



OFFICIAL REPORT
AITHISG OIFIGEIL

Education, Children and Young People Committee

Wednesday 19 February 2025

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Wednesday 19 February 2025

CONTENTS

	Col.
“HIGHER HISTORY REVIEW 2024”	1
SUBORDINATE LEGISLATION	54
Disclosure (Scotland) Act 2020 (Incidental, Supplementary and Consequential Provision) Regulations 2025 [Draft]	54
Disclosure (Scotland) Act 2020 (List A and B Offences) Amendment Regulations 2025 [Draft]	54
Regulated Roles with Children and Adults (Scotland) Amendment Regulations 2025 [Draft]	54
Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment (No 2) Order 2025 [Draft]	54
Protection of Vulnerable Groups (Prescribed Services and Activities) (Protected Adult) (Scotland) Regulations 2025 (SSI 2025/4)	58
Disclosure Information (Accredited Bodies) (Scotland) Regulations 2025 (SSI 2025/5)	58
Fees for Scheme Membership and Disclosure Applications (Scotland) Regulations 2025 (SSI 2025/25)	58
Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2025 [Draft]	62

EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE
6th Meeting 2025, Session 6

CONVENER

*Douglas Ross (Highlands and Islands) (Con)

DEPUTY CONVENER

*Jackie Dunbar (Aberdeen Donside) (SNP)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)
*Miles Briggs (Lothian) (Con)
*Keith Brown (Clackmannanshire and Dunblane) (SNP)
*Pam Duncan-Glancy (Glasgow) (Lab)
*Ross Greer (West Scotland) (Green)
*Bill Kidd (Glasgow Anniesland) (SNP)
*John Mason (Glasgow Shettleston) (Ind)
*Willie Rennie (North East Fife) (LD)

*attended

THE FOLLOWING ALSO PARTICIPATED:

John Booth (Scottish Qualifications Authority)
Natalie Don-Innes (Minister for Children, Young People and The Promise)
Joanna Mackenzie (Scottish Government)
Laura Robertson (Disclosure Scotland)
Shirley Rogers (Scottish Qualifications Authority)
Donna Stewart (Scottish Qualifications Authority)
Gareth Wilks (Disclosure Scotland)

CLERK TO THE COMMITTEE

Pauline McIntyre

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Education, Children and Young People Committee

Wednesday 19 February 2025

[The Convener opened the meeting at 09:00]

“Higher History Review 2024”

The Convener (Douglas Ross): Good morning, and welcome to the sixth meeting in 2025 of the Education, Children and Young People Committee. The first item on our agenda is to take evidence on the “Higher History Review 2024”. I welcome, from the Scottish Qualifications Authority, Shirley Rogers, its chair; John Booth, who is director of communications; and Donna Stewart, who is interim director of qualifications development. Thank you all for joining us today.

Before we move on to members’ questions, I understand that Ms Rogers would like to make a brief opening statement.

Shirley Rogers (Scottish Qualifications Authority): Good morning, everybody, and thank you for the opportunity to say a few words. I will keep my comments brief.

This is my first attendance at committee since taking up my post as chair of the SQA. Since my appointment, I have been pleased to engage with a large number of stakeholders from within and outside the organisation, including schools, colleges, teachers, markers, staff, trade unions, business leaders and policy development stakeholders. Crucially, I have met the young people themselves and I have met the Children and Young People’s Commissioner Scotland a couple of times. I have also been grateful to meet a number of members of this committee, so I thank you for your time. Convener, I met your predecessor and I would be happy to meet you, too.

We have a real opportunity to change. Since my appointment, we have developed and published our corporate plan, which is called “A Prospectus for Change”. That is not by accident. The first commitment in that plan is that we need to rebuild trust with teachers, learners, parents and carers, wider stakeholders and, frankly, you.

Since being appointed, I have strengthened the board within the existing SQA arrangements with three new appointees, who come from solid teaching and education backgrounds in a school and a college and from a strong and positive governance background. I look forward to the new arrangements for qualifications Scotland, which

will allow us to further strengthen those governance arrangements and to hear more directly from learners, teachers and others who can help us to shape the future.

We have also strengthened our leadership team. The convener introduced my colleague, Donna Stewart, who was recently appointed as our qualifications director. We have been able to appoint a director of finance, who will join us within the next couple of weeks. We are currently in the market for a new senior adviser, who will be a headteacher and will help us to shape our schools unit. You will have seen in recent coverage that we are now also on the hunt for a new chief executive.

We need to build a culture that retains our standards in awarding but does so with our partners. We need to be partners in a shared educational endeavour. We need to move towards qualifications Scotland while embracing all the opportunities that will be afforded by a new organisation with new relationships within a new educational landscape.

I have seen enough in the past few months to give me confidence that we can do so. We have colleagues with deep professional expertise, many of whom are teachers. Donna Stewart, who is sitting next to me, is still a qualified teacher and she has been teaching for 25 years. Our staff, therefore, have deep professional expertise, commitment and a real and good intent to support learners, teachers and the education system.

We need to be cognisant of our teams, who have given their expertise, support and hard work over the years. With that in mind, we have worked with staff to build shared values of openness, care, being well connected to the wider system and being brave enough to make change where it is needed.

I watched the Scottish Association of Teachers of History give evidence at the committee, and while my colleagues can touch on the detail of that evidence, I am grateful to SATH president Kirsty MacDonald, who has met me to share her insights, which I found to be invaluable. I can add further detail to the enhanced governance arrangements that we have put in place as a result of the challenges arising from the higher history exam during the conversation, if members would find that helpful.

I will rest now with a final few words to assure the committee that I, the board and the whole organisation are committed to delivery now and to building a newer, stronger partnership with our stakeholders on positive, fair and transparent relationships. There is much in the SQA to be proud of, and an awful lot to do as we transition to something new.

The Convener: Thank you very much for that opening statement. I will start on the questions. You have been the chair of the SQA for over a year. In that time, what is the biggest failing that you have identified within the organisation?

Shirley Rogers: It is important to be balanced, Mr Ross.

The Convener: I will be balanced, but I am asking a particular question.

Shirley Rogers: Indeed. We need to set out a clear, strong and well-governed direction of travel for the organisation. That needs to embrace an educational landscape that is changing. We need to be positive about the notion of change, set our strategic direction accordingly and have a well-governed organisation with positive leadership from the board and the executive team. I have seen some signs of that, but there is more to be done in that space.

I genuinely look forward to the opportunities that will be afforded by the Education (Scotland) Bill to allow us to get a greater degree of engagement. We are responsible for setting standards and holding people to standards, but we are part of that endeavour. We cannot just look down from the balcony; we have to be on the dance floor. That is our ambition.

The Convener: You did not mention culture in your entire opening statement or in that answer. Do you think that the culture within your organisation is a problem?

Shirley Rogers: To be fair, I mentioned culture in the work that we are doing around culture and values—but yes, I do think that. Absolutely.

The Convener: Do you not think that culture is the biggest problem within your organisation? Is it not the biggest failing that you have identified in the past year? It is certainly the biggest failing that came up repeatedly through the SATH survey and in the evidence that we received from SATH members, which you said that you had watched. You also said that you have since engaged with Kirsty MacDonald.

Shirley Rogers: There is no doubt that embracing the culture of change and being part of it is an issue—

The Convener: Sorry, I am not speaking about the culture of change. I am speaking about the culture of the organisation, what people say and do in the organisation and what came through in the SATH survey. The culture of senior managers within your organisation has been raised with us time and again as being of significant concern to teachers across Scotland.

Shirley Rogers: I recognise those comments, Mr Ross. I say again that, over the course of my

tenure, the organisation has developed a new and restated commitment to those positive values of care, being connected to wider organisations and being brave to make changes where they are required. We are putting those values right at the heart of the organisation, not just in our internal relationships, but in our external relationships.

The Convener: Do you accept the criticisms of senior members of your team that there is a culture where people fear raising issues within the SQA and that there will be reprisals against them for speaking out?

Shirley Rogers: That was in some of the evidence that Kirsty MacDonald shared. I am not going to repeat what Kirsty said. She was very frank with me about the experiences that she has had. What I will say is that I see a huge endeavour to make those changes. I have personally spent a huge amount of my time engaging with staff inside and stakeholders outside the organisation. We need to make those changes.

Forgive me if I was not bold enough in what I said, but I will go back to my opening comments. We need to build a culture that retains our standards in awarding but does so with our partners. I am happy to acknowledge that and to take on that challenge. We are part of an educational community and we have to be part of that shared endeavour.

The Convener: Are you satisfied that the independent review of the higher history exam last year was independent enough? The SQA believes that it was peer reviewed. Are you satisfied with that review and its outcome? What is your response to the many teachers who are bitterly disappointed with what the SQA did in response to the higher history exam in the past year?

Shirley Rogers: I referenced in my opening statement some work that has been done to re-examine the levels of governance and the shared and collective understanding of what happens when circumstances such as that arise. For example, our qualifications committee, which obviously has members from within and outwith the organisation, has worked to create a process that gives us early warnings when things start to look anomalous. It gives us, for want of a better expression, a ladder of escalation that is more clearly understood and more widely shared, so that the community that we are working with understands what will happen.

The Convener: My question is whether you are content with the review that the SQA undertook and its outcome, despite the strong criticism from teachers, staff and others.

Shirley Rogers: It would be perverse of me to have asked the qualifications committee to look at something and strengthen the procedures without

acknowledging that there was more that could be done to explain and explore it and have the appropriate levels of external involvement in that scenario.

The Convener: So, you do not believe that the review that the SQA undertook, which the SQA and your colleagues who are sat beside you have been defending for some time, was adequate?

Shirley Rogers: Well, no. That is—

The Convener: I am sorry, but I am not getting an answer to my question. I am just trying to get an answer; I am not being difficult. I would like to know whether or not you agree with the outcomes of the SQA review.

Shirley Rogers: I agree with the outcome of the SQA review, Mr Ross. I am not an educationist. I do not come from an education background, so it would probably be better for my colleagues to answer on the specifics in that respect. I saw a process that, although it had all the technical merit that was required—Donna Stewart can perhaps speak a little bit more about that—it had not been widely understood before it was put in place.

I am very conscious that the committee has previously discussed the role of the SQA in looking for early signals that something might be challenging. One of the unique selling points, for want of a better phrase, that the SQA brings is its central data repository that allows us to share such information across the education community. I do not know whether Donna Stewart wants to add anything.

The Convener: I will perhaps come on to that with Ms Stewart in a moment. When the chief executive came to the committee, she defended the internal review to the hilt. She is no longer in place. I am still unclear in my head whether, as chair of the SQA, you support 100 per cent the review, the way it was conducted and the findings of the review?

Shirley Rogers: Yes.

The Convener: The answer is yes, but you have set up another committee to look at things in the future.

Shirley Rogers: No. What I have asked the qualifications committee to do, and what the team that undertook that review have done, is what you would expect us to do, which is a lessons-learned process that allows us to be clearer and more robust from the outset about what the process should be, as well as to ensure that the wider community understands that.

The Convener: When did you do that?

Shirley Rogers: The piece of work was commissioned before Christmas, and it was considered and agreed to at the most recent

qualifications committee meeting, which I think was in January.

The Convener: That was after Fiona Robertson and the cabinet secretary appeared before this committee.

Shirley Rogers: I could not be specific about that date.

The Convener: They appeared mid-December, and you said that it was before Christmas.

Shirley Rogers: The piece of work was commissioned before Christmas. The chair of the qualifications committee was asked to do that before Christmas, I think, and the qualifications committee—

The Convener: Will you clarify for us the exact date? It would be interesting to know whether it was before or after the cabinet secretary and the outgoing chief executive appeared before the committee. Can you tell us that today?

Shirley Rogers: I cannot tell you the specific dates, but I would be very happy to send you that information.

The Convener: Mr Booth, you deal with communications at the SQA.

John Booth (Scottish Qualifications Authority): I do, yes.

The Convener: Do you think that you have communicated the SQA's position on this sufficiently well?

John Booth: As Shirley Rogers has mentioned, we have been consistent in communicating that we support the outcome of the review, both in terms of how it was conducted independently within the organisation and, subsequently, how it was independently peer reviewed.

There are always lessons that we can learn, not just on communications but on a number of things. As Shirley has mentioned, there are wider reflections arising from the review that we are taking forward in how we communicate with the whole education community, including by helping the community to understand the process of how we set standards from end to end.

The Convener: The night before the outgoing chief executive appeared with the cabinet secretary before the committee, an article defending the SQA appeared in *The Times Educational Supplement*. Were you involved in the formation of that article?

John Booth: I was. That is part of my role.

The Convener: Why did you decide to do it the night before the committee heard from the outgoing chief executive and the cabinet secretary?

09:15

John Booth: I will go back to how the article arose. Both the principal assessor and the team leader for higher history, who are appointees of the SQA and practising history teachers, were keen that their voices and the voices of the entire higher history team be heard. Obviously, there was a lot of public debate on the outcome of the review, in the media and at committee. Voices were being heard; the survey of SATH was being published; and the PA and the team leader were keen that their voices and the team's voices be heard as well. They spoke to me, and I agreed that we would draft an article. I drafted it. That is part of my role—

The Convener: Sorry—you said that they wanted their voices to be heard, but you drafted the article.

John Booth: They asked me to draft on their behalf, after I had spoken to them at length to understand their position. They edited it and gave final approval. It is part of my job. I do it for a number of members of staff in the organisation, as communications professionals do in many organisations.

The Convener: Why was the date that was chosen the night before the committee appearance?

John Booth: As I said, the committee was discussing the higher history review and there was a lot of public debate—

The Convener: —as there had been for some time.

John Booth: Yes. We discussed the article with the PA and team leader on the previous Friday; it was finalised on the Monday; and *TES* subsequently published it. Obviously, *TES* chooses, within its print deadlines, when to publish.

The Convener: Were you happy that it published the article the night before the meeting?

John Booth: I was happy that the PA and the team leader had had their voices heard. We also published it on our website. It was published by both us and *TES*.

The Convener: The timing certainly seemed interesting. Have you dealt with comments to newspapers following SATH's appearance at the committee? Have those comments gone through you?

John Booth: I usually sign off on any comments that come from the organisation.

The Convener: Did you sign off on the comments that denied a lot of what the SATH

president and her two fellow witnesses said on that day?

John Booth: A statement was issued after the SATH members' appearance at the committee in December—

The Convener: It was January.

John Booth: Sorry—January. We sought to clarify a number of points that had been raised in the comments by those SATH members, so the answer is yes.

The Convener: You were denying some of the comments that they made.

John Booth: We sought to clarify some of those comments.

