

**PE1484/B**

**PETITION PE 1484  
SCOTTISH GOVERNMENT COMMENTS**

**Background**

1. The Education (Scotland) Act 1996 confers on the Scottish Qualifications Authority (SQA) the statutory responsibility to devise qualifications and to determine the entitlement of individuals to those qualifications. The Act also gives the SQA the power to determine what it is that a person is required to do and the level of competence he/or she is required to demonstrate in order to attain any of its qualifications. The SQA is also given the power to determine the means of assessing whether a person has done what is required or has demonstrated the level of competence required (these are contained in "The Arrangements"). The SQA sets the standards by which entitlement to levels of awards are made and it is the SQA's role to maintain standards year on year.

2. It is the role of schools, colleges and other educational establishments to teach students so that they possess adequate knowledge, skills and understanding in any subject so that when assessed by the SQA they are able to meet the standards the SQA has set for the award of its qualifications.

3. While examination teams in the SQA aim to set assessments in its exams which reflect the Arrangements, are valid and are of the appropriate standard, a small number of questions can occasionally prove to be more difficult or more easy than intended. When this happens, SQA takes account of it, in addition to a range of other factors, in setting the grade boundaries (the marks required to achieve a Grade A and a Grade C) so that no candidate is disadvantaged and that standards are maintained from year to year. This ensures that an A grade in Higher in a subject in one year is comparable to an A grade awarded in the previous year.

4. In addition, information about how the questions have performed in one year's diet is used to review the question papers for the next diet and adjustments are made as required. This includes taking account of feedback from teachers, the SQA examination teams and markers.

**Independent Regulation**

5. In Scotland, there is only one awarding body for National Qualifications (the SQA). The SQA is an executive Non Departmental Public Body which is accountable to Ministers and Parliament for its functions which are set out in legislation. The SQA already has adequate checks and balances. These arrangements have ensured that qualification standards in Scotland have been consistently maintained year on year.

6. Since qualification standards are being maintained in Scotland year on year and there is no groundswell of professional opinion that perceives qualification standards are deteriorating such that an Independent Regulator of the SQA is required, we would have no plans to establish one.

7. Because, the SQA is an executive NDPB and is accountable to Ministers and Parliament, any member of the public is free to take their complaints or concerns about its functions or services to Ministers. They may also take such complaints or concerns to their local MSP who may raise the matter with the appropriate Minister.

### **Remit of the Scottish Public Services Ombudsman**

8. In common with other executive Non Departmental Public Bodies, the SQA has a formal complaints process which ultimately leads to the Chief Executive's involvement. Complaints remaining unresolved after the Chief Executive's involvement may be taken to the Scottish Public Services Ombudsman (SPSO). We are aware that the SQA is working closely with the SPSO to ensure that its complaints handling system fully adheres to the SPSO's Statement of Complaint Handling Principles leading to the SQA's adoption of the SPSO's model Complaints Handling Procedure by the middle of 2014.

9. Our view is that the current remit of the SPSO where people who have been harmed by maladministration or service failure in respect of the SQA may have their complaints investigated by the SPSO is reasonable and proportionate.

10. It should be noted here that the SQA has a legal responsibility, and a statutory power, to set the standards in its qualifications, to determine how the standards will be assessed and to decide whether or not anyone has achieved those standards.

11. We recognise that the SPSO is not subject to the direction or control of any member of the Scottish Government and that its remit is ultimately a matter for the Ombudsman and Parliament.

Scottish Government  
Learning Directorate  
11 October 2013