent judgement to determine an appeal. Such responses came from all respondent groups, but predominantly from teachers. It was seen as inappropriate for a school or college to determine the result of both the learner's provisional grade and then any appeal against that grade. This was seen as essential, either to prevent any bias, or to prevent the appearance of any bias. Some respondents felt that it was a principle of natural justice that an appeal was looked at by an independent organisation.

'The learner is entitled, where they believe there are grounds for appeal, to have their assessment evidence looked at by an independent adjudicator. An internal school appeal does not allow this to happen.'

- ADES

‘After the awarding and re-awarding of grades last year when my son was in S4, I want him to feel that he has had the fairest of chances. As the school are producing the grades, I would want an external body to make the decision about whether these were fair or not.’

- Parent/Carer

‘No — the school will already have used all their professional knowledge to agree the learner's grade through a process of careful marking, moderation and discussion. It would be much more helpful for the SQA to be sent the relevant evidence to judge so a separate body made the final decision. This would avoid any concerns over bias and would reassure pupils and parents that their appeal is being taken seriously.’

- Teacher

‘There is the potential for bias with schools and colleges, and the SQA is impartial.’

- Learner

Theme: Relationships with parents, carers and learners

A wide range of comments were received which suggested that a centre-run appeals model would negatively impact on relationships between schools, teachers, parents, carers and learners. The vast majority, but not all, of these comments came from teachers.

Teachers are vulnerable

A small number of comments were received which suggested that the teachers involved in decision-making could be identified, and that this could lead to difficult situations, especially in smaller communities.

‘Staff often live and work within the communities in which they teach. It is deeply unfair to place them in a situation where they are, even initially, arbiters in such key decisions about the children of friends and acquaintances in their local community. This is very different to marking prelims.’

- Teacher

Open to tampering with the process

A larger number of respondents felt that a centre-run process was more open to pressure and tampering than a process run by SQA. Most respondents were worried about parents and carers pressurising schools and refusing to accept the school's judgements. Some were concerned about threats being made, while others focused on the possibility that persistence and the willingness to complain repeatedly could lead to schools changing grades. This raised an issue of equity. A smaller number of respondents also felt that this could lead to

social inequalities where engaged parents and carers in more affluent communities were more likely to complain and not to accept the school's verdict.

'It creates opportunities for parents to pressurise schools into awarding the grade that they want which would not create an equitable experience across Scotland — they who shout to the longest and loudest get what they want. It makes the appeals process vulnerable to abuse.'

- Teacher

Damages relationships between schools, parents/carers and learners

Further, many respondents felt that having centres determine the results of the initial stage of any appeals system would lead to damaged relationships between schools, teachers, parents/carers and learners. The most common suggestion was that relationships between teachers and parents/carers and learners would be negatively impacted by an unsuccessful appeal. Some respondents suggested that this would have longer-term impacts, for example, if a given teacher had to teach siblings of an unsuccessful appellant in future years.

'Furthermore, conferring direct capacity to appeal on pupils and requiring entirely local appeals procedures would mean that teachers and lecturers are potentially brought into direct conflict with students, who they may then have to teach in subsequent years. This would expose individual teachers and lecturers to potential professional difficulties and is also likely to present some difficulty for young people in terms of their relationships with their teachers and lecturers. None of this would be in the best interests of learning and teaching.'

- EIS

Other respondents felt that relationships between different teachers and schools would also be negatively impacted in cases where appeals were upheld, as teachers would feel that their professional judgement was being criticised.

'To then place the responsibility of the appeals process onto schools has potential to further strain on relationships in the learning community. This is not conducive to positive ethos. Staff may feel publicly undermined if grades are changed, learners may feel aggrieved if they remain the same.'

- Teacher

Potential for legal action

A small number of responses, mostly from organisations representing teachers and schools, raised the possibility that legal action could be taken against schools if they were carrying out appeals.

Theme: Practicalities of the process

Some respondents also took the opportunity to make suggestions on how the appeals process could be handled by SQA. All of these comments came from teachers, local authorities or representative organisations.

No new evidence should be introduced

A number of respondents suggested that there was a need for clarity on what evidence could be put forward in any appeal. These respondents took the view that no new evidence should be introduced at the appeal stage.

'There should be a clarity regarding the evidence that a candidate can use for an appeal. ADES believe it should be the same evidence used to determine the provisional grade. No new evidence should be introduced.'

- ADES

Conversation with learners

A range of comments on conversations with learners were received. In general, these suggested that such conversations would be taking place in any case. Some respondents stated that the only legitimate role for centres was in having any necessary clarifying conversations to explain a learner's grade and how the appeals process would work.

Minimising the burden on centres

A number of respondents focused on what SQA could do to minimise the burden on centres if a large number of appeals were received. These respondents tended to feel that there would be a significant amount of work for centres even if SQA carried out the appeals process. Some suggestions included an initial stage where SQA filters out unfounded appeals, limitations on the overall numbers of appeals, and SQA thinking of using appointees to, for example, package evidence and send it to SQA.

'Schools must not have to bear the burden of large numbers of appeals/enquiries/requests for evidence.'

- Scottish Secondary Teachers' Association (SSTA)

In relation to Question 3:

As noted at the beginning of this chapter, the majority of respondents across teachers, learners, lecturers, parents and carers all felt that there was a need for some learners to be able to further appeal to SQA. It should also be noted that some respondents answered this question negatively to demonstrate their rejection of any model which included centre-led appeals.

Many respondents reiterated arguments that they had made in response to Question 2. All such comments have been read and considered by SQA. Where the comments relate directly to the question of whether appeals ought to be led by centres, they are included in the preceding analysis. Where they relate to whether there would be a need for further appeals to SQA, in the event of a centre-led model being adopted, they are included here.

Theme: Reasons in favour of SQA involvement

A number of respondents made arguments in favour of at least some appeals going to SQA.

Can damage relationships in schools without independent verdict

Several teachers and parents/carers suggested that it was important for there to be an independent verdict available to learners, and that, without this, relationships between teachers, learners and parents/carers would be damaged. Some also suggested that teachers may be put under inappropriate pressure to allow appeals. These arguments were similar to those put forward in Question 2 to argue that SQA ought to carry out appeals.

'Schools have relationships with families and learners which is not the case with the SQA.'

- Teacher

'Parents may feel that the teacher providing the provisional grade has been influenced by their perception of the learner. The teacher/marker also needs to be supported by the review of outside body.'

- Parent/Carer

Schools will be marking their own work

Some learners, parents/carers and teachers felt that a system with centres managing appeals and no escalation to SQA caused issues with schools and colleges effectively being asked to mark their own work. It was felt that some centres may be reluctant to uphold appeals as a result.

‘Otherwise, there is no independent adjudication. How can we know centres have abided by SQA requirements? How can appeals based on unfairness or unconscious bias be addressed by the centre itself?’

- Parent/Carer

Need for consistency

A small number of respondents, mostly teachers, suggested that an advantage of having some appeals decided by SQA was that it would allow for greater consistency, and would help to ensure that young people were assessed against the national standard.

‘It also raises the credibility of the qualifications this year, eg among employers, that the process is comprehensive and rigorous. To have a process which is not like this and which is not seen to be like this is doing a disservice to learners.’

- Teacher

Need for a shared approach

A small number of respondents, from several different respondent types, stressed the importance of a collaborative process involving both centres and SQA.

‘There should be some right of appeal where a joint understanding cannot be reached. This will support schools where regardless of the evidence provided, the discussions had or the transparency of the awarding procedure — agreement/shared understanding may not be reached. At this point it would be useful to have an impartial body able to step in, evaluate the evidence and to award a grade based on what has been provided.’

- Teacher

SQA needs to act as the adjudicator

Many comments were received which suggested that it was important for SQA to act as an independent adjudicator where a learner and their school or college continued to disagree, even after an appeal. Most of these comments came from teachers, although there were also a significant number from parents and carers as well.

‘Where disagreement between the learner and the centre continues — an independent organisation is required to look at the evidence and make a judgement on the evidence alone.’

- Teacher

Learners have the right to an independent review

A number of respondents, including the CYPCS, argued that young people had a right to an independent review of their result.

'Where a young person disputes a grade which has been determined by their school or college, they must have the ability to request an external review, by the SQA, to ensure that their human rights to due process and an effective remedy are realised.'

This mechanism of direct appeal and review would provide an essential safeguard for administrative justice by a public authority in compliance with SQA's statutory duties under the Equality Act 2010, the Human Rights Act 1998 and their duties as Corporate Parents under the Children and Young People (Scotland) Act 2014 in addition to SQA's obligations as a duty bearer under international human rights law.'

- CYPCS

Theme: Reasons against SQA involvement

A smaller number of respondents provided arguments against SQA not being involved in the appeals process at all.

Undermines professional judgement

Some respondents, almost all of whom were teachers, argued that SQA's involvement in the appeals process would undermine teachers' professional judgement.

'At some point teachers actually need to be given the respect they deserve in being able to arrive at appropriate grades for pupils. I know how robust the system is in my school, not sure that it's as robust in other schools. I think there should only be an appeal beyond school level if it can be demonstrated that the process wasn't robust enough, there should not be an appeal against a teacher judgement arrived at through a suitably thorough process.'

- Teacher

Very few mistakes will be made under the ACM

A number of other respondents, again almost exclusively teachers, suggested that the various checks and balances included in the ACM would result in very few mistakes being made, and a lack of need for SQA involvement in the appeals process. Some felt that adding in an option of escalation to SQA was unnecessarily bureaucratic.

'As outlined above, all decisions will be subject to thorough moderation. In addition, SQA quality assurance procedures will ensure centres are awarding fair, appropriate results to candidates. The qualifications will be awarded based on the evidence collected and there should be very little room for debate.'

- Teacher

SQA will not have all the required knowledge

A small number of respondents suggested that SQA was not in the best position to make final appeal judgements, due to teachers and lecturers having much greater knowledge of individual learners' abilities and circumstances.

'SQA are in no position to make judgements, have done no direct work on pupils' outcomes, have no understanding of the individual pupil's role or actions in completing outcomes.'

- Teacher

Other reasons

A very limited number of respondents advanced other arguments as to why SQA ought not to be involved in the appeals process. These included the suggestion that almost all unsuccessful appellants would choose to escalate appeals to SQA, which would make the school appeals process a waste of time, and the view that schools and colleges were effectively acting as awarding bodies this year, and ought not to have external appeals, in the same way that SQA does not have an appeals process beyond the organisation in years where the normal examination system is used.

Theme: Centres should not be involved in the appeals process

A very large number of comments were received which indicated that the appeals process should be fully run by SQA, and that centres should not be involved in deciding appeals. The vast majority of these comments came from teachers and their representative organisations.

'I do not believe initial appeals should be determined by the school. The SQA needs to be the first port of call. It is unfair to put yet more of this process on schools.'

