CONTINUING EDUCATION AND TRAINING ACT, 2006 (ACT NO. 16 OF 2006)

CALL FOR COMMENTS ON THE DRAFT POLICY ON THE CONDUCT, ADMINISTRATION AND MANAGEMENT OF ASSESSMENT FOR THE GENERAL EDUCATION AND TRAINING CERTIFICATE FOR ADULTS (GETCA)

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education and Training, hereby call for public comments on the draft policy in terms of Section 41B (4) (f) of the Continuing Education and Training Act, 2006 (Act No. 16 of 2006).

The draft policy, as contained in the Schedule, aims to provide rules and conditions relating to the conduct, management and administration of external examinations. The draft policy further regulates the rights and privileges of all persons involved in the assessment process, which include all officials who are involved in the administration of the assessment, candidates, parents and institutions that require assessment results.

All persons and organisations are invited to comment on the draft policy in writing, and direct their comments to-

The Director-General, Private Bag X174, Pretoria, 0001 for Attention: Mr D Diale, email diale.d@dhet.gov.za, Fax: 086 298 9707.

Kindly provide the name, address, telephone number, fax number and email address of the person or organisation submitting the comments.

Copies of the draft policy may be downloaded from the website of the Department at www.dhet.gov.za. Hard copies will also be made available for collection in Room 661, Department of Higher Education and Training, 123 Francis Baard Street, Pretoria.

The comments should reach the Department within 21 days after publication of this Notice.

Dr BE Nzimande, MP
Minister of Higher Education and Training
Date: 12/03/2017
DRAFT POLICY ON THE CONDUCT, ADMINISTRATION AND MANAGEMENT OF ASSESSMENT FOR THE GENERAL EDUCATION AND TRAINING CERTIFICATE FOR ADULTS (GETCA): A QUALIFICATION AT LEVEL 1 ON THE GENERAL AND FURTHER EDUCATION AND TRAINING QUALIFICATIONS SUB-FRAMEWORK OF THE NATIONAL QUALIFICATIONS FRAMEWORK

NOVEMBER 2016
Draft Policy on the conduct, administration and management of assessment for the General Education and Training Certificate for Adults (GETCA): A Qualification at Level 1 on The General and Further Education and Training Qualifications Sub-framework of the National Qualifications Framework

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DEFINITIONS

Any definition that is contained in the *Continuing Education and Training Act, 2006 (Act No.16 of 2006)* will be applicable to this policy document and will have the same meaning, unless specifically indicated in this text.

**Act of dishonesty:** mean committing an act of dishonesty during the assessment and examination processes which compromise the integrity of the process whether it is committed before, during or after the process.

**Academic year:** for the purpose of these policy, academic year means the commencement of tuition starting from August of each year to sitting for examinations in June/July of the following year.

**Administrative errors or omissions:** means irregularities that are of a technical nature, where the candidate or an assessment official unintentionally fails to follow the prescribed administrative procedures. The candidate may be disadvantaged by this error or omission.

**Assessment:** means gathering of information to make a judgment about what a candidate knows, understands and can do. This includes a variety of assessment methods conducted by the provider, the outcomes of which count towards the achievement of a qualification and is thus inclusive of examinations.

**Assessment Body:** The Department or any other body accredited with Umalusi, the Quality Council for General and Further Education and Training, as a body responsible for conducting an external examination.

**Assessment Process:** includes the total process of assessment that commences with the registration of candidates, the development of assessment instruments, quality assurance, conduct and administration of assessment instruments, marking and processing of raw marks and the ensuing resulting and certification thereof.

**Behavioural Offence:** means behaving in a way that affects the integrity of the examination and assessment process and/or influences the outcome.

**Candidate:** means a person who has registered at a public or private institution to write the *General Education and Training Certificate for Adults* examination.

**Chief Invigilator:** is the Principal or head of an institution that serves as an examination centre or any other person specifically appointed in that capacity that is accountable for the administration of the examination of the National Senior Certificate for Adults and other related assessment matters at the examination centre.

**College or Learning Institution:** is the location where candidates receive tuition.

**Curriculum Statements:** means the policy documents stipulating the aim, scope, content and assessment for each subject listed in the National Senior Certificate for Adults;
Department of Higher Education and Training: is the national government department responsible for post-school education and training.

Directives: an official and authoritative instruction involving the management or guidance of the examinations cycle.

Examination: is a component of the assessment process and refers to the summative assessment process which candidates write at the end of an academic year or on demand in accordance with the exam policy of an Assessment Body.

Examiner: means any person appointed by an Assessment Body to perform any duty related to any aspect of the conduct and administration of the examination.

Lecturers: are those who are declared competent to decide whether candidates are competent in terms of the outcomes agreed upon. They prepare candidates for assessment, assess candidates, provide feedback to candidates, report on the candidate's performance and submit records of the assessment done.

Examination Centre: means a site registered by an assessment body for the conduct of examinations.

Examination Cycle: means the complete process relating to the registration of candidates, the setting and moderation of the examination question papers, the transportation and storage of examination material, the security of all examination material, the marking of examination answer scripts, the processing of results, the issuing of results and the certification of these results;

Examination Sitting: is the examination writing session conducted each year or on demand in accordance with the exam policy of an Assessment Body.

Full-time candidate: is a candidate who has enrolled for tuition and who is offered a General Education and Training Certificate for Adults in a full-time capacity at a college or any other registered institution.

Head of an assessment body: means the Director-General of the Department of Higher Education and Training or the Head of an independent assessment body;

Investigation: encompasses all activities relating to the collection of evidence in respect of a reported irregularity. This may include interviews or submission of written reports from various assessment officials, candidates or any other person that may assist in providing information on the reported irregularity.

Invigilator: means any person appointed and responsible for assisting the Chief Invigilator in the conduct of an examination at the examination centre.

Irregularity: means an error, act or omission and any alleged event, act or omission which may undermine or threaten to undermine the integrity, credibility, security or the fairness of the examination and assessment process.
Head of the Institution: refers to the person appointed as Principal of a College or the Head of any other registered learning institution which offers the National Senior Certificate for Adults.

Marker: is the person who is appointed to mark a script.

Marking Centre: A centre registered by the Department in terms of this policy to comply with the functions in terms of Section 18(a) of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001).

Moderator: means a person who determines whether the assessment instrument meets the minimum requirements set out in the Subject Guidelines and Subject Assessment Guidelines as defined in section 1 of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001).

Monitoring: means the process which ensures that assessment is fair, valid and reliable and complies with directives issued by the Department in terms of this policy to comply with the functions in terms of Sections(17) and (18) of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001).

National Examinations and Assessment: is the Chief Directorate within the Department assigned the responsibility of conducting, administering and managing public examinations for the National Senior Certificate for Adults.

National Assessment Irregularities Committee: means the body established by the Department to coordinate the handling of irregularities emanating from the conduct of the examination of the General Education and Training Certificate for Adults.

National Senior Certificate for Adults (NASCA): A qualification at Level 4 on the National Qualifications Framework (NQF) that will be awarded to candidates who comply with the requirements set out in the policy document, Policy for the National Senior Certificate for Adults: A Qualification at Level 4 on the General and Further Education and Training Qualifications Sub-framework of the National Qualifications Framework (NQF),

National Learners’ Records Database: refers to the integrated information system to facilitate the management of the National Qualifications Framework (NQF) and to provide candidates and employers with proof of the qualifications obtained.

