



Briefing for the Public Petitions Committee

Petition Number: [PE1484](#)

Main Petitioner: Ian Thow

Subject: Independent regulator for national examinations set by the Scottish Qualifications Authority

Calls on the Parliament to urge the Scottish Government to (1) consider the establishment of an independent examinations regulatory body, to ensure a quick and effective resolution to complaints about the quality, accuracy and validity of SQA examinations and (2) consider the limitations of the 2002 Scottish Public Services Ombudsman Act to appropriately adjudicate on complaints made by individual teachers or schools concerning alleged maladministration and service failure in the provision of national examinations by the Scottish Qualifications Authority.

Background

The [Scottish Qualifications Authority](#) (SQA) was established through the Education (Scotland) Act 1996 as amended by the Scottish Qualifications Act 2002.

SQA has two main functions:

- **A national accreditation body.** In this role it accredits vocational qualifications, including Scottish Vocational Qualifications (SVQs), while also approving the funding bodies that seek to award relevant qualifications.
- **An awarding body.** In this role it devises and develops qualifications, validates qualifications, reviews qualifications, arranges, assists and carries out assessment of people taking SQA qualifications, quality assures education and training establishments offering SQA qualifications and issues certificates to candidates.

SQA is a non-departmental public body (NDPB) accountable to the Scottish Government. Details of the relationship and associated responsibilities between the Scottish Ministers and SQA are set out in SQA's [Management Statement and Financial Memorandum](#), which provides information on the requirements of SQA including compliance with legislation and regulations developed by the Scottish Government.

There are three main governance structures in place at SQA:

- A Chair and Board of Management that are appointed by the Scottish Government to oversee and direct the organisation.
- An Advisory Council that is appointed by the Scottish Government to provide independent advice to the SQA and the Scottish Government on the needs and views of SQA's stakeholders.
- An Executive Management Team involving senior staff in the organisation, headed by the Chief Executive, that feeds back to the Chair and Board on the day-to-day operations of SQA.

The Scottish Government has a number of responsibilities with regard to the functions of SQA. These include approving policy and performance measures that SQA operate within, providing (as appropriate) information to the Scottish Parliament about SQA, determining the amount of grant to be paid to SQA and seeking Parliamentary approval and determining the criteria by which SQA will fix and recover charges for its services. The sponsoring division within the Scottish Government is responsible for monitoring and reviewing SQA performance against its targets, with Scottish Ministers ultimately accountable to the Scottish Parliament for the activities and performance of SQA.

News stories

Among recent concerns raised about SQA that have been reported in the Scottish press have been debate on the rising number of students passing examinations, with implications that there has been a lowering of the pass standard (e.g. [29 March 2013](#), TESS), concern about changes to the exam appeals process ([7 August 2011](#), Sunday Herald) and concerns about whether schools are ready to deliver new exams in 2013/14 ([22 February 2013](#), Herald).

More directly related to the content of the Petition, an article in the Herald on [26 March 2013](#) highlights a dispute between assessors and the SQA with regard to Higher mathematics, with further elaboration of the assessors complaints against the SQA set out in a letter to the Herald on [28 March 2013](#). Further, an article in Scotland on Sunday on [7 April 2013](#) criticises SQA for the inclusion of a specific question within the 2012 Higher Politics exam. The article goes on to point out that, despite criticisms of the question from teachers, the SQA continues to publish the question in its past papers.

The article cites the Petitioner's concerns about the current system where SQA perform the dual role of setting examinations and regulating the examination process. The lack of any independent forum for complaint for those involved in administering examinations is noted as a particular failing of the current system:

“The processes we have been through have clearly confirmed that there are no structures or avenues available to teachers and schools to which they can refer in order to request an independent investigation of such

complaints. The SQA are both judge and jury of their own assessments and marking instructions, but refuse to explain or justify them when requested.”

Complaints Processes

SQA has a [complaints procedure](#) set out on its website. It states the promises the SQA makes to its customers who wish to make a complaint:

- “We will listen to you, and make every effort to understand the reasons for your complaint.
- We will endeavour to resolve your problem at your first point of contact.
- We will take ownership of your complaint to ensure resolution.
- We will offer fair solutions quickly.”

There are both informal and formal complaints procedures in place. The informal process involves making direct contact with a named contact or central department to deal with the complaint immediately. The formal process involves writing (letter, fax or email) to SQA where an acknowledgement should be received within five working days and a considered response within 20 working days of receiving the complaint. If the matter cannot be resolved within 20 working days, the complainant will be kept informed of the delay, the reasons for it, and a date will be given for when a full reply will be available.

If the customer is unhappy with the response received, the next step is to write to the SQA Customer Support Manager who will usually respond on behalf of the Chief Executive within 15 working days. If the customer is dissatisfied with the response received at this stage, the next step is to contact the Scottish Public Service Ombudsman (SPSO) to look at the case.

The SPSO was established by the [Scottish Public Services Ombudsman Act 2002](#) (the 2002 Act). The 2002 Act created a new complaints service for Scotland to deal with complaints affecting a range of public services, including the Scottish Government and its agencies and departments. Section 5 of the 2002 Act notes that the Ombudsman may investigate if a member of the public claims to have sustained injustice or hardship as a result of the actions of the authority (the complainant in this case is referred to as the ‘person aggrieved’). References to members of the public include any individual or body of persons, but excludes complaints being made by public services, including local authorities and other public bodies.

A total of five [decision reports](#) resulting from appeals made to the SPSO about SQA during the period October 2011 to March 2013 have been published on the SPSO website. A brief overview of the themes and outcomes from these complaints is presented below.

Date	Complaint	Decision
October 2011	Mrs C complained that her son's school did not ensure that support arrangements were in place for him during his SQA exams. The school, Mrs C and her son contacted the SQA about this. The SQA reviewed his examination papers and the alternative evidence provided by the school through their appeals process but decided not to increase the pupil's grades. Mrs C complained that the SQA did not have procedures in place to allow them to compensate for the school's error.	Not upheld
February 2012	Mr C's daughter was a candidate for the SQA Higher physics examination in May 2010. She had received a B grade in the preliminary school Higher physics exam. She received a C grade in the final Higher physics exam. An appeal was submitted, but was dismissed as a result of questions about the validity of the school's preliminary exam processes	Not upheld
May 2012	Mr C's son failed the essay component of his Higher history exam as the SQA deemed the title of the essay invalid. Mr C complained as the school had advised his son on the title, and the school remained of the view that it was valid. Because of the difference of opinion between the SQA and the school, Mr C complained that the SQA failed to have adequate processes in place for communicating their guidelines to schools.	Not upheld
July 2012	Mrs C complained that there had been an error in how an examination taken by her daughter had been marked. Despite consistently telling the SQA that a mistake had been made, Mrs C felt that her representations were treated as an appeal. She complained that the SQA failed to acknowledge that an administrative error in dealing with her daughter's results led to an incorrect result being recorded for her and that the SQA were rude and unhelpful in dealing with her complaint.	Partially upheld Recommendations made
March 2013	Mr C, a former teacher, complained that the SQA did not respond reasonably to complaints that he and his school submitted about examinations.	Upheld. One recommendation made

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31 May 2013

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