- Teacher

'If the learner is not happy with the teacher decision with all the measures of QA that are in place then the SQA need to step in.'

- Teacher

‘As noted above, it is difficult to see how a school could objectively and impartially settle an appeal internally.’

- Scottish Secondary Teachers’ Association

‘As stated in response to the previous question, the EIS will resist in the strongest of terms any move to shift the responsibility for any appeals process from the SQA as the certificating body, to schools and colleges.’

- EIS

Theme: Specific cases should be resolved by SQA

Some respondents outlined specific cases that they felt should be resolved by SQA.

Discrimination/bias (intentional or not)

A number of respondents felt that cases where a learner alleged bias or discrimination, whether intentional or not, would be better handled by SQA. Most of these respondents were parents/carers and learners, although some teachers also raised this issue.

‘If the learner thinks their school or college is discriminating against them or making an unfair decision.’

- Learner

‘Where a pupil feels that they may not have a positive relationship with their teacher or feel they have been discriminated against.’

- Teacher

Assessment arrangements

Some respondents felt that SQA was best-placed to handle appeals around assessment arrangements, and, indeed, that this may be part of the organisation’s duties.

‘SQA is also responsible for making reasonable adjustments for qualification assessments and so has a role to quality assure such arrangements.’

- Other individual

Appeals are about centre processes

Some respondents felt that appeals that deal with centre processes should be handled by SQA. These responses came from a wide range of different respondents.

‘...If the learner can evidence that they have not been treated fairly in regard to the collection of assessment evidence or that their grade has not been fairly awarded in regard to the marking of assessment evidence...’

- Teacher

Special circumstances

A number of respondents felt that SQA ought to consider special circumstances. Some suggested that SQA should look at cases where learners had been significantly disadvantaged by the pandemic, and some respondents felt that SQA ought to go beyond the demonstrated attainment standard to prevent young people from being disadvantaged. These viewpoints were mainly put across by parents/carers and learners, although some teachers also made these arguments.

‘Possibly, if there are extenuating personal circumstances which may have affected a provisional grade that may need explained or explored in great detail for the appeal. It would be better if this information could be included in the original appeal paperwork though.’

- Parent/Carer

‘If they have suffered due to periods of isolation, periods of teacher absence, struggling with their mental health.’

- Teacher

Learner remains dissatisfied

A significant number of respondents took the view that learners should have the right to escalate an appeal to SQA if they continued to be dissatisfied with their result. It was felt by many of these respondents that this was necessary to ensure fairness to learners. Significant numbers of teachers, learners and parents/carers all took this view.

‘There will of course be instances where learners do not agree with school judgements and, as in all areas of work, there ought to be a proper external appeals process.’

- Parent/Carer

‘I have indicated my opposition to first stage appeals being at school/level. if these did go ahead, clearly a further appeal to the SQA would be appropriate if the pupil was not happy with the result of the first appeal.’

- Teacher

Other reasons

A small number of respondents suggested some other cases which they felt should be handled by SQA. These included cases where the appeal was necessary for the learner to achieve a conditional offer for university, college or employment, and if there were concerns about the consistency or standard of marking.

Theme: A limited number of appeals should be escalated to SQA

A small number of respondents felt that it would be reasonable for most appeals to be determined by centres, but with a limited escalation route to SQA in clearly defined cases.

Learners must show flawed process

A small number of respondents — mostly teachers — suggested that, in cases where a learner demonstrates that either the appeals process has not been carried out fairly, or that the process of awarding grades within a centre is flawed, these ought to be escalated to SQA.

‘This would then allow SQA to deal only with those where there was a potential misapplication of national standards or insufficient quality controls in place which may have a bearing on appeal.’

- Teacher

Administrative errors only

A small number of respondents felt that administrative errors should be resolved by SQA. It was not clear whether those respondents thought that other appeals could be resolved at centre level, or whether they thought that no other appeals should be allowed.

Reasons of equity

A small number of respondents, all of whom were teachers, suggested that SQA may need to get involved on grounds of equity.

‘If, for example, and only if such a model were adopted, there was a high influx of intentions to appeal in a particular subject and level cohort, and this resulted in a large number of successes (but not all appeals upheld), those unsuccessful might question the fairness of the judgement and require arbitration.’

- Teacher

Other reasons

A small number of other suggestions were made. These included particularly complex appeals, appeals where the centre accepted there was a problem, and situations where erratic or inaccurate marking had been identified.

Analysis of Question 4

Do you agree that an appeal outcome should be the grade that the evidence shows ought to be awarded? This means that an appeal could result in a grade remaining the same, being upgraded or downgraded.

When asked if an appeal outcome should be evidence-based, the vast majority of respondents 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 highlighted that exceptional circumstances should be considered; learners should be aware of the nature of the appeals process; and if there is 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 — some thought 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.

The main themes arising from the responses to Question 4 are explored in more depth below.

Theme: Exceptional circumstances should be considered

The theme that emerged most notably from the responses was the need to consider exceptional circumstances. This was raised mainly by learners, parents/carers and teachers and included a mix of respondents who agreed with an appeal outcome being evidence-based and those who did not.

Respondents reported a range of factors that may have affected learner performance over the past year. These included disruptions to learning; school closures; self-isolation; absences; mental health; illness; bereavement; family/home circumstances; additional support needs; no or reduced access to reasonable adjustments/support; and digital access and ability. Practical subjects, such as PE, were highlighted as being particularly difficult for learners to fully participate in.

The consensus was that consideration of exceptional circumstances should be part of the appeal process.

‘...we frame this response within the suggestion that consideration be given to the devising of an Exceptional Circumstances procedure which takes full account of the circumstances which some learners have experienced over the past year.’

- School Leaders Scotland

‘...we are keen for there to be some Extreme Circumstances procedures to replace the exceptional circumstances from previous years for those candidates whose assessment evidence does not reflect the ability they would have been able to demonstrate had those events not happened.’

- School

The evidence considered should be sufficient to deliver a fair outcome

Some respondents proposed that focusing too narrowly on specific evidence could disadvantage learners and that a broader range of evidence should be considered to reflect individual learner experiences over the past year. Suggestions included examining the pre-pandemic work of learners and taking teacher judgements into account, for example:

‘Evidence of any disproportionate impact on individual young people and whether this has been addressed must form part of the consideration of appeals. A broad range of evidence should be used to assess this impact, including previous attainment, progress reports, predicted grades for university and college applications and performance across the school year.’

- Children and Young People's Commissioner Scotland

‘Every learner, this year, has experienced exceptional circumstances so there is an onus on the teacher, school and SQA to show that they have adequately discharged their responsibilities to give learners full opportunity to demonstrate their attainment and to search for and find all the evidence that could constitute demonstrated attainment.’

- Parent/carer

‘...in this very challenging year some leeway ought to be given to teachers judgement. Candidates have had very mixed experiences, and the evidence may not always show the full picture...’

- Teacher

The online learning experience was variable

Some parents/carers raised concerns about the quality of the online teaching experience provided by some teachers and schools, suggesting that this should also be considered during an appeal.

‘...there has to be a need to recognise that some education centres have put more into online learning than others.’

- Parent/carer

‘If a child has been in a school with poor online provision, no live lessons, inadequate time to prepare for assessments then this should be compensated for by an upgraded mark.’

- Parent/carer

‘...there has been huge variation in individual teachers’ abilities to deliver effective teaching online. Similarly, teachers’ responses to students’ efforts at engaging have varied enormously with some undermining engagement through their own poor communication, poor IT confidence or simply lack of awareness of either their students’ circumstances or their own impact on their students.’

- Parent/carer

Theme: Grades should not be downgraded

Many respondents disagreed with the prospect of grades being downgraded this year, including learners, parents/carers and teachers. Again, these respondents included a mix of those who agreed with an appeal outcome being evidence-based and those who did not.

Many simply stated that they believed an appeal should result in a grade remaining the same or being upgraded, but not downgraded, while others provided different reasons why they felt downgrading was unacceptable.

Learners may be deterred from appealing

One of the recurring concerns was that learners may avoid making an appeal due to the risk of being downgraded.

‘Potential jeopardy is a barrier to appeal.’

- Children and Young People's Commissioner Scotland

'I don't think a grade should be downgraded as this will put pupils off appealing although they may have a good case. Definitely doesn't favour the pupil.'

- Parent/carer

'In any appeal that is submitted in these exceptional times, we strongly urge that the award must NEVER be downgraded ... Failure to make this adjustment may leave the SQA open to criticism of a cynical attempt to keep the numbers of appeal to a minimum with candidates fearful that their grade could go down.'

- Graeme High School

Learners have experienced enough stress

Some respondents felt that it would be unfair to downgrade learners who have already experienced stress during this unprecedented time.

'...appeals would only be made due to the challenging circumstances young people have gone through and a downgrade could really be an additional knock-back and challenge for young people who are already struggling with their mental health and disruption.'

- Scottish Youth Parliament

'Young people have been through enough this year and I think to downgrade young people would defeat the purpose of the appeal process which I believe this year is about ensuring all young people are treated fairly.'

- Parent/carer

'I don't think it's fair, after the last 2 years these young people have had - for them to submit an appeal and have their award down graded. Give them a bit of a break.'

- Teacher

Teachers are best-placed to award grades

Several respondents believed that teachers are best-placed to award a fair grade to learners and that any downgraded grades, based purely on evidence, may not take account of circumstances relevant to individual learners and would also serve to undermine teacher judgement.

'Downgrading in the current circumstances would seriously undermine the professionalism of teachers and could have detrimental impact on the wellbeing of our young people and may not take account of exceptional circumstances that schools may have considered in the awarding of the grade, in the first instance and which SQA could not possibly know, without individual knowledge of each young person's personal circumstances.'

- Graeme High School Parent Council

'An appeal outcome should not be downgraded as it negates the professional process carried out by the teacher, who knows the pupil's capabilities best.'

- Teacher

'...we should not be awarding pupils based solely on numerical value, if a teacher has used their judgement to award a grade, credit and trust should be given to this being sufficient and pupil should not be downgraded.'

- Teacher

Learners should not be penalised for incorrect marking

Some respondents felt that learners should not be penalised if the evidence was graded incorrectly in the first place.

'If the appeal is downgraded on the basis of the evidence submitted then it means the centre is culpable because it has made the wrong judgement.'

- Dyslexia Scotland

If there is a difference of opinion on the grades of this nature this suggests that the communication from the school to the pupil/parents has been inadequate and the pupil should not be punished for this.'

- Parent/carer

'It is not fair to penalise a pupil and downgrade them due to the marking of a teacher who has not been properly supported through the marking process.'

- Teacher

Theme: When a grade is changed, it has other implications

Some of the respondents who stated that grades should not be downgraded, questioned the wider implication of downgrades, for example, on centres and other learners. This is being examined in a new theme as other respondents made similar comments but relating to grade changes more generally (ie upgrades as well as downgrades). It was mainly teachers who made comments relevant to this theme.

