

Important information about appealing assessments results

SQA appeals 2021 – disability discrimination

Is my child disabled?

The legal definition of disability is ‘a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities’.

Your child may have been discriminated against if they are disabled and:

- they were treated unfairly because of their disability
- or**
- the school failed to provide agreed support or adjustments for any assessments your child completed (for example, if the school told your child they would get extra time for a particular assessment but this didn’t happen).

What should you do if you or your child thinks they have been discriminated against?

If your child is disabled, and you or your child feel that their results were affected because they were treated unfairly or they did not receive the support they needed in an assessment, you or your child can make an appeal to the Scottish Qualifications Authority (SQA).

The SQA will not proceed with an appeal about discrimination unless or until:

either

- the school or local authority acknowledges in writing to the SQA that they have discriminated against your child

or

- the Additional Support Needs Tribunal has established that discrimination took place.

However, you or your child do not need to have had an acknowledgement of the discrimination before registering your intention to appeal.

What are my next steps?

Step 1

Contact the Equality Advisory and Support Service for advice. Their number is **0808 800 0082**. They can talk you through what might be considered discrimination and the different options for taking your concerns forward.

Step 2

You or your child should try to talk to the school and discuss whether the school agree they have discriminated against your child. If you or your child have any evidence that backs up why you think that they have been discriminated against (such as emails from the school or notes from meetings) it might be helpful to highlight those.

If you can't get in touch with the school, you could contact your local authority additional support for learning contact. You can find their contact details here: www.enquire.org.uk/local-authorities/

Step 3

If you feel your child may have been discriminated against, you or your child need to register an intention to appeal before **12 August**. You can do this **whether or not you have been able to speak to the school or local authority**. You or your child must use the 'Register to appeal' form for this on the SQA website (<https://www.sqa.org.uk/98202.html>). It is still important to continue to try to speak to the school when you can, to see if you can find a way forward without having to take further steps.

Step 4

If you cannot reach agreement with the school or local authority, you or your child can make a formal complaint to the local authority (you can find out how to do this on your local authority's website) or make a disability discrimination claim to the additional support needs tribunal.

For more information:

Additional Support Needs Tribunal - <https://enquire.org.uk/publications/asn-tribunal/>

Disabled pupils and the law - <https://enquire.org.uk/publications/disabled-pupils/>

How long will it take?

The SQA recognises that making a discrimination claim to the tribunal or waiting for the local authority to look at your complaint can take time, so they will keep your appeal open until they know the outcome of the complaint or claim.

It's important to keep working with the school and local authority to discuss next steps for your child in the meantime.