

# Supporting Care Experienced People with Certification and Appeals 2021

Briefing for the Scottish Qualifications Authority (SQA), Prepared by Who Cares? Scotland,  
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## Summary

Who Cares? Scotland is a rights-based advocacy and influencing organisation working with people who have experience of the care system through individual and collective independent advocacy. We aim to provide Care Experienced people with knowledge of their rights and the support needed to empower them to positively participate in the formal structures and processes they are often subject to solely because of their care experience.

We are concerned about current plans for SQA's 2021 Appeals Service, and the level of support currently being offered to Care Experienced students due to receive certification results shortly. [Alongside the Scottish Youth Parliament and others](#): *'we are asking SQA to reconsider its position on the appeals system, and give young people and students a guarantee that, if they do appeal, their grade will not go down, and that every effort will be made to ensure that any exceptional circumstances they have experienced during this period are taken into account.'*

This briefing details evidence from advocacy and participation work with Care Experienced people highlighting the kinds of disruption and challenges experienced in their journeys through education. In this briefing, we illustrate the need for SQA to provide more tailored approaches in the delivery of services which impact Care Experienced learners. In addition to reconsidering the specific policy guiding the 2021 Appeals Service, we see this as an opportunity for SQA to further understand how to more pro-actively act on their Corporate Parenting duties in a time of significant uncertainty and challenge for Care Experienced learners across Scotland.

[The SQA describes themselves](#) as a proud Corporate Parent in a unique position to make clear guarantees to Care Experienced people. We agree, which is why we believe SQA can do much more to ensure Care Experienced learners are not unfairly disadvantaged in the 2021 appeals process and in their ability to achieve educationally, due to the inequalities the Covid-19 pandemic has intensified.

## Our Asks for SQA

- 1. Introduce a 'no detriment' policy to the 2021 Appeals Process**
- 2. Ensure a learner's Care Experienced status can be considered in the 2021 Appeals Process**
- 3. Create more tailored information and support for Care Experienced learners**
- 4. Meet directly with members of Who Cares? Scotland**

## Introduction

We welcome the move by SQA to introduce an Appeals Service directly available for students impacted for a second year by changes in assessments for National 5, Higher, and Advanced Higher qualifications. We also recognise that SQA is an active Corporate Parent to Care Experienced people, demonstrated by the explicit mention of care experience within the [Equality Impact Assessment \(EIA\)](#) undertaken about the appeals process. Within the EIA, it explains the needs of Care Experienced young people will be considered, 'by treating care experience as if it were a protected characteristic covered by the Equality Act 2010.' We are heartened to see this commitment; however, we want to continue working together with SQA to ensure this ambition is fully realised in practice.

***"I had a few barriers at school, but the main ones were always when I was moving to a different placement. It was sometimes hard to concentrate whilst thinking about moving."***

***Josh, Care Experienced Learner***

Who Cares? Scotland understands the complex barriers that can exist for Care Experienced learners, which may impact their ability to achieve their full potential in education from the earliest stages right through to further and higher education.<sup>1</sup> Learning can be disrupted and impacted by the experiences of being in care, as an individual's home life has a significant effect on their ability to engage with and enjoy education through their life. We also know that for many Care Experienced people, if they are supported and encouraged to achieve in the way which is right for them, education can be a life-changing experience and a hugely positive part of their lives. Corporate Parents have an incredibly important role in ensuring this can be realised for as many Care Experienced people as possible.

***"Education made me feel like I'd found myself, it gave me something to hold on to."***

***Rebecca, Care Experienced Learner***

## The Impact of Covid-19

Covid-19 has significantly exacerbated existing inequalities and challenges experienced by Care Experienced learners of all ages. We have gathered extensive evidence on the impact of the pandemic through our advocacy and participation work, as well from calls to our helpline.<sup>2</sup> In particular, the move to online education has been extremely difficult for many individuals, due to varying levels of support to continue learning and issues with digital exclusion and confidence.