Clear communication about the basis for appeals

A few respondents emphasised that SQA should clearly communicate that appeals will be dealt with on an individual basis.

'SQA should be clear as part of their messaging that any appeal will only affect the specific individual candidate.'

- ADES

'...it is important that SQA makes a very clear statement that the success or failure of an appeal is completely divorced from grades awarded to other candidates by the teacher or school involved in the original award.'

- The Highland Council

Changing grades and the credibility of the process

Some teachers felt that changing grades, either up or down, would affect the credibility of other grades and the awarding process as a whole.

'In this current situation, a grade should never be downgraded. This then de values all grades issued by that subject in the specific centre.'

- Teacher

'To downgrade an appealed result will, by implication, suggest that a centre's judgements are generally unreliable ... this could be incredibly damaging for a school and make other pupils feel that they didn't deserve their results. The problems outweigh the benefits.'

- Teacher

If any grades are changed, there should be a wider review of all grades

However, other teachers felt that for the process to be credible and fair, a change in grade should result in a review of the grades of all learners in similar circumstances.

‘...for equity this should really provoke consideration of all other candidates in that same school (and possibly associated schools who have acted as verification partners) as the criteria for reaching the provisional award has been agreed by all.’

- Teacher

‘...if there is an issue with centre awarding marks this must be addressed for the integrity of all candidate results.’

- Teacher

Theme: Learners must know what an appeal will be based on and how this may affect a grade

Many respondents — the vast majority being teachers — stated that learners should understand that an appeal outcome will be evidence-based and may result in a grade remaining the same, being upgraded or downgraded.

‘Appellants must understand that any review of evidence will result in the grade reflected by the evidence being awarded, and that grades can remain the same, or be upgraded or downgraded.’

- Scottish Secondary
Teachers’ Association

Theme: If there is no risk of a grade being downgraded then all learners would appeal

A number of, mainly teacher, respondents believed that the potential risk of a grade being downgraded would limit what could otherwise be an influx of speculative appeals from learners.

‘The appeal outcome should be the grade that the evidence shows ought to be awarded. If not, the process would become a two-way bet for candidates who would have nothing to lose.’

- George Watson’s College

‘Otherwise there is an incentive for every pupil who achieves less than an ‘A’ grade to submit an appeal.’

- Teacher

Analysis of Question 5

In the absence of fees and with limited capacity in the education system to support appeals, how can SQA ensure that appeals are only made when learners genuinely believe that they have been treated unfairly?

When asked how SQA can ensure that appeals are only made when learners genuinely believe that they have been treated unfairly, several respondents replied that they did not know. Many more said that there was no way of SQA limiting appeals and the focus should be on ensuring SQA has capacity to deal with appeals instead.

Understandably, many of the responses strayed into opinions on proposed models or grounds for appeal rather than focusing specifically on restricting appeals to those that are genuine. These points are covered under other questions. However, it should be noted that, in common with other question responses, there was a strong sentiment expressed by many that any appeals process needs to be managed by SQA and, to a lesser extent, that decisions on aspects of that process such as grounds for limiting appeals were for SQA alone to make. Several respondents also reiterated that they believed exceptional circumstances should be a ground for appeal.

‘The appeal to an independent, distant and impartial arbiter is the fundamental defence against unreasonable appeals.’

- Teacher

Theme: Communication about the ACM

Explaining the ACM

Various respondents — teachers, particularly — suggested that learners would be deterred from appealing unnecessarily if they fully understood and had confidence in the 2021 ACM and its quality assurance processes. This tied in with the perceived need for clear guidance and communication (discussed later).

A number of responses pointed out that, implemented correctly and with learner conversations at its heart, the ACM should ensure that there are no surprises for learners and, therefore, appeals should, by default, be limited.

‘In accepting Model 3 as the way forward we are committed to engaging with candidates to ensure that they remain fully aware throughout April, May and June of their progress within individual subjects, the areas on which they need to concentrate, the support which the school is making available to them and the grade which they can anticipate achieving given the level of demonstrated evidence that the school holds on their behalf at any point in time within that period.’

- SLS

Of course, as several respondents pointed out, for this strategy to be successful, SQA would need to ensure both that the ACM is fair and robust and, importantly, that it is seen as fair and robust by learners and parents/carers.

‘The learner should have confidence in the quality assurance that has been put in place by the SQA. Appeals should be rare as the learner should be very aware that their grade is evidence based, and is also scrutinised by more than one teacher.’

- Parent/carer

‘If young people, parents and carers have a clear understanding of the process, and the grounds for appeal are understood clearly by teachers and lecturers, then the likelihood of appeals being made on grounds beyond those laid out within the rules of the process will be less.’

- EIS

Several teachers thought that, as well as communicating the robustness of the process itself, SQA needs to publicise to learners and parents/carers its confidence in centre assessment and moderation processes.

‘SQA must take responsibility to advise public and media about the process and the amount of rigour that school staff will exercise by adhering carefully to SQA quality control guidelines. This will increase candidate confidence in the fairness of the system.’

- Teacher

Explaining results

Related to the need for the 2021 ACM to be clearly explained to learners and parents/carers, the point was repeatedly made — from parents/carers and teachers, in the main — that a clear explanation of a learner’s result from the centre would reduce the potential for appeals.

‘This one is up to schools more than the SQA to ensure pupils are clear about how and why decisions were made.’

- Teacher

‘We think that if the school are really clear about where pupils are and then why they got the results they got then there shouldn’t be many appeals.’

- School

This notion that, given the checks and balances built into the ACM, there would not be a scenario where there were large numbers of speculative appeals was mentioned by several teachers. In other words, a limit on appeals is implicit in the system.

‘I cannot understand a scenario where pupils would feel this way if they have had their grade given to them by the centre once assessment is

complete. At this stage, any grade a pupil is not happy with can be explained and justified.'

- Teacher

Of course, there is some intersection here with grounds for appeal. The belief that there would not be large numbers of appeals because of the feedback aspects inherent in the system is predicated on the fact that grades would be evidence-based.

Theme: It is not possible to limit appeals

Special circumstances must be considered

Several submissions stated that the difficulties of the past year need to be taken into account and that, consequently, there should be no attempt to discourage learners from appealing. Given all the disruption caused by the pandemic, it is likely that many learners genuinely feel that they have been unfairly treated.

'The implication of the phrase, "genuinely believe" is astonishing. Have you been elsewhere for the last year or more while so many young people have suffered and continue to suffer?'

- Teacher

'It is difficult on the one hand to declare that you believe in the human right of pupils to appeal - and then complain if they actually do.'

- Teacher

Again here, responses revealed a link with grounds for appeal.

Learners must be heard

Many respondents, from across the different respondent types suggested that neither SQA nor centres could or should limit the number of appeals. Given the circumstances, many respondents commented that learners deserve to appeal if they wish and that all appeals should be resolved by SQA.

'Learners would not put an appeal through if they did not believe their grade was unfairly given. Young people need to be given the benefit of the doubt to ensure that everyone gets fair attainment.'

- Learner

'We must assume an appeal escalated after candid and open learner conversations at centre level is made in good faith.'

- Teacher

'In the current climate it would be a gross dereliction of duty for the SQA not to hear the appeals of every learner who, after initial enquiry with their centre, wished to progress the appeal.'

- Teacher

Teacher responses frequently mentioned their preferred model and grounds for appeal, which is that SQA should be responsible for all aspects of the appeals process and that SQA should independently assess the validity of all appeals. There were also submissions stating that centres could not judge whether learners genuinely believe that they have been unfairly treated or not; this can only be decided by the learner and arbitrated by SQA.

'Discussions that learners and or parents have with a school as part of the ACM will allow candidates to make an informed decision about whether to proceed with an appeal. While this may lead to candidates choosing not to proceed, such discussions should not be viewed as a means by which centres seek to limit the number of appeals on behalf of SQA. Including this step in the formal appeals process could support such an interpretation and consequently limit the usefulness of such conversations.'

- ADES

'Every appeal must be assessed for validity by the SQA.'

- SSTA

Several respondents made the point that appeals can be a way of resolving disagreements between the learner or parent/carer and the centre. It was deemed particularly important that this is the case this year — if a learner feels unfairly treated for whatever reason, they should be able to ask for an appeal to SQA.

There was also a feeling expressed that resource or capacity concerns cannot be the driving force in decisions about the appeals process. Capacity and cost issues were seen as something SQA would need to bear.

'The onus to provide a fair, rights complaint model rests with the SQA and the Scottish Government, not children and young people. It is inappropriate for any policy to be put in place which intentionally restricts access to due process on resource grounds.'

- CYPES

Capacity and resource

Several teachers stressed that there was no capacity within centres to take on aspects of the appeals process, including being involved in limiting the number of appeals. As mentioned above, there were several comments that issues of resource and capacity for appeals were the responsibility of SQA and, mentioned to a lesser extent, the Scottish Government.

*'UNCRC legislation indicates that learners' views need to be listened to ...
We need to build capacity to ensure this happens.'*

- Parent/carer

*'I feel very strongly that the Government need to ensure that there is
sufficient capacity in the education system to ensure that all pupils feel the
exam system has been fair.'*

- Parent/carer

Additionally, there were a number of comments from teachers stating that, given the cancellation of the examination diets in 2020 and 2021, SQA had made cost savings in the past year. Respondents contended that these savings should be used to resource the appeals process.

Theme: Clarity on criteria for appeals

Clear information

The area that elicited by far the most responses in this question was that of the need for clear information on appeals — the process, the criteria, the grounds, and the evidence required. Such responses came from all respondent types.

There was a clear feeling that, no matter the model or grounds for appeal eventually settled upon, learners and parents/carers having as much detail as possible would limit the numbers of more speculative appeals.

*'SQA can ensure that appeals are only made when learners genuinely
believe that they have been treated unfairly by having clearly stated and
clearly defined grounds for appeal which are objective and fair. These
would need to be clearly communicated to centres and to
candidates/parents as soon as is possible so that there is a shared
understanding, perhaps with exemplification, of what is (and what is not)
accepted as a valid appeal.'*

- Local authority

While some submissions encompassed guidelines for centres, numerous comments, particularly from teachers and schools, suggested that SQA specifically needs to communicate clear, accessible, unambiguous, and easily understood information directly to parents/carers and learners. This should constitute the criteria for appeals and the

parameters of the appeals process; that is, when an appeal would be appropriate and viable and when it would not.

'Publish the grounds for appeal and the mechanism clearly, in plain English and in good time. Make sure the information is widely disseminated. Have a media campaign to ensure the message is disseminated and understood, especially if appeals can be made by candidates.'

- CALL Scotland

Evidence for appeal

Related to the perceived need for clear criteria for appeals, a number of respondents suggested a checklist approach to the submission of appeals. Several teachers thought it would be useful for learners to have to answer key questions on why they believed that they had been treated unfairly. It was suggested that this could be an online form belonging to SQA.