Part-time candidate: means a candidate who does not receive tuition on a full-time basis and who registers with an accredited assessment body for one or more subjects in an examination.

Personnel Administration Measures (PAM): is the policy document which outlines and governs the remuneration and other service conditions of lecturers employed in terms of the Employment of Educators’ Act, 1998 (Act No. 76 of 1998).


Site-Based Assessment: refers to the internal assessment tasks administered by the lecturer in preparing candidates to write the external NASCA examination. The performance in such tasks is not credited towards a subject result.

Subject Assessment Guidelines: Guideline documents that specify the assessment requirements for each of the listed subjects in the policy document, Policy for the National Senior Certificate for Adults: A Qualification at Level 4 on the General and Further Education and Training Qualifications Sub-framework of the National Qualifications Framework (NQF).

Subject Guidelines: Guideline documents that specify the outcomes and scope of content along with topic and cognitive weightings for each of the listed subjects in the policy document, Policy for the National Senior Certificate for Adults: A Qualification at Level 4 on the General and Further Education and Training Qualifications Sub-framework of the National Qualifications Framework (NQF).

CHAPTER 1

INTRODUCTION

1. General

(1) The Policy on the Conduct, Administration and Management of Assessment for the General Education and Training Certificate for Adults (GETCA) is underpinned by the policy for the General Education and Training Certificate for Adults: A Qualification at Level 1 on The General and Further Education and Training Qualifications Sub-framework of the National Qualifications Framework. The policy for the General Education and Training Certificate for Adults: A Qualification at Level 1 on The General and Further Education and Training Qualifications Sub-framework of the National Qualifications Framework will be progressively complied with by Assessment Bodies.


(3) The Policy is based on norms and standards on promoting quality in Community Education and Training to which all assessment bodies in terms of Chapter 7 of the Continuing Education and Training Act, 2006 (Act No. 16 of 2006) must give effect.

2. Purpose of the Policy

(1) Section 41B (4) (f) of the Continuing Education and Training Act, 2006 (Act No. 16 of 2006) provides for the Minister of Higher Education and Training to determine national policy on curriculum frameworks, core syllabi, further education and training programmes, learning standards, examinations and the certification of qualifications, subject to the provisions of any law establishing a national qualifications framework or a certifying or accrediting body.

(2) This document provides rules and conditions relating to the conduct, management and administration of external examinations. This serves to regulate the rights and privileges of all persons involved in the assessment process, which include all officials who are involved in the administration of the assessment, candidates, parents and institutions that require assessment results.

(3) The Policy is applicable to Assessment Bodies (public and private), Community Education and Training Colleges and private Colleges providing the GETCA curriculum and qualification.

(4) A supporting regulatory framework will be provided in the form of directives to give
instructions on the processes to be adhered to during the conduct, management and administration of external examinations.

3. Assessment

(1) Assessment of candidate performance in the General Education and Training Certificate for Adults (GETCA) comprises an external examinations component only.

(2) The external component for each subject will comprise a written examination at the end of each academic year.

(3) Each written examination will be designed to address the subject outcomes, learning outcomes, assessment standards, content competencies, skills, values and attitudes of the subject and to provide candidates, educators and parents with results that are meaningful indications of what the candidates know, understand and can do at the time of the assessment.

4. Quality Assurance Stakeholders

(1) The following bodies are involved with the quality assurance of assessment and have to comply with Chapter 3 of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 38 of 2001):

(a) Umalusi;
(b) South African Qualifications Authority (SAQA);
(c) Department;
(d) Private Assessment Bodies; and
(e) Public Community Education and Training (CET) Colleges
(f) Private Colleges

5. Legislative Mandate

(1) This document must be read in conjunction with the following documents amongst other documents that may be relevant:

(a) The Policy for the General Education and Training Certificate for Adults: A Qualification at Level 1 on The General and Further Education and Training Qualifications Sub-framework of the National Qualifications Framework regarding subject combinations and promotion requirements of the General Education and Training Certificate for Adults;

(b) Policy on the assessment process and procedures for Adult Education and Training (AET) National Qualifications Framework (NQF) Level 1; and

(c) The Subject Guidelines (SGs) and the Subject Assessment Guidelines (SAGs) contained in the curriculum statements indicating the subject and pass requirements of subjects
compromising the GETCA. These will assist candidates, educators, examiners and internal moderators regarding specific content and examination requirements per subject.

(2) The above policy documents and guidelines are developed in terms of:

(a) The National Qualifications Framework Act, 2008 (Act No. 67 of 2008) which provides for the classification, registration, publication and articulation of quality assured national qualifications;

(b) The General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001) which clearly defines the roles of the relevant bodies; and

(c) Section 41B (4) (f) of the Continuing Education and Training Act, 2006 (Act No. 16 of 2006).

(3) This document is further supported by:

(a) The Education White Paper 6 on Special Needs Education: Building an Inclusive Education and Training System that provides a framework which guides the transformation of practices related to examinations and assessment in general with a view to achieving enabling mechanisms to support candidates with barriers to learning;

(b) Policy under the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001); and


(4) The title of this policy will be the National Policy on the Conduct, Administration and Management of Assessment for the General Education and Training Certificate for Adults (GETCA).
CHAPTER 2

ASSESSMENT

6. Assessment requirements

(1) All assessment practices are to be conducted in accordance with the prescripts of the Policy for the General Education and Training Certificate for Adults: A Qualification at Level 1 on The General and Further Education and Training Qualifications Sub-framework of the National Qualifications Framework.

(2) Certification is dependent on successful achievement in the external examination only.

(3) The site-based assessment tasks undertaken by the candidate in preparation to write the GETCA examinations do not give any credit towards a subject result. Site-based assessment tasks are conducted to support learning and to assess the level of preparedness for an examination.

7. Minimum certification requirements

(1) A GETCA certificate shall be issued to a candidate who has achieved a minimum of 50% in four subjects as per the set rules of subject combinations in the Policy for the General Education and Training Certificate for Adults: A Qualification at Level 1 on The General and Further Education and Training Qualifications Sub-framework of the National Qualifications Framework.

(2) Where a candidate enrolls for more than four subjects, a 50% pass is still required in both Mathematics and an Official Language for certification.

(3) A candidate must complete the GETCA qualification within a period of 6 years to be eligible for certification.

8. Conduct of External Examinations

(1) Examinations for the GETCA will be conducted as a mid-year examination once a year.

(2) The external examinations include the following requirements for all subjects:

   (a) A written examination for all subjects, conducted by the Department according to the requirements specified in the SGs and the SAGs for the subjects listed in the Policy for the General Education and Training Certificate for Adults: A Qualification at Level 1 on The General and Further Education and Training Qualifications Sub-framework of the National Qualifications Framework;

   (b) The written examination mark will have a weighting of 100%;
(c) The written examination will be subjected to a moderation process put in place by the Department, the Quality Council and private Assessment Bodies; and

(d) The absence of a mark for a subject examination paper will result in the candidate registered for that particular subject receiving an "incomplete" result. In such instances the examination registration will not be valid for the next examination sitting. In such instances the mark achieved in the one paper will not be valid for resulting purposes in the next examination sitting. A candidate needs to write both papers for a subject in the same examination sitting to be resulted in that subject.
CHAPTER 3

MANAGEMENT AND ADMINISTRATION OF EXAMINATIONS

9. Management plan

(1) Assessment bodies for the GETCA will annually publish a management plan which clearly indicates the milestones, target dates and agencies that must ensure that the conduct and administration of an examination cycle/s for the GETCA qualification is in accordance with national policy and directives.