The Convener: Was that because you thought that they were wrong?

John Booth: It was because I thought that they needed clarification.

The Convener: Why would you clarify comments that you thought were correct? You thought that they were wrong.

John Booth: I thought that some wider context needed to be understood.

The Convener: Okay.

One comment that was issued by the SQA was this:

"We asked SATH to remove any part of the survey results that identified members of SQA staff."

Do you stand by that comment?

John Booth: Sorry—will you repeat the question, please?

The Convener: The comment was this:

"We asked SATH to remove any part of the survey results that identified members of SQA staff."

Do you stand by that comment?

John Booth: As is usual practice with any publication, we asked SATH to remove any names of individual members of staff—

The Convener: Is that all that you asked SATH to do?

John Booth: Donna Stewart might want to say a little—

The Convener: Thirteen redactions were requested. When it comes to the statement that you gave to the press, are you saying that all 13 redactions that you requested contained the identity of members of SQA staff?

John Booth: Donna Stewart might want to say a little more—

The Convener: I will come to Ms Stewart in a minute. I am asking you, because you issued on behalf of the SQA the statement that you

“asked SATH to remove any part of the survey results that identified members of SQA staff.”

Is that the only thing that you asked SATH to remove?

John Booth: We asked SATH to remove the names of members of staff to make sure they were not identified in a public survey, in the same way in which SATH had anonymised the names of teachers who had given feedback. Such anonymity is important.

The Convener: But is that all that you asked for? That is all that I am asking you. In your statement to the press after the meeting, you said:

“We asked SATH to remove any part of the survey results that identified members of SQA staff.”

Presumably, you spoke with other staff in the organisation before you give that quote to a national newspaper. Are you telling the committee that all 13 redactions that were requested by the SQA contained the name of a member of staff, which is why you asked for them to be removed, or were there any comments critical of the SQA that you did not want to be included in the published report?

John Booth: There had been further discussions with SATH. I am aware that the committee has had private correspondence from the trade union that clarifies that the organisation was acting as a conduit for a member of staff and a trade union. That request did not come from SQA—

The Convener: It is not a difficult question, Mr Booth, and I am going to ask it for maybe the third or fourth time. You issued a statement, on behalf of the SQA, in response to evidence that the committee received from SATH, and you said:

“We asked SATH to remove any part of the survey results that identified members of SQA staff.”

Did the SQA also ask SATH to remove any other comments that were critical of the SQA?

John Booth: SQA did not ask for those other comments to be removed. We communicated—

The Convener: Stop there. Ms Stewart, is Mr Booth correct?

Donna Stewart (Scottish Qualifications Authority): It is clear from the communication that has been shared by the committee clerk that the communications that we presented to SATH were on behalf of a trade union and a member of our staff. We have to distinguish between those. As Mr Booth correctly stated, we acted as a conduit between a trade union and SATH as an

organisation. We must have clarity on that and that clarity is provided in the private letter that members received from the trade union. Those requests were presented to SATH on behalf of the trade union and its member.

The Convener: No, they were not. I have the email that you sent to Kirsty MacDonald at 9:57 am on Friday 20 December 2024. Do you say at any point in that email that you are acting on behalf of the union?

Donna Stewart: I think we have to take that communication as one of a range of communications between me and Kirsty MacDonald.

The Convener: I have seen a range of communications between you and Kirsty MacDonald.

Donna Stewart: A number of those communications were face-to-face conversations that we had at that time. There was clarity in those conversations that I was representing a member of our staff and was passing on information from a member of staff and their trade union to SATH. There was clarity in those communications as a whole. If it is not clear in that particular communication, there is regret on my part that that is not clear in that individual communication.

The Convener: It is not clear at all.

Donna Stewart: I accept that and there is regret on my part if that is not clear in that individual communication but, on the whole, in a number of conversations and communications, there was clarity that it was on behalf of, and as a conduit for, a member of staff. We have a duty of care to members of staff, and I would take that duty seriously for any member of staff. However, this was about acting as a conduit between a member of staff and their trade union, and SATH as a third party.

The Convener: You must have seen the 13 requests for redactions that went far beyond those that were simply about naming a member of staff.

Donna Stewart: Those requests came from the trade union and a member of staff.

The Convener: But you do not say that. At no point in the email that you sent at 9:57 am on 20 December do you ever mention the unions.

Donna Stewart: Mr Ross, I think that I have answered that. There was a range of communications and that was clear in conversations.

The Convener: So, the union can demand redactions from you and you will submit those as the SQA. You signed off as

“Interim Director of Qualifications Development

Donna Stewart”.

You do not say that you are writing on behalf of the union. Whatever the union had said to you, even if they had given you 130 redactions, would you have put them all to Kirsty MacDonald?

Donna Stewart: That is a very difficult position to be in. Ultimately, as an employer, we have a responsibility for and a duty of care to our staff. Equally, we act, and have acted, as a conduit. There were a number of communications with Kirsty MacDonald as president of SATH, many of which were positive. In the conversations that took place, it was very clear that I was speaking on behalf of a staff member and their trade union. I again refer to the letter that was submitted by the trade union, via the committee clerk, to give clarity that I was speaking for a member of staff and their trade union.

The Convener: Let us look at some of the things that you emailed Kirsty MacDonald about and asked her to redact. This comes from pages 60 and 61 of the SATH survey:

“They need to open up questioning and criticism instead of gaslighting and removing contracts from anyone who challenges them. If you speak out you are not getting invited to return, regardless of how good you are as a marker, because the SQA does not like being questioned. Ask teachers. Ask the markers. Stop listening to the echo chamber that the organisation operates in.”

That seems to be more critical of the SQA than of an individual staff member who is not mentioned there at all and it does not seem to be something that any union representing an individual staff member would be worried about.

Donna Stewart: Again, I refer to the communication that has been shared. As an organisation, we are open to feedback, as any organisation would be. We need feedback, particularly when we are going through a period of change. Shirley Rogers spoke quite clearly about our organisation’s ambition for and understanding of change at this point in time. We are clear about that change, so feedback is necessary. Some of it might be hard to hear at times, but it will only make us better and make us improve.

The Convener: But we are not hearing it. We are being told that it has to be redacted.

Donna Stewart: Again, I go back to the communication that was submitted, which set the scene of a trade union representing a member of our staff.

The Convener: Is it the trade union, though? That communication does not mention a member of staff.

Another redaction that you asked for was point 5 in the final comment on page 56 of the survey, which says:

“More openness

Many appointees seem fearful of criticising the SQA due to reports of other appointees having been removed from marking duties for expressing critical views.”

That does not mention an individual member of staff that a union would be concerned about.

Donna Stewart: Mr Ross, I refer again to the communication that provides clarity that this came from a union and its representative. If there is any communication that does not set that clearly in isolation—

The Convener: I am sorry, Ms Stewart, but those quotes do not mention an individual member of staff. They are critical of your organisation, but they are not critical of an individual member of staff.

Donna Stewart: We have to think about the two parts. There is the part where a member of staff is being represented by their trade union, and there is the SQA as an organisation. As an organisation, we are open to taking criticism and feedback. We need it. No organisation will function without receiving criticism and feedback. How we act on it is key; it is about acting on it and demonstrating that we are listening and changing. That is an important thing for us.

On the isolated comments that are aligned with a particular member of staff and their trade union, I refer you again to the letter that provides clarity on that case.

The Convener: I am not seeing any of that clarity. The comments that I am reading out do not mention an individual member of staff. They do not relate to someone who can be identified; they relate to the SQA—the organisation that you all work for. They do not relate to individual members. It therefore seems to be the case that it is the SQA that does not want those comments in the public domain, rather than the union that is operating on behalf of one member of staff.

Donna Stewart: I am very comfortable with criticism being in the public domain—it is part of the experience with work. We have to consider how the survey was presented. SATH did a good thing for the situation that we were in with the history qualification; it went out and surveyed its members, which is a positive thing, and it shared that survey with us. It is good that SATH engaged with its members and that it is willing to work with us and share the survey so that we can feed back on it.

Once we got the feedback, we met representatives of SATH and the Scottish Government, and we put together a plan for measures that we could put in place to support history teachers. Getting that feedback was a positive thing in allowing us to act and to improve.

The Convener: Okay, I am going to read out a final three comments. They are all redactions requested by you, whether through the union or not. When I read them out, can you tell me whether they name or identify one individual member of SQA?

You asked for a redaction on page 52 of the survey results where it says,

“needs an independent review ... need to get rid of incompetent leaders and team managers”.

Does that identify any individual member of SQA staff—yes or no?

Donna Stewart: We would have to be careful about whether some of it did.

The Convener: Well, does it?

Donna Stewart: There is a chance that that might indicate someone.

The Convener: It is in the plural.

Donna Stewart: We have a small team. I am going to go back to the point—

The Convener: It mentions “leaders” and “team managers”. You cannot identify an individual from that.

You also asked for this to be redacted from page 48:

“entirely new qualifications team. I have no confidence in the current leadership structure.”

Does that identify an individual member of SQA staff? It is speaking about the leadership structure.

Donna Stewart: We have a small leadership team.

The Convener: It says “leadership structure”. The leadership team is not a team of one.

Donna Stewart: The history team is a very small team.

The Convener: It is not a leadership team of one.

Donna Stewart: It is a very small team.

The Convener: Is it a team of one? Is it a team of one? Is it a team of one, Ms Stewart?

Donna Stewart: I think that there is an opportunity for somebody to be—

The Convener: I am sorry, but I am just asking whether it is a team of one.

Donna Stewart: I want to be very careful, given the letter that was submitted to the committee, which was about a particular member, that we protect integrity and the member of staff in our organisation. We have a duty of care to our members of staff; I want to be very careful in this

space that we protect that, and I take that responsibility seriously.

The Convener: Is the team a team of one, Ms Stewart?

09:30

Donna Stewart: I think that I have given my answer, Mr Ross.

The Convener: That it is or is not a team of one?

Donna Stewart: I think that I have given my answer.

The Convener: Well, I would like an answer.

Ms Rogers—

George Adam (Paisley) (SNP): This is out of order.

The Convener: Ms Rogers, are you able to enlighten us?

Shirley Rogers: Yes, I think that I probably am. We did a very brave thing a couple of months ago, Mr Ross. We acknowledged, right at the front and centre of our corporate plan, that we needed to rebuild trust within our communities, and that is what we are intent on doing. In order to do that, we have to hear—we have to hear it good, and we have to hear it bad.

On the specifics of your question, I can quite understand why you might ask it—I can understand that perfectly well. The fact of the matter is that the communities with which we work in some of these instances are very small, so whether there is one member—or two or three members—of staff, they are identifiable. In fact, in that team, there are members who have previously been office bearers in SATH, so this is a community that is identifiable, even if it is not specifically named. In exactly the same way—it is a jigsaw identification issue—there are only two or three people to whom those comments could possibly refer.

The commitment that I want to make is about building trust, not just outside but in here, too. I was up front about saying that from the outset. The fact of the matter is that we are an organisation that is absolutely committed to reform, and absolutely committed to really engaging as part of that community, recognising the specific role that we have. We are absolutely committed to that. If I can join together the thrust of your questions around culture, leadership and communications, I would say that it takes all those things to demonstrate our willingness to engage, listen and hear, and to be brave enough to change.

The fact is that there might be one person, or two or three people, in a small community, and we have a duty of care to our people. We want them to feel our values as much as the external education community does. We are identifiable in small teams; I am not looking to say—and I could not honestly tell you, with my hand on my heart—whether there is one person, or two or three people, in that team right now. What I can say is that, as an organisation, we have done a very brave thing.

I have been listening to this committee's proceedings since my appointment and, on a number of occasions, people have asked whether the proposed change, from SQA to qualifications Scotland, is—for want of a better word—radical enough. We are being asked to do something quite difficult. We are being asked essentially to maintain our core functions, but to do them differently, and that is what we are intent on doing.

The Convener: As I understand it from SATH, it has had no correspondence on its multiple drafts of an apology and the further redactions that have been requested since it appeared before the committee.

What is your view, Ms Stewart, as the interlocutor between the union, an individual member of staff and the survey? SATH has made clear its view; it held its hands up, and Kirsty MacDonald was very honest with us and said that it was wrong that the name was included, but it is not willing to redact those comments that I read out, because it does not believe that they identify an individual member of staff. Given that there has been no communication—as I understand it; please tell me if I am wrong—since SATH appeared before the committee, what can be done with the survey now?

I think that you, Ms Rogers—correct me if I am wrong; it might have been Ms Stewart—said that you wanted to get that out into the public domain and that it should be shared. What can SATH do now, if it is not hearing anything further from you, and given the concerns that you previously highlighted that the apology was not accepted by the member of staff and they wanted changes, and that redactions are still required? Where are we with that?

Donna Stewart: There are two parts to that. First, we absolutely recognise that the decision to publish the survey lies with SATH. As an organisation, we are very clear about that—it is for SATH to decide what it does with the survey and how it publishes it.

On the subject of communication, Shirley Rogers and I had a very positive meeting with Kirsty MacDonald from SATH. It is fair to say that there are still things that we want to talk through

and work out, but we have the same fundamental goal at heart: we have a responsibility for learners and we must ensure that teachers are confident in applying the standards and are confident about the assessments that are in place for the history qualification. If teachers are confident, that benefits learners.

As Shirley Rogers has said, I have been a teacher for 25 years. Learners are at the core of this and the conversations with Kirsty of SATH put us firmly on the same page. We are in this for absolutely the right reasons, and we are part of the education system so that we can support teachers and, ultimately, learners. That conversation went well, and Kirsty and I are in communication about setting up further meetings for future discussion.

Jackie Dunbar (Aberdeen Donside) (SNP): Good morning. Thank you for your opening statement, which seems to have been a wee while ago now.

I was pleased to hear that you have had a frank and honest discussion with SATH. I believe that SATH has called for a major review of higher history. What is your view on the matter? Was that part of your discussion?

Shirley Rogers: I watched the committee meeting. I will be frank: the intricacies of the awarding of higher history qualifications are not my bailiwick. That is why we have people such as Donna Stewart and a large team.

I also make the point that the SATH commentary was useful for me not only in the context of SATH, as a particular group that represents particular teachers. I wanted to be able to hear about the sort of issues that they would find it helpful for the SQA and qualifications Scotland to think about as we morph from one thing to another. There were conversations about issues such as culture and communications. It was apparent in the evidence that SATH gave the committee that individual teachers had varying degrees of information about what the standards were and so on.

We spent about an hour and half talking to Kirsty MacDonald about the strategic issues that I could help with or focus the organisation's activities on as we make the change from where we are to where we need to be. That was useful. Those were the sorts of things that we talked about.

