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**Independent Review of Qualifications and Assessment: consultation response**

**Coalition for Racial Equality and Rights**

**January 2023**

## Originally submitted via online survey

**Section 1: Rights and Ethics**

1. Should information be gathered across all four capacities (of Curriculum for Excellence)?

Yes

Teachers and those with direct experience of delivering the Curriculum for Excellence would be best placed to set out what kind of information should be gathered for each capacity. However, CRER agrees with Professor Ken Muir’s finding that there is too much focus on the ‘successful learner’ capacity. This can be detrimental to Black and minority ethnic (BME) learners. For most (but not all) BME groups, school attainment is high. This can lead to their wider experience at school being overlooked or neglected. There is a tendency to assume that high attainment means that a learner is ‘doing well’ at school, potentially masking a range of problems with racism, mental health and wellbeing, adverse childhood experiences and other issues requiring support. This has been raised with us anecdotally by youth workers working with BME people in young offenders’ institutes, who were not identified as needing support until their behaviour became criminal.

It is also widely assumed that high attainment is only achieved through positive motivation. For Black and minority ethnic learners and their parents and carers, a good education is often regarded as the only way to compete when entering the Scottish labour market, which has ingrained racial inequalities both due to structural and direct, personal racism. The struggle for high attainment can put additional pressure on the mental health of learners affected by these concerns.

We would also note that, without sufficient racial literacy, teachers may be unable to fairly assess levels of confidence and contribution. Experiences of, and fears about, racism often lead Black and minority ethnic young people to regulate their own behaviours in order to minimise risk; research has shown that poor experiences in seeking support from authorities such as schools when they face racism contributes to this.

For learners from families which have more recently migrated to Scotland, ways of contributing and of expressing confidence might also have subtle or overt cultural differences which teachers without sufficient racial literacy may misinterpret.

With regard to responsibility, young people facing racism at school are not always able to avoid defending themselves in ways which may seem irresponsible. This is especially the case where incidents are severe or ongoing, and support and solutions are not being adequately provided by the school.

In short, whilst all four capacities are valuable, their assessment in the current environment is likely to disadvantage Black and minority ethnic learners, perpetuating a cycle of racism. The solution to this (and many other issues raised within our response) is targeted investment in effective, enforceable measures to build racial literacy amongst the teaching workforce and to ensure that schools deal appropriately with racism. This must include a mandatory national system for recording and reporting of racist incidents and racially motivated bullying, with national collation and analysis to inform policy.

Continued Scottish Government support for the Anti-Racism in Education Programme, which is currently facing possible funding issues due to the emergency budget, is essential. However, this programme will address only specific headline needs and priorities identified through engagement with stakeholders, particularly where existing mechanisms are not available to address these. It is therefore essential that mainstream policy development processes such as this review take every opportunity to address structural racism within the education sector. We would urge that the review include detailed equality analysis of all evidence and engagement and that the results of this be used to actively embed equality into the reforms, not just for Equality Impact Assessment purposes.

2. What, if any, information on learners’ achievements obtained outside school and college should be gathered? Please explain your response.

CRER would have concerns about the potential for Black and minority ethnic learners, as well as learners from other marginalised groups, to be disadvantaged by this proposal.

A range of known barriers impact Black and minority ethnic learners’ access to opportunities to gain awards and achievements outside of school. Racism within mainstream services targeted at young people is one such barrier. Our research with youth workers clearly demonstrated this; only 10% of respondents had never encountered a racist incident (with the ethnic diversity level of service users possibly influencing this), 26% encountering racist incidents regularly and 33% encountering them sometimes. 53% of youth workers responding to our survey had received no relevant training (not even basic equality training), making it extremely likely that there are low levels of racial literacy in the sector.

In some areas, BME-led youth groups and sports organisations aim to address this by providing valuable alternative provision in a safer space. These groups are often unfunded and require to self-fund activities out of their own pockets which, if in a safe environment, could have been available for free to young people through mainstream services. However, these are few and far between, especially for young people outwith the main cities and central belt, or in areas of cities with less ethnic diversity.

It should not be automatically assumed that BME young people have access to any formal or informal opportunities within their own communities, with particular care not to assume that they will be involved in activity through places of worship. The conflation of race and religion in the education environment is of some concern, and whilst there may be many opportunities for young BME people of faith to engage with such activity, this will be far from universal.