'There needs to be clear criteria that reflects the wording in ACM so that there is alignment across all messaging. For example, a checklist which gets them to pinpoint what the grounds for the appeal is - key pieces of evidence not given appropriate weight, supplementary evidence not used, conditions of assessment not applied appropriately. This would support the initial clarification conversations.'

- Teacher

Among the many comments discussing possible evidence for appeals, several responses called for a model where learners would outline, in writing, their reason for appeal.

'Allow learners to submit written evidence of why they feel they should get the appeal. SQA provide a template for learners to use so that there is some consistency in the provided evidence.'

- Parent/carer

Other suggestions included learners submitting evidence that their tracking data and final grade are not consistent or that the grade they were awarded is not the grade gained in their evidence. There were differences of opinion from teachers on whether new evidence should or could be used as the basis for an appeal.

In contrast to some others, the comments here reflected opinion that grades and, therefore, appeals could only be based on demonstrated attainment.

Theme: Fees

Several respondents submitted responses suggesting that fees for appeals were not appropriate. The Scottish Youth Parliament, for example, reiterated their position that this service should be free of charge.

The mention of fees, in the context of appeals, evoked a strong response — particularly from teachers and school respondents. There were many comments along similar lines to this one from Scottish Council of Independent Schools (SCIS):

'It is alarming that the charging of fees should be positioned in this question as a means of managing demand for a service that is purporting to enable young people to exercise their right to an appeal. Fees should be charged only to cover the cost of the service not as a deterrent to using the service. An appeal should be available to any learner who feels they have an appealable case ...

Given that SQA has charged the full price for National Qualification entries for two years while schools have undertaken most of the assessment work, it does not seem unreasonable that the Authority should make resources available to undertake appeals.'

On the other hand, there were a few respondents who thought that a fee would be reasonable and would prevent a deluge of unwarranted appeals.

Theme: Other suggestions on minimising the number of appeals

Approval from centres or parents/carers

A number of respondents of all types stated that they thought that appeals should be channelled through the centre.

'Appeals should not be made directly to the SQA, but should be co-ordinated at centre level following the learner conversation.'

- Teacher

'The college's operating procedures should ensure, as far as possible, that appeals are minimised and only occur where there is genuine cause. Procedures should not accommodate vexatious appeals. The college should have the power to disregard vexatious appeals and make decisions about whether an appeal should be escalated to SQA.'

- College

However, while some respondents clearly suggested that centres should be gatekeepers in the appeals process, others appeared merely to emphasise the importance of learner-centre discussion before an appeal (discussed further below).

Other approaches

Several other approaches to limiting the potential numbers of appeals were suggested. These included the use of historical data; sampling centres' evidence; a cap on the number of appeals per learner or per centre; setting out precisely what SQA sees as 'fairness'; only accepting appeals where evidence has not been moderated; local authority-led appeals; and re-sit or further assessment opportunities. Few approaches were mentioned with any frequency.

A couple of teachers thought appeals would be less likely if they were through SQA rather than in-house in the centre. Another suggested:

'Pupils will know by the 25th of June what results to expect, opening up the appeals request service at that point would be appropriate. This would allow SQA to know what numbers to expect for all subjects/levels. SQA could then organise the appeals panels and have them in place for schools returning in August and requesting evidence.'

Several respondents thought that the possibility that appeals could potentially result in a downgrade would create a natural check on appeals, preventing an influx of those that may be inappropriate. Several respondents thought that this should be well publicised and made clear to learners before they decide whether to submit an appeal or not.

Theme: The model adopted will have implications for the number of appeals

Learner-centre dialogue

Repeatedly, respondents raised the importance of dialogue between centres and learners. As mentioned earlier with reference to communicating the robustness of the ACM and the importance of explaining results, there was a strong feeling that ongoing discussions between learners and centres as well as a pre-appeal conversation could minimise unwarranted appeals.

'Appeal should only be considered after a discussion between the learner and their parents and senior school leaders.'

- Teacher

However, some respondents pointed out that, although an important part of the ACM, this would not be a new feature.

'A centre would always have a conversation with a pupil first when the query of appeal is first raised.'

- Teacher

'It is an accepted responsibility of schools and a fundamental aspect of learning, teaching and assessment that students receive feedback. Schools give feedback both on demonstrated attainment but also on how that fits into the process that results in the determination of a provisional result. By ensuring there is a learner conversation process and a system that is open and responsive at school level in the summer term the opportunity for unfair treatment should be minimised.'

- School

Despite the support for centre–learner dialogue and transparency in awarding, several respondents – teachers, in the main – argued that there is nevertheless a need for learners to appeal to SQA in cases which are not relatively easily resolved.

Centres can resolve some appeals

Several respondents endorse a first stage centre-based appeal. However, perceptions of what this would encompass differed. A handful of teachers pointed out that centres could check for administrative errors, for instance; these types of appeal could possibly be sorted quickly by the centre. Others saw the centre role here as an extension of the centre–learner clarifying conversation.

While the overall balance of responses to this question was tilted very much towards SQA managing and assessing appeals, it should be noted that there were several respondents — including teachers — who think that escalation of an appeal to SQA should be a last resort and that appeals should, overall, be resolved at centre or local authority level.

'It would be expected that most cases would be dealt with via review by school/college and only escalated cases would go to SQA.'

- Parent/carer

'There needs to be trust shown in teachers' and schools' judgement in these cases although there may be exceptions where learners should be given the opportunity to escalate their appeal. However, every endeavour should be made to resolve these appeals at the centre.'

- Teacher

'There has to have been a process followed within the school - there has to have been an internal appeal first.'

- Teacher

Analysis of Question 6

Are the proposed grounds for appeal reasonable? Are there any others that should be included?

When asked about the proposed grounds for appeal, 44% of respondents agreed that they were reasonable. While most of these respondents simply stated that they agreed that the grounds were reasonable, others emphasised the need to restrict grounds and limit the number of potential appeals to avoid either centres or SQA becoming overwhelmed. A number of respondents also suggested that they could see no other grounds being required within the context of the 2021 ACM.

A further 13% of respondents thought that the proposed grounds were reasonable, but offered more potential grounds for appeal. In many cases, they suggested grounds that went beyond demonstrated achievement and focused on the disruption to learning caused by the pandemic. A central theme was clarification of exceptional circumstances.

Similarly, while 20% of respondents did not state whether they thought the proposed grounds for appeal were reasonable or not, they did offer further grounds that they thought should be included. Again, the disruption to learning experienced this year was a focus.

Reasons for respondents thinking the proposed grounds were unreasonable were more varied; while 6% of respondents suggested that the grounds were unreasonable, there were a range of response types here. Some thought that the grounds would not be required if the ACM is conducted properly, others thought that the second ground, particularly, implied an unwarranted criticism of centres or that the definition of 'fairness' was not clear enough. There were also a number of respondents who stated that the grounds were unreasonable on the basis that centres should not be dealing with appeals; that is, they answered this question with reference to the model rather than the grounds themselves.

The final 14% of respondents either did not answer this question or their responses did not make it clear whether or not they regarded the proposed grounds as reasonable.

The themes arising from the Question 6 responses are explored in more depth below.

Theme: Proposed grounds are correct

Grounds are reasonable

Respondents who thought that the proposed grounds were correct felt that they were the fairest way to address the issue of appeals in the extraordinary circumstances. Some teachers and lecturers felt that the addition of further grounds would risk undermining the assessment decisions of educational professionals or the perceptions of robustness of this year's model. Moreover, it was pointed out that learners will have seen how their evidence was assessed and will be aware of their attainment.

A number of teachers commented that the events of the past year have affected all learners and attempting to expand the grounds for appeal to account for this would lead to unfairness and inequity.

'It would not be right to engage in attempting to differentiate individual circumstances and the bearing these may or not have had on performance if the assessment contexts are appropriately adjusted as they have been.'

- Teacher

It was suggested that the nebulous concept of 'fairness' could open the door to large numbers of (at times, speculative) appeals and that, as such, grounds for appeal would need to be tightly controlled.

'In order to avoid an influx of such cases which would be challenging to resolve and would require significant resources to address in the numbers that are likely to arise it would seem prudent to limit appeals to cases of administrative errors or in cases where centres have failed to comply with SQA and/or local requirements. The use of a quality assurance procedure at the centre level should also help to minimise the number of cases that fall into these categories.'

- Royal Society of Edinburgh
Education Committee

Need for flexibility

While accepting that the proposed grounds for appeal were reasonable, a number of respondents (teachers, in the main) did suggest that there was a need for some degree of flexibility. However, this call for understanding of the stress that learners and centres are under is possibly more related to the ACM and assessment in general rather than grounds for appeal in particular.

Based on demonstrated attainment

There were also a number of comments, all from teachers, emphasising that certification, and, by extension, any appeals, must be on the basis of demonstrated attainment.

'I think it needs to be very clearly reinforced that the appeal is on the basis of demonstrated high quality evidence and not on the basis of what that person might have achieved in the absence of a global pandemic.'

- Teacher

It was suggested that deviating from demonstrated achievement would have implications for equity and fairness.

'I am concerned that learners and parents will want to appeal on the grounds of the amount of work missed (due to isolating or online learning etc) and this cannot happen as it would be extremely difficult to apply this to everyone fairly.'

- Teacher

Theme: Additional grounds are required (within demonstrated attainment)

Discrimination or bias

Several respondents thought that discrimination or bias should be added as a specific ground for appeal. While one learner brought up the prospect of discrimination on the basis of a protected characteristic, most of the comments here, from parents and/or carers, centred around personal bias. Furthermore, one teacher said:

'Pupils may feel that the lack of anonymous marking disadvantages them in some circumstances.'

Some parent/carer comments also expressed concern about support — or a lack of support — for learners with additional support needs. On the other hand, Dyslexia Scotland's response said:

'The grounds for appeal are reasonable and, in particular, take account of assessment arrangements for those with additional support needs.'

Several teacher responses pointed out that if grades are determined entirely on evidence, the only grounds for appeal would be around the circumstances in which the evidence was gathered or where there had been discrimination as outlined in the Equality Act.

Marking error

Another suggested ground for appeal was marking error. A few teachers brought this up, with one suggesting any identified error may have implications wider than one learner. A couple of parents/carers also thought that any marking errors, or evidence of overly strict marking, would need to be addressed by SQA rather than the centre themselves.

Academic judgement

A number of respondents thought it was unfeasible to have an appeals system where academic judgement could not be challenged. Several commented that the proposed grounds are too narrow and that learners must be able to submit an appeal on the basis that they disagree with the grade that they have been awarded and that the grade does not reflect their demonstrated achievement.

This view was endorsed by the CYPSC and some schools and colleges and teachers. SCIS suggested a third ground for appeal:

‘There has been a manifestly unreasonable application of professional academic judgement in relation to the national standards — that is, that the judgement was not one that an appropriately qualified and trained assessor could have reasonably come to.