***"School being closed has meant doing work online, that wasn't good."***

***Care Experienced Member, 2020***

Many families supporting Care Experienced children were not aware of additional supports made available, such as continued access to school places during the pandemic. We continually heard about the need for better tailored advice and guidance to help Care Experienced people access or maintain their education throughout the pandemic. Often these struggles with education were experienced alongside

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<sup>1</sup> We have created several ['Learner Journey' resources](#) which contain detailed case studies and best practice for Corporate Parents supporting Care Experienced people's education.

<sup>2</sup> [Who Cares? Scotland's Covid-19 Recovery Planning, Full Report, February 2021](#)

additional challenges of insecure housing, financial uncertainty, and limited family support; all which already existed but have been worsened by the pandemic. The case study below illustrates how being in care whilst experiencing the pandemic has had significant impact on an individual's ability to study:

### **Case Study – Learning during the pandemic**

*At the start of the pandemic, a young person was temporarily moved from their residential placement to return home to live with their mother, due to separation anxiety. They planned to complete their studies by summer 2020, were doing well in their chosen subjects and their education was provided through their residential placement.*

*Due to the young person's Compulsory Supervision Order being terminated before they turned 16, they were told they would not be eligible for Continuing Care with their residential placement – even though they had been assured that they would be able to access this. As a result, when they turned 16 in the summer of 2020, they were unable to continue with their studies, even though they had completed 95% of the work. The young person was not consulted about any of these decisions and had actively opposed them. Their mother had also been unaware of the repercussions of accepting the young person to return home during the pandemic. An advocacy worker started to support the young person at the end of 2020 and legal representation was found. Due to the fact the decision to return the young person to their mother's care had happened months before, no challenge could be made – instead, an official complaint was made.*

*The young person wants to communicate how frustrating it has been for them to have been held back a year, when their studies were 95% complete before the placement move. They also found the very poor communication with social work frustrating. This complex situation has led to the young person being forced to attend an access course for college and to take a series of subjects they did not want to do, which has led to low motivation to study. The young person is struggling with the college's distance learning approach and is greatly missing the individual support they previously received when studying at the residential school. They feel unsupported within their class and that staff do not understand their needs. This young person dreams of opening their own care home but has contemplated leaving college due to the negative experience and how stressful this has been to manage.*

### **The Role of SQA: Corporate Parenting in Action**

Within [SQA's Appeals EIA](#), Care Experienced learners are identified as being impacted by potential issues related to being less able to 'understand or access the appeals service, and this may mean they do not make an appeal.' We agree that accessible communication about the appeals system and support to access this process are both important mitigating actions to identify for Care Experienced people. However, the actions in place do not go far enough to address this. Currently, organisations such as Who Cares? Scotland are [named on the SQA website](#) as able to support learners. We believe there could be clearer and more pro-active communication and resources provided by SQA directly to Care Experienced learners, ensuring it is clear how SQA offers support, as well as signposting to external organisations.

In addition, although committing to treat Care Experience as a protected characteristic in the Equality Assessment approach, no mechanism or information is available for learners to appeal to SQA about their results based on their care experience. We understand there are limitations of which groups of people can access the formal 'Discrimination' route of appeal, due to the Equality Act 2010 not currently listing

care experience as a protected group in law. However, we would like to understand from SQA's perspective how a Care Experienced learner would be able to include relevant context about their care experience when creating an appeal via any of the routes available, and how this could be considered when creating an appeal decision. We would welcome further discussion on how the SQA appeals process could support learners to disclose their Care Experienced status, as we know for many this has led to a significant disadvantage in their ability to gain certain certifications this past year.

These actions will support SQA to fulfil their Corporate Parenting duties to a much greater extent, as we know the past year has disproportionately impacted Care Experienced people of all ages, exacerbating existing inequalities in access to quality education. In particular, our suggested changes to the Certification and Appeals 2021 process will ensure that the actions within Outcome 2 of [SQA's Revised Corporate Parenting Commitments 2018-21](#) are fully realised:

- **2.6 Ensure SQA fully understands the impact of care experience and promotes supportive assessment practices for learners disadvantaged by their experience of the care system**
- **2.7 Consider opportunities to revise SQA's Equality Review of Qualifications process to incorporate consideration of the needs of care-experienced young people — to treat care experience as if it were a protected characteristic covered by the Equality Act 2010.**