(2) Planning and preparations for the conduct of the public external examination will commence at least 18 months prior to the scheduled examination date. Private Assessment Bodies will determine their preparatory schedules in line with Directives from the Quality Council.

(3) All examination and monitoring processes with respect to state of readiness to conduct examinations will be concluded at least one month prior to the commencement of the external examination and examination centres shall be monitored during the conduct of the external examination.

10. Candidate entries

(1) The GETCA curriculum programme is a year-long programme, with tuition commencing in August of each year for full-time candidates enrolled in Colleges. Part-time candidates may study independently for the GETCA and then register for examinations at an examination centre, which is registered with an Assessment Body accredited by the Quality Council.

(2) To enter an examination for the GETCA a candidate must register with a registered institution on or before 15 January each year in which the examination will be written.

(3) The deadline for the registration of candidates for GETCA examinations with the Department will be 15 February of the year of the examination.

(4) No registrations for examinations will be accepted after this date unless there are exceptional circumstances and the Department approves such registration based on the exceptional circumstances.

(5) The Department and private Assessment Bodies will institute a process to manage unregistered candidates for GETCA examinations.

(6) Examination entry forms for candidates will be made available by the Department on or before 15 January of each year.
11. Registration and De-registration of Examination Centres

(1) All sites offering the GETCA public examinations must be registered with the Department as examination centres. Private Assessment Bodies will establish examination centres in accordance with their policies and procedures.

(2) Application for registration of an Examination Centre must be made on a form provided by the Department. All examination sites must be registered with the Department by 31 August in the year preceding the year in which the GETCA examinations will be written at that site.

(3) All public examination sites must be evaluated by the Department to determine whether the sites meet the set criteria for conducting national examinations.

(4) Should the site be approved as an examination centre, a unique examination centre number shall be allocated and issued by the Department to the Head of the institution.

(5) The registration of public examination centres is subject to review by the Department every three years.

(6) Public examination centres may be de-registered for the following reasons:

(a) Relocation of examination site without approval;
(b) Intentional undermining of the integrity of the examination;
(c) Maladministration; and
(d) Flouting of examination directives and guidelines.

(7) The Department will provide directives on the management of such situations at public examination centres.

12. Fees

(1) The Director-General shall determine fees for:

(a) Registration of centres and candidates;
(b) Re-marking, re-checking and reviewing of answer scripts;
(c) Re-issue of statements of results; and
(d) Any other administrative process related to examinations.

(2) The Quality Council shall determine fees for:

(a) Issuing of certificates; and
(b) Re-issuing of the certificates
13. Language Medium

(1) Question papers will be set in the language of instruction.

(2) Language questions papers will be set in the applicable language.

14. Concessions

(1) All applications for concessions must be directed to the Department upon registration of candidates with the Department by 15 February each year. Such applications must be accompanied by original medical documentation and certificates attesting to the barrier that the candidate presents and must not be older than 6 months.

(2) The following concessions may be applied to candidates with barriers to learning:

(a) Candidates suffering from a mathematical disorder such as dyscalculia may be exempted from the offering of Mathematical Literacy, or Mathematics, provided that another subject is offered in lieu of Mathematical Literacy or Mathematics. This exemption must be supported by specialist reports, the costs of which must be carried by the candidate;

(b) Candidates who are visually impaired, deaf, cerebral palsyed, suffer from epilepsy or have any other disability may be granted additional time for the writing of the examination. The additional time may not exceed 15 minutes per hour per question paper. It may also be approved that assistance is given to such a candidate or that the candidate may use an aid during the writing of the examination, provided that the examination centre is able to meet the particular needs of the candidate and the Chief Directorate: National Examinations and Assessment has ascertained that the candidate will not receive an unfair advantage over other candidates; and

(c) Adapted versions of question papers will be provided by the Department in instances where visually impaired candidates require larger font size or braille.

(3) Ad hoc concessions may be granted to candidates who during the conduct of the examination sustain an injury which may require the granting of a concession for extra time or assistance. Such applications must be submitted to the Department as soon as an injury is reported and subsequent to the request for a concession, medical evidence must be provided in support of the request.

(4) No concessions will be granted for absenteeism. Candidates who absent themselves for a writing session in an examination sitting, will have to write the subject in the next mid-year examination sitting.

15. Management of the conduct of the General Education and Training Certificate for Adults examination beyond the borders of the Republic of South Africa
(1) Only candidates who have registered for the GETCA examination will be considered and are entitled to be examined outside the borders of the country.

(2) Applications will only be considered if a motivation in writing requesting permission to be examined at an approved venue in accordance with the prescribed schedule has been submitted.

(3) Examination centres outside the borders of the Republic of South Africa will be South African Diplomatic Missions or centres approved by the relevant accredited examination body.

(4) The following criteria will be used to select a centre:

(a) A suitable room should be available for the conduct of the examination;
(b) Sufficient light and ventilation;
(c) The availability of a vault or safe for the safekeeping of the question papers and assessment material; and
(d) Suitable furniture, e.g. a chair and table for the candidate(s) and the invigilator.

(5) Invigilation must be conducted in accordance with policy stipulated in this document.

(6) It will be the responsibility of the Department to supply the examination question papers and all material needed either by diplomatic bag or courier services outside the Republic of South Africa.

(7) Adherence to the South African Standard Time requirements:

(a) It is a pre-requisite that candidates conform to the South African Standard Time requirements for the respective question papers; and

(b) Where this is not practical in terms of vast time zone differences, a quarantine period commencing at the time of the question paper will apply. Additional costs will be met by the candidate in this regard.

(8) The candidate will be responsible for all expenses which include amongst others:

(a) Packaging and distribution;
(b) Invigilator for invigilating;
(c) Renting of venue if applicable; and
(d) Any other incidental costs.

16. Recording and Reporting of Examinations

(1) The marks obtained by GETCA candidates, as reflected on the mark sheets, should be captured by specially trained officials. All data being captured must be verified.
(2) Standardisation of external examination marks is done by the quality assuror in conjunction with the assessment body based on directives provided by the quality assuror.


(4) After the release of results the assessment body will issue a statement of results to each candidate.

(5) On fulfillment of all the requirements stipulated in Paragraph 9 of the Policy for the General Education and Training Certificate for Adults: A Qualification at Level 1 on The General and Further Education and Training Qualifications Sub-framework of the National Qualifications Framework, a candidate will be issued with a GETCA certificate by the quality assuror.

(6) On partial fulfillment of the requirements stipulated in Paragraph 9 of the Policy for the General Education and Training Certificate for Adults: A Qualification at Level 1 on The General and Further Education and Training Qualifications Sub-framework of the National Qualifications Framework, a candidate will be issued a GETCA subject certificate by the quality assuror.
CHAPTER 4

THE SETTING, PRINTING AND DISTRIBUTION PROCESS

17. Setting of question papers

(1) The Department will select and appoint setting panels for the setting of GETCA question papers. Private Assessment Bodies, in line with their policies and guidelines will establish panels for setting question papers.

(2) The selection and appointment of setting panels will be determined by the ability of applicants to meet the set criteria for selection.

(3) The number of setting panels will be determined by the number of subjects to be examined and the number of question papers to be set per subject.

(4) Members of setting panels will be appointed annually for up to a maximum of three (3) years.

