

Briefing for the Citizen Participation and Public Petitions Committee

Petition Number: [PE1875](#)

Main Petitioner: Jordon Anderson

Subject: Public inquiry into the Scottish Qualifications Authority

Calling on the Scottish Parliament to urge the Scottish Government to order a public inquiry into the actions of the Scottish Qualifications Authority during academic years 2019-20 and 2020-21.

Introduction

The petitioner calls on the Scottish Parliament to urge the Scottish Government to order a public inquiry into the actions of the Scottish Qualifications Authority (SQA) during academic years 2019-20 and 2020-21.

In the background information submitted alongside the petition, the petitioner states that the last two years have seen “major failings by both Scottish Government and the Scottish Qualifications Authority (SQA) in terms of closing the attainment gap within the education system.”

The petitioner goes on to argue that young people have been let down and a review of SQA’s actions is needed.

The SQA is the body responsible for awarding national qualifications in Scotland’s schools and Higher National qualifications in Scotland’s colleges. The organisation’s handling of the awarding of qualifications to pupils following the cancellation of

exams last year has attracted criticism. Arrangements in place for the awarding of qualifications this year have also attracted criticism. Scottish Labour, the Scottish Green Party, the Scottish Liberal Democrats and the Scottish Conservative and Unionist Party have all called for reform and review of the SQA, voting in February 2021 for a motion stating SQA was not “fit for purpose” and had “lost the confidence of teachers, pupils and parents”.

Reform of SQA

The Cabinet Secretary for Education and Skills, Shirley-Anne Somerville MSP, announced on 21 June 2021 that the SQA is to be replaced, stating:

“We will replace the SQA. We will talk to young people, parents and teachers to build a system that works in line with CfE – exactly as the OECD recommends.”

The announcement followed the publication of the [Organisation for Economic Cooperation and Development \(OECD\) review of Scotland’s Curriculum for Excellence](#) earlier the same day. The report highlighted a divide between the aspirations of the Curriculum for Excellence and the focus on exams in the senior phase of secondary school.

The government have appointed Professor Ken Muir CBE, former Chief Executive of the General Teaching Council for Scotland, to lead work to replace the SQA with a new organisation responsible for curriculum and assessment. Currently, Education Scotland is responsible for curriculum.

The [government’s draft remit](#) for Professor Muir’s role sets out that a supporting panel will be established with a wide range of representation, including practitioners. The views of children and young people will be considered during engagement with the education sector. The remit states:

‘A key objective is ensuring that we fully understand [children and young people’s] needs, and design the education system to deliver the best possible support that is required.’

Professor Muir will begin this work in August 2021 and is expected to conclude six months later.

The OECD will publish a further report considering changes to Scotland's qualifications and assessment system later this year. This will not impact pupils sitting national qualifications this year or in 2022.

Public inquiries

A public inquiry is a major investigation set up by a government Minister to investigate major issues of public concern. Inquiries generally aim to establish what has happened, why and how it happened and what can be done to prevent it happening again¹.

Recent examples in Scotland include the Penrose Inquiry into infected blood and blood products and the Scottish Child Abuse Inquiry.

Statutory public inquiries are governed by the Inquiries Act 2005 (the 2005 Act). It gives Ministers (including Scottish Ministers) the power to set up an inquiry where events have caused or are capable of causing public concern, or there is public concern that particular events may have occurred (section 1). Scottish Ministers can only set up an inquiry when it relates to a Scottish matter (see 2005 Act, section 28).

Detailed rules for Scottish inquiries are set out in the Inquiries (Scotland) Rules 2007.

The Scottish Government has committed to establishing a public inquiry into the response to COVID-19. [First Minister Nicola Sturgeon MSP](#) told the Scottish Parliament on 26 May 2021 that this inquiry would be "comprehensive". It is therefore possible that assessment during the course of the pandemic may be an issue that is considered as part of this.

Key organisations and relevant links

[Scottish Qualifications Authority \(SQA\)](#): Scotland's accreditation and qualifications body. SQA's functions are set out

¹ [Public inquiries | The Institute for Government](#)

in the Education (Scotland) Act 1996 and the Scottish Qualifications Act 2002.

Children and Young People's Commissioner Scotland: The Commissioner's office has worked to highlight the issues facing children and young people due to COVID-19 related exam disruption.

Scottish Youth Parliament (SYP): The democratically elected voice of Scotland's young people. Youth-led and accountable to young people age 14 to 25.

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28 June 2021

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