The case study below further illustrates how important it is for SQA to be as pro-active as possible in providing Corporate Parenting support to ensure Care Experienced learners achieve positive outcomes:

### **Case Study – Learning during the pandemic**

*A young person, aged 15 years old, is currently living in residential care and studies at high school. They have been struggling to attend school due to issues with bullying and their mental wellbeing. Previously, the young person was doing well in school and the reduction in their attendance and enjoyment of school started after a relationship breakdown occurred in their family. They currently complete assignments remotely and do not attend school in-person. At the end of 2020, the young person asked for advocacy support to help them request a change of school, which was denied due to disagreements amongst professionals. With support from the advocacy worker, the young person provided a series of statements about why they wanted to change school. A referral was also made to legal services, who helped challenge the decision and ask for an addition be made to the young person's Compulsory Supervision Order. It was agreed a Children's Hearing would look at this issue further.*

*Months after initially asking to move schools, due to delays scheduling a Hearing, the panel agreed the young person could change school. However, the long delays reaching the decision means they now cannot join a new school until the next academic year and so must keep learning remotely. This disruption has also led the young person to miss a significant amount of schoolwork. Originally predicted to gain National 5 level qualifications, they are now being told by the school that they can either repeat the year or take National 4 level assessments. The young person has told us they feel frustrated at the lengthy process that has taken place, which they feel has been out of their control and has led to them missing out on studying for higher grades. They also described how their mental health has been impacted due to being forced to stay at their current school. In addition, they have been working remotely from a residential house and have dealt with constant distractions from other young people. Their assessments are about to take place and will be conducted remotely in the residential house. Their aim is to one day become a medic.*

## Our Asks for SQA:

### 1. Introduce a ‘no detriment’ policy to the 2021 Appeals Process

We fully support [the call from the Scottish Youth Parliament](#) and many other organisations that SQA must introduce a ‘no detriment policy’ and ensure that exceptional circumstances can be considered in the 2021 appeals process.

As referenced in [SQA’s EIA](#), a Care Experienced person may make less use of the appeals system due to a differing support network surrounding them as well as the possibility their award could be downgraded because of the appeal. Considering the evidence presented in this paper, it should be noted that any additional negative outcomes for Care Experienced people at this time is wholly unfair and detrimental to their wellbeing.

### 2. Ensure a learner’s Care Experienced status can be considered in the 2021 Appeals Process

We ask that the SQA considers how a learner’s Care Experienced status could be disclosed and regarded as a relevant contextual factor in the 2021 appeals process. We ask that the Care Experienced status of learners is fully considered when understanding the reason for appealing a grade and in the decision-making process about the outcome of an appeal. This should include creating the option for Care Experienced learners to provide further context to SQA about how the pandemic has impacted their education. It must be made explicit to Care Experienced learners, and those who support them, the ways in which SQA treats Care Experience as a protected characteristic. If this differs from the way other protected characteristics are considered, which are protected in the Equality Act 2010, a full rationale for this must be provided.

### 3. Create more tailored information and support for Care Experienced learners

We echo Universities Scotland’s call ‘to ensure that information, advice and guidance reaches applicants most in need of support’<sup>3</sup> and ask that SQA provide specific, clear, and accessible information tailored for Care Experienced learners. Who Cares? Scotland offers to work alongside SQA to support the shaping of this information, advice and guidance and will support the dissemination of this across our networks.

### 4. Meet directly with members of Who Cares? Scotland

We ask that SQA engage directly with Care Experienced people on the issue of 2021 appeals and to understand what more they can do to realise Corporate Parenting duties in the practical application of alternative assessment processes this year. Beyond the 2021 appeals process, we ask that SQA engage in ongoing dialogue with Who Cares? Scotland and the Care Experienced community about how the context of care may impact on future exam diets and appeals processes. In particular, we are keen to explore the impact of the pandemic on the completion of Higher Nationals for Care Experienced people studying at college.

Should you wish to discuss the contents of this briefing, please contact:

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<sup>3</sup> [Universities Scotland, Statement for Scottish school leavers and university applicants in 2021](#)