(5) The Department will provide directives and responsibilities for setting panels. All panelists must adhere to these failing which the necessary disciplinary measures will be instituted.

(6) Setting panels will be remunerated and compensated in accordance with annually approved tariffs published by the Department.

(7) Setting panels will be responsible for strict security and confidentiality of question papers during the setting process.

(8) These setting panels will provide print ready question papers and marking guidelines and be responsible for the compilation of setting reports.

(9) The Department will ensure that all setting panels are trained and engage in a planning exercise prior to the commencement of setting.

(10) The setting panel will set question papers for the mid-year examination sitting as well as a back-up question paper for each subject.

18. Monitoring of setting process

(1) All aspects of the GETCA setting process are subject to monitoring and oversight by the Department and monitoring and quality assurance by the Quality Council.
19. Printing and Distribution of question papers

(1) Assessment Bodies will determine the printing, packing and distribution mechanisms best suited for the conduct of GETCA examinations.
CHAPTER 5

CONDUCT OF THE EXAMINATION

20. Invigilation

(1) The Head of the institution of an examination centre shall be deemed the Chief Invigilator for the GETCA examination and the Department will officially appoint the Chief Invigilator in writing.

(2) The Chief Invigilator will select and officially appoint Invigilators and Relief Invigilators in writing.

(3) The number of Invigilators will be determined by the number of candidates registered for the examination sitting at a centre.

(4) Invigilators will be appointed per examination sitting.

(5) Assessment Bodies will provide directives and responsibilities for Chief Invigilators and Invigilators. All Chief Invigilators and Invigilators must adhere to these failing which the necessary disciplinary measures will be instituted.

(6) The Chief Invigilator and Invigilators will be responsible for strict control and management of question papers, answer scripts and mark sheets and for maintaining the integrity and credibility of the examination process.

(7) The Chief Invigilator will specifically provide leadership and oversight in all matters related to the conduct of an examination sitting and is responsible for the compilation of daily conduct reports. Invigilators will engage primarily in the administration and management of the conduct of the GETCA examination in an examination room.

(8) Assessment Bodies will ensure that all Chief Invigilators are trained and engage in a planning exercise prior to the commencement of an examination sitting. Similarly, Chief Invigilators will train Invigilators and brief GETCA candidates on examination rules prior to the commencement of an examination sitting.

(9) All aspects of the conduct process are subject to monitoring and oversight by the Department and monitoring by the quality assuror.
21. Management, administration and conduct of computer-based examinations

(1) To ensure the credibility and integrity of computer-based examinations, Assessment Bodies will provide directives for the management and administration of all computer-based examinations with respect to:

(a) Preparation for the examination session;
(b) Conduct of the examination session; and
(c) Filing and storage after the examination session.

22. Monitoring

(1) It is the responsibility of Assessment Bodies to develop and implement directives for monitoring.

(2) The monitoring will cover all stages of the examination cycle, commencing with the preparatory phase (i.e. state of readiness to conduct the examination) and concluding with the release of the results.

(3) The monitoring teams of the assessment bodies must visit examination centres while the examination is in progress, and report on, but not limited to, the following:

(a) general management of the examination;
(b) invigilation;
(c) the condition of examination rooms;
(d) the seating of candidates;
(e) the handing out and/or collection of examination question papers;
(f) control of the ten minutes reading time;
(g) access control to areas designated for secure storage of question papers and answer scripts;
(h) the handing out and/or collection of examination answer scripts; and
(i) security.
CHAPTER 6

THE MARKING PROCESS

23. Marking centre management and marking

(1) The Department and private Assessment Bodies will establish and register marking centres for the marking of GETCA subjects.

(2) The establishment of a marking centre will be determined by its ability to meet the set criteria for a marking centre.

(3) The Department will select and appoint marking management teams and marking teams for the marking of GETCA subjects.

(4) The selection and appointment of marking management teams and marking teams will be determined by the ability of applicants to meet the set criteria for selection.

(5) The number of marking centres to be established and marking managers and markers to be appointed will be determined by the number of answer scripts to be marked.

(6) Members of marking centre management teams and marking teams will be appointed annually for up to a maximum of three (3) years.

(7) The Department will provide directives and responsibilities for marking centre management teams and marking teams. All marking management and marking officials must adhere to these failing which the necessary disciplinary measures will be instituted.

(8) Marking centres, marking managers and marking teams will be remunerated and compensated in accordance with annually approved tariffs published by the Department.

(9) If a subject is marked at more than one venue, special measures will be taken by the Department to ensure a common standard of marking.

(10) Both the marking management teams and the marking teams will be responsible for strict control and management of answer scripts and mark sheets during the marking process.

(11) The marking management team will provide leadership and oversight of the marking process at a marking centre. The marking teams will engage primarily in the marking of answer scripts and be responsible for the compilation of marking reports.

(12) The Department will ensure that all marking centre management teams are trained. Similarly, marking management teams will engage marking teams in a training and preparatory exercise prior to the commencement of marking.

(13) The same marking team members that marked the answer scripts for an examination
sitting will be responsible for the re-mark process for that sitting.

(14) All aspects of the GETCA marking process are subject to monitoring and oversight by the Department and monitoring and quality assurance by the quality assuror.

24. Re-mark, re-check and viewing of scripts

(1) A candidate may apply for the re-marking or re-checking of his or her examination scripts within twenty one (21) days of the official release of results by the Department.

(2) The candidate and/or the candidate's parent/guardian or representative will, subject to the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), be allowed to view their script/s. Viewing of a script will only be allowed after a re-mark has been requested and concluded. The Department will provide directives to govern this process.

(3) The re-mark, re-check and viewing of scripts will be subject to an administration fee determined by and payable to the Department.
CHAPTER 7

ACCESS TO ASSESSMENT AND CERTIFICATION INFORMATION

25. Accessibility of Assessment Information

(1) The Minister of Higher Education and Training is the custodian of the examination data. The Director-General approves access to examination data by members of the public, provided that the Department approves its usage.

(2) Assessment bodies must ensure that all examination material is properly filed to allow for easy retrieval.

(3) The assessment body must keep all answer examination scripts and other examination related documentation, for at least six months from the date of release of examination results.

(4) The assessment body may shred the examination answer scripts after six months unless litigation is still pending, for instance, scripts of candidates involved in irregularities.

26. Accessibility of Certification Information

(1) The assessment body must submit approved candidate records for certification to Umalusi subject to the directives issued by Umalusi.

(2) The assessment body must thereafter immediately transfer the certification records to the historical certification records section of the examinations information technology (IT) system.

(3) The assessment body must ensure that there are back-up copies of the historical certification records and that copies are supplied to SAQA for placement on the National Learners Records Database.

(4) The assessment body must ensure stringent security measures during the storage, management and retrieval of all examination data and queries thereof.

27. Security and Confidentiality

(1) The assessment body must take all reasonable steps to ensure the security and confidentiality of all processes, examination material, electronic data and other documentation relevant to the GETCA examination.

(2) All officials involved with the GETCA examination must declare if they have near relatives participating in the GETCA examination to the assessment body. The assessment body will make a decision regarding the involvement of such officials in the examination process.
28. Documents and document control of the system

(1) Documents printed off the examinations IT system are the responsibility of the assessment body. The assessment body must check and verify the accuracy of the data, signatures and any other information displayed on these documents.

29. Historical Certification records and data retention

(1) Copies of historical certification records are a national asset and are the responsibility of the assessment body. The original documents of the examination and certification process must be part of the national filing system and subject to the National Archives of South Africa Act, 1996 (Act No. 43 of 1996).