We also spoke about whether we might be able to take different approaches to the recruitment of teachers, markers and assessors, and about whether it would be possible to take advantage of a greater degree of use of technology. We got into the detail of whether some meetings should take place in person as well as on Teams. There has

been a period during which a lot of our communication has been on Teams, but it is sometimes useful to build relationships by being in a room.

We spoke about a range of, in some senses, strategic but, in other senses, quite practical ways of doing things. We talked about access to information. The committee heard about some of the meetings that have taken place with the teaching community about that. A couple of meetings have taken place, and I think that another one is planned—I am looking at Donna to see whether she is nodding. We also spoke about how to make materials available for everyone, so that I can be assured that any teacher who wants to look at materials or to participate in conversations can do so. It was reassuring to have those assurances.

I hope that you can take from that an indication that the conversation was entirely frank and took as much time as was needed. I am grateful to Kirsty MacDonald for her generosity in giving us that time. We looked at everything from big strategies to ways of making a practical difference to the daily teaching endeavour.

Jackie Dunbar: Are you confident that what needs to take place between SATH and the SQA will take place?

Shirley Rogers: Yes, I think so.

Jackie Dunbar: I know that you cannot say, “Yes, everything’s going to be positive.” I meant on the whole.

Shirley Rogers: Yes. I am trying to avoid using words such as “journey”, because they do not always land terribly well when people say them to me. However, the organisation is transforming. I had a very limited amount of time to talk about the transformation programme that is under way, but we have in place a transitional set of arrangements, which are in three buckets, if I can describe it in that way.

The first bucket is that we need to be a viable organisation by the date on which Parliament decides that we will be a viable organisation. We need to be able to employ our people, honour our contracts and issue our certificates. That is the first bucket. I am not necessarily listing the buckets in order of importance; I am listing them in order of time.

The second bucket is that we need to be right at the centre of the education reform landscape. That requires us to work in concert with everybody else who has a stake, including the committee. The transition board arrangements that are in place are co-chaired by me and a Scottish Government director for learning, Clare Hicks, because we

need to be in the middle of the education reform programme.

The third bucket is the one that we are talking about now. It is probably the one that got me interested in becoming the chair of the SQA, which is about what kind of organisation we want to be and what we will do to uphold some of the fantastic stuff that I have seen.

I need to stress the fact that I have seen some fantastic stuff, because the organisation has had to deal with some significant issues, and we have not shied away from that. I hope that the committee will accept my honest view that there is also very much to be proud of. However, although we cherish that baby, we also need to change its bath water. That will involve us doing the work that I have talked about on culture, values and the ways in which we engage. In the short time that I have been in this role, I have engaged with hundreds, if not thousands, of people to do that.

Willie Rennie (North East Fife) (LD): Thank you for your answers, and thank you for the way in which you have addressed some quite difficult questions. I think that members of the committee appreciate that.

I seek some clarification. Perhaps you can help me to understand why the process was proceeded with in the fashion that it was. Why were you a messenger between the member of staff and their trade union and SATH? Did you have your own view, which you communicated to SATH separately? Why was the process done in that fashion?

Donna Stewart: The trade unions do not have a direct link to SATH, as a third-party organisation. In acting as a conduit to support our member of staff, that was the line that we took. In acting as a conduit, we have worked hard to take seriously our responsibility to have a duty of care towards staff. There is an employer right within that as well. At this stage, I would look to the trade union to contact SATH directly, and we have written to that effect, but we are certainly supportive of our member of staff and take responsibility for the duty of care.

Willie Rennie: I want to flesh that out a bit more. Do you now have a different view about how you would go about that?

Donna Stewart: No, it is not that we now have a different view; it is more that we have gone as far as we possibly can in that role.

Willie Rennie: Okay. You would prefer, at least from now on, for communications to be directly between the trade union and SATH, rather than through the SQA?

Donna Stewart: Without being remiss in relation to our obligation to take responsibility for

the duty of care, we must have a clear focus on building trust back up and supporting our teachers of history. That is a separate role.

Willie Rennie: Did you take a separate view from the one that you took in that conduit, or messenger, role about the SATH documentation? Did the SQA express a view to SATH about what should and should not be in it, separately from the communication from the trade union and the member of staff?

09:45

Donna Stewart: There was not a separation. That was a clear representation—there was a clear conduit—between the member of staff and the trade union and SATH. It was not that a view was shared.

However, I think that we have to be clear, again, in our responsibility. The survey responses were posted raw; we accept that SATH accepted that, and we are grateful for its appreciation and for its removing those responses and taking them down at the time. However, we have to be clear that we are supporting our member of staff with regard to anything that would be put in place publicly where teachers' names were removed but the same courtesy was not given to SQA members of staff.

Willie Rennie: Should you not have taken a corporate view about that documentation, separate from the conduit role? Should there not have been a clear communication on those grounds? It sounds as though you were mixing the two up a little bit.

Donna Stewart: I think that you are absolutely right, Mr Rennie. In hindsight, yes—greater clarity would probably have been welcome. As I said, in a range of conversations and communications between myself and SATH, it was clear that there was a differential, but it would have helped if there had been greater clarity between the two.

Willie Rennie: That brings us back to Mr Ross's questions. It was difficult for SATH to understand when the communication was really coming from the SQA and when it was coming through a conduit role. You can understand how it might have felt a bit intimidated and a bit under pressure, from the organisation rather than the messenger role, to change something. I do not know whether Shirley Rogers wants to come in on that.

Donna Stewart: I can appreciate that that could be an interpretation.

Shirley Rogers: Yes, Mr Rennie—you are right. I go back to my point about the work that the qualifications committee has been doing in respect of this entire situation. Clarity, and being able to be clear and widely understood, is really important.

Willie Rennie: Okay—thank you.

George Adam: Good morning, everyone. I have more questions for Shirley Rogers. One of the things that the committee has constantly heard about—as you will have seen from the evidence—is the lack, or loss, of trust. I am positive about the fact that you want to rebuild that.

I will summarise some of the convener's questions, which took him 35 minutes to ask—it took so long that, in all honesty, that I thought that it might appear in the SQA's next higher history paper. Can you give me some tangible examples of what you are planning to do to rebuild trust and to move forward in such a way that the teaching profession can trust and engage with you? It is important that teachers engage with the new organisation as it moves forward.

Shirley Rogers: Thank you for that question. There are a number of prongs to that approach. Trust is not rebuilt simply because I say, "Trust me"; we all know that.

It is important for the SQA to use its abilities to do that now, instead of just waiting for qualifications Scotland to come along to do it. Some of my commentary is based on that which we are currently empowered to do, and some of it is based on what we are planning to do with the new qualifications Scotland, in particular in respect of its governance.

To concentrate on the here and now, one of the things for which I personally took responsibility was improving and strengthening the governance of the existing organisation. When I came into post, we were a number of board members light, and it was important to me that we went out and recruited board members who could provide governance from a platform of specific educational knowledge. We have done that—we have recruited a teacher from north-east Scotland, a college principal and an individual with a long-established set of governance roles. That might sound awfully dull, but it is important that the people who are charged with the leadership of the organisation are actually from the communities. That approach is important, and it is already bearing fruit.

As the cabinet secretary referenced when she gave evidence to the committee, I proposed that we should look at the SQA's structure and build within it a schools unit to specifically engage with schools and provide a conduit into the SQA to make schools' navigation of and communication with the body as easy as possible. I am delighted that the cabinet secretary has given me the go-ahead to take that work forward. At the moment, we are in the market for a headteacher to be a senior adviser to the organisation. They will take the bones of that proposal and consider everything

from the creation of a portal for teachers to engage with us to how we can structure ourselves to better support schools. We have a series of actions that that person will take.

We have strengthened our advisory council, which has a newly appointed chair, and we are casting our net more widely—within the SQA's existing powers—to have as much representation as possible and to allow commentary, support or whatever you want to call it from people who will come into the organisation and share their expertise.

I have been out and about, sometimes with Donna Stewart and sometimes with other members of the team. In addition, I have taken a high-profile leadership role in that respect, and the organisation now has regular all-staff conversations with me in which people can ask questions and raise their concerns.

We have spent time with college principals because, in due course, I would like to do the same things in respect of our colleges and business support function that we have done in respect of schools. That will enable people to raise their concerns. The things that they have talked to us about include the speed of response, our agility and our ability to respond quickly to a business need. For example, there are new and emerging technologies in building and construction work and a range of other areas, and people want to get their workforce qualified in those things quickly, so we need to be able to do that at speed.

Moving into the space that we are going to occupy, I recognise that the bill has not yet gone through all its stages, so we need to be light on our feet about that, but it contains some really exciting governance opportunities—they are exciting to me, anyway—around developing the voices of learner councils and educator councils. We are genuine about that. We have a huge amount of expertise in the area of education, but so do teachers, college principals, lecturers and students. As I said, I have spent a lot of time talking to the people who provide services for us. The number of people that we employ directly is tiny compared with the number that we utilise for marking, assessing and all the rest of it. I have spent time with marker panels to say, “How easy is it?” and “How do you understand these grades?” The profession is incredibly expert. They know that stuff and they can help us with it.

I hope that those are some tangible examples. I could go on and on, but I will not do that.

George Adam: I appreciate that. When we heard from the history teachers in SATH, they did not seem to be people who did not want to engage with the process. They were upset and disappointed that it had not worked, but they

wanted to engage. Are there ways in which, as things move forward, their voices will be heard? You hinted at that.

Shirley Rogers: Yes. We do not have a magic money tree, and we do not have instant access to every technology there ever was. There are a whole set of educational developments that I am quickly coming to grips with, and we do not have authority on all those things. However, we must site ourselves as part of a community and work with colleagues. We have always done that, to be fair, but we need to ramp up those efforts and really take the opportunities that are afforded by having a new education landscape with a new qualifications body.

All of us around this table are public servants, in varying forms. How often do we get to actually create something new? We need to do it right, and the way that we will do it right is through thorough, proper and responsive engagement.

Pam Duncan-Glancy (Glasgow) (Lab): Good morning. Thank you for attending and for answering the questions that you have had so far. I know that this is a difficult set of circumstances, and I appreciate the way in which you have engaged with the questions and the answers that you have given.

I wish to ask specifically about how teachers in classrooms will be able to input into the SQA and qualifications Scotland in the future. How will they be able to raise concerns? I have some specific examples, which I will come back to, but my broad question is, how will classroom teachers be able to raise concerns?

Shirley Rogers: I touched on some of that in relation to the development of the schools unit and what that will look like. Schools are not the only thing that we do, of course, but they are a big chunk and a really important part of what we do. It is a matter of focusing on them and saying out loud that we are engaging with schools in a different, more developed way than before.

I must be frank: although there is huge amount of engagement activity, there is not yet a consistent approach, in my view, whereby everybody who wants to be engaged with can be. That is the neat trick.

We have approval to develop that schools unit, with all the elements that it contains. Some of that needs to reflect Scotland. I live in a rural part of Scotland, and the opportunities there are different from some of the opportunities in our bigger cities. The way that we congregate is different, and it needs to suit all those communities as well as possible.

I do not know whether Donna Stewart wishes to add anything in that space but, for me, it is not

enough just to invite someone to the party; you have to want to dance with them. That is where I am.

That is not a criticism. I am very conscious that a lot of SQA staff will be watching this. I have sometimes been overwhelmed with pride in the sheer expertise that we have. I am talking about building on things and also about being brave enough to change things.

We have all been there. Everybody asks us. Even if we are halfway round Sainsbury's, people keep asking us what our experiences are. Speaking is one thing; listening is another. Actually making the change is what will make things feel different for people, and that is what we need to do.

Pam Duncan-Glancy: I agree with that. Seeing the change will be really important.

Since the issues around the history paper arose—and I have some more questions on that—I have been contacted by teachers who have had concerns with timetabling, for example. We know that there were recent timetable changes. One teacher came back and said that the way that languages exams will now be structured means that students who are learning a couple of languages will have to sit their exams in close succession. He referred to the

“new exam timetable following complaints ... I looked at it and they've now got the Spanish and French ... exams on consecutive days. ANY languages teacher, if they'd bothered to ask us, would have told them this is a recipe for disaster”.

The reason why I mention that is that it is another example of teachers feeling that they have not been engaged with.

The teacher went on to say:

“they fully admit to willingly throwing us under the bus”.

I have heard this morning that you have accepted some of the criticism, but that is a real issue. There are teachers who are so disengaged that they feel that the experiences of their pupils are beginning to creep in as a concern, even on timetabling issues now.

Did you speak to any language teachers about the timetabling issue? What do you think will change as a result of the examples that you have given today, including the schools unit, that would make a difference for that teacher?

10:00

Shirley Rogers: It will not come as a surprise to you, Ms Duncan-Glancy, when I say that I cannot specifically answer the question about whether we engage with language teachers. I can talk in generality about the exam timetable, and I can say

that a huge amount of work has been done to try not to have coincident exams. However, there are a finite number of days and there is an ever-growing number of course options that people can take.

I do not know whether Donna Stewart or John Booth wants to add anything in respect of the exam timetable.

John Booth: Pam Duncan-Glancy will not be surprised to hear that we have heard the same feedback as she has. It is important to go a few steps back in terms of how we got here. Last year, when the timetable was set, a number of stakeholders asked us to delay the start of the exam timetable due to the late Easter holiday. There are always exam clashes and coincident exams—we have to finish at a certain point so that we are able to certify on results day. However, because of being asked to delay the start and as a result of those changes to the originally planned timetable, the number of coincident and consecutive exams increased.

A large number of concerns were raised with us by teachers, parents and learners. I am sure that members and the Scottish Government also had those concerns raised with them. We were asked to look again at the timetable. We worked closely with School Leaders Scotland—headteachers across Scotland—and all the local authorities to ask them about and come up with the best possible solution. The changes that we have implemented and announced just recently have seen a huge reduction in the number of coincident and consecutive exams.

You are right that there are still—and, unfortunately, there always will be—clashes and exams bumping up against one another. We have to work with schools and local authorities to ensure that, where that happens for individuals and in individual circumstances, support is in place for those individuals to cope with that.

Pam Duncan-Glancy: What specific actions could be taken by the teacher that I mentioned, teachers in classrooms today who feel a similar way or the teachers that we heard representations from on the history paper to raise their concerns now, so they do not necessarily have to wait? I get that some changes will take a bit longer, but what can those teachers do now, and how can they be reassured that their concerns will be properly addressed?