There are also increased financial and practical barriers to accessing these opportunities. Black and minority ethnic households are twice as likely to experience poverty, and BME families are the only one of Scottish Government’s child poverty priority groups for whom poverty is still rising. Activities with a cost, including basic costs such as travel, may be inaccessible for many. Allied to this, the parents of Black and minority ethnic learners are more likely to be working in occupations with long or non-standard hours, making the practicalities of getting to and from clubs and activities more difficult. There are also slightly lower levels of car or van availability in comparison to white communities (22% of people in BME groups compared to 26% of people in white groups had a car or van available at the time of the last Census).

Within the local education environment (including, for example, extra-curricular activities) schools, colleges and the wider formal learning community are able to offer support and encouragement to ensure that participation in opportunities is accessible and safer for Black and minority ethnic learners. This should, if implemented effectively, create a more level playing field for evidencing awards and achievements. We would therefore support recognition of awards and achievements obtained outside of the classroom only within these parameters.

It would presumably be difficult to create a framework for gathering such information, given the wide variety of potential activities and opportunities. If a decision is made to implement this proposal, the resulting criteria must be subject to robust equality impact assessment. They should also be developed in collaboration with young people, with particular focus on protected characteristic groups who may face barriers and challenges including BME young people.

**3. Should information be gathered on learners’ skills and competencies as part of their senior phase?**

Yes

Many of the example skills and competences provided in this consultation paper are evidenced to reduce the risk of prejudice and discrimination, including amongst young people. Cooperative learning projects are an effective way of nurturing these skills and competencies, and the interpersonal contact and collaboration involved in this further supports bias reduction. CRER would encourage use of collaborative learning activities in the assessment of skills and competencies, as there are multiple potential benefits from an anti-racist perspective.

CRER’s guide for teachers, Introduction to Anti-Racist Curriculum Development, includes information on building intercultural competence. Many of the identified skills and competences in relation to this work are reflected in frameworks for building intercultural competence.

A checklist for lesson planning / quality assurance of content is included. Examples of the qualities found in learning which builds intercultural competence include:

* Encourages learners to interact, collaborate, use problems solving skills, think critically and/or adapt
* Encourages 'multiple categorisation', recognising that people are each diverse and individual and do not belong to only one group – this includes building tolerance of ambiguity and discouraging labelling
* Encourages pupils to think with empathy / see things from the perspective of people who are marginalised (e.g. people facing racism)
* Builds learners' confidence to challenge, and be challenged
* Engages learners' sense of curiosity and open mindedness
* Emphasises the importance of respect
* Covers a range of world views and belief systems in a way that also requires learners to consider their own world views and belief systems

Our support for the assessment of skills and competencies, however, is strongly caveated by the fact that the education sector in Scotland is not currently equipped to ensure equality for Black and minority ethnic learners. The same issues that can prevent adequate consideration of their capacities beyond ‘successful learners’, including direct experience of racism and lack of racial literacy amongst teachers, could result in disadvantage if this proposal was implemented in the current climate. The suggested solutions provided at question 1 can mitigate this risk. As with other suggested reforms, specific attention to the race equality implications in both Equality Impact Assessment and in policy development is needed.

We would suggest that any policy development in this area should be undertaken in conjunction with practitioners who have extensive experience in anti-racism and anti-racist pedagogy. Collaboration with the Anti-Racism in Education Programme could help to achieve this.

4. Please share your thoughts on what a ‘better balanced’ assessment system would look like. As well as considering the balance between external examination and internal assessment you may also wish to comment on the frequency of examinations.

As mentioned previously, for Black and minority ethnic learners and their parents and carers, high attainment is often regarded as a survival mechanism due to the need to compete in a labour market where racism and inequalities are rife. Measures to combat exam pressure would undoubtedly be beneficial for mental health and wellbeing, provided that the reforms involved did not create further disadvantage. This would include ensuring that they are implemented in an environment where racial literacy and robust support and solutions for learners facing racism were present.