(2) Access to historical records is an integral part of the functioning of any assessment body. The assessment body should have a computer infrastructure that can access the centralised database. These records should be used for queries, combination of results and checking of fraudulent cases.
CHAPTER 8

IRREGULARITIES

30. Dealing with irregularities

(1) The Department must establish a National Irregularities Committee to investigate and make recommendations to the Director General.

(2) All appeals must be directed to the Appeals Committee.

(3) The following criteria must be followed regarding the issuing of a GETCA certificate to a student suspected of committing an irregularity:

a) Firstly, it should be established whether the irregularity is due to the conduct of the student or another person.

b) If the irregularity is not due to the student’s action, the situation must be reconstructed to the previous position, i.e. the situation as it was before an irregularity was affected, and the marks allocated to the student must be adjusted to the original position, at the first possible opportunity.

c) If the irregularity is in one of the examination question papers of a subject, it will have an effect on the subject as a whole, but will not affect the other assessed subjects.

(4) Students who attend an irregularity hearing have the right to legal representation.

(5) Should a student decide to have legal representation, the Department must be informed of this intention three working days before the hearing to allow the Department to ensure appropriate Departmental representation at the hearing.

31. Release of results under investigation

(1) The examination body must ensure that irregularities are finalised before the release of the results, thus ensuring that results that are withheld are based on firm evidence of an irregularity having occurred.

(2) However, in cases where the nature of the irregularity is of such a nature that it cannot be finalised before the release of the results, the results of these students must be withheld pending further investigation.
(3) If a student is found guilty of an irregularity in one subject, only the results of that subject must be withheld.

(4) Students that are found guilty of an irregularity must be recorded on the Department’s examination system.

32. Dealing with irregularities

(1) Annexure A provides guidelines on how irregularities should be dealt with.
CHAPTER 9

SHORT TITLE AND COMMENCEMENT

32. Short title and commencement

1) This policy may be cited as Policy on the Conduct, Administration and Management of Assessment for the General Education and Training Certificate for Adults: A Qualification at Level 1 on The General and Further Education and Training Qualifications Sub-framework of the National Qualifications Framework and will come into effect on a date to be determined by the Minister in the Government Gazette.
ANNEXURE A

GUIDELINES FOR DEALING WITH IRREGULARITIES

1. STRUCTURES FOR THE HANDLING OF IRREGULARITIES

(1) The National Irregularities Committee

The National Irregularities Committee is a committee established by the Minister to support the Department in ensuring that the credibility of the examinations is maintained. This committee will co-ordinate the handling of irregularities on a national level and will ensure that a consistent approach is implemented in the handling of irregularities.

(a) Composition of the National Irregularities Committee

(i) The National Irregularities Committee will comprise the following persons:

(aa) Chief Director: Examination and Assessment TVET Colleges and CET Colleges (Chair Person);

(bb) Deputy Directors (Education Specialists);

(cc) One Advocate;

(dd) Education Specialists;

(ee) Section Heads; and

(ii) In addition the following persons could be nominated as observers:

(aa) One representative from Higher Education South Africa;

(bb) One representative from the South African Qualifications Authority;

(cc) One representative from the Quality Council for Trades and Occupations;
(dd) One representative from Umalusi; and
(ee) One representative from each of the recognised Teacher Unions.

(iii) All members of the Committee, together with the Chairperson, will be appointed by the Director-General of the Department of Higher Education and Training. The Minister could appoint additional members with observer status.

(b) Jurisdiction of the National Irregularities Committee

(i) The National Irregularities Committee will have jurisdiction in any alleged examination irregularity relating to, or occurring during, the various stages of the examination process, which includes:

(aa) Registration of student;
(bb) Setting and moderation of examination question papers;
(cc) Writing of the examinations;
(dd) Marking of examination scripts;
(ee) Capturing of marks;
(ff) Release of examination results; and
(gg) Appeal processes.

(c) Functions of the National Irregularities Committee

(i) The National Irregularities Committee is responsible for co-ordinating all alleged examination irregularities in the respective regions.

(ii) The National Irregularities Committee will also ensure that examination irregularities are handled in a consistent manner across the country. This will be accomplished by taking responsibility for the following:
(aa) Supporting the regional offices in the development of capacity relating to the identification, investigation and reporting of examination irregularities;

(bb) Supporting the regional offices in the establishment of appropriate systems and structures for the handling of irregularities;

(cc) Provision of timeframes for the finalisation of examination irregularities that occur during the different stages of the examination process so as to ensure that a reasonable number of the examination irregularities are finalised prior to the release of the results;

(dd) Ensure that all requirements relating to the provision of irregularity reports to Umalusi are appropriately complied with;

(ee) Evaluate the reports on irregularities received from the regional offices, so as to ensure that the irregularities are dealt with appropriately;

(ff) Identifying institutions that have recurring irregularities and establish whether those institutions are credible enough to be regarded as examination centres and make recommendations on action to be taken; and

(gg) Investigate examination irregularities as requested by the Director-General.
(3) Regional Irregularities Committee

(a) All Regions must establish an Irregularities Committee.

(b) The composition and function of the Irregularities Committee established by the private assessment bodies may be similar to that of the National Irregularities Committee.

(c) The Regional Irregularities Committee must report all irregularities to the National Irregularity Committee.

(d) Functions of the Regional Irregularities Committee.

(i) The Regional Irregularities Committees are responsible for the handling of all alleged examination irregularities at their colleges in the respective regions.

(ii) The Regional Irregularities Committees will also ensure that examination irregularities are handled in a consistent manner in the relevant province. This will be accomplished by taking responsibility for the following:

(aa) Supporting the colleges in the development of capacity relating to the identification, investigation and reporting of examination irregularities;

(bb) Supporting the colleges in the establishment of appropriate systems and structures for the handling of irregularities;

(cc) Ensure that all requirements relating to the provision of irregularity reports to the National Irregularity Committee are appropriately complied with;

(dd) Evaluate the reports on irregularities received from the colleges, so as to ensure that the irregularities are dealt
with appropriately in accordance with the irregularity procedures as indicated in this policy;

(ee) Identifying institutions that have recurring irregularities and make recommendations to the National Irregularity Committee whether those institutions are credible enough to be regarded as examination centres and make recommendations on action to be taken; and

(ff) Investigate examination irregularities as requested by the National Irregularity Committee.

2. CATEGORISATION OF ASSESSMENT IRREGULARITIES

(1) Examination Irregularities must be categorised as follows:

(a) Administrative errors or omissions;
(b) Behavioural Offences; and
(c) Acts of Dishonesty.

3. IDENTIFICATION OF EXAMINATION IRREGULARITIES IN RESPECT OF THE GENERAL EDUCATION AND TRAINING CERTIFICATE FOR ADULTS

(1) Examination irregularities caused by administrative errors and omissions

(a) Administrative errors and omissions include:

(i) Failure to produce (as opposed to fraudulent) an identity document;
(ii) Late arrival at the examination centre;
(iii) Incorrect or no examination number;
(iv) Examination number not on the mark sheet;
(v) Answer script damaged;
(vi) Examination answer script found amongst answer scripts from another examination centre;
(vii) Examinations conducted at an examination centre other than the examination centre where the student is registered;
(viii) Examination answer script lost or missing;
(ix) Prescribed (as opposed to issued) answer script not used; and
(x) Any other technical difficulty or problem with either answer scripts or answer sheets or proceedings.