John Booth: Shirley Rogers touched on that. There are a number of things that we are already doing. We have to provide more opportunities for people to have their voice heard. Whether people choose to take up those opportunities is obviously entirely up to them, but we have to make sure that they can raise concerns, however they wish to do

so. Whether that is through us directly, through politicians, through headteachers or through their local authorities, people have different preferences about how they feed back.

We need to ensure that we offer all those options and more, and some of that will come through the teacher committee that is in place for the new organisation. We have recently started recruiting for what we call the your voice panels; ordinary classroom teachers, learners and parents can sign up, and we will be able to do large-scale surveys of those groups.

I do not think that there is a single answer for the best way to feed back, and we need to listen to teachers and others about what their preferences are for that. It is about putting in place as many of those opportunities as possible so that we are able to hear feedback, that we give everyone the opportunity to have their voice heard, that we engage more meaningfully, that we listen and that we act where we can. We cannot always do that, because there is sometimes differences in views among communities. However, we explain the decisions that we have taken and why we have taken them, and we are more transparent around the decisions that we take.

Shirley Rogers talked about openness, which is a core part of our new value set—demonstrating openness, being more transparent and explaining our decision making. We will not be able to please everyone all the time, but being able to explain why and how we have reached decisions will gradually start, I hope, to rebuild trust.

The statement right at the top of the prospectus for change around rebuilding relationships and trust is critical—not just saying it but doing it.

Donna Stewart: I want to pick up on the history paper question. We set up a dedicated inquiries line for history teachers, which was to streamline any concerns. I want to highlight that, as it allowed us to streamline and respond quicker.

Pam Duncan-Glancy: That is helpful.

Shirley Rogers: I will add to the answer that John Booth gave to Ms Duncan-Glancy. Some of this will require investment, too; I am conscious that we need to do some hard-wiring work in relation to our technology. We have been fortunate to be able to invest in that this year, but there is a long way to go and the community itself needs to invest in some of that technology. We need to embrace those opportunities but we cannot rely solely on any one of those tools. People need to feel that the intervention will be welcome.

Pam Duncan-Glancy: I appreciate that, and it brings me to my final question. What will change if the bill is passed? You have spoken about the qualifications committee and a schools unit, but

what will be different after the bill is passed and why should we, as parliamentarians, and the public have confidence that things will change?

Shirley Rogers: Some bits of this are to do with the bill and some bits are to do with the wider piece of work on educational reform. My ambitions for the organisation are to use the bill to its fullest extent and to use the opportunities afforded by the new governance arrangements. I know that I keep talking about governance and that that might not be terribly exciting for some people, but it is for me. If we can open our doors and say, “Teachers, staff, pupils, parents and businesses, you are welcome. Come and talk to us and help us to shape the future”, that will be really important. Not everything that happens in education rests at the SQA’s door, and not everything that happens in education—as the committee probably knows much better than I do—will rest at the door of qualifications Scotland.

However, there are opportunities to maximise our role in education reform, share our expertise and share some of the information that we have in an appropriate way about what is and is not working. It is fascinating to look at what pupils are choosing to study just now and how that is changing over time, and to put that in the context of a changing society. We are not responsible for whether children turn up at school in the morning with something in their tummy, but we are responsible for understanding the context of the education provision that we make, and that is really important.

Therefore, there will be some visible things, including a new identity for the organisation. There will be the kind of strengthened leadership and approach that we have talked about. However, for me, the real opportunity is to ensure that we are full participants in the wider educational reform. That will increasingly look at how we use artificial intelligence and at different approaches to education and assessment, including whether we continue to run the spectrum of qualifications that we currently offer or whether that evolves over time.

That will not all happen in a day. One of the narratives that I spend a lot of time talking about in the organisation is about the fact that, although it is absolutely mission critical that we talk about day 1, I am equally interested in day 51 and day 501 in order to maintain the momentum for adaptation and change for the benefit of the people who are learning—in this context, in schools, but across the learning community—and for the benefit of educators. That has to be done with others. I know that that sounds a bit evangelical, but it has to be done with others.

Pam Duncan-Glancy: Can you point to something in the bill that will change that from the start?

Shirley Rogers: The bill gives us the opportunity to have those voices directly in the organisation, which is a really powerful message, not just about how we do our business but about how people think that they can participate in how we do our business.

The Convener: Ms Stewart, in response to Pam Duncan-Glancy, you mentioned the history helpline. That includes the email address that was set up for teachers to be able to contact the SQA for advice. Is that correct?

Donna Stewart: Yes, it is the email address for history teachers to use directly.

The Convener: I was contacted by a faculty head who has tried to use that. Will you respond to his concerns, which I will quote? He said:

“History teachers from my school and others I know have emailed the dedicated email address with little resolution to their queries.”

He continued:

“Responses to date have said that the specific question can’t be answered”

and that, instead,

“text which feels like an automated response with links to “Understanding Standards” and course reports”

is sent on, although they have already seen and read those things.

He then communicated with the escalated email address. The SQA responded after two weeks and apologised for the delay—the response should have come within five days—but all the SQA sent was three bullet points and another hyperlink. In the teacher’s response to that, he said:

“If this is an escalated response, I dread to think what others are receiving. It’s clear to see the email address service is nothing more than a publicity stunt, and the SQA have no interest in providing help to teachers across the country, who are on their knees and crying out for help.”

What is your response to a faculty head who is raising those concerns about the measures that you have put in place to deal with exactly the problems that he and his team are experiencing?

Donna Stewart: Responses from that particular inquiry line have been quicker than responses from our general inquiry line and are in line with our service level agreement, which has not been breached.

What I am hearing is an unsatisfactory response to an inquiry. It is difficult to say more without knowing the context of the inquiry, but I am happy to pick up on that particular inquiry outwith this meeting.

The Convener: There were two unsatisfactory responses. He went to the escalated level only because his team were not getting anything, and he says that that has been an issue not only for his colleagues but for colleagues across the country.

You probably do not agree with that, but do you accept that teachers out there are saying that the email address looks like a publicity stunt and that it is not providing real help for teams across the country? That is what your own teachers are saying about the measures that the SQA has put in place.

Donna Stewart: I do not accept that it is a publicity stunt. Is a genuine inquiry line that was set up to try to streamline concerns about history because they are a priority. That has been a really high-profile situation, as we are all aware, and the inquiry line has been set up to make it as straightforward as possible for teachers to contact us directly.

We have worked with SATH, as Shirley Rogers alluded to earlier, but that organisation represents some, not all, teachers. We are trying to be explicit that all teachers, whether or not they are members of SATH, can contact us directly. It is disappointing to hear that response about inquiry times, which we can absolutely look into, but the inquiry line is not a publicity stunt. It is a clear and transparent way of giving history teachers a direct way to contact us about that particular issue.

John Mason (Glasgow Shettleston) (Ind): Among the other things that we have heard from teachers, specifically from SATH, there has been a suggestion that teachers, particularly markers, have not really understood the standards for history during the past few years. Pupils find it difficult to answer questions and there has been a suggestion that teachers are unsure how to teach the higher course. What is your comment on those points?

Shirley Rogers: I will defer to Donna Stewart to answer much of that, but that part of SATH’s evidence to you was particularly concerning to me and I took the opportunity to speak to Kirsty MacDonald about that in some detail.

I take Mr Ross’s question at face value. None of what we have spoken about today even faintly approaches being a publicity stunt. If the organisation needs to hear from teachers then it needs to hear from teachers, and if teachers are in any doubt about the standard that they are required to teach at then that is of grave concern. I have not heard that view expressed very widely, but the fact that it is expressed at all is clearly something that I want to hear more about.

I will hand over to Donna to talk about the specifics.

Donna Stewart: The assessing, sharing and understanding of standards is not one incident and is not a course specification on its own. There are a number of different parts that help teachers and practitioners to understand the standards we are looking for. For example, we have a course specification. We must be clear that that is not all that has to be taught. That is not a curriculum in itself; it is a specification in relation to assessments. Also, a specimen paper is published with a marking instruction. The question that SATH raised in the previous committee meeting was about something that was not in the specification but that was in the specimen paper—it was question 14—so it was part of the “Understanding standards” piece. A course report is also published after the exams. There is a range of things to support standards setting.

10:15

In all this, we understand that, although the SQA takes certain measures and puts out information, there are clearly lessons to be learned from this experience. The conversation with Kirsty MacDonald was reassuring in the sense that, ultimately, we understand that teachers might not have the confidence that we wish them to have in standards setting, and we have a role to play in addressing that. We have a role in supporting the standards.

At the end of the history report, there are a number of recommendations, one of which is about providing greater clarity and thinking more about the way that we share changes to specimen papers and things like that. The recommendations are on things that take place, but there are always lessons to be learned, and there are things that we can improve on. However, irrespective of what we do, we must recognise that there is a point about the confidence of teachers at the moment, and we have a responsibility to act on that.

John Mason: At this stage, I should probably confess that I did not study history at school.

Donna Stewart: Neither did I—you are okay.

John Mason: I would not want to claim to be an expert. I did do geography, I suppose. Is it inevitable that some subjects, such as history, are less tidy? Mathematics was my subject, and it is all very neat and tidy and in a box. Is it inevitable that history is just not in that space?

Donna Stewart: As a physicist—that is my subject—I would say that we are probably in a similar place on that. Yes, there is a point to be made about the nature of the subjects and the way that they are assessed. The key point is to have a valid way of assessing something. For example, if you are doing your driving test and you want to evidence that you can drive a car, you will not

write an essay about it; somebody actually needs to see you driving that car. We assess different subjects in different ways. With subjects such as ours—maths and physics—there are quite definite answers: $2+2=4$. Subjects that have a greater element of subjectivity can be more challenging to mark.

Other subject areas become challenging where there is optionality, which means having a number of topics that learners can choose from. Optionality can be a positive thing in that it offers learners choices, but it can be a challenge with regard to the marking process.

One of the recommendations—this picks up Ms Dunbar’s question about the actual qualification and changes to assessment—is to look at the history qualification and the history assessment approach. That will be a longer-term approach in line with the education reform programme, where we are looking at our qualifications. You might be aware that some of our qualifications have already changed or are changing. In practical subjects—in woodwork, metalwork and practical cake craft—we have removed the exam paper. That is done with engagement with practitioners. Similarly, although it will not be a quick fix, because it takes time to go through the processes, we need to look at the style of the history paper. You are right that the subject itself can prove to be a challenge.

John Mason: I raised a similar point with history teachers when they came to the committee. I had an email from one history teacher whose attitude was that it should all be so clear that, if he taught or tutored a pupil, they would be guaranteed to get an A or whatever it might be. That worried me a bit, because it strikes me that we do not want to look at history in a very narrow way like that. I was looking at the purpose and aims of the course, and the first aim is for candidates to develop a conceptual understanding of the past and an ability to think independently. I accept that that is a difficult thing to examine, but if we are tied into exactly this part of Scottish history, the independence wars, the great war, immigration, slavery or whatever it might be, we are not going to end up with the ability to think independently, are we?

Donna Stewart: You are absolutely right. These specifications do not set out what is to be taught; they set out what could be assessed. That is not the same as what should be taught or what defines the learning and teaching that would happen in a classroom. We have to think about that.

We work closely with Education Scotland, in particular on the curriculum improvement cycle work that is taking place and on the technical framework to ensure that our qualifications will align. We have had a really good partnership in

that regard, because we have to be careful, and mindful, of what is taught in classrooms and what is assessed.

You are absolutely right—we do not want to go down the road of people teaching to a test. We want to develop our pupils as well-rounded young people with a genuine interest in their subjects beyond the scope of what sits in an assessment specification.

John Mason: It is now nearly Easter, which is when the teaching for the highers stops. Have we got a lot of confidence that this year is going to be more successful?

Donna Stewart: We have to go back to the higher history review itself, which took the setting of standards from one part, end to end—as I said, it is not one part individually. There are a number of component parts that happen all the way through, from designing a question paper all the way through to the marking of that and the grade boundaries. A huge number of checks and balances happen in that space. Shirley Rogers spoke a little bit about the early warning aspects. We have tightened up on those—we have a lot of good practice and a number of processes in place to pick up on any early warnings. We have now formalised that in our policy so that we have greater consistency in practice.

However, we do not design our qualifications with the intention of attainment that would come out of the other side of that. They are designed to assess the demonstrated knowledge and skills that learners hold at a point in time.

John Mason: Do you think that teachers are better placed this year than they were last year? Are they feeling more comfortable this year?

Donna Stewart: On the back of the lack of confidence that there was previously when we met with the Scottish Government and with SATH, we talked about what good measures could be put in place at that point.

We put in place our “Understanding standards” events, and we put on an additional such event and increased the capacity and duration of those events. We have put in place measures to support that and give people greater confidence. However, we recognise that there is still a job to be done in building confidence in the system back up. As I said, we have good communication with SATH at this point. We are trying to get a couple of dates in the diary—we are going back and forth on dates just now. We hope that that will allow us to build on what we have already done in the short time that we have had.

The Convener: Did you recognise the criticisms of the “Understanding standards” events that we heard from the SATH representatives?

Donna Stewart: I attended the first event, and I have attended a number of such events over the years as a teacher myself. I have also been a marker for SQA prior to coming into my current role.

The “Understanding standards” events are generally very well valued by our organisation; it is an area that, in general, we have strengthened. In the event that I attended, we took a survey at the end, as we always would, to get feedback, and more than 60 per cent of attendees rated the event as satisfactory or higher. However—

The Convener: That is still quite a lot of people who spent time attending the event and were unhappy. A total of 40 per cent were not happy. There were criticisms that one of the events was “chaotic” and there were different answers given at different times. Is that what you witnessed when you sat through it?

Another point was that a lot of questions were put in the chat that people felt would be answered at some point, but when the SATH witnesses appeared before us in January, those had still not been answered. Has that been resolved?

Donna Stewart: Yes. The questions and answers have been published. They were published in full, even if there were duplicate answers, on the understanding that we have a separate “Understanding standards” website that people can access. The webinar has been published, as has the “Understanding standards” event, and we have a second “Understanding standards” event on 25 February.

There are always areas for growth in that space. As a teacher, I experienced in-person “Understanding standards” events. Since Covid, there has been a move away from that, as there has been in a number of areas, and perhaps some things have been lost in that space, such as people being able to have conversations with their peers.

Equally, there are gains to be made in terms of the participation of people in rural areas who might not have been able to attend the events in person. We certainly need to look at that, and that also would align with the schools unit in terms of how we communicate and build on those “Understanding standards” events, because they are generally well valued by teachers. They are particularly about the subject itself. It is valuable to events that range broadly over literacy and numeracy, but it is particularly valuable for subject teachers to be able to get together and discuss their own subject.