However, this is not presently the case, and concerns must be raised about the potential impact of teacher assessment on BME young people’s attainment. Teacher involvement in the setting of predicted grades in Scotland during the Coronavirus pandemic provides some insight into this. Learners from every ethnic group, on average, experienced over-estimated grades compared with actual performance within their group in previous years. With the exception of African, Caribbean and Black young people, however, every BME group of learners had lower levels of over-estimation than peers from white ethnic groups. This puts those from white ethnic groups at a relative advantage, as their attainment has been artificially raised to a greater extent. The worst affected were Chinese learners, normally the highest achieving group. Significant research into the interaction between racism, racial stereotyping and teacher assessment would be needed to understand more.

In common with many education datasets in Scotland, we note that the source of the above data did not include any information for Gypsy/Traveller learners. The level of data available for this group appears to have reduced over recent years, which is a significant backwards step for equality. This community experiences the deepest education inequalities of any minority ethnic group and should always be a subject of dedicated focus.

As throughout this consultation response, robust Equality Impact Assessment and active work to mitigate potential racial inequalities (and maximise the potential to address current racial inequalities) will be needed in the event that this proposal is implemented.

5. Please share your thoughts (advantages/disadvantages) on the idea of introducing an achievement, award or qualification at the end of the BGE (the Broad General Education phase).

This would appear to address a significant need for school leavers at this level and may particularly benefit learners from Gypsy/Traveller backgrounds, who are disproportionately likely to withdraw from school. Again, the development of such a certificate would need to include in-depth consideration of the race equality implications, including both the potential risks and opportunities to advance equality.

6. How should Scotland’s qualifications and assessment system make best use of digital technologies?

CRER would only support the use of digital technologies in the event that it could be clearly demonstrated to have no potential to disadvantage Black and minority ethnic learners. Evidence from home learning during the Coronavirus pandemic has shown that access to devices and digital literacy within households created additional barriers for some groups of BME young people. Simple access to wifi was also an issue for some.

These issues particularly affected those experiencing poverty (twice the rate of the majority ethnic community, so a substantially greater risk). Additional challenges related to, for example, language within the household or being in a larger household/family with greater demand for device use also had an impact. To mitigate the risk of entrenching inequality for both BME learners and other protected characteristic groups, Scottish Government / the Scottish education sector would need to be prepared to invest substantially to ensure equal access and capacity for digital technology use.

7. How can we make sure that proposals for a future qualification system will uphold the rights of all learners to demonstrate their achievements?

CRER, along with many fellow equality organisations in Scotland, strongly opposes the use of the term equity as a catch-all where equality would be more appropriate *(NB: this relates to contextual information within the consultation document)*. The term equity is poorly defined but has traditionally been associated with tackling socio-economic disadvantage; a laudable aim, but one where racial stereotyping in policy and practice has largely excluded Black and minority ethnic learners from low-income households due to perceptions about the ‘white working class’, poverty and attainment.

CRER takes a rights based perspective in all of its work. The protected characteristic groups mentioned in relation to this question have no legal right to equity. They do have a legal right to equality within Scotland’s schools. Even tackling socio-economic disadvantage can now be said (with caveats) to be a matter of equality, in light of the Fairer Scotland duty which originates from the Equality Act 2010. From an anti-racist perspective, a focus on equality as a fundamental legal right is essential.

Rather than promoting equality law and empowering young people to secure their rights, it has been commonplace for educators in Scotland to contrast the two concepts of equity and equality incorrectly and to denigrate the term which denotes a legal right. Failure to explicitly recognise the equality rights of children and young people flies in the face of the broader focus on human rights and social justice within education policy.

CRER would support this proposal in the event that the focus is on equality. If there is a need to retain the term ‘equity’ in relation to non-protected characteristics, then this must be clearly defined as a separate concept (which may be difficult, considering its extremely vague use in education policy over recent years).

The spirit of this proposal is clearly well intentioned and welcome. Our broader concern is that a fair and equal system for assessment is a basic, longstanding legal obligation that education sector public authorities owe to learners, and this has not yet been met. There is a need to go far beyond current approaches.

Achieving this aim will require substantial, meaningful collaboration with practitioners and stakeholders who understand how equality can be effectively embedded, including those whose expertise is informed by lived experience. To date, however, even where such expertise is provided (often unpaid and to great personal expense in emotional and practical labour terms), race equality work in the education sector has generally failed. Lack of leadership at senior levels, race aversiveness amongst the wider sector, unwillingness to commit resources and a preference for short-term or ‘quick fix’ activities as opposed to structural and culture change are all factors in this.

