

Response to “A Consultation on the Provisions of the Education Bill”

Introduction

Since the pandemic a veritable plethora of reports on education have been published, but actual reform in Scotland moves at a glacial pace. While the pace of reform is often blamed, rightly, on Government, it is exacerbated by other actors being disingenuous in what they want.

The Commission on School Reform is happy to contribute to this latest consultation. However, there is a lot of reviewing and report writing but very little actual reforming.

While we do not doubt that implementation of radical change will take time, this also implies that the current system, with all its faults, is here to stay. Exams continue to be subjected to a narrow, formulaic assessment system. Pupils continue to lose valuable teaching time to revision and assessment, and the system continues to fail to motivate a significant minority of pupils, exacerbating the serious behavioural issues in our schools. We cannot keep abandoning more and more pupils to a system everyone agrees is inadequate.

We have outlined below our responses to the specific questions highlighted in the consultation. However, we would also draw attention to changes the Commission has previously highlighted which could be implemented now, improving the exams system while continuing the on-going wider debate.¹ These include:

- The separation of the S4 assessment system from the S5/6 system.
- S4 final examinations to be limited to one paper, to shorten the duration of the examination timetable. This can be supplemented if necessary by effectively moderated internal assessments.
- S4 assessments completed in a two week period before the Easter break. Senior school term to begin formally at the start of the summer term, adding a full term of teaching time to the S5 courses.
- Limiting the BGE to S1/2 and beginning qualifications courses in S3 could create extra time if necessary. Many schools already follow this pattern.
- S5/6 assessments completed in June.
- For each subject, the creation of an expert group of currently serving, experienced teachers to determine the format and content of all instruments of assessment, within agreed time and format parameters, and key principles associated with reliability and fairness.

¹ [CSR-Challenge-paper-action-on-exams.pdf \(reformscotland.com\)](https://www.reformscotland.com/CSR-Challenge-paper-action-on-exams.pdf)



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- External assessment data to be used to moderate internal grades to ensure fairness and equity for traditionally marginalised groups, and ensure public trust in the system.

Consultation question responses

What changes should we consider in terms of how qualifications are developed and delivered that you think would improve outcomes for Scotland's pupils and students?

It is absolutely essential that qualifications and the assessments on which these are based are grounded in and informed explicitly by principles such as those of validity, in terms of the syllabuses and related courses comprising the curriculum pupils and students are undertaking their studies, and reliability.

Whatever any revised qualifications agency might end up looking like, even if that looks quite a lot like the existing Scottish Qualifications Authority, its reputation and the value placed on its qualifications by pupils, students, parents and carers and employers and other end users of qualifications will depend on the extent to which it pays attention to the central significance of these two principles.

It will depend, too, on the extent it develops and delivers qualifications which are based on a commitment to provide assessments and related qualifications which take full account of the particular needs of the syllabuses they are designed to assess rather than applying a single assessment model to which the assessment of all syllabuses must conform. So, any new agency needs to be asking itself questions such as 'What is the most valid and reliable set of assessment instruments (including external examinations) which we should be using to assess the syllabus of National 5 Biology?' or 'If we abandon, as a matter of political direction, the use of external examinations in Higher Physics will we be increasing or decreasing the validity of our assessment? Questions of this type are likely to prove more powerful in stimulating improvements in outcomes for Scotland's pupils and students than an ideologically driven desire to do away with examination at the end of S4, or to reduce the place of examinations at Higher or Advanced Higher.

An approach of this type allows additional tests to be introduced against which the assessment of any syllabus could be tested against considerations such as practicability, demands on teachers and pupils and students, and, for example, whether or not the mix of assessment instruments which it was intended to use might inadvertently advantage or disadvantage particular groups of pupils or students.

Clearly, in developing and delivering the assessments which lead to the award of qualification any new agency, if such is, in fact, necessary, would be making full use of the wide range of assessment instruments in maximising the validity and reliability of

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its syllabus assessments. The same would be true for its use of the ways in which these instruments can be accessed by pupils and students; it is very difficult to see how digital technologies would not be used more extensively in extending the ways in which assessments are developed and delivered in the coming years, although in such contexts it will be necessary to ensure that such innovations do not advantage some groups of students at the expense of others. For example, it would be practically impossible to prevent inequality of access to advanced technology because of the range of hardware and software that is available, at a price. This inequality is exacerbated further by commercially provided artificial intelligence, creating a powerful new way in which financial resources are having an impact on students' opportunities.

There is one direction of development which would need to be considered which has significant potential to improve outcomes for pupils and students and without which the closure of the attainment gap is unlikely to be ever secured: that is to move the award of qualifications based on the valid and reliable assessment of the new agency's syllabuses from its current norm referenced basis to one which, as far as any syllabus will allow, attempts to be more criterion referenced

An approach to change based on considerations expressed in terms of 'exams or no exams' is wholly inadequate and will lead all of the issues which any new agency will be faced with largely unaddressed – "meet the old boss, same as the old boss!".

How best can we ensure that the views of our teaching professionals are taken into account appropriately within the new qualifications body and do the proposals enable this?

Representation on the Board of any new agency would be expected but how do you secure such representation and would it be sufficient in any case? Membership of a new committee would be expected but how do you secure such representation and would it be sufficient in any case? The proposals include reference to the creation of a Charter which would set out what teaching professionals could expect from any new agency; the proposals, however, say little or nothing about what a teacher, department, school or local authority could do if the provisions of the proposed Charter were not met. In effect, the proposals do not seem to offer a convincing way in which the views of teaching professionals can be taken into account by any new agency.