The Convener: Having sat in on one event, did you deem it to be any different from, or worse or poorer than others? Is the 60 per cent rating that

you mentioned standard, or would you normally get a higher positive percentage?

Donna Stewart: I am not close enough to the detail of where that event sits in terms of others, to be fair. It was said at the very beginning that all questions and answers would be given at the end, because we had increased the capacity. We must remember that, although those “Understanding standards” events are run and supported by SQA, the people who lead them are our principal assessors, deputy principal assessors and examination teams. They are not SQA staff. They are teachers who work with the exam teams to support the marking of exams. The three most popular topics that were chosen to be focused on were the areas that had received a lot of challenge, and that was appropriate, but there are always things that we can do to improve, and we will continue to do that.

Bill Kidd (Glasgow Anniesland) (SNP): I have a specific question about a wee disagreement that there seems to be between SATH and the SQA. Maybe this has changed, but it is about interpretation. Members of SATH argued that the question in paper 2 on Scots’ reaction to immigrants was unfair as it had been removed from the course specification, but the SQA review said that all the questions that were asked across both question papers were valid and based on the course specification. Those are two totally divergent viewpoints. Is there any chance of a wee explanation about how you see that, please?

Donna Stewart: Yes. That is similar to the point that I raised earlier about the fact that the standard and the specification for the course do not sit in the one document. There is a course specification, a course report and also a specimen paper. They are examples that teachers have access to, to help them to set the standard and be clear about what is taught. Every little thing that is taught will not be set out in the specification. As I said earlier, we do not want learners to be taught to the test—we want them to be individuals who learn about real things in the real world, beyond what might be examined or assessed.

That particular question was on page 14 of the specimen paper, so it was there as part of that round, and it was picked up in the report on higher history. However, as I said earlier, there is still a recommendation that, if it is not clear, there is a job for us to do in providing greater clarity. We accept that.

Bill Kidd: It is the kind of thing that is being addressed anyway.

Donna Stewart: Absolutely.

Miles Briggs (Lothian) (Con): I have a couple of questions about literacy standards. It has been suggested that one key reason for the fall in

performance in higher history is candidates’ literacy standards. However, we have not seen similar falls in marks in other literacy-based subjects. What work has the SQA undertaken to analyse whether candidates who took higher history also performed worse in other subjects? What plans are being put in place to publish that?

Donna Stewart: First, comparing one qualification with another is quite challenging year on year, particularly because of the changes to qualifications and assessment approaches that we experienced during Covid. That makes it quite difficult to pick out literacy as the key point.

10:30

The feedback that we get from our markers, principal assessors and examining teams is really important. They give us feedback on what they have seen. During Covid, we removed one part of the assessments for a number of qualifications, and those parts went back in afterwards. In previous years, we removed units and we had to change the assessment approaches. It is therefore difficult to make year-on-year comparisons, and it is equally difficult to compare subjects that are literacy based, because literacy is not assessed in isolation. We assess knowledge, skills and a number of other things in the same space.

How we can look into that in more detail is one of the key things that I would like to talk to staff about, because it is a key point of interest. Schools and local authorities also hold information that they can use to see their own data in that space.

Miles Briggs: We heard that teachers talked to one another and did not understand why pupils had underperformed. The cabinet secretary said that overrepresentation was a key theme in the report and that students were potentially sitting exams at a level that they were not ready for, which impacted on performance. Is it your understanding that there is overrepresentation that sets young people up to fail?

Donna Stewart: We have to be careful about a couple of areas where we see presentation patterns. To be frank, those patterns are made by centres—by schools and local authorities—in conjunction with learners and their parents. Although we write the assessments and provide qualifications, we do not make the decisions on how learners should be presented. Learners should be at the centre of that.

We are seeing changes with dual presentation and double presentation. Dual presentation is where, for example, somebody sits an exam at national 5 and is also presented at national 4. The two concerns that we have in that regard are about overassessment of learners and teacher

workload. At times, that may be appropriate presentation but, when it involves large cohorts, it would seem not to be appropriate. There is also double presentation, whereby people sit for two qualifications such as maths and applications of maths at the same time. Again, that gives rise to concerns about teacher workload and overassessment of learners.

Miles Briggs: Thank you for that.

I return to Pam Duncan-Glancy's question. Has there been a failure in exam timetabling this year?

John Booth: No. I refer you to what I said in response to Ms Duncan-Glancy's question. There is a story about how we have got here. We listened to the feedback that we received at the start and, because of the late Easter holiday, we pushed back the start date. As I explained, that meant that we have a limited window because we have to make sure that the exam diet finishes on time so that we can certificate. We responded to that feedback and changed the timetable, which meant that there were a number of exam clashes and exams bumping up against one other.

We then received further feedback on that from a wide variety of people. Again, we listened and took soundings from headteachers, local authorities and the Government and it was agreed that the right move was to put in place the new timetable that we now have, because it would alleviate the number of clashes. In making those changes, however, we were clear that there would, as ever, still be some consecutive and coincident exams. That is always the case and it is the case now.

We have talked a lot about engagement and listening. We listened both at the start and recently, and we made changes in response to that feedback. Unfortunately, we cannot remove coincident and consecutive exams from what is a very complex timetabling exercise.

Miles Briggs: I asked that question because I met a constituent on Monday whose daughter is sitting psychology, and there was initially an exam clash with English. To be honest, I do not understand why any other exam was scheduled to be on the same day as higher English, given that no fewer than 34,000 pupils have sat it in any of the past five years. The SQA has now said that, in the interest of wellbeing, the psychology exam will be moved forward by two weeks. You used the analogy of someone who is planning to sit their driving test. It is concerning for young people who are planning when they will sit their exams to be told that they will now sit one of them two weeks earlier than they expected. That increases the pressure on them.

I know that timetabling is not a perfect science, but I do not understand why the contingency date

of 2 June was not used for the psychology exam, given the lower numbers of candidates that were presenting. That is why I asked the question. Although you have said that you listened to other partners, it seems that parents and young people have not been part of that conversation. What seems to be a very straightforward solution, which I have just put to you, has not been taken forward and that is now putting more pressure on young people and teachers.

John Booth: The contingency day is always kept back in case a contingency is needed during the diet. It is important that we retain that extra contingency day for any unforeseen circumstances that might arise during the exam period.

Miles Briggs: Would it not therefore have been more sensible to move psychology to that date rather than forward? The rationale that SQA has outlined relates to pupil wellbeing, but moving an exam forward is seen by parents and pupils not as being for their wellbeing but stressful. I did not understand the timetabling. Given the significant changes that have been put in place, it feels like the timetabling for this set of exams has been more problematic than in previous years.

John Booth: I am not an expert on the science of timetabling. A lot of complex activity is involved in it, not just in the SQA but in a range of organisations and stakeholders that understand it. I cannot comment on specifics around psychology or English, for example.

We were clear when we made the most recent changes that some pupils would still be impacted by consecutive and coincident exams, which is always the case, and we have significantly reduced the overall number of pupils who are affected. We sympathise and empathise with those who are still affected, but the changes were not made in isolation. A number of organisations agreed that, given the circumstances and strong feedback that we were receiving from learners, teachers and parents, it was the best solution.

Keith Brown (Clackmannanshire and Dunblane) (SNP): I am new to the committee, so I did not hear the evidence that was previously provided. I also have to say that I have never known or been on a committee that conducts its business in the way that this one has done, so it is a bit of a surprise to me.

I have two questions—unfortunately, both are for Donna Stewart, not Shirley Rogers or John Booth, so I apologise for that. Donna, you said earlier that the decision on whether to publish the survey results was entirely down to SATH, yet the committee has received information that suggests that SATH was asked not to publish the results. Is the position that that is what the SQA said to

SATH, and it then decided not to publish? Might SATH have felt that it could not publish, because the SQA said that it did not want it to, and it felt that it had no option? How would you describe SATH's approach?

Donna Stewart: First, it is important to reiterate that we are very clear and absolutely appreciate that it is SATH's decision whether to publish the report and how to do so. As a courtesy, a member of staff was allowed to have sight of the results before they were published. We supported the decision to publish, and more details of that are in the communication that was sent to the committee clerks. The detail pertains to one person but, ultimately, we are very clear that the decision was for SATH.

Keith Brown: I know that it is hard to put yourself in somebody else's mind, but is it your view that SATH was completely aware and conscious that it was entirely its decision whether to publish the results after the SQA had made its representations?

Donna Stewart: I cannot speak for SATH. However, I can say that I feel confident that I was clear in my communications that I was a conduit for a member of staff and their union representatives. I feel very confident in that space.

Keith Brown: I have only one other question. You have made some comments that suggest that there has been constructive and even positive dialogue with Kirsty MacDonald and SATH. However, having gone through the written materials and caught up on where things reached before, it seems that the SQA and SATH have almost had an utterly dysfunctional relationship.

Do you agree with that? I can maybe guess your answer. How typical is your relationship with SATH compared to the relationship with other stakeholders that you deal with? Is it different with SATH or pretty much in the same space?

Donna Stewart: First, we have to recognise that, as it has set out quite clearly, SATH is a voluntary organisation. Teachers volunteer to be part of SATH and to support teachers. Not every history teacher is a member of SATH. Although it engaged—and it did so with good intent, which I am very supportive of—and tried to reach as many teachers as it could, the response rate to its survey of history teachers was less than 18 per cent. We are still eager to reach out to a wider range of teachers.

The Scottish Association of the Teachers of History is not set up in the same way that every subject-teacher organisation is—they are set up in different ways. Some will have more formal structures, some will be voluntary, and, for some subjects, there may be no subject association. We do stakeholder engagement, and one way that we

engage with teachers is through our qualification support teams. I was keen to pick up on that, as it was mentioned in an engagement question that was asked earlier.

As Shirley Rogers alluded to, we have strength of knowledge and expertise in our organisation. We have good staff who have strong knowledge and expertise in assessment. They liaise regularly with support teams, which are teams of teachers. Information on that goes out to teachers in our communications through SQA news, so there are opportunities for our teachers to be involved. We welcome their involvement, and we try as much as we can to give a broad representation of different demographics—different parts of the country, for example—in those subjects.

We also welcome representatives from SATH or trade unions. We should consider variability in the structure of organisations such as SATH, but there are a range of ways in which we involve our stakeholders. Our strategic group includes a number of stakeholders such as learners, trade unions and other educational bodies. We have a wide range of stakeholders, and as you heard from John Booth and Shirley Rogers, we are focused on engagement. I am keen to have engagement on our qualifications. There is a challenge for the SQA at the moment—we have acknowledged that—but there is also an opportunity to make a difference.

Shirley talked about the fact that, in your career, it is very rare that you get a chance to be involved in the start of something. We have the start of qualifications Scotland, and we also have the start of education reform and qualifications reform. Part of that qualifications reform has to be done with strong stakeholder engagement, and it has to be about what we do on the back of that. It is not about the engagement in itself; it is about what we do and how we provide evidence that we have listened and responded to the teachers.

Is our relationship with SATH typical? No, it is not typical. We have positive engagements in a lot of places in different ways. Is there room for improvement? Absolutely. There is room for improvement, and we do not shy away from that. There is an opportunity to improve our engagement, particularly around our qualifications, as we move forward on qualifications reform.

Pam Duncan-Glancy: A number of the questions that I was going to ask were around culture, and they have already been covered.

I will take us back to 2020, when SATH said that similar circumstances had occurred. I understand that SATH has suggested that there were two exchanges—one email and one phone call—that made it clear that the SQA was displeased with the survey and that it could potentially lead to the

SQA failing to support SATH in the future. That was in 2020, when a similar survey, I assume, resulted in similar circumstances. How did we end up here again, if a similar incident had already happened? What is different this time that will convince subject organisations that engagement with the body will be respectful and collaborative?

Shirley Rogers: It is quite difficult. This is the first time that both of my colleagues have been at a committee meeting. Donna Stewart has been in post for four months, so her ability to respond in the way that she has is impressive.

10:45

Pam Duncan-Glancy: I agree.

Shirley Rogers: The reason why I start there is that I do not think that any of the people round this table were in post in 2020. It is therefore very difficult for any of us to speculate—and we would be speculating.

It is important that the message that goes out—not just to SATH, but to all our teaching communities—is that we want to engage. I said earlier in response to a member's question that people are not going to trust us just because I say so. A lot of work is also being done to give us some metrics on how the dials are moving on that and to look at whether we are getting a more positive response as a result of those endeavours. It is not enough just for me to say that we are. I do not know whether it would be of interest for us to speak a bit more about that. We can, but I am conscious of time.

By the same token, we are putting in place the metrics that will allow us to measure the improvements in those relationships, some of which start from a very high place. Traditionally, our relationships with colleges are extremely positive in this space. Even within school teaching, which has sometimes been a bit less positive, we are seeing significant improvements.

If there is a moment, convener, I would ask John Booth to say a little in that space.

John Booth: I am happy to do so. As Shirley Rogers said, we do not have to wait for day 1 of the new organisation to get on with a number of the changes, and we have not been doing that. There is a big appetite for change, not only outside the organisation, but inside it, which is reflected in the new values. We have not been sitting still, particularly around how we engage with not only teachers but learners, parents and others. It is important that we know where we are and where we are going, and that we have the data to understand what more we need to do.

For the past two years, we have been doing large-scale research with all those groups to

understand where we are in relation to the credibility of the organisation, satisfaction in the organisation, and the way that we are engaging and communicating. Year on year, and in last year's survey, we are seeing all those metrics go up in the right direction. Most of those increases, which are across all audiences, are within the schools sector, particularly around how we engage with teachers, learners and parents in schools. We are still waiting for this year's results, which will be later this year.

Pam Duncan-Glancy: How do you gather that data?

John Booth: We run a survey of teachers, parents and learners through an independent market research group. It is all done within the market research code.

Pam Duncan-Glancy: Will you be able to share that with the committee?

John Booth: We are happy to do that. We publish that for reasons of transparency, but I am happy to share it with the committee.

Pam Duncan-Glancy: I will pick up on the original response from Shirley Rogers about the people on the panel not necessarily being there in 2020. I accept that, I do, but it happened in 2020—I say "it"—and it seems that something similar is happening again. Short of saying, "Trust me," which, as you said, will not do it, what will mean that we will not be back here in another couple of years?

In addition, what engagement have you had with the cabinet secretary and what has she asked of you in this regard?

Shirley Rogers: The answer to that is not a simple case of, "We have a tick box for this." It will be achieved by a combination of things: by the data, by the oversight and governance, and by our continued drive to those measures. We are seeing an improvement. We are not where we want to be yet, but we are seeing a significant improvement in that space. It will also be achieved by some of the work that I hope will emerge from our revised advisory structures underneath the new qualifications Scotland process.