(2) Examination irregularities involving students stemming from behavioural offences or wilful disobedience regarding regulations or instructions issued during an examination.

(a) This category of examination irregularity includes:

(i) Creating a disturbance or intimidating others or behaving in an improper or unseemly manner despite a warning;
(ii) Disorderly conduct;
(iii) Disregard for the arrangements or reasonable instructions of the invigilator despite a warning; and
(iv) Disregard for examination regulations despite a warning.

(3) Examination irregularities involving examination officials

(a) Examination irregularities in respect of the examination may be committed by:

(i) Professional lecturer, such as Lecturer or Principals at colleges or learning institutions or staff from Professional Support Services or related directorates, etc., whose normal job descriptions automatically incorporate such duties.
(ii) Lecturer in the immediate employ of a Private College or learning institution registered as an examination centre with the Department who, in the performance of examination duties, are doing this under the jurisdiction of the Department.
(iii) Administrative personnel whose duties include work in respect of examination, certification and accreditation.

(iv) Administrative personnel in the immediate employ of a Private College or learning institution registered as examination centre with the Department who, in the performance of examination duties, are doing this under the jurisdiction of the relevant Department.

(b) Examination irregularities may be identified at any of the following stages:

(i) Registration of students;
(ii) Appointment of Examiners and Internal Moderators;
(iii) Setting and external moderation of the examination question papers;
(iv) Editing, proofreading, translation and final approval of examination question papers; and
(v) Printing, packaging, storage and distribution of examination question papers to examination centres.
(vi) Setting or moderation or translation or editing of external examination question papers;
(vii) Typing or printing or packing or distribution or collection or delivery of external examination question papers or answer scripts;
(viii) Invigilation or monitoring;
(ix) Marking;
(x) Data capturing and processing; and
(xi) Release of examination results.
(4) Irregularities that may occur during the conduct of the examination

(a) Examination irregularities identified during the writing of the examination may be classified as:

(i) Student misbehaving or wilfully disobeying regulations or instructions issued during an examination;
(ii) Student engaged in dishonest acts during the examination process; and
(iii) Department officials, Lecturer/ contravening the legislation on the conduct of the GETCA examinations, so as to grant students an unfair advantage/disadvantage in the examination.

(b) This category of examination irregularity includes -

(i) Creating a disturbance or intimidating others or behaving in an improper or unseemly manner;
(ii) Disorderly conduct;
(iii) Disregard for the arrangements or reasonable instructions of the invigilator despite a warning; and
(iv) disregard for examination regulations.

(c) Student engaged in dishonest acts during the examination process include those that are identified before the commencement of the examination and those that are identified while the examination question paper is being written.

(d) Acts that are identified before the commencement of the examination include the following:

(i) Presentation of fraudulent identification documents;
(ii) Failure to present identification documents;
(iii) Bribery or attempted bribery;
(iv) Access to leaked examination question paper/s; and

(v) Possession of unauthorised examination material.

(e) Acts that are identified while the examination question paper is being written include the following:

(i) Possession of notes or any other unauthorised material, which could in any way assist in the answering of questions;

(ii) Copying from notes or textscripts or any other unauthorised material;

(iii) Copying from fellow students;

(iv) Attempting to obtain assistance from, or being assisted by, another student or any other individual;

(v) Assisting, or attempting to assist, another student;

(vi) Receiving assistance from any other source;

(vii) Examination question paper written by another or substitute student;

(viii) The use of another student’s examination number;

(ix) Any other type of conduct or possession, which could render improper assistance or unfair advantage to a student and thereby prejudice other students;

(x) Use of a cell phone, programmable calculators or any other electronic device that may be of assistance to the students whilst writing the examination, except where the examination instructions specify otherwise; and

(xi) Any other action, which is in contravention of the relevant legislation.

(f) As answer scripts are handed in or marked:

(aa) The answer script handed in is different from that issued by the Invigilator; or

(bb) Different handwriting in an answer script; or

(cc) Two examination answer scripts submitted for one student; or

(dd) Crib notes discovered;
(ee) No crib notes, but clear evidence of copying; or
(ff) Evidence of possible assistance by an invigilator; or
(gg) Indications that the student has been allowed to be examined in terms of an “open script” examination; or
(hh) Answers too similar to the memorandum; or
(ii) Answer script, or any part thereof, removed from the examination room and submitted later; or
(jj) Examination conducted outside the examination room or examination centre without prior authorisation.

(g) In any of the stages relating to the writing of the examination, if there is evidence that there is a contravention of the relevant legislation on the part of examination officials involved in these processes, which could result in the granting of an unfair advantage to the students writing the examination, this must be declared an irregularity.

(5) Irregularities that may occur during the Marking Process

Irregularities in the marking process relate to irregularities identified by Markers of scripts and any other actions committed by examination officials and Markers, which are in contravention of the national and provincial regulations.

(6) Irregularities committed by Examination Officials or Markers

(1) Any evidence that indicates that an examination official or Marker engaged in the following actions constitutes an irregularity:

(i) Failure to adhere to the criteria and the prescribed process for the appointment of Markers, Senior Markers, Chief Markers, examination assistants and other persons involved in examination-related work as prescribed in the Continuing Education and Training Act, 2008 (Act No. 16 of 2008).

(ii) Marker appointed and found to have made a false statement in the application.
(iii) Marker not adhering to prescribed policy and requirements for marking.
(iv) Misbehaviour by Marker at marking venue or marking accommodation.
(v) Any action that indicates a wilful intent to misplace or destroy the scripts of a student or students.
(vi) Intentional awarding of marks to students that is not justified by the evidence on the script or the marking guideline.
(vii) Manipulation of the marks so as to unfairly advantage or disadvantage a student or students.
(viii) Any other action that is in contravention of this policy.

(7) Irregularities identified by Markers

(a) Irregularities identified by Markers at the marking centres include the following:

(i) The answer script handed in is different from that issued by the Invigilator;
(ii) Different handwriting on an answer script;
(iii) Two examination answer scripts, written by two different students submitted with the same examination number;
(iv) Crib notes discovered in the answer script;
(v) No crib notes, but clear evidence of copying;
(vi) Evidence of possible assistance by an Invigilator;
(vii) Indications that the student has been allowed to be examined in terms of an "open script" examination; and
(viii) Answers identical to the marking guideline.

(8) Irregularities that may occur during the Capturing Process, Standardisation, Release of Results, Issuing of Statements and the Certification Process.

(a) A contravention of this policy in any of the stages relating to the capturing, processing, standardisation, release of results and certification, on the part of examination officials involved in these processes, which could undermine the credibility of the examination results, must be declared an irregularity.
(b) Some of the actions deemed to be irregular during the processes include the following:

(i) Negligence;
(ii) Indolence;
(iii) Failure to abide by relevant legislation or policies
(iv) Unauthorised release of sensitive/confidential information;
(v) Misuse of authority for private gain or reward;
(vi) Unauthorised access to examination data or subject credits; and
(vii) Failure to accurately verify information on certificates and qualifications.

(c) It is the duty of the examination official or systems administrator or service provider responsible for these functions, to ensure the accuracy of the examination data provided. Any data presented that is inaccurate must be regarded as an irregularity.

(d) Provision of examination data to any institution or individual, without the approval of the Director-General of the Department, or his or her nominee constitutes an irregularity.
5. EXAMINATION IRREGULARITY PROCEDURES

(1) Procedures in respect of written examination during May/June.