The final ground for appeal is considered necessary if the appeals system is to be robust, enjoy the confidence of learners and act as a means of ensuring that national standards are upheld.’

A few of the teacher and school comments noted that SQA would need to be the impartial arbiter of whether the national standard had been correctly applied.

Additionally, a few parents/carers mentioned potential concerns around the collection of evidence and the centre’s assessment process. They thought that these could and should be addressed through the appeals process.

Theme: Additional grounds are required (beyond demonstrated attainment)

No learner should be disadvantaged

Several respondents (parents/carers and teachers, particularly) emphasised how difficult the past year has been for learners, both in terms of education and mental and emotional wellbeing. There was concern expressed that young people will be disadvantaged by the circumstances in which they find themselves through no fault of their own and that there needs to be some discretion applied to the 2021 ACM.

There was, however, some recognition that the pandemic has not affected all learners equally. By extension, the 2021 ACM and appeals process will not affect all learners equally.

‘The process favours candidates with support at home to contest decisions, to filter through the verbose descriptors given, and who have the confidence and time to contest. This creates barriers for candidates from more disadvantaged backgrounds. The gap is already a gulf and the appeals process will expose this even further.’

- Teacher

A few submissions, largely from parents/carers, expressed disquiet about possible disparities across different centres or local authorities in terms of assessment and grading.

Serious extenuating circumstances should be considered

While, as mentioned earlier, there were respondents who thought it would not be possible to take account of the different effects of the pandemic on learners in a fair and equitable way, there were many more who remarked that there should be some way in which appeals take account of extenuating circumstances.

'The grounds for appeal as currently proposed eliminate many appeals for young people when they have been disadvantaged all year.'

- Teacher

These concerns were raised by all respondent types, but particularly by schools, teachers, and the Scottish Youth Parliament (SYP). SYP suggested that the proposed grounds were far too limited and restrictive and SQA should be proactively asking centres for information on where individual learners may have been disadvantaged, to be considered on a case-by-case basis.

Extenuating circumstances that respondents thought should warrant an appeal included: impact of COVID-19 on mental health; digital access, including Wi-Fi and hardware; access to online teaching; bereavement; illness; prolonged absence; multiple absences; self-isolating; shielding; caring responsibilities; missed learning; disrupted learning; SIMD; and other significant (non-COVID) reasons.

'We do not consider the proposed grounds as outlined are reasonable as they currently stand. While the ones highlighted are understandable and accepted, we do not consider these are comprehensive enough to cover all the reasons that young people may determine appropriate. There needs to be a change to the definition of 'fairness' to broaden what might be included. The experience of the pandemic may well be one factor that young people will raise as to why the award has been unfair in their view and this should be recognised.'

- Local authority

Many responses mentioned exceptional circumstances and, while some responses betrayed confusion as to whether an exceptional circumstance process would sit alongside the appeals process this year, there was a strength of feeling from many respondents that such issues needed somehow to be considered in the appeals process.

'We would anticipate that some learners may want to appeal based on "disrupted learning" due to COVID-19. To avoid this SQA must consider reintroducing the exceptional circumstances process. This would ensure fairness and equity for all learners.'

- Teacher

‘Significant life events such as death of family or close friends as well as illness should be taken into account — no child living through those circumstances would be able to attain grades that show their full potential.’

- Teacher

A number of teachers acknowledged that they could not provide a provisional grade without corresponding evidence, but felt that learners particularly affected by the pandemic should not be further penalised. Some teachers asked for guidance on how to derive grades for these learners or questioned whether SQA would accept partial evidence in such cases.

‘Provision must be made for young people who feel they have exceptional circumstances ... We strongly believe this situation gives rise to significant equity issues which are not dealt with through the universal assessment modifications which were made when the decision was reached to cancel examinations. In this current

unprecedented context the consistency and sufficiency of evidence for many learners may be a significant issue.’

- School

Despite the widespread call for exceptional or extenuating circumstances to be a ground for appeal, there were relatively few suggestions on how this should be managed. A few teachers suggested solutions including a summer diet, an extension of evidence gathering into the summer, re-sits available later in the year, or allowing centres to infer attainment without all required evidence.

‘Demonstrated attainment without any degree of inferred attainment disadvantages those who need our support and consideration the most.’

- Teacher

Other academic achievement

Several respondents — all of them parents/carers or teachers — thought that if learners could produce existing but unused evidence that demonstrated a higher level of attainment, this could be used as a basis for appeal. Several teachers submitted a comment similar to that below:

‘Grounds for appeal may also include if a pupil believes that their provisional result was based on evidence that demonstrated a lower standard of attainment than would have been the case had other pieces of existing key evidence been used.’

Similarly, CYPCS stated that appeals should be accepted where there is evidence available that did not form part of the centre’s assessment (for example, returned unmarked coursework). However, there were a few other teachers who stated that any appeal on the

basis of academic judgement should only look at the same evidence used to determine the original grade.

While the responses from teachers focused on evidence, some of the submissions from parents/carers suggested that a learner's historical and progression data could be used as a basis for appeal, as could a comparison of their performance across different subjects.

Lack of teaching

While touched upon in the extenuating circumstances subtheme, above, several respondents specifically mentioned a lack of teaching time this year as a potential ground for appeal. Parents/carers, especially, remarked on missed teaching time and a lack of quality teaching online. There were some concerns that the quality of teaching varied across different schools and this could be a source of unfairness.

Theme: Lack of clarity

SQA guidance is insufficiently clear

There were comments from a few parents/carers and several teachers that the proposed grounds were not clear enough.

'It feels like SQA are deliberately not providing much information here to try and put people off appealing...'

- Parent/carer

Teachers' observations included: that fairness was not well enough defined; that the grounds appeared not to account for situations when learners or parents disagreed with a centre's decision; that evidence requirements are not clear; and that it was unclear whether appeals were permitted that were not related to administration or assessment arrangement matters.

The notion of fairness is discussed further below.

Fairness is unclear

As mentioned above, responses betrayed a level of confusion over what SQA means by fairness. It was mentioned that definitions of fairness could differ, or be subjective; there were calls for clarification and for SQA's definition for the purposes of appeals to be made more explicit.

One parent/carer remarked that fairness could be sufficiently broad to cover a range of different appeals and a number of teachers thought that it was open to interpretation and could 'open the floodgates' on appeals. On the other hand, some teachers, particularly, repeatedly suggested that the definition in the grounds was too narrow and that it should include academic judgement.

'There is a need to extend beyond the narrow definition of fairness ... Fairness should be included but broadly around the issue that a candidate thinks they performed better than the grades suggest.'

- Teacher

While some thought that fairness had to encompass more than just the centre's compliance with SQA requirements, others argued merely that it needed to be better defined.

'The second ground for appeal is vague and needs to be clearer in spelling out what reasons might lead to failure of a centre in supporting fairness ("including but not restricted" ... what are the other reasons beyond disadvantage arising from disability?)'

- Teacher

Theme: Grounds are incorrect

Appeals should be on any grounds

Several respondents suggested that learners should be able to appeal on any grounds. Comments from parents/carers included that administration error or unfairness may be difficult to prove and that learners should be able to appeal if they feel their grade does not match their demonstrated attainment. This should not be a difficult process for young people.

Many responses from teachers, schools, and related organisations suggested that there needs to be a mechanism by which disputes between learners and centres are resolved, and not just those that fit into the somewhat narrow proposed grounds.

'ADES do not believe the proposed grounds are reasonable as they are currently defined. The credibility of the awarding process is dependent on the work undertaken at each stage of the process. The appeals system is the means by which any aspect of the process may be challenged — unless it is seen to be fair, credible and objective then public confidence in the whole awarding process could be undermined.'

- ADES

Responses here tied in with the feeling from educational professionals, particularly, that SQA, rather than centres, needs to manage and resource the appeals process (see below).

Other respondents suggested that after such a difficult year, it was incumbent on SQA to give learners the opportunity to challenge their grades, especially after learners' experiences in 2020.

SQA should manage appeals

While not specifically about the proposed grounds, many respondents' submissions stated that SQA needs to fully manage the appeals process and choose the Model 3 from the consultation paper.

'SQA should deal with all appeals — no management of marking is required this diet therefore appeals should be in SQA's remit.'

- EIS

Many of those who suggested that the proposed grounds were unreasonable seem to have been suggesting that the proposal that centres are involved in the process to any great extent is unreasonable. Numerous teachers stated that this is SQA's role. Issues raised included subjectivity, capacity, and centre-parent/carer disputes.

Implied criticism of centres

A number of schools and teachers took issue with the second proposed ground for appeal, and particularly the tone and wording 'the centre failed to comply with SQA's requirements'. Several respondents thought such wording sent out the wrong message, suggesting that SQA does not trust centre judgement and will thus leave them exposed to difficult situations and undue parental pressure.

'The question of centre integrity coming into question with SQA conditions not being applied ... Would this be open for parental accusations when desired grades are not achieved?'

- Teacher

'This appeals system being proposed seems to suggest to me a lack of trust in the professionalism of teachers before we even begin this process.'

- Teacher

Moreover, one respondent pointed out that this is unnecessarily combative; learners should not have to feel that they are lodging an official complaint against their centre to submit an appeal or have their evidence looked at again.

Not required

Numerous teachers suggested one or other of the proposed grounds for appeal should not be required. While some stated that administrative errors should not be grounds for an appeal on the basis that they should be sorted out quickly and efficiently between SQA and the centre, others suggested that neither ground would be necessary should the ACM and its attendant moderation processes go according to plan.

'The SSTA believes that there should be no need for a learner to request an appeal on the basis of administrative error. All discussions regarding "failure to comply with SQA requirements" should have been exhausted at school level prior to confirmation of provisional results, with an appeal to SQA being a last resort.'

- SSTA

Teachers cited centres' own quality assurance processes and learners' awareness of provisional grades as two reasons why these grounds for appeal will not be required. There was also some concern that teachers' professional judgement would be undermined should the second proposed ground for appeal remain:

'I fail to accept that a learner is more qualified to apply the standards of the SQA than a teacher and their centre. No award will be made this session without thorough moderation and quality assurance, so therefore I fail to see the need for appeals of this nature.'

- Teacher

Analysis of Question 7

What might be required to help learners understand what will and will not be considered under the grounds of a lack of fairness in assessment?

When asked how best to explain the appeals system to learners in the context of fairness in the assessments, many respondents stressed the importance of clear, unambiguous guidelines, in different formats, quickly shared through various channels, building on information already in the public domain.

As expected, some respondents expressed views on what was considered grounds for appeal. Others suggested measures that should be in place to reduce the number of appeals. A small number of respondents offered opinions on what may constitute 'fairness' in the context of assessments. These points, although important to the consultation, were covered in other questions and are not discussed here.

Theme: Clear explanation of the appeals system is required

Information on the grade requirement

Some respondents, mostly teachers and a small number of parent/carers, offered suggestions on information to support learners' understanding of grade requirements and what they expect from SQA in this regard.