In our response to question 8, we will set out some potential means of enabling the change which has so far remained out of reach.

8. Is there anything else in relation to the reform of qualifications and assessment which is not covered in this consultation which you would like to raise?

CRER undertakes substantial work in supporting anti-racist education policy and practice both at local and national levels. In addition to the points raised in this consultation response so far, we would urge the review to support our recommendations for developments in wider education policy areas which will be necessary for it to achieve its aims:

* Ensure that sufficient, sustainable resources are invested into the activity emerging from AREP and future anti-racist work, particularly in relation to capacity building for educators
* Create a curriculum and wider learning environment in which Black and minority ethnic learners can see themselves reflected, see a wider range of perspectives reflected and which actively works against the ideologies of white supremacy – for example racial stereotyping, hierarchies of power and belonging, assimilation, othering, over-scrutiny and undervaluing of Black and minority ethnic people – which can stunt confidence and limit access to opportunities (this is of particular relevance to the review as the content of examinations and assessments has a strong bearing on the curriculum at senior phase)
* Focus on learning which supports the critical thinking and multi-perspectivity which young people need to resist myths and stereotypes, including the far right extremist propaganda which is actively being used to recruit young people in Scotland into far right organisations
* Focus on learning which creates community cohesion and solidarity, builds racial literacy and intercultural competence, disrupts in-group/out-group behaviours and achieves an environment where Black and minority ethnic learners equally belong in the school community, and are regarded as belonging equally by all
* Opportunities proactively created for Black and minority ethnic learners and their parents/carers to have a voice, a meaningful influence and to be empowered to assert their rights (including being able to openly discuss and plan action to address racism)
* Support for wellbeing, including advocacy and advice available for learners and their parents/carers who may be at risk of experiencing racism
* Develop a programme of research into the experiences of Black and minority ethnic learners which can be repeated over time in order to track the impact of changing policy and practice

The following excerpt from our recent review of anti-racist policy making, undertaken on behalf of Scottish Government, sets out some key principles which education policy makers at all levels need to reflect:

“Anti-racist approaches to policy making would reflect principles such as:

* Redressing power hierarchies inherent in current approaches to policy development, including the impact of lack of representation of minority ethnic people in positions of influence and decision making roles
* Correcting economic, political and social imbalances created by white privilege and entrenched racial inequalities through positive action and other forms of targeted action
* Implementing structural and systemic solutions to racial inequalities – changing policy and practice, as opposed to ‘sticking plaster’ approaches which treat the effects of structural racism rather than its origins
* Avoiding the deficit model which downplays structural racism in favour of explanations related to personal capacity, culturally specific attitudes and behaviours or individual choices (often replicating racist stereotypes and/or minimising the role of racism in creating and maintaining inequalities)
* Rights based approaches which recognise that inaction on racism and racial inequalities breaches the rights of minority ethnic people; other potential imperatives for action which may be more palatable and avoid disrupting the racial contract, such as ‘the business case’ for equality, are counterproductive
* Intersectional approaches particularly recognising the specific inequalities facing minority ethnic women
* Overcoming discomfort or reticence that policy makers may have around frank discussion of race and racism, and other manifestations of white fragility which could impact policy making
* Policy making based on robust evidence about the nature and prevalence of racial inequalities and racism, as well as ‘what works’ to create change
* Effective, meaningful involvement of minority ethnic people and organisations with tangible impacts on policy development
* Building capacity on race equality and anti-racism, with recognition that it is not the responsibility of minority ethnic people to ‘educate’ policy makers
* Creating interest convergence by providing strong imperatives for policy makers to come together with race equality stakeholders and identify solutions
* Prioritising effective, measurable action to secure race equality over and above the optics of ethos and rhetoric on race equality

The final point is particularly important. Although there is no universally agreed definition of anti-racism, the main point of common understanding is that it requires action against personal, social and institutional racism. Inaction is, in itself, a policy making decision. Policy makers wield power not just through what they do, but through what they choose not to do.”

We would urge all of those involved in education reform to take cognisance of the part of the review that explores education policy, and to actively use section 2 on anti-racist policy making to embed equality: <https://www.gov.scot/publications/crer-ant-racist-policy-making-scotland-review/>