Ways need to be found to provide teaching professionals with opportunities to at least influence, the development, for example, of new syllabuses or modification of existing syllabuses including the ways in which these can be validly and reliably assessed: such ways could be developed from those which exist currently. Any new agency will need to make use of digital technologies and other means to gather comment and feedback from teachers about how, for example, existing assessment arrangements for any given syllabus are standing up to day-to-day operation in schools and colleges.

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A commitment to operate in such a way, recognising the expertise and experience of teachers, is more likely to provide them with opportunities to influence the conduct of any new agency rather than tokenistic representation on its Board.

How best can we ensure that the views of pupils, students and other learners are appropriately represented within the new qualifications body these proposals enable this?

As they stand, the proposed ways in which a new agency might seek to secure the representation of the views of learners would be wholly inadequate, nothing more than tokenistic. Any new agency will need to work much harder to secure these views utilising a wide range of methods to communicate with learners and to seek their views. Such methods would include, of course, subject focus groups, digital surveys with focused purpose and the intelligence gathered as part of the inspection of secondary schools and would focus on gathering information about learners' experience of the assessment and qualifications systems so that that could be used to inform the ongoing development of both. Ensuring that the views of stakeholders in any context are represented and properly representative is hard, time-consuming work and if it is worth doing, it is worth doing well.

At the same time, a fundamental distinction between novice and expert needs to be at the heart of any valid system of assessment. The assessors – the teachers, the assessment agency, the authors of syllabuses, the markers – are experts, and the pupils, students and other learners are novices. Though taking account of candidates' views is a necessary part of creating a fair system of assessment, the ultimate judgement, and the ultimate responsibility for designing the system of assessment, are the responsibility of the experts.

It is important to ensure that the end consumer, the pupil in this case, has sufficient expertise to support actual decision making. As the Commission on Parliamentary Reform discovered, identifying genuinely representative ways of adding the pupil voice can be difficult.

How can we ensure qualifications offered in Scotland are reliable, of a high standard and fit for purpose?

The assessments supporting the award of qualifications need to be designed and developed on a course-by-course basis in relation to the principles outlined previously, making full and appropriate use of the wide range of assessment instruments which have been developed and validated over time. The validity and practicability of these instruments must have been established by taking full account of the views of



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educational professionals (not only school and college teachers but also university staff with relevant subject-matter expertise) and learners; in addition, the qualifications need to have the confidence of their various end users who should report them as being fit for their purposes.

The assessments, etc produced by any new agency need to be kept under explicit scrutiny and modified and/or developed anew, as required, remembering that they exist to support and service the curriculum of school, colleges and other setting: they are the servant of the curriculum, not the other way round.

How do you think the qualifications body can best work with others across the education and skills system to deliver better outcomes for all?

Any new agency will need to relate to partner organisations, such as those with a focus on the promotion of vocational skills in much the same way as it will need to seek to do with schools and other institutions. It will need to accord explicit importance to the views of such partners.

Any new agency will need to act quickly and decisively in establishing its technical credibility and its commitment to the assessment arrangements for skills-focused vocational courses which actively involve staff experienced in the delivery of such courses. It will need to gain the trust and confidence of its partners in this area of its work.

Any new agency should seek to build on positive aspects of the work of its predecessor agency in gaining that trust and confidence. The SQA has a good international reputation for its work on assessment, expertise which is embodied in its current staff as well as in its and its predecessors long-standing work. That expertise should not be lost in the transition to new arrangements.

This change is about taking action to improve the assessment and qualification system in Scotland, about enhancing the performance of that system, its validity and reliability, to the benefit of all, not about destroying a long record of achievement.

Do you agree or disagree with the purposes (of inspection) set out? Is there anything in addition you would like to see included?

Do you agree or disagree with the range of establishments to be inspected by HM Inspectors of Education? Is there anything you would change?

Do you agree or disagree with the priorities set out? Is there anything in addition that you would like to see inspection cover?

Very difficult to disagree with these sets of proposals.



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It is very disappointing, however, to see no reference to the need to inspect and evaluate policies promoted by government, especially with respect to the impact, positive or otherwise, which these might have on pupils, students and other learners. This evaluation ought to be done by an independent HM Inspectorate of Education. The absence of such provision would represent a significant omission and a deep weakness in the proposals.

Do you have a view on these options for establishing the new approach to inspection?

Do you have a view on how governance arrangements for the inspectorate could be developed to better involve providers, including teachers and other practitioners, pupils and students and parents/carers in inspection?

Do You have a view on how we make sure evidence from inspections is being used as fully as possible to drive improvement and inform policy and on who the inspectorate should report to?

Not at all sure that the proposals represent a new approach to inspection except in relation to its governance at a national level, although there needs to be a return to regular, high-quality statistical assessment of the system (such as in the former Scottish Survey of Literacy and Numeracy). An early action on the part of any new Chief Inspector will need to be to examine the extent to which existing inspection arrangements would benefit from being reviewed and brought up-to-date in relation to, for example, the work of schools.

To the extent that 'the new approach to inspection' refers to its governance, the critical consideration will be the (re-)establishment of an independent inspectorate of education having a remit which would include a 'power' to inspect, evaluate and report on the impact of government education policies on outcomes for pupils, students and other learners. Such reporting could include a component, probably annual, on the state of Scottish education which would be based on inspection and other evidence, e.g. statistical evidence about attainment, and thematic reports which would look to draw conclusions about how improvement can be secured through the adoption of effective practice as seen in inspections.

On balance, one might be drawn to favour the option based on legislation establishing a Chief Inspector, as an independent office holder, etc, with powers, in respect of the evaluation of the impact of government policy, which would include those analogous to those of Scotland's Auditor General and Audit Scotland. To entrench its independence, HM Inspectorate of Education should be responsible to a committee of the Scottish Parliament, not to the Scottish government, analogously to, for example, the Scottish Public Services Ombudsman.