'A detailed description of the procedures and processes followed at both Centre and Local Authority level to determine final grades to explain why centres have given grades and how these have been moderated after close examination of evidence.'

- Teacher

'A clear and concise template showing what evidence is held, marks, etc and predicted grade.'

- Parent/Carer

'Give learners the information used to determine their grade and evidence put forward.'

- Learner

Understandably, teachers highlighted concerns with both grade requirements and awards, and stressed the importance of sharing the guidelines and systems used to produce grades with all stakeholders, to minimise disappointment and confusion.

‘Clear guidance from the SQA that the grades this year — although awarded by the teacher — have been awarded under strict guidelines and are based on evidence of demonstrated attainment, not on a teacher’s whim.’

- Teacher

‘Make it clear that no teacher is providing a grade in isolation.’

- Teacher

Some respondents felt that timing was an issue and that there was an urgency to ensure information on grades and appeals reaches teachers, parent/carers and learners in time for the 2021 assessment deadline.

‘In fact, it should be available now so that we know these factors will be taken into consideration which may calm nerves and uncertainty to produce better written evidence now for grading.’

- Parent/Carer

Information on the system used in 2021 (ACM)

A considerable number of respondents, from all stakeholder groups, stressed the importance of clarity of the appeals process, and requested a full explanation of the grounds for appeal. Notably, respondents reported ambiguity and confusion over the information received to date from SQA.

‘Everyone needs explicit and clear parameters to administer. Clear communication is required and clarity of information so there is no ambiguity. A tick checklist might be helpful.’

- Teacher

‘SQA should deliver clear, concise, and timely communication directly to candidates, parents and carers, and parent bodies to promote a clear and early understanding of how the appeals process will be undertaken this year.’

- Royal Society of Edinburgh,
Education Committee

Many comments discussed the need for clarity on the grounds for appeal, and a few respondents cited the importance of consistency of information and uniformity of guidelines across Scotland.

‘Again, clear concise consistent information issues by the SQA. We can’t have schools working from different starting points. We must ensure equity.’

- Teacher

‘Clear communication from SQA. There must be a consistent approach to this across Scotland. There must be no suggestion or evidence of schools being able to do things differently.’

- Teacher

Various respondents felt that a clear explanation of what is understood by ‘fairness’, in the context of appeals, was also needed.

‘SQA must be absolutely clear to all stakeholders exactly what constitutes fairness in assessment. This will be crucial in the success of any appeal model.’

- Perth and Kinross Council

‘Again, the perception of fairness needs to be clarified, that this is about ACM.’

- Teacher

Clarity on when learners can and cannot appeal

While there was an overwhelming call for clear guidance on the appeals system, a small number of respondents stressed the significance of absolute clarity about when learners can, and cannot, appeal a grade decision.

‘Clear criteria which accept adverse circumstances beyond the universally experienced circumstances of the pandemic.’

- Teacher

‘SQA must communicate strongly to all learners that the only grounds for appeal are evidence based and that the evidence must be rigorous.’

- Teacher

Theme: Channel suggestions

There was a wide range of comments, from all audiences, suggesting methods of sharing information and guidance on the 2021 system.

Sharing online/printed information

Some respondents cited a preference for communication by printed letter, leaflet and/or booklet, circulated to learners and their families, from SQA.

‘A letter given to every student in Scotland detailing why/how they can appeal.’

- Learner

'A letter to all students from the SQA with the accepted and unaccepted reasons for appeal.'

- Teacher

'A publication that sets this out clearly could be sent to every learner. Some schools produce their own booklets or letters to parents, but it could be helpful for this year to have a centrally produced booklet from the SQA.'

- Teacher

Alternative suggestions included an SQA produced document, perceived as being an efficient way of communicating to learners and parent/carers.

'Provide clear information to parents and candidates. This should be in the form of a printed document which can be retained and referred to.'

- Parent/carer

'A brief and simple document outlining the grounds and procedures for appeals. Something which is factual and easily understood, ie use of bullet points, etc.'

- Belmont Academy Parent Council

As expected, the majority of respondents felt there ought to be a mix of printed and online formats, as a means of reaching the widest audience in the available timeframe.

'Extensive communication from the SQA to learners and parents using a variety of sources to ensure everyone is knowledgeable about the process.'

- Teacher

'Very clear and accessible communication from SQA, in a range of formats-paper, audio and audio visual-and publicised through a range of channels such as email, text message, social, print and broadcast media-will be required by way of clarification of the grounds for appeal. Consideration should be given also to the provision of relevant information to parents and carers, this in a variety of languages.'

- EIS

Among the many comments discussing possible channels of communication, arguments were put forward, primarily by teachers, noting that learners would be more inclined to take note of information that was easily accessible online.

'Short, clear, accessible videos by SQA available online, including on school websites.'

- Parent/carer

'A series of webinars and communications for parents and pupils from the SQA so that a clear message is received. Schools can support this with their own information sessions.'

- Teacher

Teachers/centres present information

Respondents from all audiences felt that information should be channelled through teachers and/or lecturers, but it was learners who expressed a preference for teacher dissemination.

'Teachers should go over all the rules and regulations about appealing and how the grade will be awarded as right now I have no idea when I will be receiving my grade or how it will be marked.'

- Learner

'Schools and colleges are likely to have a supporting role in providing further clarification to any young person who indicates a wish to appeal, therefore clear messaging to centres that can be reinforced in conversations with learners will also be required.'

- EIS

Frequently, respondents noted that teachers should be fully aware of guidelines to share this information with learners.

'Clear guidance must be produced which can be discussed with the student by staff at their centre and their family.'

- Teacher

'Clear messaging to centres that can be reinforced in conversations with learners will also be required.'

- Teacher

Despite the call for teachers to disseminate information, there was a clear feeling among many teacher respondents that, ultimately, SQA must be responsible for all communication of information, given the appeals system is a national issue and responsibility for disseminating the information ought not to be devolved to teachers or lecturers.

Examples and case studies

A variety of respondents suggested providing examples and case studies to support understanding of the appeals process, in particular in the context of fairness.

‘SQA could produce a document that is available to all candidates illustrating examples of circumstances that would and would not be reasonable grounds for appeal.’

- Lecturer

‘Clear checklist of options and examples which should be considered. This should also include examples of what is acceptable to avoid all learners looking for ‘loop holes’ in order to challenge their grade.’

- Teacher

In addition, a small number of respondents suggested conversations with learners, parent/carers and SQA in the form of live chats, online workshops, conferences, and a dedicated helpline as channels to provide information.

Several respondents suggested using infographics as an easily understandable method of disseminating information, relying less on wordy documents.

‘A simple infographic which allows all stakeholders to see and understand the appeal processes. This needs to be done by June at latest — this will allow us to inform parents and learners before the summer holidays.’

- Teacher

Guidelines on appeals included with results

Several respondents suggested including details on the appeals process with the 2021 examination results. This would be in addition to the information shared in advance of the exams.

‘A guide to what may be grounds for appeal, and what steps to follow in order to appeal, printed as a short pamphlet and issued with the results certificate would be useful.’

- Individual

‘Some form of documentation will need to be provided and sent to the candidates at the same time as their certificate. This could be on paper or electronic form.’

- Teacher

It was also suggested to include information in the post alongside results to include learners with limited, or no, access to IT.

‘Information regarding appeals should be posted out with exam results. This ensures no one is excluded on grounds of lack of access to technology/IT.’

- Parent/carers

Theme: Simplicity

Avoid jargon

Alongside the requirement for SQA to provide clear and timely information on the appeals system, respondents stressed the need for simple and easily understandable guidelines, avoiding jargon to support clearer understanding of the processes and grounds for appeal.

'The SQA must improve both what it communicates to young people as well as how it is communicated. The SQA should, as far as possible, address young people directly, using plain English. Ideally, guidance should be co-produced with young people.'

- CYPs

'Good communication targeted specifically at the pupil and parents, in clear language, free of jargon, to explain the full process of appeals will be required.'

- Graeme High School Parent Council

Accessibility of information was considered by several respondents as an essential element of SQA's dissemination programme, ensuring no audience or group was excluded as a result of 'educational jargon'.

'For pupils and parents, this will require a bit of jargon-busting as the documents produced so far have been difficult for some families, particularly those with English as an additional language, have found these difficult to understand.'

- Teacher

'Any communication or consultation of this nature will need to be conducted using language, formats and processes that are fully accessible regardless of social background or demographic.'

- Teacher

Transparency

A small number of respondents, primarily parent/carers, commented on the transparency of information available from SQA. It was argued that greater transparency in the 2021 appeals system would allow more understanding of the processes involved.

'Transparency and the system explained in its most basic forms to both candidates/parents/guardians.'

- Teacher

‘So absolute transparency about the assessment process and confidence that results are used consistently across schools and centres are essential to help learners understand if there is a lack of fairness.’

- Parent/carer

In answering this question, respondents offered their views on sharing and disseminating information on the appeals system to be used in 2021. Guidelines that are concise, jargon-free, timely and focused are requested from SQA to minimise confusion and misunderstanding.

Analysis of Question 8

What positive and negative impacts can you identify in relation to appeals processes on the needs set out in the public sector equality duty?

How could the positive impacts be maximised, and the negative impacts be mitigated?

This question was intended to generate feedback on the impact of the proposed appeals system, and how this fitted in with SQA's public sector equality duty. A wide range of comments were received. Some related directly to the impact of the proposed appeals system on individuals with protected characteristics, while others covered its more general impacts.

This analysis covers all the main areas where respondents felt that there would be a significant impact, either positive or negative.

These themes are explored further below.

Theme: Social class

May be used disproportionately by more affluent learners

A significant number of respondents, largely teachers and parents/carers, argued that learners from more affluent backgrounds, often supported by parents who understand how the education system works, would make disproportionate use of the appeals system.

'There is a risk that the SQA appeals process will be disproportionately used by candidates from more affluent backgrounds whose parents/ carers and in many cases, tutors, will be influential in young people's decisions as to whether to appeal or not, and in determining the grounds for any appeal.

The concomitant risk is that those who experience disadvantage as a result of socio-economic background will be less likely to access their right to use the service.'

- EIS

Others felt that various groups of learners were less likely to make use of the appeals system. These groups included learners from more deprived backgrounds, those 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.

'As I work in a school which has a significant number of pupils from deprived backgrounds, I have concerns that those without a strong advocate to speak for them may be left behind in this process. Given the lottery of last year's results, I have serious concerns about the

disproportionate response there is likely to be from more affluent families to the appeals process, leaving already disadvantaged pupils behind. The same applies to pupils who have ASN or EAL needs.'

- Teacher

Some respondents felt that the main issue would be that some learners would miss out on appeals that might otherwise be successful, while others felt that learners from more affluent backgrounds, with more assertive parents, might gain appeals which were not necessarily merited.