Some of it will also be about conversations such as this. We are not afraid of scrutiny—we really are not. We will be better for scrutiny, in my experience. I have been a public servant for pretty much all of my career and, despite appearances to the contrary, that is nearly 40 years now.

I have always enjoyed, in a perverse way, the opportunity to come to committee and to have that scrutiny. Many of you will know me from my previous incarnations. Having that scrutiny makes for something better, but only if the process is open and transparent and we are sharing data

with you in an appropriate way. We are happy to do that. As John Booth says, that information is already available.

If I may say so, I really hope that we can come back to the committee on the journey towards qualifications Scotland and that we can have broader, deeper conversations about that wider strategic intent. Today, for all the reasons that we understand, we are focusing largely on higher history.

On the subject of the cabinet secretary's asks of me, as you would expect, there are a considerable number of asks of me. I suppose that my primary responsibilities are to lead the board through the delivery of business as usual and to make our transition to qualifications Scotland business as usual. Change is not an add-on to the things that we need to do, and it never will be. I go back to my point about what day 501 looks like. There are some specifics. I mentioned the commission response that I have from the cabinet secretary. She wants further information about how schools units will work, how we are proposing to take that work forward and how we are proposing to engage on it.

Others may have a different view, but I took the view that, in order to appropriately put the horse in front of the cart, we wanted that headteacher senior adviser in the organisation. I did not want somebody like me to design something and to then give it to a headteacher and say, "What do you think?" Having that expertise in the organisation and having the kind of team that is sitting around me—I have not appointed these people, but I am delighted that they are here—is fundamental so that we develop in the way that people need us to. I am not shying away from our responsibility to hold a standard—of course we have that responsibility. Scotland's qualifications must be duly regarded.

I have met a lot of young people, and I take a lot of comfort from the fact that they are as committed to taking exams now as I was 40 years ago, under a different system. These qualifications mean stuff to them, and we must preserve that absolutely, because they are working their socks off to do well, and we must support them in that endeavour. I have a list of obligations, and I have no doubt that we will share more of them as we go through this journey.

Of course, we do not yet have a settled act, so we will need to look at a number of things as the legislation goes forward. We have not touched on some of those issues today, but I am aware of discussions about, for example, accreditation and it being positioned in the organisation—or not. You will make choices and, as good public servants, our job is to make those choices work to the very best standard that we can possibly achieve.

Pam Duncan-Glancy: I want to ask specifically about the cabinet secretary's direction. I understand a lot of the obligations that you have set out, and I am sure that there are many. Did you get any direction from the cabinet secretary in relation to the SATH survey?

Shirley Rogers: Did I get any direction? No.

Pam Duncan-Glancy: Okay. Thank you.

The Convener: I understand that none of you was in your current position in 2020. However, quite an explosive part of the evidence that the committee received was that there had been requests to withhold not just the current survey, which was done last year, but the 2020 survey. What investigation did you do before coming to the committee today to ascertain whether or not the SQA asked for the 2020 survey to be withheld?

Shirley Rogers: That is a very fair question, Mr Ross. I will hand over to Donna Stewart to answer that.

Donna Stewart: We anticipated that question, prior to coming to the committee. You will not be surprised to hear that.

My understanding is that, in 2020, two surveys were published at the same time and on very similar themes. One was a national survey and the other was a survey by SATH. It is my understanding that a conversation took place about the appropriateness of having two surveys running at the same time and about how those would align. That is the extent of my knowledge at the moment, but there is more information to be gained in that space. That is a clear point that I want to pick up with Kirsty MacDonald and with SATH when we meet. I have also invited Rebecca Hanna, who was involved in the survey at the time.

The Convener: Rebecca was quite upset.

Donna Stewart: Absolutely.

The Convener: She felt with hindsight that she was wrong to have listened to the SQA. I accept and welcome the fact that you have looked into that, but we need answers today. Is it fair to say that you do not think that the issue has been resolved and that you are investigating further?

Donna Stewart: It is fair to say that I would like to speak to SATH to get more detail in order to be able to look into it.

The Convener: Can you confirm that the SQA was involved in a report by SATH not being published back in 2020?

Donna Stewart: We did not ask for the survey not to be published. I can be very clear on that.

The Convener: You did not want two similar surveys to be published at the same time.

Donna Stewart: The extent of my knowledge at this point is that I am aware that there was a conversation about two surveys being utilised at the same point. If I am to get further clarification on that, I need to have a conversation with SATH, which we are set up to have.

The Convener: The committee would be interested in the outcome of that conversation.

Mr Booth, you looked into that. You can correct me if I am wrong, but you issued a statement that said:

“in relation to a suggestion that a 2020 SATH survey was withdrawn at the request of the SQA staff, we are asking SATH for more information to allow us to look into this further.”

Have you looked into this further?

John Booth: No. I was responsible for helping to draft that statement which, as you have pointed out, said that we would ask for more information from SATH. As Donna Stewart has pointed out, we have asked SATH to meet us so that we can get further information and get to the bottom of the issue and understand what happened.

The Convener: Did you ask the outgoing chief executive if she had any knowledge of that before you issued the statement?

John Booth: No.

The Convener: You did not. She would have been in place in 2020.

John Booth: That was not part of the conversation about the response to the SATH evidence.

The Convener: You are the communications director and you heard that evidence but you did not speak to the chief executive to ask whether she was aware of that when she was around in 2020.

John Booth: I did not ask that question.

The Convener: Who did you ask on the day? A request came in to you from a national paper on the day that the committee heard evidence. Given that, as Ms Rogers has said, you were not in position in 2020, who did you go to for historical guidance on the issue?

John Booth: A discussion took place with all the people here and the former chief executive.

The Convener: You just said that you did not ask the former chief executive.

John Booth: I did not ask whether people had been involved in that situation in 2020. We had heard SATH's evidence that day and agreed that

we would say that we would seek further information from SATH to help us understand what had happened. That was the extent of the statement.

The Convener: Surely, in order to know that you have to ask SATH for that further information you must first need to know whether the outgoing chief executive, who was the chief executive at the time, or any other senior director within the organisation, was aware of the issue. It could be deemed to be slightly misleading for you to say that you need more information from SATH if the people sitting around the table with you already knew about that. I am not trying to be difficult but is that not fair?

John Booth: I have answered the question. I did not ask anyone whether they had been involved in that situation. We were asked to respond to the evidence that had been given by SATH and we agreed that we would ensure that we sought further evidence from SATH.

Donna Stewart: To give some context, Kirsty MacDonald made me aware of the concern the day before she came to the committee. That was the first time that I had heard about it. As Shirley Rogers said, I have been in post for four months and I had not heard about it internally or externally.

I spoke to a colleague who has responsibility for a number of social subjects but who was also not aware of the situation so, at that point, we did not have any further information. I am very comfortable about picking that up with SATH and having a conversation. We are absolutely not shying away from looking into it—we need to look into it—but we would welcome knowing SATH's version of events. There are always two sides and I am open to hearing both to get a clear understanding.

At the moment, my understanding is that a conversation took place between two people around two surveys that went out at the same time about how they would be used—that they would not overlap—and asking about the purpose of two similar surveys and how that would work. That was the extent of it from an SQA perspective.

I would like to engage with SATH. If it can give me more information on that, I would love to hear it and to be able to act on it.

11:00

The Convener: I have seen correspondence that suggests that Fiona Robertson was aware of the 2020 survey. Indeed, she wrote to someone about that survey. However, Mr Booth, you are confirming on the record that Ms Robertson did

not mention any knowledge of it when all three of you, and potentially others, discussed it with her.

John Booth: I did not ask that question of Fiona Robertson, so I was not—

The Convener: So, Ms Robertson did not mention the 2020 survey or having knowledge of it. Is that correct?

John Booth: I did not ask her that question, so she did not tell me—

The Convener: Sorry, Mr Booth. In the meeting when you discussed what you would say in response to a national paper's inquiry, did Fiona Robertson—the outgoing chief executive of the SQA—have any knowledge or mention any knowledge of the 2020 report?

John Booth: She did not, because I did not ask her that question.

The Convener: Throughout the meeting and since, is it correct that she has mentioned nothing about having knowledge of the 2020 report?

John Booth: I am talking about what happened on that day. I have not been involved in the matter since then, but, on that day, she did not mention anything to me, because I did not ask that question.

Willie Rennie: Shirley Rogers, you talked about having a “perverse” enjoyment of public scrutiny—that is perverse, but it can also be robust and challenging. We have seen some of that today and previously. However, it would be remiss of me not to acknowledge the role of Fiona Robertson and what she has done as the SQA chief executive and chief examiner, and to acknowledge the public service that she has provided. I have been a critic of hers and have given her some quite difficult questions, but it is proper for us to acknowledge the role that she has played.

The answers that you have provided today have been noted and the difference of approach has been acknowledged. Have you fully understood how we have got to this quite sorry situation of a relationship breakdown on many fronts? Have you drawn all the appropriate lessons in order to make sure that it does not happen again?

Shirley Rogers: I am obliged to you for that first comment, Mr Rennie. Although I only worked with Fiona Robertson for a very short period of time, she is a public servant of 33 years' standing. In those 33 years, she has been asked to do and trusted to do some difficult things. I wish her nothing but well.

I learn about the organisation every day. At the risk of making what might appear to be a facetious comment in the context of an education committee, every day is a school day for me at the moment. I have been very grateful to pretty much

every member of this committee for sharing their thoughts with me. I have also been extremely humbled by the generosity inside the organisation, and outwith it from stakeholders, in relation to people's frankness and willingness to share. If I may say, I have had some very positive feedback from those stakeholders about my eagerness to learn and to take us into a new organisation. I am committed to doing that.

Do I know it all? Absolutely not. If I lived to be 100, I would not know everything about education. I am constantly humbled by the expertise inside and outside the organisation.

I was interested in the earlier comment about assessment on hard and easy subjects and where there is a right answer and where there is not. I spent a day with art markers for exactly that reason. How do you take a piece of art material and make an assessment that can give it a grade, when some of it might be decorated duvet covers, some of it might be things that look like an old master print and some of it might be puppets? How do you do that? What I have seen is well-considered and well-understood ways to make that assessment and that journey.

The short answer to your question, Mr Rennie, is that every day is a school day for me. I am determined to give qualifications Scotland the best possible shot at being not just a good public service, but a great public service. In doing that, we will be brave. We will need to accept—as will the committee, if I may say so—that, from time to time, things go wrong. We need to be up front about that and learn from those times, and we need wraparound processes to prevent things going wrong, where possible. We need to go forward with confidence, and I need the committee's support on that. I am hopeful—I really am—that there is, from someone out there who is watching this committee meeting, at least one belting application to be our next chief executive. I hope that, in watching this scrutiny, people can see it for what it is, which is a constructive attempt to be the very best that we can be. We will continue to do that for as long as I am chair.

Ross Greer (West Scotland) (Green): I echo what colleagues have already said and thank you for the evidence that you have given. It is difficult for you to balance your duty of transparency with the duty of care to your own staff in particular, and I think that you have done that well this morning.

Shirley, you have clearly been a very proactive and involved chair, and that is exactly what the SQA has needed, so I welcome that. However, I am interested in the role of the wider board, with regard to not just what has happened with higher history—although that may be a useful example—but how informed the board is, in the first instance,

and how involved it is in formulating the organisation's response to such situations.

Over the past 10 or 20 years, there have been various instances in which some of the criticism of the SQA, including from me, has been about what appears to be a lack of action, or even a lack of interest, from the board, in particular on performance and issues of policy. Historically, the board has focused much more on corporate governance, operational issues and so on, which is an important part of the role but not all of it.

Can you share with us a little bit about what the board is doing now and how involved it currently is in the organisation's activities?

Shirley Rogers: That is a belting question, Mr Greer, if I may say so.

I inherited a board, the numbers of which had reduced quite significantly, and I need to acknowledge the challenge that that presents in covering all the governance bases when there are a few gaps in the establishment. I also have to acknowledge, however, that it has given me an opportunity to take the actions that I have taken to reinforce the board with members who come more directly from a teaching and educational background. That has been quite exciting, and we have some really good board members. We already had members from teaching and college backgrounds, and we have some really good governance board members; I have to say that their support to me over the past few months has been absolutely outstanding.

We always have to make sure that the board is engaged and that it is given as much notice as possible—there should be no surprises. I have worked for ministers for a long time, and one thing that I have learned about ministers and MSPs, if I may say so, is that none of you are great fans of surprises, and neither are boards. We need to ensure that we give regular updates. The board is very active and is becoming more so.

We also have a job of work to do to make sure that the additional governance arrangements that are coming, or which we expect to come, in the shape of qualifications Scotland, amplify that governance rather than tie it up in additional bureaucracy. We are currently doing that; I met yesterday with the executive team and had a good conversation about how we might want to look at our various committee structures in the light of what is coming down the road in qualifications Scotland.

I have put in place arrangements for not only board meetings, but one-to-one and non-executive board meetings, on a regular basis. I regularly meet with board members, some of whom have been around the board table for a long time and can share—and have been generous in sharing—

their experiences. Some of them are new and are helping us to learn.

You have heard me say this before, Mr Greer, so I apologise for repeating myself, but the one thing that you cannot buy, in my experience, is new eyes. I have told new board members coming in that it is not about learning how we do things here. There is a bit of that, but they also need to help us and help teachers with what they are bringing to the party. I have been very engaged in doing that.

I look for no canteen medallions in this, but this is a job that is currently taking me about six days a week to perform. It is incredibly exciting to see the potential of what we are and what more we could be.

Ross Greer: That is all incredibly useful.

I do not want to reopen the specifics of the higher history situation—I think that we have exhausted that this morning—but it is an example of the board's involvement in specific situations as they arise. In relation to higher history, what has gone to the board, and what discussions has the board had? Has it given the organisation direction in how it has responded at any point in the process?

Shirley Rogers: The board has not been unsighted on matters. There have been a couple of occasions when I would have wanted to know more, and know earlier. For those of you who do not know, my background is mostly in the national health service, and then in performance and delivery in the Scottish Government. One thing that I have learned is that events can pop up pretty darn quickly. Some of it has been about ensuring that the board is comfortable, understands—and has the time to understand—what the issues are, and can provide some direction.

I made this point earlier, but I think that it is worthy of repetition. The board is supported by a number of committees, and those committees do not just have board presence; many of them also have external presence. It has been invaluable, for example, to be able to ask the qualifications committee to have a look at some of the work that Donna Stewart and I spoke about earlier. That allows for a deeper understanding, and it allows the board to see how issues will be tackled proactively.