(a) Irregularities involving students must be dealt with in accordance with this policy at the level of the college or learning institution and reported to the Regional Irregularities Committee.

(b) Where the student does not comply with the minimum requirements of any component, the following applies:

(i) In the event of a valid reason for compliance failure, the student must be allowed the opportunity to redo the task or, where impractical, the mark for that particular component of the internal examination mark should not be taken into consideration.

(aa) “Valid reason”, in this context, constitutes the following:

- Medical reasons as supported by a valid medical certificate issued by a registered medical practitioner;
- Humanitarian reasons, e.g. the death of an immediate family member. If supported by valid written evidence;
- The student appearing in a court hearing; supported by written evidence; or
- Any other reason as may be declared valid by the Director-General of the Department of Education or his or her nominee.

(c) Students must be reminded that the fabrication of evidence in general and especially in respect of the stipulations of paragraph 5(1)(b)(i)(aa) above constitutes fraud.
(d) Where a student does not comply with the minimum requirements of a subject on the basis of valid reasons, evidence of such valid reasons must be included in the student portfolio for that subject.

(2) Procedures in respect of the written examination during May/June involving examination officials

(a) All alleged irregularities involving examination officials must be reported to the Regional Irregularities Committee.

(b) Suspected irregularities involving Lecturers constitutes an act of misconduct and must be dealt with in accordance with the Public Service Act, 1994 (as amended).

(c) Suspected irregularities involving examination officials employed in terms of the Public Service Act constitutes an act of misconduct and must be dealt with in accordance with the relevant Public Service Regulations.

(3) Procedures in respect of irregularities identified during the Planning and Preparatory Phase of the written examination during May/June.

(a) The Director-General of the Department of Education or his or her nominee may immediately suspend an examination official who contravenes any of these regulations, and the matter must be dealt with in accordance with the Public Service Act, or any other relevant legislation.

(b) Examination irregularities identified as having occurred before the question paper is written may include the leakage of the question papers.

(i) The first step in such a case is to determine the extent of the leakage, which must be determined by the Department.
(ii) The Regional Irregularities Committee must institute a full investigation to ascertain the source of the leakage and report immediately to the National Irregularities Committee The South African Police Services (SAPS) and other investigation experts may be included in the investigation process.

(4) Procedures in respect of Examination Irregularities identified during the conduct of the written examination in May/June.

(a) The Director-General of the Department of Education or his or her nominee may immediately suspend an examination official, who contravenes any of these regulations, and the matter must be dealt with in accordance with the Public Service Act, or any other relevant legislation.

(b) Examination irregularities stemming from misconduct or wilful disobedience regarding policy or instructions issued during an examination must be dealt with as follows:

(i) In all cases the Invigilator must immediately bring the specific examination irregularity to the attention of the Chief Invigilator;

(ii) The Chief Invigilator must then offer the student suspected of an irregularity the opportunity to make a representation, either in writing or verbally, in the presence of the Invigilator.

(iii) If the Chief Invigilator, after considering the facts, finds that such an irregularity has indeed occurred, he or she must submit the matter to the Provincial Irregularities Committee for further investigation and a decision;

(iv) In the event of a student persistently refusing to co-operate, the Chief Invigilator must request the student suspected of an irregularity to leave the examination room.

(v) The answer script must be removed from the student’s possession and a note made of the date and exact time of its confiscation. Should the
student refuse to leave, the Chief Invigilator may call upon the South African Police Services to assist;

(vi) If the student agrees to co-operate, the Chief Invigilator must allow him or her to continue with the examination, in which case a new answer script in the case of a written examination with the date and exact time of issue noted thereon, must be provided; and

(vii) The Chief Invigilator must forward his or her report, together with a report from the Invigilator on duty at the time of the alleged irregularity, the student’s representation and a written account of events or any statement or exhibit, to the Provincial Irregularities Committee.

(c) In the case of examination irregularities identified while the examination question paper is being written, the following procedure should be applied:

(i) The Invigilator must remove the student’s answer script and write the word “IRREGULARITY” on the front outside cover page and the type of irregularity, date, time and place of the irregularity;

(ii) The words “Answer script confiscated on...at...hours” must be written on the outside cover page in bold print;

(iii) The Invigilator must take possession of any unauthorised or incriminating material such as notes or any other object used directly or indirectly or in the possession of the student that may have been used to commit the irregularity;

(iv) Such material must be attached to the confiscated answer script, which then becomes the property of the relevant examination body and neither the student nor his or her parent(s) or guardians have the right to demand its return;

(v) The Invigilator must then give the student a new answer script. This answer script must also be endorsed with the words “NEW ANSWER SCRIPT” together with the date and time of issue;

(vi) The student must be informed that the fact that he or she is allowed to continue with the examination does not serve as a condonation of his or
her contravention of examination policy and that a written report will be submitted to the Chief Invigilator at the conclusion of the examination and that the incident will be reported to the Regional Irregularities Committee, who will report on the incident to the National Irregularities Committee.

(vii) The Invigilator must not allow any additional time to compensate for time lost in the course of detecting and processing the examination irregularity;

(viii) The Invigilator, following the completion of the examination, must immediately submit a full written report to the Chief Invigilator concerning the irregularity;

(ix) The student, following the completion of the examination, must be confronted about the irregularity and given the opportunity to provide a written declaration or response to the alleged offence;

(x) Where the student refuses to submit the required written declaration or provide a response, this refusal must be confirmed in writing by the Invigilator. The student must sign the statement made by the Invigilator;

(xi) Where the student refuses to comply with sub-section (4)(c)(iii), another invigilator attached to the examination centre must provide a written statement confirming the refusal of the student to provide a written declaration; and

(xii) The answer script, any incriminating material and all applicable statements must then be sent for marking in the normal way and subsequently forwarded to the Regional Irregularities Committee.
(5) Procedures in respect of examination Irregularities identified during the Marking Process

(a) In the case of examination irregularities relating to the process of marking as contemplated in paragraphs 5(4), 5(5) and 5(6), that are committed by examination officials, the Director-General of the Department or his or her nominee may immediately suspend an examination official, who contravenes any of these regulations, and the matter must be dealt with in terms of the Public Service Act, or any other relevant legislation.

(b) Examination irregularities identified by Markers during the marking process must be dealt with as follows:

(i) All examination irregularities suspected by Markers must immediately be reported to the Senior Marker or Deputy Chief Marker or Chief Marker who then refers it to the Centre Manager. These are then referred to the Regional Irregularities Committee.

(ii) Answer scripts in which alleged examination irregularities are identified must be marked as usual. The word “IRREGULARITY” must be written in red ink on the front cover, along the margin.

(iii) These scripts must then be handed in together with the other answer scripts and completed mark sheets to the Senior Marker or Deputy Chief Marker or Chief Marker for attention. The marks of the suspected student must be entered on the mark sheet, with an indicator stating “irregular”;

(iv) Where an answer script is found amongst those from another examination centre or where a student has been examined at an examination centre other than the examination centre where originally registered, the former examination centre must contact the examination centre at which the examination should have been conducted and arrange through the regional office or area project office for the transfer of that student’s answer script.
(v) Where an answer script is lost, the matter must be referred to the Department to decide the most appropriate course of action.