Lack of algorithm or statistical approach

A small number of responses, all from teachers and parents/carers, pointed out the importance of not using any form of algorithm or statistical approach based on previous years' results in determining exam or appeal results this year.

'If all procedures have been followed this should not be an issue. It may become one if SQA do not agree with the grades given based on moderation by using past performance of a school as an indicator of this year's cohort. This is especially an issue in areas of deprivation.'

- Teacher

Suggested actions

A small number of comments were received which suggested actions that SQA could take to ameliorate the issues described above. Several respondents suggested that SQA should gather data to determine how the appeals system is used. Others suggested that there is a need for young people to understand the system better.

'It is suggested that a partnership with organisations such as Young Scot could help both to ensure that those with justified grounds for appeal can be heard and those who do not have justified grounds are counselled appropriately. Materials must be available in appropriate community languages.'

- SCIS

Theme: Protected characteristics

A range of comments were received which suggested that learners with particular protected characteristics may be disadvantaged through the appeals process. Some of these comments were specific to additional assessment arrangements, while others covered other parts of the appeals process. These are discussed below, as are suggested actions to mitigate or remove negative impacts of the proposed appeals system.

Additional assessment arrangements

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

'Schools need to be making additional arrangement support available in a more flexible and responsive manner as the usual evidence and conversations regarding this may not have taken place during lockdown.'

- Teacher

Other respondents were concerned that the current guidance on additional assessment arrangements was complex or outdated, and that this may lead to appeals.

'Publish updated clear guidance on assessment arrangements (the current guidance was last updated in 2019) for the 2021 context.'

- Other individual

'The meeting of AAA requirements are extremely challenging for schools and their complex nature makes them vulnerable to appeals.'

- Teacher

Accessing the appeals process

Respondents mentioned learners with additional support needs, and learners with English as an additional language as groups that may be disadvantaged by the appeals process. The perceived disadvantages were that learners in these groups may not be aware of the appeals process and how to use it, that they may not have the support required to access the process, and that they may not have the confidence to use the process.

'We would also be concerned about other minority groups such as those with ASN, EAL or experience of being looked after and feel strongly that, as outlined above, the need for clear and simple communication around this is vital to overcoming these barriers.'

- Inverclyde Council

'Are pupils from more disadvantaged backgrounds / lower SIMD likely to challenge an organisation like SQA? Will they have the support at home to do this? I teach various pupils whose native language is not English. I wonder how accessible the process would be to them and their parents.'

- Teacher

Some respondents also raised the issue of independent advocacy to support learners who may not have support at home.

'Is there a role for independent advocacy for young people who may benefit from this approach?'

- Teacher

'Ensure that those learners who have little support at home have sufficient information and an advocate available other than their parents/guardians. Those who do not have sufficient support at home should have a route available, as they may not even realise they have grounds for an appeal.'

- Teacher

Unconscious bias/need for process to be anonymous

A number of respondents from all respondent groups raised issues of bias, whether conscious or unconscious. Some respondents also argued that it was important that appeals were carried out by SQA to limit the possibility of bias within a centre.

'You have to include a right of appeal based on unfair treatment/ unconscious bias, directly from young people to SQA. SQA can then go back to the school to investigate and adjudicate. The unfairness which exists in the system were laid bare in 2020: it is incumbent on SQA to demonstrate that it takes this seriously.'

- Connect

Other respondents focused on the need for both the marking and appeals process to be as anonymous as possible to minimise any bias. Some of these respondents felt that this was particularly necessary to prevent any discrimination against learners with protected characteristics.

'It is a positive to frame the use of appeals to mitigate against discrimination and inequality. Names should be anonymised to remove any possibility of discrimination against protected characteristics.'

- Teacher

'Further, to allay concerns which may exist re gender, race etc inequality, SQA could be supplied with the appeals information without candidates' personal details attached in the same way as when online marking.'

- Other individual

Need for exceptional circumstances to be considered

A significant number of responses were received which advocated that SQA should give further consideration to exceptional circumstances this year. Some of these respondents felt that it was essential that SQA allowed a degree of inferred attainment this year, and that not to do so would disadvantage those who would need most support. This could include individuals with protected characteristics.

‘Allow inferred attainment — demonstrated attainment without any degree of inferred attainment disadvantages those who need our support and consideration the most. I believe exceptional circumstances still exist and there should be a process through which these are recognised — perhaps before results are submitted by schools, eg some of my students have had to deal with the death of their teacher from COVID-19. Others have had to endure the most challenging of circumstances at home which may have not affected their well-supported peers. Demonstrated attainment without any degree of inferred attainment disadvantages those who need our support and consideration the most.’

- Teacher

‘When determining awards for pupils with disabilities, ASN and who have faced barriers to accessing learning due to poverty, both demonstrated and inferred attainment evidence should be considered. The attainment gap is about to become a yawning chasm if this is not allowed.’

- Teacher

Other respondents accepted that learners had been impacted in different ways by the pandemic, but felt that there was a conflict between the reliability of this year’s ACM and providing further mitigation in this area.

‘The variation to disruption to learning is a factor which is very difficult to mitigate against and while SQA have made adjustments to guidance to provide flexibility I do not see any system being fully able to mitigate against this while maintaining the reliability of the ACM.’

- Teacher

Suggested actions

A range of respondents suggested actions that SQA could take to mitigate some of the perceived disadvantages. Firstly, a number of respondents advocated SQA monitoring the impact of the appeals process on individuals with protected characteristics.

‘However, the SQA should commit to carrying out and publishing research on the use of the appeal process by those with protected characteristics so that any improvements in the appeals process can be made.’

- Dyslexia Scotland

Secondly, the need for an Equalities Impact Assessment and a Children’s Rights Impact Assessment was made clear.

‘Both an EQIA and a CRIA should be being prepared, and kept updated, alongside the development of the Alternative Certification Model and a fair and accessible appeals process.’

'These impact assessments should inform decision-making on how to mitigate adverse impacts, including for those who may face disadvantage. Scottish Government record data on children and young people with protected characteristics and SQA should therefore ensure that they comply with their Public Sector Equality Duties in determining individual appeals from children and young people.'

- CYPs

A number of respondents also advocated that SQA ensure that its communications about the appeals process are accessible to learners, and specifically to learners who may have protected characteristics.

'Any communication needs to be specific to the target group. While teachers can follow education-based jargon, parents and pupils (particularly those with EAL) need to have this communicated in pupil-friendly terms with all of the jargon busted.'

- Teacher

Theme: Impact on learners as a whole

A significant number of respondents raised issues which impacted on learners as a whole, whether or not they have protected characteristics.

Need for rapid, accurate resolution

A small number of respondents stressed the need for rapid and accurate resolution of both the assessment and appeals process. It was suggested that this was important both to allow young people to progress to further or higher education and to protect learners' mental health.

'It does take a while and it would be better to have them through faster as some people need certain grades for university etc.'

- Learner

'Work put in a grade not met gives a negative impact and if an appeal is put forward and nothing given it can have detrimental effects on young learners' mental health.'

- Parent/carer

Need for clear communication

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 right to appeal, and understand when they can and cannot appeal. This has to be done in a way which is accessible to learners.

'For the appeal process to work effectively learners must:

- (a) know about and understand the appeal process, and*
- (b) have the confidence to use it.*

Centres have a responsibility to ensure that they explain the appeal process to learners.'

- Learner

Some respondents also noted the importance of SQA providing similarly clear information to schools and colleges, to allow them to explain things to their learners.

'Clear advice in many formats for both young people, parents/carers and centres to ensure that everyone is aware of the service and how it will work.'

- Teacher

Some other respondents noted the importance of clarity and avoiding any ambiguities in the appeals process.

'Regardless of what happens, there will be parents who demand appeals with a variety of excuses. Clear guidance on what the purpose of appeals are, the process and the grounds must be published and must leave no grey areas.'

- Teacher

Some learners may appeal without good reason

A small number of respondents, almost exclusively teachers, expressed concerns that learners may be able to appeal without any particular reason to feel that they had been treated unfairly, and would be able to use the appeals process solely because they wanted a better grade.

'Negative is that pupils who don't get the results they want are likely to want to appeal without good cause.'

- Teacher

Suggested actions

A range of different suggestions were made on how to minimise negative impacts on learners. A number of respondents felt that learners should not be downgraded on appeal, even if the evidence suggested that their original grade was too high.

'The potential to be downgraded is a big negative impact.'

- Teacher

It was also suggested that an appeals system that is used by a significant number of learners would cause additional workload for teachers, and that appropriate allowances need to be made as a result.

'I think this is adding to teacher workload and for a teacher who has many certificate classes this could be substantial. The positive is that staff would be wanting their students to do their best and achieve their maximum and so the staff will have a vested interest in this. There are mitigations in place already by way of giving staff some time to carry out marking and moderation procedures. If there is an appeal then time should be funded to do this.'

- Teacher

Several respondents felt that it was important for SQA to explain the reasons why learners were unsuccessful in an appeal.

'If students are being treated fairly, they should also be made aware of why they do not get their appeal.'

- Teacher

Lastly, and related to previous discussion of clear communication, respondents suggested that the appeals process itself needed to be straightforward for learners, and that they ought to be able to appeal without needing help from adults.

'Learners should have the ability to appeal without needing to provide lengthy or overly specific rationale behind their appeal. All learners need to have the ability to appeal without adult assistance.'

- Teacher

Theme: Impact on teachers and lecturers

A significant number of responses focused on the impact of the appeals process on teachers and lecturers. Many of these responses discussed issues that have been previously covered in this analysis. Nonetheless, all responses have been considered, and the main topics are highlighted below.

Timing of appeals and workload

A significant number of responses, almost exclusively from teachers, local authorities and representative organisations, highlighted the issue of teacher workload, particularly given that appeals are likely to take place at the beginning of the new academic year.

'Significant impact on teacher (and especially FH) workload if the burden of evidencing and admin falls to them when they are working full-time in August and attempting to get pupils back on track.'

- Teacher

Questioning teacher grades impacts on morale

A considerable number of teachers suggested that there is a risk that the appeals system undermines teacher judgements, and that this may have a corresponding impact on teacher morale.

'The SSTA is adamant that there can be no suggestion that teachers should be held responsible if there are negative issues with National Awards this year, and any system of appeals must not be used to call teachers' judgement into question.'

- SSTA

'I fear a negative impact is that learners/parents will feel they can challenge the professional decisions of teachers and centres. I do not know of any centres who aren't taking the responsibility of awarding qualifications seriously. We will ensure that all awards given this year are fair and evidenced. To question our credibility and professionalism is insulting and suggests that we cannot be trusted.'

- Teacher

Stress

A number of respondents felt that the added stress that teachers would face if they played a significant part in the appeals process was a significant negative.

'Teachers are under a huge amount of stress and pressure just now. It would be unfair to have the same teachers exposed to even more stress and pressure to be involved in the appeals process too.'

- Teacher

Negative impacts on reputation

A number of comments were received which suggested that appeals may have a negative impact on the reputation of schools, SQA or the Scottish Government. There were no obvious patterns or similarities in the views expressed.

Harassment of teachers/lecturers

Some respondents felt that there was a risk that teachers and lecturers could be subject to harassment or victimisation, especially if schools and colleges carried out some or all of the appeals process.

'Given the "need to eliminate discrimination, harassment, victimisation and other conduct that is prohibited by or under the Equality Act 2010", SQA as the awarding body should undertake any appeals. This will avoid the

potential for harassment and victimisation of teachers/lecturers by candidates/parents.'

- Lecturer

Damage to relationships

A number of respondents felt that the proposed appeals process could lead to damage to relationships between schools, learners and parents, especially in the event that schools and colleges carried out some or all of the appeals process.

'Relationships between the learner and the school could be damaged. Clear process and advance warnings of procedures could help with this.'

- Teacher

Theme: Improved access to appeals

A number of comments were received which all related to improving access to appeals. These have been grouped into topics and are discussed below.

Lack of fees is helpful

A small number of comments were received on the subject of charging for appeals. All of these supported SQA's proposal not to charge.

'I think the fact that the process is now free will help to ensure more equality in the process.'

- Teacher

Need to hear the voice of young people

A small number of respondents highlighted the importance of hearing the voice of young people in the appeals process.

'The appeals process is available to all. The students need to feel that their voices (and appeals) will be heard and they are not discouraged/persuaded to drop an appeal.'

- Teacher

Discussions between learner and centre are helpful

Some respondents stressed the importance of discussions between the learner and their school or college in the appeals process. This was felt to be important in allowing learners to make an informed decision on whether to appeal or not.

‘One positive feature of the appeal process is that for it to operate effectively it will require centres and learners to be involved in detailed discussions about assessment evidence. Providing online examples of how these discussions can take place effectively would be helpful for centre staff. The point has already been made above that disabled learners may need access to communication aids.’

- Learner

2020 learners

A small number of responses were received which advocated that learners from 2020 should also be allowed to appeal their grades. These respondents felt that it would be inequitable to have an appeal process similar to that suggested by SQA in 2021, but not to have a similar process in 2020.

‘Every child has the right to demonstrate their potential and disruption to the exams has impacted not only on the 2021 cohort but also the 2020 cohort, who seem to have been forgotten in this consultation. Estimates for the 2020 cohort were made very much at the last minute and with limited guidance compared with the support given to centres in 2021. The potential for errors and poor estimates is therefore arguably greater in this group and to only allow the 2021 cohort the right of appeal is deeply discriminatory.’

- Parent/carer

Need for independent adjudication

A significant number of respondents expressed the view that independent adjudication of appeals was essential. Many of these made similar arguments to those covered earlier in the questions relating to the model that should be adopted, and these will not be covered again here. Some suggested that it was essential to have independent adjudication for SQA to carry out its public sector equality duty. These arguments are covered in this section.

‘In order to meet the needs of the SQA’s public sector equality duty it is important that the SQA, not centres, decide on appeals results.’

- Other individual

Some respondents argued that it was necessary to have anonymity in the appeals process to remove bias.

‘I would again stress that I think appeals being carried out by the SQA rather than individual schools/sectors would greatly help to ensure equality since it would guarantee that the final decision on grades was made with no bias with regard to disability, gender, sexual orientation etc. This is precisely the reason why exams are normally marked by someone NOT within the learner’s school/centre as it ensures there can be no positive or

negative discrimination on any grounds given the marker will have no knowledge of the candidate.'

- Teacher

Other respondents felt that SQA has a responsibility to build good relationships, and that this was not compatible with a model where centres determine the results of appeals.

'We agree that there needs to be a process to ensure pupils are not discriminated against. The Equality Act 2010 refers to the need to foster good relationships between people. If a school is ultimately responsible for the appeals process, these good relationships we have developed with pupils and parents could deteriorate.'

- Teacher

Theme: Positive outcomes

A number of responses were received which outlined perceived positive outcomes from the proposed appeals system. These are discussed below.

More accurate grades

A number of respondents, mostly teachers, felt that a positive impact of the appeals process would be that learners would get more accurate grades.

'Positive — pupils are given the correct grade based on their ability and effort'

- Teacher

Some respondents noted that an appeals process would allow learners the opportunity to put their case and to be heard. This was seen as important. Other respondents felt that an appeals process would reduce the potential for discrimination and unfairness.

'Positive: in a year of uncertainty an appeals process will give the learner a feeling of being able to put across "their side", especially if they feel validated in their appeal.'

- Parent/carer

'An open appeal process allows a candidate to appeal if they believe they have been treated unfairly. There has to be an opportunity for this to occur, otherwise the potential for discrimination increases. A transparent appeal process reduces the risk of discrimination, and the perception of unfair treatment.'

- Teacher

Proposed system is satisfactory

A significant number of respondents felt that there would be no negative impacts as a result of the appeals process. These were split between respondents arguing that the checks and balances of the ACM meant that negative impacts were unlikely, and others arguing that the appeals process would not cause any negative impacts.

Other positives

Some respondents suggested other positive outcomes from an appeals process. Some thought that the existence of an appeals process would help to restore faith in SQA and demonstrate the fairness of the system.

'Positive = pupils, teachers, parents, politicians, the public etc will see that the system is fair — this is needed to avoid a repeat of last year.'

- Teacher

Other positives that were mentioned were the simplicity of the system, the fact that schools and colleges know their learners better than SQA, and that it gives learners a voice.

Analysis of Question 9

How should the consideration of appeals be prioritised?

Depending on the volume of appeals received and the education system's capacity to handle them, SQA may need to apply criteria to prioritise requests. The standard approach to prioritisation is based on immediate progression to employment, apprenticeships, college or university entry. Are there other factors to consider?

More than half of the consultation respondents suggested that they were satisfied with the standard approach to prioritising appeals based on a learner's immediate progression requirements. Others suggested a range of other factors that could be considered this year.

Theme: Prioritisation is correct

The majority of respondents thought that standard prioritisation factors are the correct approach and should be implemented in 2021. This was generally considered the most fair and equitable approach.

'Appeals should be prioritised by the requirement for results to be transmitted to employers and further and higher education bodies.'

- SSTA

'Given the historical reasons for the prioritisation of appeals, we feel that the list given should remain in place.'

- SLS

'The current prioritisation of learners who require grades for entry into university, college and the workplace should be continued.'

- ADES

While some respondents acknowledged that there were also other priorities to be considered, many thought that these could be managed in-centre, pending the outcome of appeals.

'Priority should be given to appeals from candidates who require the outcome to facilitate their imminent onward progression to employment, college or university. Teacher and lecturer professional judgement, together with dialogue with learners and parents/carers as appropriate, should be sufficient in determining the immediate next steps in terms of centre-based progression while any appeal outcome is pending.'

- EIS

'We are supportive of appeals being prioritised on the basis of the potential impact of a delay in its determination, ie where it will affect college or university applications or employment...'

All appeals should be dealt with timeously. This is why we suggested the first stage of the appeal to the school or centre should be available to the young person both prior to submission of the awarded grades and after submission to SQA. This avoids the young person having to wait until August before they can pursue the initial appeal to the school. If that appeal is not resolved satisfactorily, the young person should have a right of appeal to SQA.'

- CYPCS

It was also pointed out that prioritising appeals for entry to higher education would need to include prioritising based on band rather than grade, where this was a factor.

Theme: Other groups should be added

Leavers should be prioritised over those staying on

Several respondents suggested that those learners who are leaving school or college should be prioritised over others. A number thought that the order of prioritisation should be leavers or S6, then S5, then S4.

'All those leaving school or college should be prioritised over those staying on at school or college.'

- Learner

Progression within school

Several respondents suggested that — possibly after the immediate prioritisation of employment or tertiary education — the next most important factor for appeals was progression within school. Comments included those from respondents who noted that some learners would need to know if they had to re-sit a particular course.

'Be mindful that 'progression' also applies where candidates are deciding whether or not they are able to proceed with the next level of study or to re-sit the previous SCQF level in school. This can leave them in limbo and impacts on their subject choices into the new session.'

- Teacher

It was thought that quick decisions on these types of appeals would have a beneficial effect for learners in terms of learning and teaching time.

'Schools should have the option to request a higher priority for pupils where there is ambiguity surrounding appropriate course option choices. It

is vital that students' progress to an appropriate level of study as soon as possible given the amount of learning and teaching time that has already been lost to them.'

- Teacher

One teacher suggested that National 5 English and Maths appeals, specifically, should be prioritised as they are required for a significant number of pathways.

Early application for HE

A small number of respondents thought that appeals should be prioritised where a learner wishes to apply to a course where there is an October UCAS deadline, for example of dentistry, law, and medicine.

Where mental health may be affected

Some respondents — particularly parents/carers and teachers — thought that appeals should be prioritised for learners whose mental health may be adversely affected by any delay.

'Some young people are simply not coping and any delay in solid decisions could have a significant impact on some regardless of progression to employment, apprenticeships, college or university.'

- Teacher

However, one respondent pointed out that prioritising on such a basis would be very difficult to manage fairly.

Discrimination or bias

A handful of respondents thought that appeals should be prioritised where discrimination or bias was a concern.

Scottish Index of Multiple Deprivation (SIMD)

A few teachers suggested SIMD deciles should play a part in appeals prioritisation. Particularly in light of the perceptions of the process in 2020, it was thought that prioritising on this basis could mitigate any equity issues.

Exceptional circumstances

A few respondents suggested that appeals should be prioritised based on what would be classed as exceptional circumstances in other years. It was proposed that those learners who had faced illness, bereavement, IT poverty, and periods of isolation should receive priority consideration.

Other considerations

Several other factors were highlighted as possible reasons for prioritisation. These included:

1. immigration and citizenship factors
2. school leavers in a negative destination
3. possible administrative errors, which should be quickly resolved
4. where there is a high volume of appeals from one school department
5. where a learner has a 'D' or a 'No Award'
6. where a learner is within a certain margin of a higher grade

A small number of teachers suggested that centres should have a role in prioritising appeals.

'Schools should be able to fast track certain candidates if required.'

- Teacher

'Centres should be able to prioritise individual appeals based on individual circumstances. This is definitely an area where learning centres have more knowledge of each individual and therefore are more able to decide equitably for each individual.'

- Teacher

Theme: No prioritisation is necessary

Although this was not a common theme, a small number of respondents thought that there should be no prioritisation in place beyond the order in which appeals are submitted. It was suggested that this would be the fairest approach.

Other comments

Several other comments were received that did not specifically address the prioritisation of appeals. These covered themes repeated throughout the other consultation questions, such as: that all appeals should be considered; that appeals should be heard timeously; that SQA needs to manage the entire process; that SQA needs to be mindful of centres' workloads; and that there should not be many appeals under the terms of the ACM.