To be fair to the organisation—and I say this with great sincerity—over the past few months, it has sometimes felt like it has been in a really difficult spot. I understand that. We have faced a great deal of scrutiny, including an awful lot of scrutiny through the media. I understand that, too. Having worked in the NHS, I am familiar with featuring on the occasional front page.

There is an awful lot that we can be really proud of, however. Any time that I am feeling a little overwhelmed, which sometimes happens, I take myself to a classroom and I see the quality of some of the teaching in the profession. Our young people are pretty amazing, and I reflect on the ability to support them with something that is also pretty amazing. That is worth doing.

Ross Greer: I have one final question, which that segues into really nicely: it is about young people and learners.

You spoke about setting up your new schools unit to have a more direct line of communication, which I think is excellent. As you might have heard, one of the questions that I asked Fiona Robertson and the cabinet secretary when they were before us was about the challenges of not having a system in place whereby you can directly contact every learner. In the higher history situation, there was no mechanism by which you could have contacted everyone who took the exam to explain to them what subsequently went on.

Are there any on-going discussions about creating some kind of direct communication tool, or using existing tools in the system, so that you can have a direct line of contact? As it filters through councils, schools and so on, the key information very often does not get to learners. Given what you have just said, the first that they hear of a situation is often, unfortunately, in the media or on social media, and the information is often not presented accurately.

Shirley Rogers: A number of actions will come from this committee session, some of which we have already talked about. I have been scribbling down some that I would like to take, such as revisiting discussions with committee members and, in particular, party spokespeople, in respect of the issues and how we see the schools unit developing, so that you have a greater opportunity to help shape it, too. That we are going to have a unit is a done deal; what will be inside it is not a done deal. I would be very happy to discuss that.

11:15

In an earlier answer, I mentioned that the opportunities range from having a portal to something that is much more complicated and, I hope, developmental and supportive. However, in that space, I do not want to lose sight of the importance of the communications portal. Almost always, when something goes into a difficult territory, a big part of the solution is about how we communicate.

The Convener: We have spoken a lot about 2024's higher history exam and its fallout, but the history issues go back further than that.

I am sure that you, Ms Rodgers, will be aware of the letter that was sent on 24 February 2019 by 10 national 5 history core team members. They said that they were concerned that a culture had recently developed within their subject area whereby

"any legitimate questioning of SQA policy and procedures will result in contracts not being renewed."

As chair, you are dealing with the issue and its impact on current pupils and staff. However, it seems to those of us who have not been heavily involved in the issue for many years that it goes back far further.

Shirley Rogers: That is a very fair point, which I noted from some of the earlier questions, too. I can give an answer about learning organisations—about how we review and take forward those reviews. You will have heard people like me come and talk about such things before.

Our messaging is really important in that regard. I have been very clear that part of the work that has been initiated by SQA staff—not by me—has gone right to the heart of our culture and values. The words that I spoke earlier are not mine but were derived from a huge piece of organisational development work that has taken place over the past few months to give staff absolute clarity about the values that we espouse.

However, staff must not just espouse those values; they have to feel them. The next iteration of that work involves looking at how we impregnate—I cannot think of a better word—those values into all our policies and procedures, so that they are felt in that way, too. The organisational development and human resources team is busy working on that at the moment, but it is doing so in collaboration with literally hundreds of staff across the organisation through participation in workshops and so on.

The Convener: Have you drilled down into the issues that have been raised, not just in 2024 but going back to 2019?

Looking at the letter's signatures, I know that a number of those individuals have been emailing me and other committee members. They are still passionate about the subject, but they are worried that the very stark warnings that they gave five or six years ago have not been taken on board by the SQA—in fairness, more so by your predecessors than by everyone sitting in front of the committee today—as an organisation.

How can we take comfort that the lessons that need to be learned from 2024 are not going to be sidelined, as it seems they have been since 2019?

Shirley Rogers: Forgive me if I sound a bit like a one-trick pony, but, again, I have a multifaceted answer.

We are working with our trade unions and putting in place appropriate staff governance arrangements in the organisation. During the evidence session in which you heard from our trade unions, they shone a light on some of the issues that concern them. I was at the forefront of much of the work to make staff governance in the NHS mission critical. I would like to be able to do the same thing for qualifications Scotland, and we intend to do so.

That requires us to build those relationships with the trade unions. That has been made quite difficult in the past few years. There have been some quite difficult pay discussions, which was not the fault of the SQA, but the conversations were quite challenging, and a number of opinions were expressed. We just need to build that trust into our relationships inside and outside the organisation.

We also have a different approach to staff survey. We have the usual staff survey—I do not think that my language is quite right on that; I think that the SQA calls it something else, but for the purposes of this conversation, it is a staff survey in my language. In addition to that, we are doing pulse surveys that give us the opportunity to take the temperature.

If I may, I will make one further observation—it is a bit harder, but we are committed to being brave. The organisation has to understand really well what is asked of it. From my perspective, the sooner that we get clarity from the Education (Scotland) Bill, the sooner that will help the organisation to see where it is going. We have done a lot in that space. I am not a party politician; I simply know that, in organisations and in organisational development and culture terms, the sooner that someone knows what is expected of them, the easier it is for them to fulfil those expectations.

I am hopeful. I have been delighted to be able to engage with policy developers on the bill, but that is not my shout. My shout is to take whatever the Parliament gives me and implement it as effectively and efficiently as I can, with the ambition being that we will be great. I cannot stress that enough. It is not enough to just bumble, although we have not just bumbled—please do not think that. It is not enough to just do this; we want to be really good at it, and there are so many ways in which we are. The sooner that we have clarity about that, the sooner we will be able to push the pedal down.

Some of you know that my background includes quite a lot of work in performance management and delivery. We now have a number of specifically developed programme plans. Again, if I get the opportunity to spend some time with the committee, I am quite happy to go through those programme plans. They are multifaceted. They

cover every part of our operation, and we are making good progress in making sure that they are being implemented with our staff and with confidence.

The Convener: Finally, a lot of the mistrust has resurfaced because of the investigation that the SQA did into its own performance that was then peer reviewed. I am going to read a quote that I got from a constituent who emailed me just a couple of weeks ago. It is important give that context, because this is not someone who was disappointed at the time; this is someone who continues to be disappointed. Certainly, I have been receiving that kind of feedback for some time. She said to me:

“This situation has unfairly placed the blame on teaching staff, rather than the SQA taking accountability for these changes. The facts remain: children suffered as a result, university places were affected and trust lost on both sides.”

She goes on to say:

“It has felt like a them-and-us situation for far too long.”

Finally, she says:

“I want to make clear I have no personal axe to grind, nor am I a committee member of SATH. I am simply a concerned teacher who is worried about the continual lack of compassion, clarity and consistency from the SQA, that it will not only negatively impact the results of our learners, but will also erode the good will of teachers.”

Everything that the SQA has been trying to do since it launched its review is clearly not working for that individual teacher or, I know, for others. Therefore, will you consider holding a truly independent review into last year’s higher history exam, given that teachers said just a couple of weeks ago that they still believe that they do not have the answers to what happened last year?

Shirley Rogers: I was very struck by the conversation with SATH about the timing. In response to questions that we have had already this morning, we have mentioned that we are approaching Easter.

What I have tried to put in place, through the qualifications committee and the work that Donna Stewart, some of our non-executives and others have done, is a process that allows us to manage such issues through a system of early alerts and which encompasses the points that you make about whether some things are done internally or externally. Those are valid questions. I am not proposing that we reopen that at this stage. What I am proposing is that the organisation learns from those things so that it is better placed for when, inevitably, something happens of a similar ilk.

I am not going to say that I do not recognise some of the things in the quote that you read out. The view is not universally held, but it is held, and we have to be cognisant of that. I hope that the

committee has heard today that we have an approach across the organisation that will hopefully, over time, allow people to see that the SQA and qualifications Scotland are willing and want to be partners in that educational endeavour.

The Convener: Would a truly independent review not either back up the case that is made in the SQA's review or support the case that has been made by many teachers and learners across Scotland? It would not change things—I have accepted that, and I think that SATH accepted that when it came to the committee last month. However, it would produce—finally—something that everyone could accept. At the moment—and I accept that this is not a unanimous view—a large cohort of your staff and teachers do not trust the SQA's review of its own operations. Is there not an opportunity to rebuild that trust, which you have spoken about very articulately throughout today's evidence session, by having a truly independent review of what happened last year in order to learn those lessons?

Shirley Rogers: I think that I have said as much as I can say, Mr Ross.

The Convener: Okay. I appreciate that.

I thank you all very much for your time. You said that you would come back to us on a number of points—Ms Rogers and Ms Stewart certainly said that. If I get permission, I will share some of the testimony that we received, particularly emails, because I think that you have been troubled by some of the testimony that you have heard.

I have taken at face value what you said about scrutiny making for something better, Ms Rogers, and I hope that we have something better after our scrutiny today. It has been an intense session, but I think that you have all handled it extremely well. It has been longer than we anticipated, but that shows that there is a great deal of interest in the area. We saw that when we heard from the former chief executive, SATH and the cabinet secretary and we have now seen it with you.

It is not for me alone to decide, but I think that we would like to see you back at committee, Ms Rogers, to discuss wider issues to do with the forthcoming legislation and the work of the SQA.

I thank you all for your time today. I will suspend the meeting for about 10 minutes.

11:28

Meeting suspended.

11:38

On resuming—

Subordinate Legislation

Disclosure (Scotland) Act 2020 (Incidental, Supplementary and Consequential Provision) Regulations 2025 [Draft]

Disclosure (Scotland) Act 2020 (List A and B Offences) Amendment Regulations 2025 [Draft]

Regulated Roles with Children and Adults (Scotland) Amendment Regulations 2025 [Draft]

Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment (No 2) Order 2025 [Draft]

The Convener: Welcome back. The next item on our agenda is subordinate legislation. The committee will take evidence from the Minister for Children, Young People and The Promise, Natalie Don-Innes, and her officials, regarding several instruments related to the Disclosure (Scotland) Act 2020. The minister will also move motions to approve the instruments.

I welcome Natalie Don-Innes, who is the Minister for Children, Young People and The Promise; Gareth Wilks, who is the director of policy and engagement, and Laura Robertson, who is the deputy chief executive, both from Disclosure Scotland; and Susan Bonellie, who is a solicitor from the Scottish Government legal directorate.

I invite the minister to speak to the draft instruments.

The Minister for Children, Young People and The Promise (Natalie Don-Innes): Thank you for inviting me to give evidence to the committee on the four draft Scottish statutory instruments. I hope that the following information will be of help to committee members.

The disclosure system in Scotland comprises two broadly aligned parts—self-disclosure and state disclosure. Self-disclosure is when an individual provides information about their own criminal history, perhaps to an employer or to a regulatory body, and what they must disclose in different circumstances is set out in law. The purpose of state disclosure is to provide a means to verify those disclosures. That balances two objectives. The first objective is to ensure that relevant criminal history is disclosed, and the second is to ensure that irrelevant matters are not

disclosed so that an individual who is no longer offending can move on in life.

The draft Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment (No 2) Order 2025 will make modifications to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013, which I will now refer to as “the 2013 order”. Those modifications will maintain full alignment between the state disclosure and self-disclosure rules. The amendments that will be made to the 2013 order are necessary to prevent an individual from being at risk of overdisclosing spent convictions through self-disclosure, and will ensure that state disclosure and self-disclosure work as intended, following the changes that were made to the disclosure system by the 2020 act.

The draft Disclosure (Scotland) Act 2020 (List A and B Offences) Amendment Regulations 2025 will amend schedules 1 and 2 of the Disclosure (Scotland) Act 2020 by modifying the list A and list B offence lists. List A offences include the most serious offences, such as serious violence, sexual offending and terrorist offences. List B offences contain less serious offences that still warrant disclosure. The SSI will amend those lists by adding new offences that were not in existence when the Disclosure (Scotland) Act 2020 received royal assent, by moving offences from list B—which consists of offences that are considered to be less serious—to list A, which includes the most serious offences, such as serious violence, sexual offending and terrorist offences, and adding comparable offences that are not currently in each list following a systematic review.

List A and list B offence lists were first introduced to Scotland’s disclosure regime in September 2015, in response to a 2014 United Kingdom Supreme Court ruling that was made in respect of England and Wales. Scottish ministers pre-emptively reformed the disclosure regime by ending the practice of indefinite blanket disclosure of information about spent convictions through state disclosure or self-disclosure. If an offence is not included in either list, a conviction for that offence cannot be disclosed on any level of disclosure once it is spent. However, list A offences—which are serious offences—require disclosure once they are spent. List B offences are less serious, but still warrant disclosure once they are spent. The offence lists therefore serve an important purpose in fulfilling the task of protecting vulnerable groups and safeguarding sensitive assets or information.

The draft Regulated Roles with Children and Adults (Scotland) Amendment Regulations 2025 will amend schedules 2 and 3 of the Protection of Vulnerable Groups (Scotland) Act 2007 in relation to regulated roles with children and regulated roles

with adults, following extensive stakeholder engagement, which Disclosure Scotland conducted, regarding the operation of the schedules.

In practice, the schedules determine which roles require protection of vulnerable groups scheme membership. The regulations are necessary to ensure that schedules 2 and 3 are complete, correctly scoped, clear and concise in setting out which roles are regulated. One of the safeguarding reforms that was made by the Disclosure Act 1998 was the introduction of mandatory PVG scheme membership for anyone undertaking a regulated role. The mandatory PVG scheme will provide assurance that anyone undertaking a regulated role with children or adults is not unsuitable to do so.

The draft Disclosure (Scotland) Act 2020 (Incidental, Supplementary and Consequential Provision) Regulations 2025 is necessary to make various incidental, supplementary and consequential modifications to primary and secondary legislation. That will ensure that the changes that were made by the 2020 act are reflected in the disclosure regime in order to ensure that it operates effectively and efficiently.

I am happy to take questions on the draft regulations and order.

The Convener: The first affirmative instrument to consider is the draft Disclosure (Scotland) Act 2020 (Incidental, Supplementary and Consequential Provision) Regulations 2025.

As there are no comments, I invite the minister to move motion S6M-16124.

Motion moved,

That the Education, Children and Young People Committee recommends that the Disclosure (Scotland) Act 2020 (Incidental, Supplementary and Consequential Provision) Regulations 2025 [draft] be approved.—[*Natalie Don-Innes*]

Motion agreed to.

The Convener: The committee must now produce a report on the draft instrument. Are members content to delegate responsibility to me, as convener, to agree the report on behalf of the committee?

Members indicated agreement.