(vi) If the Senior Marker agrees with the finding of the Marker, he or she must clearly indicate on each answer script the location of the examination irregularity and hand the whole batch of answer scripts over to the relevant Deputy Chief Marker or Chief Marker;

(vii) Where the Senior Marker disagrees with the findings of the Marker, the script should be handed to the Deputy Chief Marker or Chief Marker for a second opinion. If the Deputy Chief Marker or the Chief Marker concurs with the Senior Marker, the answer script must be returned to the Marker for normal processing; and

(viii) If the suspected examination irregularity is confirmed by the Deputy Chief Marker or Chief Marker, the prescribed irregularity report must be completed and forwarded together with the evidence to the Regional Irregularities Committee.

(6) Procedures in respect of Irregularities that occur during the Capturing, Processing, Standardisation, Release of Results and Certification Processes

(a) The Director-General of the Department or his or her nominee may immediately suspend an examination official who contravenes any of these requirements, and the matter must be dealt with in terms of the Public Service Act, or any other relevant legislation.

(b) All irregularities relating to the above processes must be reported immediately to the National Irregularities Committee.

(c) Confidentiality and security of information must be enforced. Any breach of these must be considered an examination irregularity.
(7) Procedures in respect of Investigations

(a) The investigations must be lawful, reasonable, timely and procedurally fair and the rights of the individuals should not be infringed. The principles of openness and transparency of an administrative action must be adhered to.

(b) The following procedure must be followed in respect of an investigation:

(i) A minimum of two members of the Regional Irregularities Committee or two regional Officials delegated by the Regional Irregularities Committee must be involved in all investigations;

(ii) The Regional Irregularities Committee may call upon any official in the service of the relevant province or any student or student to appear before the Committee or the two-person team delegated to carry out the function, and it may also question any student accused of an alleged irregularity;

(iii) The Regional Irregularities Committee or the delegated officials may also call upon any person not in the immediate employ of the relevant Department but under its jurisdiction, to appear before the Committee or the two-person team delegated to carry out this function, and it may also question any such person in the normal course of an investigation;

(iv) The Regional Irregularities Committee or the delegated officials have access to any room or place at any college or learning institution registered as an examination centre with the relevant Department and may scrutinise or take possession of any document, article or any other evidence which, in the opinion of the Committee, may assist in the investigation;

(v) In cases of serious misconduct, the Department should reserve the right to report such cases to the relevant State Security Agents for criminal investigation;

(vi) All investigations undertaken by the Regional Irregularities Committee or the delegated officials, at whatever level, must be clearly documented or minuted if it takes the form of a meeting and reported to the National Irregularities Committee immediately;
(vii) Findings of an investigation must be submitted to a full sitting of the Regional Irregularities Committee that must make a decision as to whether a hearing must take place or not; and

(viii) No member of the Regional Irregularities Committee may be involved in, or allowed access to any examination irregularity investigation or hearing or documentation involving a relative or any other person in respect of whom the investigator cannot be impartial.

(8) Procedures in respect of Hearings

If the relevant irregularity committee decides that a hearing should be held, such a hearing must be held under the following procedures:

(a) The hearings must be lawful, reasonable, timely and procedurally fair and no rights of the individual should be infringed. The principle of openness and transparency of administrative action must be adhered to.

(b) The following procedure must be followed in respect of hearings:

(i) Procedures for hearings vary according to circumstances and persons involved;

(ii) A written notification must be submitted to the student concerned in the alleged examination irregularity, or the parent or guardian of students under 21 years of age and the Principal or Centre Manager of the institution:

(aa) The written notification must be forwarded either by registered mail or delivered to a particular individual who acknowledges receipt of the notification;

(bb) The written notification must state clearly that the absence of a reply will not delay the hearing in respect of the suspected examination irregularity;

(cc) Where a student who is alleged to have committed an examination irregularity or his or her parent or guardian or
representative cannot be contacted, the Principal or Centre Manager of the institution will be required to assist in contacting the student. If the Principal or Centre Manager of the institution is unable to contact the student, he or she must inform the Secretary of the Provincial Irregularities Committee thereof in writing. The inability to make contact with the student concerned or his or her parent or guardian or representative should not delay the processing of the irregularity unnecessarily;

(dd) All students suspected of an examination irregularity must be allowed the opportunity to respond to the invitation to attend a hearing regarding the alleged irregularity within ten (10) working days of being notified of an irregularity investigation;

(ee) students who do not wish to attend a hearing have the option of making an admission of guilt in the form of an affidavit which must be forwarded to the Secretary of the Regional Irregularities Committee within ten (10) working days of being notified of an irregularity investigation;

(ff) Where a student is under 21 years of age, the student may be accompanied by his or her parent or guardian, the college Principal and any other representative; and

(gg) Where the student or his or her parent or guardian chooses to make use of legal representation during the hearing, this will be allowed and the Chairperson of the Regional Irregularities Committee must inform the National Irregularities Committee at least three (3) working days before the scheduled hearing.

(iii) Evidence presented at an investigation or hearing may take the form of material evidence, written evidence, oral or other evidence;

(iv) All hearings must be recorded and the recording kept until the matter is finalised;
(v) If the student or his or her parent or guardian is unhappy about the way the hearing is conducted, an appeal may be lodged through the channels provided by the Department, to the National Irregularities Committee. If the student is unsuccessful with the appeal, he or she or his or her parent or guardian may institute judicial proceedings in a court of law;

(vi) The findings of a hearing must be submitted to a full sitting of the Regional Irregularities Committee by the persons involved in the hearing process; and

(vii) Decisions and consequent recommendations by the Regional Irregularities Committee, as approved by the National Irregularities Committee, must be communicated in writing to the person, College or learning institution under investigation, within thirty (30) working days of the completion of the hearing.

(9) Sanctions

(1) The Irregularities Committee may impose the sanctions contemplated in these regulations.

(2) Mandatory minimum periods of sanction may be imposed by the National Irregularities Committee upon finding the offender guilty of an irregularity. The reason for the creation of mandatory minimum periods of sanction is primarily to ensure that irregularities are handled in a uniform manner across all colleges, resorting under the Departments, and secondly to combat and reduce the frequency of irregularities.

(3) There may be cases where the National Irregularities Committee is of the opinion that the imposition of one of the minimum periods of sanction would, considering the specific circumstances of the case, be very harsh and unjust. The Committee may, however, be freed from the obligation of imposing the minimum period of sanction if there are “substantial and compelling circumstances” which justify the imposition of a lesser punishment than the prescribed one.
(10) Appeals

(a) A student may appeal to the Minister against the decision of the Department within fourteen (14) working days of the receipt of the written pronouncement of the judgment or sanction, if the student was present at the hearing.

(b) A student may appeal to the Minister against the decision of the Department within twenty one (21) working days of the date of the written judgment or sanction, if the student was not present at the hearing.

(c) All appeals must be in writing and must include reasons in support of the appeal.

(11) Reporting of Irregularities

Reporting of examination irregularities is categorised into two components. The first component relates to reporting of the irregularity from the site of identification to the relevant officials within the Department and the second component relates to reporting of the irregularity by the Department or Head of Examinations to the external role players.

(12) Reporting

All alleged irregularities must be reported immediately to the next level of responsibility in the examination process, which then must report to the Chairperson of the Regional Irregularities Committee. This reporting can be done verbally but must be followed with a written report within twelve (12) hours.

(13) The Regional Irregularities Committee will report to the Department, who in turn must report all irregularities to the Director-General and to the Chief Executive Officer of Umalusi as indicated in terms of section 18(h) of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001).