11:45

The Convener: The next affirmative instrument to be considered is the draft Disclosure (Scotland) Act 2020 (List A and B Offences) Amendment Regulations 2025. Do members have any questions or comments on the instrument?

Members indicated disagreement.

The Convener: As there are no comments, I invite the minister to move motion S6M-16125.

Motion moved,

That the Education, Children and Young People Committee recommends that the Disclosure (Scotland) Act 2020 (List A and B Offences) Amendment Regulations 2025 [draft] be approved.—[*Natalie Don-Innes*]

Motion agreed to.

The Convener: The committee must now produce a report on the draft instrument. Are members content to delegate responsibility to me, as convener, to agree the report on behalf of the committee?

Members indicated agreement.

The Convener: The next affirmative instrument to be considered is the draft Regulated Roles with Children and Adults (Scotland) Amendment Regulations 2025. Do members have any questions or comments on the instrument?

Members indicated disagreement.

The Convener: As members have no comments to make, I invite the minister to move motion S6M-16126.

Motion moved,

That the Education, Children and Young People Committee recommends that the Regulated Roles with Children and Adults (Scotland) Amendment Regulations 2025 [draft] be approved.—[*Natalie Don-Innes*]

Motion agreed to.

The Convener: The committee must now produce a report on the draft instrument. Are members content to delegate responsibility to me, as convener, to agree the report on behalf of the committee?

Members indicated agreement.

The Convener: The next affirmative instrument to be considered is the draft Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment (No 2) Order 2025. Do members have any questions or comments on the instrument?

Members indicated disagreement.

The Convener: As there are no comments, I invite the minister to move motion S6M-16127.

Motion moved,

That the Education, Children and Young People Committee recommends that the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment (No 2) Order 2025 [draft] be approved.—[*Natalie Don-Innes*]

Motion agreed to.

The Convener: The committee must now produce a report on the draft instrument. Are

members content to delegate responsibility to me, as convener, to agree the report on behalf of the committee?

Members indicated agreement.

The Convener: That concludes consideration of that group of instruments.

Protection of Vulnerable Groups (Prescribed Services and Activities) (Protected Adult) (Scotland) Regulations 2025 (SSI 2025/4)

Disclosure Information (Accredited Bodies) (Scotland) Regulations 2025 (SSI 2025/5)

Fees for Scheme Membership and Disclosure Applications (Scotland) Regulations 2025 (SSI 2025/25)

The Convener: The next agenda item is consideration of three instruments that are to be considered under the negative procedure. Are members content to consider the instruments together?

Pam Duncan-Glancy: I am content to consider them together, but I have a question about one of them. Is it okay to put that question now?

The Convener: That is fine—on you go.

Pam Duncan-Glancy: Good morning, minister and officials.

With regard to the Fees for Scheme Membership and Disclosure Applications (Scotland) Regulations 2025, I am interested in understanding the level of engagement with staff who will now pay fees for their membership of the scheme. What is the minister's understanding of whether those fees should be passed on to individual staff to pay themselves, or whether organisations should be looking to cover them? Does the minister think that staff should have to pay the fee themselves?

Natalie Don-Innes: The member will be aware, in terms of the consultation, that the Scottish Government will continue to fund PVG scheme membership for volunteers in qualifying voluntary organisations, and has chosen to retain fees at their current level.

On engagement with staff members, I am more than happy to bring officials in to go into some of the engagement that has taken place. As I alluded to the last time that I was before the committee, there has been a wealth of engagement around the disclosure legislation.

I will ask Gareth Wilks to elaborate on the engagement that has taken place.

Gareth Wilks (Disclosure Scotland): In respect of the fee waiver for volunteer applications, there was a public consultation in the course of last year, which informed the decision that the minister has taken in that regard.

On engagement on the fees that are contained in the regulations that are applicable to level 1 and level 2 disclosures, there has been a lot of direct engagement across a number of sectors, including local authorities, sports organisations and charities.

On the question about fees, they will remain at the same levels as they are currently—the fees that are payable for a disclosure today.

With regard to who pays fees, there is always flexibility between the individual and the organisation, and that continues through the 2020 act. Different sectors and organisations will take different views on it. There is no Government view on who should pay for the disclosure: it is a matter for the organisation and the individual to determine.

Pam Duncan-Glancy: I appreciate that. However, there are some variations among very similar organisations. For example, for staff who work in the care sector with vulnerable children or adults, in some areas the cost of joining the scheme is covered by the employer, whereas in others it is passed on to the employee. Does the minister have a view on that?

Natalie Don-Innes: I do not have a view on that, specifically. As far as I am aware, that was not raised as an issue during the consultation period. I understand that it will be worked out between an organisation and employee members.

As I said, I have retained the fee waiver for fees this year: I have retained the fee waiver for volunteers. However, thinking ahead, in line with the 2020 act we will, in the future, be looking to transform and change the rhetoric around fees for disclosures, by taking it away from being a transaction-based system and making it fit for the future. That work will have to be taken forward in the future.

However, as I have said, given the difficulties that people have experienced over the past few years in relation to the cost of living crisis and other external factors, the decision has been taken to retain fees at their current levels for this year and to retain the fee waiver.

Pam Duncan-Glancy: It is a fee waiver for volunteers, but it is not for other low-paid staff who the fee is sometimes passed on to?

Natalie Don-Innes: No.

Pam Duncan-Glancy: Okay. Thank you.

John Mason: Following on from that point, I note that, normally, fees would be charged to cover costs. However, in this case, the decision has been being made for them to be below cost. Can you explain the thinking behind that?

Natalie Don-Innes: As I have said, that is, in essence, because I am very understanding of the difficulties that organisations and individuals have been through in relation to the cost of living crisis and other factors. This is a very important area in terms of safeguarding children and ensuring that everybody who is involved in roles with children is part of the disclosure system. I have therefore taken the decision that that is what is best for the country, at the current time.

Keith Brown: To come back to Pam Duncan-Glancy's question, I assume that all volunteers have the waiver. When I applied to be a host to a Ukrainian family, the fee was waived. However, the big issue at that time was the length of time that it takes to process a disclosure application. Is it one period for everybody? I had the impression that priority was given to particular areas. Is it the case that volunteers or others will get priority and be dealt with first, or is everyone dealt with on a first-come, first-served basis?

Natalie Don-Innes: Applications are dealt with on a case-by-case basis. Obviously, there will be different circumstances for different people. I know that the timescales around disclosure have been raised in the past, and it is something that has been improved with the move to digitisation through Disclosure Scotland, which is reducing the timescales. However, I will bring in Gareth Wilks or other officials to speak about the priority groups.

Gareth Wilks: Could Laura Robertson come in on that?

Laura Robertson (Disclosure Scotland): Our current processing times are well below our set target. Our service-level agreement and our public commitment—for want of a better term—is to process 90 per cent of all disclosure applications, regardless of the level, within a 14-day period. That is set at 90 per cent, as opposed to 100 per cent, because there are a number of cases in which we have to seek further information through the vetting process in order to ensure that the information is correctly disclosed before we issue a certificate.

Our average processing time for this year to date is about seven days. That is an average across all products, so there will be variations in the time, and it will also be subject to peaks and troughs in the volumes of applications that are sent to us at various points throughout the year.

To answer the question about prioritisation, we will take prioritisation actions according to ministerial instruction. Keith Brown mentioned the

homes for Ukraine scheme and the provision for host applications. That was deemed to be a priority because that effort was a national response. Therefore, those applications were prioritised through a ring-fenced dedicated team that would progress them in a faster timescale than the 14-day target.

However, we set the same target across all disclosure products—that 90 per cent of them be processed within the 14-day period. Our year-to-date performance is currently around 97 per cent, or just over that.

Keith Brown: Thanks for that. I have one final question, and it relates to John Mason's question, which I think was about a concern that the income is not washing the face of the expenditure that you are incurring. The reasons that you have given relate to helping people who are low paid and so on, or to helping people to become volunteers more easily. A contrasting point would be that, for example, if you were to become a volunteer minibus driver, you would not be exempted from having to pay the test fee that is needed for that.

It is a generous scheme, but I wonder whether, next year or in the future, it will be your intention, minister, to try to restore the equilibrium, if possible, between the cost of providing the service and the income that you receive for it.

Natalie Don-Innes: I alluded to that in relation to the disclosure service being “fit for the future”. I have now been to the committee twice on a number of SSIs that have gone through in relation to the 2020 act. There certainly will be a case for making that scheme fit for the future and, as you say, for making sure that we are financially sustainable. I have had to balance various issues regarding whether to increase the fees, and I felt that this was the right move to make for this year, given some of the issues that I have already referred to.

Keith Brown: Thanks.

The Convener: As no other members want to speak, does the committee agree that it does not wish to make any recommendations in relation to the instruments?

Members indicated agreement.

The Convener: That is agreed. I suspend the meeting to allow for a change of witnesses.

11:58

Meeting suspended.

11:59

On resuming—

Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2025 [Draft]

The Convener: I reconvene the meeting, and the committee will now take evidence on the draft Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2025. We will hear from Natalie Don-Innes, the Minister for Children, Young People and The Promise, who is supported by Joanna Mackenzie, team leader for targeted children and family wellbeing, and Kirstie McKerron, who is a solicitor in the legal directorate of the Scottish Government.

Minister, I believe that you would like to make an opening statement.

Natalie Don-Innes: Thank you, convener. The Provision of Early Learning and Childcare (Specified Children) (Scotland) Order 2014—that is, the 2014 order—currently specifies that a two-year-old is eligible for funded ELC if their parent is in receipt of a universal credit award with a monthly income not exceeding £796 per month. The amending order will increase the maximum income level for households who are in receipt of universal credit to £850 per month.

As in previous years, the amendment is necessary to reflect changes to the national living wage at the United Kingdom level. This year, an additional amendment will be made, due to the imminent conclusion of the UK Government's planned migration to universal credit of working tax credit and child tax credit. As tax credits will end on 5 April 2025, we are removing from the 2014 order references to those credits as qualifying benefits.

The Convener: Do any members wish to raise questions?

Willie Rennie: This is my opportunity to ask my usual question about take-up for two-year-olds. The numbers have improved from 52 per cent to 59 per cent from 2023 to 2024, but we are still not capturing everybody. Why is that? Do you understand the reasons for that uplift and why we are not getting the greater uplift that we are all looking for? Are there regional variations, or whatever? Can you give us an idea of what you have learned from that increase?

Natalie Don-Innes: Of course, Mr Rennie. You will be aware that, because of the data arrangements, this is the first year that we have had a real year-on-year comparison of uptake rates for two-year-olds. At the national level, the figures indicate an increase in uptake for eligible

children from 52 per cent in 2023 to 59 per cent in 2024, but I agree that some families are losing out, and we need to try to maximise uptake as much as possible. As a result, I have set out on a national improvement project to try to increase the numbers.

I would not say that it is so much a regional variation—there is huge variation among local authorities. I have not necessarily found any trends in that respect, but the variation alarms me, which is why I have set out on the project. The project itself will involve intensive support for five identified local authorities with quite low uptakes. It was important to me to use a range of local authorities, so we have included rural and urban authorities, and we are making sure that we have a range of factors to try to understand the reasons for uptake being low in the first place, and how we can increase it.

Very individual and intensive support will be given to the five identified local authorities—Aberdeenshire, Falkirk, Glasgow, North Ayrshire and North Lanarkshire councils. We have sought to engage with local authorities that are already working with the Improvement Service or which have expressed an interest in maximising uptake, and that service is providing support based on each of the local authorities' unique contexts, which I have alluded to.

We also have a programme of online content that is available to all local authorities, because we understand that the situation might go beyond the five authorities that are interested in increasing uptake. At the moment, though, my priority is to take a targeted approach and to see what we can do and what we can learn from those five areas.

Willie Rennie: That is very good. I am very pleased that you are doing that, because it is important that we try to get the numbers up. Next year, when you come back and present to the committee, I hope that the numbers will be up nearer to 100 per cent, if that is possible. Thank you very much.

The Convener: Do members have any other questions?

Pam Duncan-Glancy: Related to the issue of uptake are the issues that specific family groups are facing. For example, we know that families with children with additional support needs and single-parent and lone-parent families are finding it difficult to access provision, and sometimes families work particular shift patterns that do not necessarily fit in with current provision. What work is being done to address those concerns?

Natalie Don-Innes: You have absolutely hit the nail on the head with regard to the difficulties in relation to childcare. Every family's—and every child's—needs are different, and the Government

is doing a number of things to try to understand families' needs and how we can best support them.

On your point about additional support needs, I am very switched on to that issue. Our work on the rates review is looking at specific points to understand what providers require in order to support or help children with additional support needs.

Our early adopter communities, which the member will be aware of, deal with families in a very targeted way. They speak to families to understand what they require, tie that up with other areas of work, such as employability schemes, and try to provide the wraparound support that a family will require to meet their individual childcare needs. I say in relation to Ms Duncan-Glancy's point that the early adopters work is key to understanding what families need, and it is work in progress.

There are a number of different strands to what we are doing to support families with their childcare needs in Scotland. As the member has alluded to, the picture is complex, but I am absolutely committed to driving forward work on the issue and to ensuring that families are supported.

Pam Duncan-Glancy: Is there any specific action that you think will be taken within the next six months to improve the situation?

Natalie Don-Innes: As I have said, the work on the rates guidance is on-going—it is something that we are working on just now. I do not know whether officials can give me an understanding of the timeline.

Joanna Mackenzie (Scottish Government): I think that it is imminent.

Natalie Don-Innes: It is imminent. That relates to the rates guidance, but wider discussions are being had on the wider rates review—not just on the specific rates themselves but on what is required for additional support needs, meals and a range of other things. We are actively working on that, just now.

As I have said, the early adopter communities work is on-going, too, and we are continuing to speak with families. We recently increased the number of early adopter communities by two, from four to six, which increases the number of families who are involved in the programmes and gives us more understanding of what is needed for a national picture.

Pam Duncan-Glancy: Thank you.

The Convener: As no other members have questions, I invite the minister to move motion S6M-16276, in her name.

Natalie Don-Innes: Approved—I mean moved. Sorry. [*Laughter.*]

Motion moved,

That the Education, Children and Young People Committee recommends that the Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2025 [draft] be approved.—[*Natalie Don-Innes*]

Motion agreed to.

The Convener: The committee must now produce a report on the draft instrument. Is the committee content to delegate responsibility to me, as convener, to agree the report on behalf of the committee?

Members *indicated agreement.*

The Convener: Minister, I thank you and your officials for your time this morning. That concludes the public part of our proceedings.

12:08

Meeting continued in private until 12:28.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba