

(31 October 2008 – to date)

SOUTH AFRICAN SCHOOLS ACT 84 OF 1996

*Government Notice 1867 in Government Gazette 17579 dated 15 November 1996. Commencement date:
1 January 1997 [Proc. No.R77 in Government Gazette 17690 dated 27 December 1996]*

REGULATIONS FOR THE CONDUCT, ADMINISTRATION AND MANAGEMENT OF ASSESSMENT FOR THE SENIOR CERTIFICATE

Government Notice 1044 in Government Gazette 28156 dated 21 October 2005.

Commencement date: 21 October 2005

as amended by:

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I, Grace Naledi Mandisa Pandor, Minister of Education, after consultation with the Council of Education Ministers, hereby make the regulations in terms of sections 6A and 61 of the South African Schools Act (No. 84 of 1996), read with section 27 of the General and Further Education and Training Quality Assurance Act (No. 58 of 2001), as set out in the Schedule.

GRACE NALEDI MANDISA PANDOR, MP

MINISTER OF EDUCATION

DATE: 17 October 2005

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CHAPTER 1

1. Definitions

In these regulations, any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned to it, unless the context indicates otherwise.

"Administrative errors or omissions" mean irregularities that are of a technical nature, where the candidate or an examination official unintentionally fails to follow the prescribed administrative

procedure. The learner may be disadvantaged by this error or omission and there must be clear evidence that the candidate did not act in a manner to gain an unfair advantage;

"Acts of Dishonesty" means any act of dishonesty or action or activity that may result in the candidate obtaining an unfair advantage;

"Assessment Body" means a body as contemplated in section 1 of the General and Further Education and Training Quality Assurance Act (No. 58 of 2001);

"Assessment process" refers to the following:

- (a) Registration of candidates;
- (b) Designing of assessment instruments;
- (c) Moderation of assessment;
- (d) All activities relating to the security and integrity of the assessment, either Internal or external;
- (e) Administration of assessment instrument;
- (f) Marking of assessment evidence;
- (g) Processing of assessment results;
- (h) Certification of results; and
- (i) Any action connected therewith.

"Assessment irregularity" means any event, act or omission, and any alleged event, act or omission, which may undermine or threaten to undermine the integrity, credibility or the security, or the fairness of the examination and assessment process;

"Behavioural Offences" mean misbehaving, creating a disturbance or wilfully disobeying legitimate instructions, which may have an adverse effect on the examination process or the outcome of the examinations;

"Candidate" means a learner who is registered to sit for the Senior Certificate examination;

"Chief Examiner or Examiner" means a person who sets a question paper and the accompanying memorandum for the examination;

"Chief Executive Officer" means the Chief Executive Officer contemplated in section 11 of the General and Further Education and Training Quality Assurance Act (No. 58 of 2001);

"Chief Invigilator" means the principal or head of an institution that serves at an assessment centre or another person specifically appointed to take responsibility for the administration of the Senior Certificate examination and other related assessment matters at the assessment centre;

"Chief Marker" means a person who is responsible and accountable for the marking of a question paper written under the jurisdiction of an assessment body accredited by Umalusi;

"Dangerous weapon" means -

- (a) any explosive material or device;
- (b) any firearm or gas weapon;
- (c) any article, object or instrument that may be used to cause bodily harm to a person or damage to property, or to render a person temporarily paralysed or unconscious; or
- (d) any object that the Minister may, by notice in the Government Gazette, declare to be a dangerous object for the purpose of these regulations, unless such objects are used for assessment purposes;

"Deputy Chief Marker" means a person who assists a Chief Marker in all his or her duties;

"Educator portfolio" means the full and final record of all the tasks that must be presented by the learner in his or her portfolio for a particular subject, for the assessment in the Senior Certificate. The educator portfolio will also include the marking guidelines and the assessment rubrics;

"Examination" means a component of the assessment process and refers to the culmination of the summative assessment process when learners in Grade 12 are subjected to a final sitting at the end of the academic year;

"Examinations Board" is an advisory body comprising education stakeholders in the field of assessment, in the General and Further Education and Training Bands, appointed by the Member of the Executive Council (MEC) or private assessment body to advise the assessment body on all matters relating to assessment and examinations in the GET and FET bands;

"Examination Centre" means a centre registered by an accredited assessment body to conduct assessment and examinations;

"Examination sitting" means an examination sitting during May and June each year from 2008 to 2011;

(Definition of "Examination sitting" repealed and replaced by GN 830 of 2007)

"FET" means further education and training;

"Full-time candidate" means a candidate who has enrolled for full-time tuition and registered for a minimum of six subjects for the Senior Certificate at a public or independent school or any other registered institution for that particular examination sitting;

"Hard copy" means a paper copy of a question paper, marking guideline or any other assessment material;

"Head of Department" means the Head of Department contemplated in section 1 of the South African Schools Act (No. 84 of 1996) or the head of any other assessment body registered with Umalusi;

"HEDCOM" means the Heads of Education Departments Committee;

"Head of institution" means an educator appointed or acting as a principal of a school or the head or acting head of any other registered learning institution;

"Hearing" takes place after all the appropriate evidence has been assembled and the main purpose of a hearing is to allow the individual implicated by the alleged assessment irregularity to provide a response to the allegations made. The hearing should culminate in a decision;

"Internal assessment" means the assessment contemplated in section 1 of the General and Further Education and Training Quality Assurance Act (No. 58 of 2001);

"Investigation" encompasses all activities relating to the collection of evidence in respect of the reported irregularity. This may include interviews or submission of written reports from various examination officials, candidates or any other person that may assist in providing information on the reported irregularity. All investigations must be conducted under the auspices of the PEIC and reported to the Head of Department;

"Invigilator" means any person appointed and responsible to assist the Chief Invigilator in the conduct of an examination or any other related activity at the assessment centre;

"Learner" means a learner contemplated in section 1 of South African Schools Act (No. 84 of 1996);

"Learner portfolio" means the collection of the learner's evidence that is used to compile his or her Internal assessment mark;

"Marker" means a person who is appointed to mark an examination script;

"MEC" means Member of Executive Council responsible for education in a province;

"Moderation" means the moderation contemplated in section 1 of the General and Further Education and Training Quality Assurance Act (No. 58 of 2001);

"NEIC" means the National Examinations Irregularities Committee established by the Department of Education to coordinate the handling of irregularities by the assessment bodies;

"Part-time candidate" means a learner who does not attend or receive full-time tuition;

Personnel Administration Measures is the policy document that outlines and governs the remuneration and other service conditions of educators employed in terms of the Employment of Educators Act (No. 76 of 1998);

"PEIC" means the Provincial Examinations Irregularities Committee established by the provincial assessment body to investigate, conduct hearings regarding Internal and external assessment irregularities and make recommendations to the Head of Department.

"Provider" means a body as contemplated in section 1 of the General and Further Education and Training Quality Assurance Act (No. 58 of 2001);

"Registration Centre" refers to the place where the candidate is registered to sit for the Senior Certificate examination;

"School, learning institution or learning site" means the environment or location where learners receive the opportunity to access the learning programme;

"Senior Certificate" means the certificate that is awarded as a final exit qualification at the end of Grade 12 to candidates who have complied with the requirements contemplated in the Resume of Instructional Programmes in Schools, Report 550 (0905);

"Senior Marker" means a person who assists the Chief Marker in the marking process and takes responsibility for a group of markers at the marking centre;

"Service contract" means a binding and legal agreement between a provincial education department, as an assessment body, and an independent school or learning institution or a college for distance learning, registered as an assessment centre, in respect of the administration and management of an examination or other assessment activities;

"**Subject grade**" means the level or degree of complexity at which a particular subject is offered for the Senior Certificate. This currently refers to Higher, Standard or, in special circumstances, Lower Grade;

"**Umalusi**" means the Council for Quality Assurance in General and Further Education and Training, established in terms of the General and Further Education and Training Quality Assurance Act (No. 58 of 2001);

"**Venue Manager**" means the official appointed by the assessment body to be in charge of a Marking Centre;

2. Objectives, Scope and Application

- (1) The purpose of these regulations is to control the management of the Senior Certificate examination and assessment process.
- (2) These Regulations apply to both public and private assessment bodies.

CHAPTER 2

3. The Examinations Board

- (1) The MEC may establish an Examinations Board to advise him or her on all matters relating to examinations and assessment of the Senior Certificate.
- (2) Private assessment bodies may establish an Examinations Board to advise them on matters relating to examinations and assessment of the Senior Certificate.

4. Composition and Structure

- (1) The MEC must determine the composition of the Examinations Board taking into account the following:
 - (a) Knowledge and understanding of examinations and assessment processes in schools and other learning institutions;
 - (b) Representivity on the basis of race, gender, inclusivity and equity; and
 - (c) Representation of, *inter alia*, the following stakeholders:
 - (i) Heads of schools and other institutions;

- (ii) Recognised teacher unions;
- (iii) School governing bodies of public schools or learning institutions;
- (iv) Higher Education Councils;
- (v) FET College councils; and
- (vi) Private assessment bodies.

- (2) The MEC must invite, consider and appoint members from the nominations received from the above stakeholders.
- (3) Private assessment bodies must determine the composition of the Examinations Board and appoint its members.
- (4) The Minister may appoint additional members, with observer status, to serve on the Examinations Board of the private assessment bodies.

5. Functions of the Examinations Board

- (1) Advise on policy and related matters in the Senior Certificate, as it relates to the assessment body.
- (2) Advises the Head of Department on matters relating to examinations and assessment.
- (3) Deal with all examinations and assessment matters referred to it by the Head of Department, as the case may be.
- (4) The Examinations Board will be accountable to the Head of Department for the execution of its functions.
- (5) The Examinations Board may establish an Executive Committee to deal with special matters referred to it by the Examinations Board.
- (6) The Director-General or his or her nominee, must convene a minimum of two meetings annually with the Chairpersons of the Examinations Board to discuss matters that would enhance the credibility of the Senior Certificate examinations.

6. Term of Office

Members of the Examinations Board, who are bound by an obligation of confidentiality, should hold office for a period not exceeding three years and a member may be reappointed when his or her term of office expires.

7. Appointment of Chairperson

- (1) The MEC must appoint the Chairperson and Deputy Chairperson.
- (2) The Board members must elect other members of the Executive from among themselves.
- (3) The Chairperson must appoint a Secretary to the Board.

8. Termination of Membership

- (1) If members are unable to attend a meeting, a written apology must be sent to the Secretary of the meeting prior to the scheduled meeting.
- (2) In the event of a member being absent from two consecutive meetings of the Examinations Board without an apology or an acceptable reason, his or her membership must forthwith be terminated and the member must be advised accordingly.
- (3) The Chairperson must make a recommendation to the Head of Department relating to the termination of membership of a member on account of incompetence or misconduct.
- (4) The MEC must terminate the membership of a member of the Examinations Board on the request of such a member or the stakeholder represented by the member.
- (5) All resignations must be submitted in writing to the MEC.

9. Vacancies of Members

If a vacancy arises on the Examinations Board, the MEC must fill such a vacancy on the basis of nominations received for the specific category, in which the vacancy exists.

10. Frequency of Meetings

The Examinations Board should meet as often as circumstances require, but hold a minimum of two ordinary meetings annually. Permission for fewer meetings should be obtained from the Head of Department.

11. Quorum for a Meeting

- (1) A minimum of 50% of the membership constitutes the quorum.
- (2) The quorum must be applicable with respect to ad hoc committees and working groups.

12. Procedure for a Meeting

- (1) Conventional procedures for a meeting must apply in meetings of the Examinations Board, ad hoc committees and working groups.
- (2) The Secretary of the Examinations Board must give notice 14 days prior to the meeting and keep a record of the names of members attending the meeting.
- (3) Ordinary meeting agenda items must be requested by the Secretary in writing 30 days before a meeting and received within ten days thereafter, except for urgent matters which may be included on the agenda at the meeting, provided that no member registers an objection.
- (4) For special meetings, notice of seven days is required, specifying the agenda for an Examinations Board meeting, which must be the sole agenda item for the meeting.
- (5) No decision of the Examination Board may be changed or recalled except by a two-thirds majority of members present or except where this is rendered unavoidable.
- (6) In instances where members cannot attend a meeting, comments and views on issues to be deliberated must be made known in advance and in writing to the Secretary. Apologies for absence must reach the secretary at least one week before a meeting is scheduled to enable him or her to decide on a possible postponement of the meeting.
- (7) The Secretary must circulate copies of minutes and other documentation as may be applicable to each member within one month after every Examinations Board meeting.
- (8) The Secretary must furnish all minutes, correspondence or other documents relating to the activities or functioning of the Examinations Board to the section responsible for assessment and examination for safe record keeping.
- (9) By the end of August of every calendar year, the Examinations Board must determine the financial implications of its activities for the next financial year and submit this information to the section responsible for assessment and examination before the end of September of that calendar year.

13. Allowances and Remuneration for Ad Hoc Committees and Working Groups

The assessment body may reimburse Examinations Board members who are not employed by government for legitimate subsistence and travel expenses in accordance with government tariff guidelines.

CHAPTER 3

PREPARATION FOR THE EXAMINATION PROCESS

14. The Examination Cycle

- (1) The assessment body must develop a management plan in respect of the entire examination cycle.
- (2) The examination cycle commences with the appointment of Examiners and Internal Moderators to set and moderate the question papers for the scheduled examination and concludes with the release of the examination results.
- (3) Planning and preparations for the conduct of external examinations must commence at least 24 months prior to the scheduled examination date.
- (4) All processes must be concluded at least six months prior to the commencement of the external examination.
- (5) The Department of Education will monitor the entire examination cycle to ensure system readiness to deliver a credible examination.

15. Security and Confidentiality

- (1) The assessment body must ensure the security and confidentiality of the assessment process.
- (2) Examination officials must disclose any information regarding the participation of their children or relatives in the examination.
- (3) Examination officials involved in the assessment process must sign a Contract of Confidentiality.

16. Appointment of Examiners and Internal Moderators

- (1) The assessment body must appoint -
 - (a) an Examiner for each paper; or
 - (b) an additional Examiner to assist the Examiner contemplated in paragraph (a); or

- (c) a panel of Examiners, if the candidates must write more than one paper for a subject and the Examiners must work together in setting all the papers for the subject;
 - (d) Examiners for setting different grades of the same subject who must work together;
 - (e) a Chief Examiner for a panel of Examiners, who serves as a convener to ensure the quality and standard of the paper;
 - (f) an Internal Moderator who takes final responsibility in ensuring the standard and quality of the paper, before it is submitted to the External Moderator.
- (2) In the appointment of Examiners and Internal Moderators for provincially set question papers, an advertisement in a provincial newspaper and an Internal circular, should invite educators in the employ of the provincial education department or other educators in the province to apply for appointment.
- (3) In the appointment of Examiners and Internal Moderators for nationally set question papers, an advertisement in a national newspaper should invite educators to apply for appointment.
- (4) The selection panel for the nationally set question papers should be made up of -
- (a) assessment and examination officials from the Department of Education;
 - (b) one external Moderator from Umalusi; and
 - (c) one representative from each of the recognised educator labour unions, who will serve as observers.
- (5) In the case of provincially appointed Examiners and Moderators, the selection panel should comprise of -
- (a) assessment and examination officials from the provincial education department as determined by the Head of Department; and
 - (b) one representative from each of the recognised educator labour unions who will serve as observers.
- (6) The selection panel will make their selection on the basis of curriculum vitae or other written submissions and interviews may be conducted where necessary.
- (a) The criteria for the selection and appointment of Internal Moderators and Examiners for the public assessment bodies will be in accordance with;

- (i) the Personnel Administrative Measures, and
 - (ii) any other additional criteria as determined and approved by HEDCOM.
- (7) The list of persons recommended for appointment by the selection panel must be submitted to the Director-General in the case of nationally set question papers or the Head of Department or his or her nominee, in the case of provincially set question papers, within 14 days of finalisation, for formal approval and appointment.
 - (8) The private assessment body must appoint Examiners and Internal Moderators in accordance with criteria and processes approved by the Examinations Board.
 - (9) The Director-General or the Head of the Department or his or her nominee will make the final decision with regard to the appointment of Internal Moderators and Examiners.
 - (10) Successful applicants must be informed in writing and be required to sign a written undertaking of confidentiality with the Department of Education or provincial education department.
 - (11) Internal Moderators and Examiners should be appointed for a minimum period of two years and a maximum of four years.
 - (12) Letters of appointment for both Internal Moderators and Examiners must clearly indicate the period of appointment.
 - (13) The Internal Moderator or Examiner must, for the period of appointment and subject to the appropriate provisions, be responsible for the question paper for which he or she has been appointed.
 - (14) An Internal Moderator should be appointed for each question paper at every level for which the subject is presented and this does not preclude two question papers from being moderated by the same Internal Moderator.
 - (15) There is no requirement that an Internal Moderator must always be appointed from the ranks of serving educators.
 - (16) A person serving as Internal Moderator or Examiner on a National Examination Panel may be considered for appointment as either Internal Moderator or Examiner for a question paper written under the auspices of the Assessment Body.
 - (17) Where an Examiner or Internal Moderator becomes unavailable and adequate time is not available for the prescribed appointment procedure to be followed, a replacement may be appointed from the list of recommendations made to the Director-General or Heads of Department or Head of private assessment body, taking the individual next in the rank order.

- (18) The assessment body must terminate the appointment of an Examiner or Internal Moderator, if he or she does not comply with the conditions under which he or she has been appointed. The termination must not compromise the examination process.
- (19) All officials involved in the Senior Certificate examination must be required by the assessment body to sign a Contract of Confidentiality.

17. Functions of the Internal Examiners and Moderators

- (1) Examiners must perform the following functions:
 - (a) Setting of question papers that are of the appropriate standard, quality and in the language of instruction as specified by the assessment body;
 - (b) Drafting of additional question papers.
(Regulation 17(1)(a) and (b) repealed and replaced by GN R830 of 2007)
 - (c) Drafting of memoranda of the question papers contemplated in (a) and (b).
- (2) The Internal Moderator must perform the following functions:
 - (a) Ensure that the question paper is of the appropriate standard and quality;
 - (b) Ascertain that a question paper conforms to the core syllabus, adequately provides for differentiation, and includes questions addressing the different cognitive levels;
 - (c) Attend the memorandum discussions;
 - (d) Approve and sign off the finally agreed upon memorandum;
 - (e) Moderate the marked scripts;
 - (f) Liaise with External Moderators;
 - (g) Give advice, support and guidance to Examiners;
 - (h) Recommend the necessary changes to the question papers to the assessment body; and
 - (i) Submit a report to the External Moderator.

18. Process of Setting Question Papers

Prepared by:

- (1) Internal Moderators and Examiners must comply with all instructions issued by assessment bodies.
- (2) Assessment bodies must give Examiners and Internal Moderators guidelines in respect of setting question papers, which must include the following:
 - (a) Number of question papers;
 - (b) The duration of the question paper;
 - (c) Maximum marks;
 - (d) Format of the question paper; and
 - (e) Any other requirement that it may deem necessary.
- (3) Assessment bodies must ascertain that Internal Moderators and Examiners perform their functions.
- (4) The assessment bodies must comply with the changes recommended by the Internal Moderator.
- (5) An assessment body must mediate and make a decision if there is a disagreement between an Internal Moderator and an Examiner.
- (6) If there is a dispute between an Internal Moderator and an External Moderator, the assessment body and Umalusi must mediate an agreement, failing which the decision of the Chief Executive Officer of Umalusi will be final.
- (7) The assessment bodies must comply with the requirements of Umalusi regarding the moderation of Senior Certificate examination question papers.
- (8) Changes effected by the External Moderator must be communicated in writing and these changes must be complied with.
- (9) Assessment bodies must -
 - (a) ensure the safekeeping of the question papers before the writing of the examination;
 - (b) adopt the appropriate mechanisms for the distribution of the question papers;
 - (c) ensure that all persons involved in the handling of question papers sign a Contract of Confidentiality;

- (d) ensure that the distribution chain and number of persons involved are kept to a minimum;
 - (e) ensure that the transfer of question papers from one official to another is carefully checked and controlled; and
 - (f) report any irregularities discovered during the setting of question papers to Umalusi and the Department of Education.
- (10) The assessment body must inform educators and learners about any changes in the format of the question paper.

19. Editing, Translation and Approval of Question Papers for Printing

- (1) A senior examination official must supervise the typing of all examination-related material in a secure area.
- (2) Competent language practitioners must edit and translate all question papers.
- (3) The Internal Moderator must do the final editing.
- (4) The Internal Moderator must sign to certify that he or she is satisfied that the question paper is ready for printing.
- (5) The Examiner, Internal Moderator and External Moderator are jointly responsible for the accuracy, quality and standard of the question paper.
- (6) A senior official must supervise the printing and approve the quality and standard of the printed question paper, regardless of whether the printing is done in-house or outsourced.

20. Registration of Examination Centres

- (1) All public schools must be audited by the section responsible for examinations and assessment in the provincial department of education, to ensure that the public school has the appropriate facilities to serve as an examination centre.
- (2) Private providers wishing to write the examination of a private assessment body must register with the private assessment body as an examination centre in accordance with the requirements of the private assessment body.
- (3) Private providers wishing to write the Senior Certificate examination of the provincial education department must apply for registration as a private examination centre in October of the year preceding the examination.

- (4) The assessment body must make available a prescribed form for application of the registration of a private examination centre.
- (5) Private providers writing the Senior Certificate examination of the provincial education department must complete a Service Contract with the provincial education department before 15 March of the year in which the examination is to be written.
- (6) A registered examination centre may not establish a subsidiary or satellite centre.
- (7) Prisons must register as examination centres, if examinations are conducted at the prison.
- (8) Private providers, including distance education providers, may request the provincial education departments to accommodate their private candidates for the examination, if need be.
- (9) The maximum number of candidates at an examination centre may not exceed 500, except with the approval of the Head of Department.
- (10) Private providers must comply with the following minimum criteria for registration of examination centres:
 - (a) Registration of the centre as an educational institution;
 - (b) Suitability of the venue to accommodate all candidates;
 - (c) Security of the venue;
 - (d) Compliance of the venue with the local health and fire services by-laws;
 - (e) Sufficient lighting;
 - (f) Availability of water and ablution facilities;
 - (g) Availability of suitable educators who can be trained as invigilators;
 - (h) Availability of a strong room for the safekeeping of assessment material; and
 - (i) Availability of the necessary equipment and facilities required for the proper assessment of all learners with special needs who are registered at that particular centre.
- (11) The assessment body must issue a centre number if the application for registration is successful.

- (12) The assessment body must review the registration of private centres at least once in three years.
- (13) The Head of Department must de-register a private examination centre if the following occurs:
- (a) Physical relocation of the examination centre to another venue from the premises approved by the assessment body;
 - (b) The centre's officials and candidates commit serious irregularities in respect of the question papers before or during examinations;
 - (c) Maladministration resulting in the disadvantage to candidates and an adverse effect on the centre's ability to render effective services;
 - (d) Officials of the examination centre not complying with the regulations and directives issued by the assessment body and Umalusi; or
 - (e) Examination centre no longer complying with the criteria in sub-regulation (10).
- (14) The assessment body may take over the administration of the conduct of the examination at the private centre if, after an investigation, there is evidence that the examination may have been compromised.

21. Registration of Candidates

(Paragraph 3 of GN 830 of 2007 gives the following instruction, which does not make sense and has therefore not been applied, but is given here in full:

Repeal paragraph 21(4):

21. Registration of Candidates

- (1) *Public and private providers may register full-time or part-time candidates for the Senior Certificate examinations.*
- (2) *Only learners in Grade 12 may register for the Senior Certificate examinations, learners in other grades may not register for one or more subjects in Grade 12.*
- (3) *The closing date for registration must be on or before 15 March of the year of assessment.*
- (4) *Each assessment body must determine the format of the registration form and the procedure for registration including the supplementary examination.*

- (5) *A full-time candidate, who changes his or her registration status to part time after the registration date, may only do so with the approval of the Head of Department.*
- (6) *A candidate may sit for a supplementary examination, subject to the conditions stipulated in regulation 46.*
- (7) *A candidate, who is unsuccessful in the supplementary examination, may register for the November examination, after the closing date for examination registration, provided this is done within 15 working days of the release of the results of the supplementary examination.*

Replace it with a new paragraph 21 (4):

Registration of Candidates

- (1) *Public and private providers may register part-time candidates for the Senior Certificate examinations.*
- (2) *The closing date for registration must be on or before 31 January of the year of examination.*
- (3) *Each examination body must determine the format of the registration form and the procedure for registration.*
- (4) *A candidate may sit for the May/June 2008 examination as a supplementary examination, subject to the conditions stipulated in regulation 46.*
- (5) *In 2009, 2010 and 2011 learners will register as part-time candidates.*

(Prior to the above amendment the regulation 21 read as follows:)

- (1) Public and private providers may register full-time or part-time candidates for the Senior Certificate examinations.
- (2) The closing date for registration must be on or before 30 September prior to the year of examination.
(Regulation 21(2) substituted by GN 1152 of 2007)
- (3) The closing date for registration must be on or before 15 March of the year of assessment.
- (4) Each assessment body must determine the format of the registration form and the procedure for registration including the supplementary examination.
- (5) A full-time candidate, who changes his or her registration status to part-time after the registration date, may only do so with the approval of the Head of Department.

- (6) A candidate may sit for a supplementary examination, subject to the conditions stipulated in regulation 46.
- (7) A candidate, who is unsuccessful in the supplementary examination, may register for the November examination, after the closing date for examination registration, provided this is done within 15 working days of the release of the results of the supplementary examination.
- (8) In the case of a learner relocating to another province, after he or she has registered for the examination, the assessment bodies concerned may agree on the transfer of a candidate from one assessment body to the other, taking into account the time available before such an examination.
- (9) A part-time candidate may register for one or more subjects in a particular examination.
- (10) If a candidate has enrolled for full-time tuition and registered for a minimum of six subjects, such a candidate must be registered as a full-time candidate.
- (11) Non-registered candidates will not be internally assessed or allowed to sit for the final examination.
- (12) However, if the non-registration of candidates is due to an error or omission by a examination official, the learner must be allowed to sit for the final examination.
- (13) A full-time candidate may not register as a part-time candidate at another assessment body or another centre, for the same examination sitting, except in exceptional cases, where approval must be granted by the Head of Department or his or her nominee.
- (14) Full-time candidates in Grade 12 may register for an additional subject in the Senior Certificate, and must comply with the following conditions:
 - (a) Obtain permission from the Head of Department or his or her nominee;
 - (b) Must have offered and passed the additional subject/s in Grade 10 and Grade 11 and must provide written proof to confirm same;
 - (c) Must satisfy the requirements for Internal assessment for that specific subject;
 - (d) If the additional subject is not presented at the centre of registration, the candidate must obtain the approval of the head of the centre of registration and the other institution or assessment body to offer the subject.
 - (e) The institution offering the additional subject must forward the internal assessment mark to the centre of registration; and

(f) A candidate registered for an additional subject must sit for the final examination at the centre of registration. Where this cannot be done special permission must be obtained from the Head of Examinations.

(15) Candidates that are suspended from an examination due to an irregularity should not be allowed to register for the Senior Certificate examination with any of the assessment bodies, until such time that the suspension has lapsed.

22. External Examinations written outside the Republic of South Africa

(1) A candidate registered for the Senior Certificate examination may apply in writing to the Head of Department, for permission to write the external examination outside the country.

(2) The following are the categories of candidates who qualify in terms of subregulation (1):

(a) Children or wards of diplomats or personnel in a South African Diplomatic Mission;

(b) Candidates whose parents or guardians have been transferred by their employers to other countries;

(c) A candidate who has been transferred to another country by his or her employer; and

(d) A candidate who represents the country in a recognised and registered sports or cultural event.

(3) Only South African Diplomatic Missions or centres approved by the relevant assessment bodies may be examination centres.

(4) The candidate must bear all additional costs of the assessment.

(5) Only candidates already registered for the Senior Certificate examination may be considered for this concession.

(6) All examinations written outside the country must conform to the South African time, i.e. they must be written at the same time as the paper in South Africa.

CHAPTER 4

INTERNAL ASSESSMENT/CONTINUOUS ASSESSMENT (CASS)

23. Requirements for an Internal Assessment Mark for the Senior Certificate

Prepared by:

- (1) The final promotion mark for full-time candidates registered for a Senior Certificate must include an Internal assessment mark.
- (2) The assessment body must ensure that all Internal assessments are conducted in terms of the provisions of these regulations.
- (3) Full-time candidates must comply with all the requirements of Internal assessment, regardless of the subject or grade.
- (4) Full-time candidates who register for more than six subjects must comply with all the requirements relating to internal assessment. This also applies to candidates that may offer an additional subject or subjects at another institution.
- (5) The internal assessment mark in respect of the final promotion mark must count 25%.
- (6) For subjects with a practical component, the internal assessment mark must, where applicable, also include a practical assessment counting 25% or any other percentage as determined in the syllabus.
- (7) Umalusi may issue directives for internal assessment as stipulated in section 17(1) of the General and Further Education and Training Quality Assurance Act (No. 58 of 2001).

24. Administration Requirements for Internal Assessment

- (1) A learner must comply with the full requirements of the internal assessment in order to be awarded a final internal assessment mark. Exceptional cases will be dealt with in terms of the Umalusi directives.
- (2) A learner who does not comply with the full requirements of internal assessment, and does not submit a valid reason for such non-compliance, cannot be awarded a Senior Certificate even though he or she satisfies all other requirements of the certificate and he or she must be designated as "incomplete" on the computer system.
- (3) In the case of a learner not being able to comply with the requirements of internal assessment and valid reasons are provided, he or she must be granted another opportunity to be assessed in the assigned tasks. In such a case a learner will be granted three calendar weeks, from the date on which the concession is granted, to submit outstanding work or present himself or herself for the internal assessment.

25. Completion of Mark Sheets for Internal Assessment

- (1) A teacher must complete mark sheets in black or blue ink.

- (2) The teacher and the principal or Head of Institution and an appointed Moderator must write their names and sign the mark sheets.
 - (3) The stamp of the school or institution must appear on the mark sheet.
 - (4) The teacher must allocate a mark to every learner on the mark sheet.
 - (5) The principal must submit the completed mark sheets according to the prescriptions of the assessment body.
 - (6) The assessment body must enter an appropriate code for learners whose practical component marks are missing.
 - (7) The principal or Head of the Institution must report to the assessment body, all cases where learners do not appear on the official mark sheets.
 - (8) The teacher must complete handwritten mark sheets accompanied by suitable written explanations, for all the learners contemplated in sub-regulation (7).
 - (9) A teacher may indicate an outstanding practical or internal assessment mark with a "777" mark until the learner presents himself or herself for the internal assessment or practical mark.
 - (10) A teacher may indicate with a "999" on the mark sheet, if a learner has registered for the wrong subject or grade.
 - (11) Despite sub-regulation (10), the teacher must write a report explaining the reasons for the incorrect entry, which must be accompanied by a handwritten mark sheet.
 - (12) A teacher may indicate with a "999" in a mark sheet, if the candidate leaves the system after registration.
 - (13) The teacher must convert a "777" mark to a "999" mark if a candidate does not present himself or herself for internal assessment within the prescribed period, prior to the submission of the internal assessment mark sheet to the examination section of the assessment body.
 - (14)
- (Regulation 25(14) repealed by regulation 4 of GN 830 of 2007)*
- (15) A "777" converted to a "999" implies that the learner must re-register for that subject in the following examination.

26. Moderation of Internal Assessment

Prepared by:

- (1) Each assessment body must have a policy that clearly stipulates how internal moderation will be implemented at school, district/region and provincial level.
- (2) The internal moderation policy of the assessment body must be approved by Umalusi, the Council for Quality Assurance in General and Further Education and Training.
- (3) The internal assessment marks for the Senior Certificate must be subjected to the quality assurance processes of Umalusi before they are combined with the examination mark.

CHAPTER 5

CONDUCT OF EXAMINATIONS

27. Appointment of Chief Invigilators/Invigilators

- (1) The assessment body reserves the right to appoint any competent school or office-based educator as a Chief Invigilator, should the principal or Head of Institution be found not to be capable of upholding the integrity of the external examinations.
- (2) The Chief Invigilator must appoint Invigilators in accordance with the requirements of the assessment body.
- (3) The Chief Invigilator may delegate his or her duties in writing to his or her deputy if he or she is absent, and inform the district or regional office accordingly.
- (4) The Chief Invigilator must appoint educators as Invigilators, in writing, before the Senior Certificate examination begins and provide the head of examinations, district or regional office with a copy of the invigilation roster.
- (5) The assessment body may appoint private invigilators, including the Chief Invigilator, where necessary.
- (6) In cases where the assessment body appoints private Chief Invigilators and Invigilators, the principal or the Head of the Institution is still finally accountable for the conduct of the examinations at that centre, except where the principal has been relieved of his or her examination responsibilities by the Head of Department or his or her nominee.
- (7) The Chief Invigilator must have a thorough knowledge of the procedures, rules and regulations regarding the examinations.
- (8) The Chief Invigilator must train the Invigilators before the Senior Certificate examination begins.

- (9) One Invigilator must be appointed for every 30 candidates writing the examination. This must be translated as follows:
- (a) 0 - 30 candidates = 1 invigilator;
 - (b) 31 - 60 candidates = 2 invigilators; and
 - (c) 61 - 90 candidates = 3 invigilators, etc.

28. Roles and Responsibilities of the Chief Invigilator

- (1) The Chief Invigilator is responsible for the management of the entire examination.
- (2) The Chief Invigilator must appoint relief invigilators.
- (3) The Chief Invigilator or his or her deputy must -
 - (a) draw up an invigilation and relief timetable and submit these to the district director or manager;
 - (b) draw up a seating plan, indicating the exact seating of candidates in the examination room. This must be submitted for each question paper written;
 - (c) ensure that in the examination room -
 - (i) not more than one candidate occupies a table or desk;
 - (ii) charts, including drawings, formulae and any other written material are removed from the walls or chalkboard;
 - (iii) candidates are seated at least one metre apart from each other; and
 - (iv) there is sufficient ventilation and lighting;
 - (d) read all instructions to candidates before the start of the examination, in the language of instruction;
 - (e) inform the candidates that if one is found guilty of contravening any of the rules, his or her results may be declared null and void;

- (f) open the sealed envelope in the presence of the candidates, ensure that it is the correct question paper and remain in the examination room until the question papers have been issued to the candidates;
- (g) visit the examination room/s on a regular basis and ensure that there are no unauthorised persons in and around the examination room;
- (h) ensure that candidates are informed timeously of any equipment required for the writing of a question paper; and
- (i) assist in relief invigilation.

29. Roles and Responsibilities of the Invigilator

(1) Invigilators must -

- (a) admit part-time candidates into the examination room only if the candidate produces proof of identity and an admission letter;
- (b) admit a full-time candidate at a school, on producing an admission letter only;
- (c) if a candidate fails to produce the required documents, admit the candidate on condition that he or she produces the documents after the examination, failing which the assessment body must institute irregularity proceedings against the candidate;
- (d) ensure that candidates are seated 30 minutes before the start of the examination;
- (e) ensure that the candidates have the complete question paper;
- (f) give the candidates 10 minutes reading time before the commencement of the examinations;
- (g) ensure that no writing takes place during the reading time;
- (h) not admit a candidate after one hour after the official start of the examination;
- (i) admit a candidate within the first hour after the examination has commenced, provided a legitimate reason is provided but no additional time must be allowed;
- (j) only allow a candidate to leave the examination room in the case of an emergency or to go to the toilet, and in these cases, this must be done under supervision;

- (k) not allow a candidate to leave the examination room before the first hour of the examination has lapsed or during the last 15 minutes of the examination session;
 - (l) move around in the examination room without disturbing the candidates;
 - (m) refer any violation of the rules and regulations by a candidate to the Chief Invigilator immediately;
 - (n) ensure that the candidate's examination number is written on each answer book and on loose sheets of paper used by the candidate during the examination;
 - (o) ensure that the times specified in the examination timetable are adhered to; and
 - (p) ensure that the candidates answer the question paper in the language of instruction, unless stated otherwise in the question paper.
- (2) The Invigilator may not provide candidates with an extra answer book for rough work.
- (3) The Invigilator must collect all used and unused answer books including spoiled answer books that are left on the desk or table by a candidate.
- (4) The Invigilator may not issue a second answer book unless he or she is satisfied that the first one is full.
- (5) The Invigilator must collect all material belonging to the institution, used by the candidate in the examination, at the end of the examination.
- (6) After distributing the question papers the Invigilator must -
- (a) go through the question paper with the candidates, checking that -
 - (i) the correct question paper is issued;
 - (ii) the numbering is correct;
 - (iii) name of the question paper is the same on each page;
 - (iv) all the pages are printed; and
 - (v) annexures are complete.
 - (b) check against the mark sheet that all the candidates have received the correct question paper;

- (c) not read aloud any question or part thereof to a candidate;
 - (d) not draw attention to any error he or she may have observed in the examination material unless the error is included in the erratum;
 - (e) refrain from explaining any question to a candidate; and
 - (f) switch off his or her cell phone.
- (7) The Invigilator must not -
- (a) read or do any work that will hinder him or her from properly performing his or her duties;
 - (b) use a cell phone;
 - (c) assist a candidate in answering any examination question;
 - (d) invigilate a subject that he or she teaches in any grade;
 - (e) leave the examination session unattended;
 - (f) speak to another invigilator in a manner that disturbs the candidates;
 - (g) hand over a copy of the question paper to any person outside the examination room or take the question paper out of the examination room before the examination has ended;
 - (h) allow candidates to violate the rules and regulations of the examination;
 - (i) smoke in the examination room; and
 - (j) carry a dangerous weapon in the examination room.

30. Entry into an Examination Room

- (1) Only a candidate registered for the specific question paper, the Invigilator, Chief Invigilator or an authorised representative of the assessment body, officials of the Department of Education or Umalusi may be present during an examination.
- (2) An Examiner appointed by the assessment body to conduct an oral examination, a reader or a scribe may be present in the examination room but only for the period necessary for him or her to perform his or her duties.

31. Instructions to Candidates

- (1) The Chief Invigilator or his or her deputy must read out the following instructions to the candidates before the start of the examinations:
 - (a) No explanation of examination questions may be asked or given by any person;
 - (b) No candidate is allowed to leave the examination room within the first hour of the examination, except in an emergency and under supervision;
 - (c) As soon as a candidate hands in his or her answer script, he or she must leave the examination room;
 - (d) A candidate must carefully read and comply with the instructions, which appear on the front cover of his or her answer book and also those on the question paper and the examination timetable;
 - (e) A candidate is not allowed to assist another candidate or try to assist him or her or communicate with another candidate;
 - (f) All questions must be directed to the invigilator;
 - (g) A candidate may not cause a disturbance in the examination room or behave in an improper or unseemly manner;
 - (h) A candidate may not disregard the instructions of the invigilator;
 - (i) Unless otherwise stipulated as a requirement for the particular examination, a candidate may not be in possession of -
 - (i) any written material, e.g. books, examination memorandums, notes, etc;
 - (ii) maps or aerial photographs;
 - (iii) unused examination paper;
 - (iv) other documents, papers or material which may be of help to a candidate in the examination;
 - (v) programmable calculators; or

- (vi) any electronic receiver or transmission devices, e.g. cell phones.

- (j) The excuse that a candidate has forgotten or was not aware that he or she has the unauthorised material listed in paragraph 1(i) in his or her possession will not be accepted;

- (k) Calculators may only be used by a candidate in subjects where these are indicated on the question paper as being necessary;

- (l) All answer scripts, answer sheets and any other aids issued to the candidate must be handed in before the candidate leaves the examination room, otherwise these will not be recognised for evaluation;

- (m) The Invigilator will tick off the name of the candidate on the mark sheet to confirm the presence or absence of the candidate;

- (n) The Invigilator will read any erratum on a specific question paper to the candidates concerned;

- (o) Candidates are allowed ten minutes reading time before the official commencement of the examination during which no writing of any kind may take place;

- (p) All work, including rough work, must be completed in the answer script provided;

- (q) A candidate may only use a separate answer script for a particular section of the question paper if the instructions on the question paper specifically require that to be done;

- (r) Candidates must number the answer scripts in numerical order if more than one answer script is used;

- (s) The name of the candidate or the institution where he or she is enrolled must not appear anywhere in the answer script;

- (t) A candidate must not remove any used or unused answer books from the examination room; and

- (u) If a candidate does not obey these instructions, he or she may render himself or herself liable for suspension from this and future examinations.

32. Examination Monitoring

- (1) It is the responsibility of the Department of Education to develop and implement a monitoring policy.

- (2) The Director-General must ensure compliance with the national monitoring policy, which assessment bodies may adapt with the approval of the Head of Department.
- (3) Umalusi will verify the monitoring system and ensure that the outcome of the system is valid.
- (4) All assessment bodies must establish appropriate structures and processes to monitor the examination cycle.
- (5) The examinations will be monitored to ensure that they are conducted in accordance with the regulations and policies applicable to the examination.
- (6) The monitoring must cover all stages of the examination, commencing with the preparatory phase and concluding with the release of the results.
- (7) The assessment body must determine the composition of the monitoring team, which may include representatives from outside the provincial education department so as to ensure the credibility of the monitoring team.
- (8) The monitoring team must visit a sample of the examination centres while the examination is in progress and report on, amongst others, the following:
 - (a) General management of the examination;
 - (b) Invigilation;
 - (c) Condition of examination rooms;
 - (d) Seating of candidates;
 - (e) Administration of reading time; and
 - (f) Return of scripts.
- (9) The marking process should also be closely monitored. The monitoring team should visit the marking centres to observe the marking process and to ensure compliance with the relevant policy and regulations.
- (10) The monitoring team must report to the assessment body during the writing of the examinations, on a prescribed format, at least once a week.
- (11) The assessment body must also monitor the implementation of Internal assessment at school level.

- (12) Umalusi may request the assessment body to submit a report regarding the monitoring of the Senior Certificate examinations.

CHAPTER 6

MARKING PROCESS

33. Marking Centres

- (1) Provincial assessment bodies must submit a comprehensive marking plan to the Inter Provincial Examinations Committee, which must then be monitored by the Department of Education
- (2) An assessment body must develop guidelines for the establishment and management of marking centres.
- (3) The Department of Education must ensure a common national standard for the marking processes.
- (4) A marking centre must comply with the following:
 - (a) Adequate marking space;
 - (b) Catering facilities;
 - (c) Overnight accommodation, if required;
 - (d) Security;
 - (e) Mechanisms for the prevention of entry of unauthorised persons;
 - (f) Control centre; and
 - (g) Information Communication Technology facilities, if required.
- (5) Centre Managers must be appointed from amongst senior officials in the unit responsible for examinations and assessment.

34. Appointment of Markers

- (1) Markers for the public assessment bodies must be appointed in terms of -
 - (a) the Personnel Administration Measures; and

- (b) any other additional criteria as determined and approved by HEDCOM.
- (2) Markers for the private assessment bodies must be appointed in terms of criteria and processes approved by the Examinations Board.
- (3) All selection panels of markers should be chaired by the relevant Head of Examinations or his or her nominee.
- (4) The process of appointing markers must commence at least six months prior to the commencement of the specific marking session.
- (5) The information on the application for marking must be verified by the district manager, a designated official or a sworn affidavit.
- (6) The assessment body must select additional markers for a reserve list, to provide for the case of appointed markers failing to report for duty.
- (7) Markers, Senior Markers and Chief Markers must be appointed annually.
- (8) Markers, Senior Markers and Chief Markers, who are outside the employ of the Department of Education, may be appointed at the discretion of the Head of Department, in exceptional cases.

35. Duties of the Marker, Chief Marker and Senior Marker

- (1) The Chief Marker must perform, *inter alia*, the following functions:
 - (a) Take responsibility for the management of marking in the specified subject;
 - (b) Ensure that the marking of the specified subject is in keeping with the marking guidelines;
 - (c) Ensure the security and control of scripts assigned to him or her;
 - (d) Attend and take responsibility for the memorandum discussions;
 - (e) Oversee the training of Markers and Senior Markers;
 - (f) Ensure that at least 10% of the scripts are moderated to promote consistency in the marking process;
 - (g) Report all alleged irregularities identified during the marking process to the head of examinations or his or her nominee; and

- (h) Compile a report on marking as required by the assessment body.
- (2) The Senior Marker must perform the following functions:
- (a) Support the Chief Marker in ensuring the efficient and effective marking of scripts;
 - (b) Take responsibility for the marking of scripts amongst the Markers assigned to him or her;
 - (c) Take responsibility for the mark sheets and answer scripts assigned to him or her;
 - (d) Ensure that the Markers under his or her supervision mark the scripts in accordance with the marking memorandum;
 - (e) Moderate at least 10% of the scripts marked by the Markers under his or her supervision, to ensure consistency within the marking process; and
 - (f) Report all alleged irregularities identified during the marking process to the Chief Marker.
- (3) The Marker must perform the following functions:
- (a) Mark the scripts assigned to him, according to the marking memorandum;
 - (b) Take responsibility for the scripts and mark sheets assigned to him or her;
 - (c) Accurately transfer the marks from the script to the mark sheet; and
 - (d) Identify and report all alleged irregularities identified during the marking process to the Senior or Chief Marker.

36. Marking Procedure

- (1) Marking may commence in one or selected subjects while the rest of the examination is still in progress or at the end of the examination.
- (2) The Markers may mark all the questions in the answer script or only the questions allocated to him or her, as instructed by the chief marker.
- (3) If a candidate is required to answer only a selected number of questions in a question paper, the Marker must mark only the required number of questions in the answer script.
- (4) The Marker must mark the questions stipulated in sub-regulation (3) in the order in which they appear in the answer script and ignore the extra questions.

- (5) The Marker may use only black ink on the mark sheet or any other official document.

37. Release of Memoranda and Question Papers

- (1) The assessment body must release the memoranda and question papers of the November examination of the previous year, before the end of April of the following year.

- (2)

(Regulation 37(2) repealed by regulation 5 of GN 830 of 2007)

CHAPTER 7

STANDARDISATION, PROCESSING AND RELEASE OF RESULTS

38. Minimum Requirements for a Computer System

- (1) An assessment body must formulate the minimum requirements for a computer program used in the assessment process, which must be approved by HEDCOM or the Examination Board in the case of the private assessment body.
- (2) An assessment body must monitor and manage the computer system that conforms to the minimum requirements for a computer program.

39. Processing of Marks

- (1) The marks obtained by learners, as reflected on the mark sheets, must be captured by specifically trained staff.
- (2) In order to ensure accuracy in the capture of marks, all marks must be verified using the double-capture method or a verification method approved by HEDCOM.
- (3) The assessment body must closely monitor the capture of marks.
- (4) The results of the Senior Certificate examination will be printed in a common format for all provincial departments of education, taking into consideration provincial differences.

40. Standardisation of Senior Certificate Results

- (1) Mark adjustments are done by Umalusi in conjunction with the assessment body, based on the norms and standards set by the Umalusi Council.

- (2) The data and evidence required for the standardisation of the results are determined by Umalusi.

41. Release of Results

- (1) With regard to the release of results, the release date must be decided upon by the Council of Education Ministers on the recommendation of HEDCOM, on an annual basis.
- (2) The results can only be released subject to approval by Umalusi.

CHAPTER 8

RE-MARKING, RE-CHECKING AND VIEWING OF SCRIPTS

42. Fees

- (1) The Director-General, after consultation with the Heads of Departments, may determine fees for -
- (a) re-marking of answer scripts, which must be refunded to the candidate if the re-marking results in an improvement of the symbol;
 - (b) re-checking;
 - (c) viewing; and
 - (d) statement of results.
- (Regulation 42(1) repealed and replaced by regulation 6 of GN 830 of 2007)*
- (2) Learners may be exempt from paying examination-related fees, if the candidate can prove that he or she has been exempt from the payment of school fees in terms of the poverty-ranking formula.
- (3) The Minister, in consultation with the Council of Education Ministers, will handle appeals relating to the examination fees.

43. Re-checking and Re-marking of Examination Scripts

- (1) A candidate may apply for the re-checking or re-marking of his or her answer scripts for the May/June 2008 examinations, within 30 days of the official date of release of results.
- (Regulation 43(1) repealed and replaced by regulation 7 of GN 830 of 2007)*
- (2) The statement of results must indicate the prescribed fee for re-checking or remarking.

44. Viewing of Scripts

Prepared by:

- (1) A candidate or his or her parent has a right to view a script in terms of the Promotion of Access to Information Act (No. 2 of 2000).
- (2) The candidate or his or her parents may apply to view a script, if after the rechecking and re-marking process, the candidate is still not satisfied with the result.
- (3) This application must be made within 30 days of release of the results of the recheck and re-mark and the application must contain the reasons for the request.
- (4) If the application is successful, the candidate or his or her parent may only view the script in the presence of an examination official and may not remove the script from the viewing room.
- (5) The purpose of viewing is for the candidate and/or the candidate's parent/guardian to satisfy himself/herself that -
 - (a) the script belongs to the candidate concerned;
 - (c) the script has been marked in its entirety;
 - (d) the marks have been correctly totalled; and
 - (d) all parts of the script are intact.
- (6) The examination official may not permit any other document in the viewing room.
- (7) The examination official may not allow any writing on the script.
- (8) The candidate or his or her parent may request a copy of the script at a prescribed fee.

45. Appeals

- (1) After re-marking and or viewing of scripts, a candidate may apply to the Head of Department, for a final re-mark.
- (2) If the candidate is not satisfied with the outcome, he or she may appeal to the Member of the Executive Committee for Education in the Provincial Legislature or Umalusi in the case of private assessment bodies.

CHAPTER 9

SUPPLEMENTARY EXAMINATIONS

Prepared by:

46. May/June 2008: Examinations

- (1) A full time candidate who did not register for a subject in the October/November 2007 examination, may not be permitted to write an examination in that subject in the May/June 2008 examination.
- (2) Only the following candidates qualify to write the May/June 2008 examination[sic]:
 - (a) A candidate who becomes ill during the October/November 2007 examination, on condition that he or she produces a medical certificate;
 - (b) A candidate who has not met the minimum promotion requirements in the examination but requires one or more subject to obtain a final promotion. Such a candidate will not be limited to a pre-determined number of subjects, however, will be restricted to subjects but not the grade for which they registered in the November 2007 examination sitting;
 - (c) A candidate who obtains a conditional exemption, i.e. one requirement short of a Senior Certificate with matriculation endorsement in the October/November 2007 examination, may register for the Senior Certificate examination in May/June 2008 as a supplementary examination. For this purpose, the October/November 2007 and the May/June 2008 examinations will be regarded as one examination sitting;
 - (d) A candidate who provides documentary evidence that he or she qualifies for admission to university or any other higher education institution but does not satisfy the higher education faculty/department/subject requirements. Such a candidate will not be limited to a pre-determined number of subjects, but will, however, be restricted to subjects and grades for which they registered in the November 2007 examination sitting;
 - (e) In the case of a death in the family or other special reasons for absence, admission to the May/June 2008 examination as a supplementary examination is at the discretion of the Head of Department.
 - (f) The Umalusi Council shall endorse Senior Certificates that have to be endorsed in terms of paragraphs 3, 4 and 5 of the matriculation endorsement requirements on the first day of the month following the month in which the requirements for endorsement were satisfied, provided that in the case of a candidate who satisfied, the requirements for endorsement at two or more examination sittings, the dates on which the subjects were passed at the relevant examination sittings shall also be indicated on the Senior Certificate.
- (3) An assessment body may permit a candidate who is unable to write the final October/November 2007 examination due to an injury or illness or any other valid reason, to write the May/June 2008 examination based on the following conditions:

- (a) The candidate produces documentary evidence in support of his request and submits a copy thereof to the assessment body, within 14 days from the date on which the specific examination was written;
 - (b) The Head of the Institution countersigns the evidence; and
 - (c) The Head of the Institution makes a recommendation on whether the candidate should be permitted to write the examination.
- (4) If a candidate does not write a final October/November 2007 examination for reasons other than an injury or illness, such as participating in international sports fixtures, the candidate may apply for special permission as stipulated in sub-regulation (2). The examination body may allow the candidate to register for the May/June 2008 examination as a supplementary examination.
- (5) The examination body may provisionally grant a candidate admission to the May/June 2008 examination as a supplementary examination in the case where an irregularity regarding the candidate is being investigated.
- (6) If in the case of sub-regulation (5), the candidate is found guilty, the results of the May/June 2008 examination are declared null and void.
- (7) A candidate may not change a subjecte[sic] in the May/June 2008 examination as a supplementary examination. The subject grade may, however be changed.
- (8) A candidate who did not write the 2007 Senior Certificate examination or part thereof due to the reasons stated in sub-regulation 2(a) and (e), may be granted permission to write the May/June 2008 examination as a supplementary examination only in the paper or papers that he or she did not write.

(Regulation 46 repealed and replaced by regulation 8 of GN 830 of 2007)

CHAPTER 10

EXAMINATION DATA

47. Accessibility of Examination Information

- (1) The Minister of Education is the custodian of the examination data. The Director-General or the Head of the the[sic] Provincial Education Department approves access to examination data by the members of the public, provided that the Department of Education is satisfied of 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 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 answer scripts after six months unless litigation is still pending, for instance scripts of candidates involved in irregularities.

48. Certification Records

- (1) The assessment body must submit approved learner records for certification to Umalusi subject to the directives issued by Umalusi.
- (2) The provincial assessment body must immediately transfer the certification records to the historical certification records of the Department of Education. Under exceptional circumstances, this should not exceed a period of three months.
- (3) The Department of Education must ensure that there are back-up copies of the historical certification records of provincial assessment bodies.
- (4) The assessment body must ensure stringent security measures during the following processes:
 - (a) Queries;
 - (b) Combination of results; and
 - (c) Verification of results.
- (5) The assessment body must have secure methods, measures and procedures in place, to ensure safekeeping of examination records, subject to directives issued by Umalusi.

CHAPTER 11

EXAMINATION/ASSESSMENT IRREGULARITIES

49. Categorisation of Examination/Assessment Irregularities

Examination/Assessment Irregularities must be categorised as follows:

- (1) Administrative errors or omissions
- (2) Behavioural Offences

- (3) Acts of Dishonesty

50. Assessment Irregularities that occur during the Internal Assessment Process

- (1) Irregularities involving learners during Internal assessment may include the following:
- (a) A candidate who refuses to abide by any or all of the minimum requirements in respect of the compilation of a mark for Internal assessment in a subject, with no valid reason. The School's Assessment Irregularities Committee (SAIC) must approve the validity of the reason presented;
 - (b) A candidate who presents work that is not his or her original work. This may take various forms and may include the following:
 - (i) Copying verbatim from another source. In this case, if the teacher is suspicious and has evidence of sections or the complete assignment or project being lifted verbatim from another source, this must be declared an irregularity;
 - (ii) An assignment/project that is not his or her own effort. This may have been completed by another learner, his or her parent, or purchased;
 - (iii) Reproduction of an assignment or project from another learner and there is evidence of such copying;
 - (iv) Work that has been previously presented and for which credits were received, which could either be his or her own effort or that of another individual;
 - (v) The whole or part of a portfolio that is not his or her own, but that of another learner from the same school/learning institution or another school/learning institution; and
 - (vi) A candidate who resorts to any dishonest act to mislead the educator in terms of the authenticity/originality of the portfolio presented.
 - (c) A candidate who, in respect of a component of a mark for Internal assessment that is completed under controlled conditions does the following:
 - (i) Creates a disturbance or intimidates others, or behaves in an improper or unseemly manner despite a warning;
 - (ii) Is drunk or behaves in a disorderly manner;
 - (iii) Disregards the arrangements or reasonable instructions of the educator despite a warning; or

- (iv) Continues to disregard assessment regulations despite a warning.
- (2) Irregularities involving teachers/educators and other assessment officials during Internal assessment (CASS/SBA) may occur during the following stages at the school or learning institution:
- (a) The compilation of the mark for Internal assessment;
 - (b) The monitoring or moderation of the mark achieved in respect of Internal assessment;
 - (c) The capturing and processing of data; and
 - (d) Investigations in respect of suspected Internal assessment irregularities.
- (3) The assessment irregularities may include the following:
- (a) The teacher wilfully and intentionally, without a valid reason, fails to satisfy the requirements or excludes one or more assessment tasks from the compilation of the final assessment marks;
 - (b) The teacher alters, in other words, either decreases or increases the marks of candidates without the approval of the Internal Moderator or head of the institution;
 - (c) The teacher wilfully provides assistance to a learner that advantages a learner unfairly in comparison to other learners; and
 - (d) The teacher collaborates with a candidate who presents the whole or part of the portfolio that is not his or her own work.

51. Irregularities that may occur during the Planning and Preparatory Phase of the External Examination

- (1) If there is evidence that there is non-compliance with the national and provincial regulations on the part of the examination officials involved in the following processes, the act must be declared an irregularity:
- (a) Registration of candidates;
 - (b) Appointment of Examiners and Internal Moderators;
 - (c) Setting, internal and external moderation of the examination question papers;
 - (d) Editing, proofreading, translation and final approval of question papers; and

- (e) Printing, packaging, storage and distribution of question papers to examination centres.

52. Irregularities that may occur during the Conduct of the Examination

- (1) Assessment irregularities identified during the writing of the examination may be classified as -
 - (a) learners misbehaving or wilfully disobeying regulations or instructions issued during an examination;
 - (b) learners engaged in dishonest acts during the examination process; and
 - (c) department officials, teachers/educators contravening the legislation on the conduct of the Senior Certificate examinations, so as to grant candidates an unfair advantage/disadvantage in the examination.
- (2) This category of examination irregularity includes -
 - (a) creating a disturbance or intimidating others or behaving in an improper or unseemly manner;
 - (b) disorderly conduct;
 - (c) disregard for the arrangements or reasonable instructions of the invigilator despite a warning; and
 - (d) disregard for examination regulations.
- (3) Learners 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 question paper is being written.
- (4) Acts that are identified before the commencement of the examination include the following:
 - (a) Presentation of fraudulent identification documents;
 - (b) Failure to present identification documents;
 - (c) Bribery or attempted bribery;
 - (d) Access to leaked question paper/s; and
 - (e) Possession of unauthorised examination material.

- (5) Acts that are identified while the question paper is being written include the following:
- (a) Possession of notes or any other unauthorised material, which could in any way assist in the answering of questions;
 - (b) Copying from notes or textbooks or any other unauthorised material;
 - (c) Copying from fellow candidates;
 - (d) Attempting to obtain assistance from, or being assisted by, another candidate or any other individual;
 - (e) Assisting, or attempting to assist, another candidate;
 - (f) Receiving assistance from any other source;
 - (g) Question paper written by another or substitute candidate;
 - (h) The use of another candidate's examination number;
 - (i) Any other type of conduct or possession, which could render improper assistance or unfair advantage to a candidate and thereby prejudice other candidates;
 - (j) Use of a cell phone, programmable calculators or any other electronic device that may be of assistance to the candidates whilst writing the examination, except where the examination instructions specify otherwise; and
 - (k) Any other action, which is in contravention of the relevant legislation.
- (6) 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 candidates writing the examination, this must be declared an irregularity.

53. 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.

54. Irregularities committed by Examination Officials or Markers

Prepared by:

- (1) Any evidence that indicates that an examination official or Marker engaged in the following actions constitutes an irregularity:
- (a) 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 National Education Policy Act (No. 27 of 1996).
 - (b) Marker appointed and found to have made a false statement in the application.
 - (c) Marker not adhering to prescribed policy and requirements for marking.
 - (d) Misbehaviour by Marker at marking venue or marking accommodation.
 - (e) Any action that indicates a wilful intent to misplace or destroy the scripts of a candidate or candidates.
 - (f) Intentional awarding of marks to candidates that is not justified by the evidence on the script or the marking guideline.
 - (g) Manipulation of the marks so as to unfairly advantage or disadvantage a candidate or candidates.
 - (h) Any other action that is in contravention of these regulations.

55. Irregularities identified by Markers

- (1) Irregularities identified by markers at the marking centres include the following:
- (a) The answer script handed in is different from that issued by the Invigilator;
 - (b) Different handwriting on an answer script;
 - (c) Two examination answer scripts, written by two different candidates submitted with the same examination number;
 - (d) Crib notes discovered in the answer script;
 - (e) No crib notes, but clear evidence of copying;
 - (f) Evidence of possible assistance by an Invigilator;

- (g) Indications that the candidate has been allowed to be examined in terms of an "open book" examination; and
- (h) Answers identical to the marking guideline.

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

- (1) A contravention of these regulations 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.
- (2) Some of the actions deemed to be irregular during the processes listed in 55(1), include the following:
 - (a) Negligence;
 - (b) Indolence;
 - (c) Failure to abide by relevant legislation or policies or regulations;
 - (d) Unauthorised release of sensitive/confidential information;
 - (e) Misuse of authority for private gain or reward;
 - (f) Unauthorised access to examination data or subject credits; and
 - (g) Failure to accurately verify information on certificates and qualifications.
- (3) 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.
- (4) Provision of examination data to any institution or individual, without the approval of the Director-General or Head of Department, or his or her nominee constitutes an irregularity.

CHAPTER 12

PROCEDURES FOR DEALING WITH ALLEGED IRREGULARITIES

57. Procedures for dealing with Alleged Irregularities in respect of Internal Assessment

Procedures in respect of Candidates

- (1) Internal assessment irregularities involving learners must be dealt with at the level of the school or learning institution by the School Assessment Irregularities Committee (SAIC) in accordance with the policy provided by the assessment body.
- (2) Where the candidate does not comply with the minimum requirements of any component of the Internal assessment mark, the following applies:
 - (a) In the event of a valid reason for failure to comply, the candidate must be allowed the opportunity to redo the task. "Valid reason", in this context, constitutes the following:
 - (i) Medical reasons as supported by a valid medical certificate issued by a registered medical practitioner;
 - (ii) Humanitarian reasons, e.g. the death of an immediate family member, supported by valid written evidence;
 - (iii) The learner appearing in a court hearing, supported by written evidence; or
 - (iv) Any other reasons that may be considered valid by the Head of Department or his or her nominee.
 - (b) Candidates must be reminded that the fabrication of evidence in general and especially in respect of the stipulations of regulation 56(2)(a) above constitutes fraud.
 - (c) Where a candidate does not comply with the minimum requirements for Internal assessment in a subject but submits a valid reason, evidence of such valid reasons must be included with the learner portfolio for that subject.

Procedures in respect of Examination Officials

- (3) All alleged irregularities in respect of Internal assessment involving examination officials must be reported to the provincial Head of Department or his or her nominee by the Head of the Institution. Recurring cases must be reported to the National Examinations Irregularities Committee (NEIC).
- (4) Internal assessment irregularities involving educators constitute an act of misconduct and must be dealt with in accordance with the Employment of Educators' Act.
- (5) Internal assessment irregularities involving officials employed in terms of the Public Service Act also constitute an act of misconduct and must be dealt with in accordance with the relevant Public Service Regulations.

- (6) In the case of independent schools or learning institutions registered as examination centres with the relevant provincial department of education, the relevant clauses of the Service Contract entered into with the particular examination centre must be applied.

58. Procedures in respect of Irregularities identified during the Planning and Preparatory Phase of the External Examination

- (1) The Head of 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 accordance with the Employment of Educators' Act or in terms of the Public Service Act, or any other relevant legislation.
- (2) Examination irregularities identified as having occurred before the question paper is written may include the leakage of the question papers set at provincial or national level.
- (a) The first step in such a case is to determine the extent of the leakage, which must be determined by the Provincial Examinations Irregularities Committee (PEIC) or by a team delegated by the PEIC.
- (b) In the case of a provincial question paper, if the leakage is widespread, the relevant provincial department of education must arrange for the question paper to be rewritten on an appropriate date that is suitable for all affected candidates. If the irregularity is confined to a single or a few assessment centres, then it may be recommended to the Head of Department that the action taken be limited to those affected examination centres. The decision in this regard must be made by the Head of Department and the MEC.
- (c) In the event of the leakage of a national question paper, the Director-General of the Department of Education and the Minister of Education should decide on the most appropriate course of action.
- (d) The Provincial Examinations Irregularities Committee (PEIC) must institute a full investigation to ascertain the source of the leakage. The South African Police Services (SAPS) and other investigation experts may be included in the investigation process. All evidence collected must be clearly documented for presentation to the Provincial Examinations Irregularities Committee (PEIC).
- (e) Any other assessment irregularity identified prior to the writing of the question paper, which may impact on the integrity of the examination must be dealt with prior to the question paper being written.

59. Procedures in respect of Examination Irregularities identified during the Conduct of Examinations

Prepared by:

- (1) The Head of 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 accordance with the Employment of Educators' Act or in terms of the Public Service Act, or any other relevant legislation.
- (2) Examination irregularities stemming from misconduct or wilful disobedience regarding regulations or instructions issued during an examination must be dealt with as follows:
 - (a) In all cases the Invigilator must immediately bring the specific examination irregularity to the attention of the Chief Invigilator;
 - (b) The Chief Invigilator must then offer the candidate suspected of an irregularity the opportunity to make a representation, either in writing or verbally, in the presence of the Invigilator.
 - (c) 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 Examinations Irregularities Committee (PEIC) for further investigation and a decision;
 - (d) In the event of a candidate persistently refusing to co-operate, the Chief Invigilator must request the candidate suspected of an irregularity to leave the examination room.
 - (e) The answer script must be removed from the candidate's possession and a note made of the date and exact time of its confiscation. Should the candidate refuse to leave, the Chief Invigilator may call upon the South African Police Services to assist;
 - (f) If the candidate agrees to co-operate, the Chief Invigilator must allow him or her to continue with the written examination, in which case a new answer book with the date and exact time of issue noted thereon, must be provided; and
 - (g) 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 candidate's representation and a written account of events or any statement or exhibit, to the Provincial Examinations Irregularities Committee (PEIC).
- (3) In the case of assessment irregularities identified while the question paper is being written, the following procedure should be applied:
 - (a) The Invigilator must remove the candidate'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;

- (b) The words "Answer script confiscated on...at...hours" must be written on the outside cover page in bold print;
- (c) 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 candidate that may have been used to commit the irregularity;
- (d) Such material must be attached to the confiscated answer script, which then becomes the property of the relevant assessment body and neither the candidate nor his or her parent(s) or guardians have the right to demand its return;
- (e) The Invigilator must then give the candidate 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;
- (f) The candidate 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 regulations 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 Provincial Examinations Irregularities Committee (PEIC) of the relevant assessment body;
- (g) The Invigilator must not allow any additional time to compensate for time lost in the course of detecting and processing the examination irregularity;
- (h) The Invigilator, following the completion of the examination, must immediately submit a full written report to the Chief Invigilator concerning the irregularity;
- (i) The candidate, 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;
- (j) Where the candidate refuses to submit the required written declaration or provide a response, this refusal must be confirmed in writing by the invigilator. The candidate must sign the statement made by the invigilator;
- (k) Where the candidate refuses to comply with sub-regulation 58(3)(j), another Invigilator attached to the examination centre must provide a written statement confirming the refusal of the candidate to provide a written declaration; and
- (l) 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 Provincial Examinations Irregularities Committee.

60. Procedures in respect of Examination Irregularities identified during the Marking Process

- (1) In the case of examination irregularities relating to the process of marking as contemplated in regulation 52, 53 and 54, that are committed by examination officials, the Head of 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 accordance with the Employment of Educators' Act or in terms of the Public Service Act, or any other relevant legislation.
- (2) Examination irregularities identified by Markers during the marking process must be dealt with as follows:
 - (a) 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 Head of Examinations and the Provincial Examinations Irregularities Committee (PEIC);
 - (b) 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.
 - (c) 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 candidate must be entered on the mark sheet, with an indicator stating "irregular";
 - (d) 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;
 - (e) 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
 - (f) 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 Head of Examinations and the Provincial Examinations Irregularities Committee (PEIC).

61. Procedures in respect of Irregularities that occur during the Capturing, Processing, Standardisation, Release of Results and Certification Processes

- (1) The Head of 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 accordance with the Employment of Educators' Act or in terms of the Public Service Act, or any other relevant legislation.
- (2). All irregularities relating to the above processes must be reported immediately to the PEIC and the Head of Examinations.
- (3) Confidentiality and security of information must be enforced. Any breach of these must be considered an examination irregularity.

62. Procedures in respect of Investigations

- (1) 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.
- (2) The following procedure must be followed in respect of an investigation:
 - (a) A minimum of two members of the PEIC or two departmental officials delegated by the PEIC must be involved in all investigations;
 - (b) The PEIC may call upon any official in the service of the relevant provincial department of education or any candidate or learner to appear before the Committee or the two-person team delegated to carry out the function, and it may also question any candidate accused of an alleged irregularity;
 - (c) The PEIC or the delegated officials may also call upon any person not in the immediate employ of the relevant provincial department of education but under its jurisdiction as assessment body, 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;
 - (d) The PEIC or the delegated officials has access to any room or place at any school or learning institution registered as an examination centre with the relevant provincial department of education 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;
 - (e) In cases of serious misconduct, the relevant provincial department of education should reserve the right to report such cases to the relevant State Security Agents for criminal investigation;
 - (f) All investigations undertaken by the PEIC or the delegated officials, at whatever level, must be clearly documented or minuted if it takes the form of a meeting;

- (g) Findings of an investigation must be submitted to a full sitting of the PEIC that must make a decision as to whether a hearing must take place or not; and
- (h) No member of the PEIC 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.

63. Procedures in respect of Hearings

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

- (1) 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.
- (2) The following procedure must be followed in respect of hearings:
 - (a) Procedures for hearings vary according to circumstances and persons involved;
 - (b) A written notification must be submitted to the candidate concerned in the alleged examination irregularity, or the parent or guardian of candidates under 21 years of age and the principal or centre manager of the institution:
 - (i) The written notification must be forwarded either by registered mail or delivered to a particular individual who acknowledges receipt of the notification;
 - (ii) The written notification must state clearly that the absence of a reply will not delay the hearing in respect of the suspected examination irregularity;
 - (iii) Where a candidate 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 candidate. If the principal or centre manager of the institution is unable to contact the candidate, he or she must inform the Secretary of the PEIC thereof in writing. The inability to make contact with the candidate concerned or his or her parent or guardian or representative should not delay the processing of the irregularity unnecessarily;
 - (iv) All candidates 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 working days of being notified of an irregularity investigation;

- (v) Candidates 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 PEIC within ten working days of being notified of an irregularity investigation;
 - (vi) Where a candidate is under 21 years of age, the candidate may be accompanied by his or her parent or guardian, the school principal and any other representative; and
 - (vii) Where the candidate 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 PEIC must be informed at least three working days before the scheduled hearing.
- (c) Evidence presented at an investigation or hearing may take the form of material evidence, written evidence, oral or other evidence;
 - (d) All hearings must be recorded and the recording kept until the matter is finalised;
 - (e) If the candidate or his or her parent or guardian is unhappy about the way the hearing was conducted, an appeal may be lodged through the channels provided by the provincial education department, to the Head of Department. If the candidate is unsuccessful with the appeal, he or she or his or her parent or guardian may institute judicial proceedings in a court of law;
 - (f) The findings of a hearing must be submitted to a full sitting of the PEIC by the persons involved in the hearing process; and
 - (g) Decisions and consequent recommendations by the PEIC, as approved by the Head of Department or his or her designee, must be communicated in writing to the person, school or learning institution under investigation, within 30 working days of the completion of the hearing.

64. Sanctions

- (1) The Committee may impose the sanctions contemplated in these regulations.
- (2) Mandatory minimum periods of sanction may be imposed by the PEIC or NEIC 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 provincial education departments (no free discretion), and secondly to combat and reduce the frequency of irregularities.
- (3) There may be cases where the PEIC or the NEIC 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.

- (4) The list of the irregularities, the actions that may be taken and the sanctions to be imposed by the Head of the department of education are listed in Annexure A.

65. Appeals

- (1) A candidate may appeal to the MEC against the decision of the Head of Department within 14 working days of the receipt of the written pronouncement of the judgment or sanction, if the candidate was present at the hearing.
- (2) A candidate may appeal to the MEC against the decision of the Head of Department within 21 working days of the date of the written judgment or sanction, if the candidate was not present at the hearing.
- (3) All appeals must be in writing and must include reasons in support of the appeal.

66. Reporting of Irregularities

Reporting of assessment 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 provincial education department (Internal reporting) and the second component relates to reporting of the irregularity by the Head of Department or Head of Examinations to the external role players (external reporting).

67. Internal Reporting

All alleged irregularities must be reported immediately to the next level of responsibility in the assessment process, which then must report it to the Chairperson of the PEIC and the Head of Examinations. This reporting can be done verbally but must be followed with a written report within 12 hours.

68. External Reporting

- (1) All assessment bodies must report all assessment irregularities to Umalusi and the Director-General within 48 hours of its identification. This can be done telephonically but must be followed with a written report within a 48-hour period.
- (2) The Director-General and Umalusi will provide the format of the report. Reporting the irregularity can differ depending on the nature of the irregularity

CHAPTER 13

STRUCTURES FOR THE HANDLING OF IRREGULARITIES

69. The National Examinations Irregularities Committee (NEIC)

The National Examinations Irregularities Committee (NEIC) is a committee established by the Minister to support the provincial education departments 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 across all nine provincial education departments.

70. Composition of the NEIC

- (1) The National Examinations Irregularities Committee will comprise the following persons:
 - (a) Two representatives from the Department of Education appointed by the Director-General. The representative from the Chief Directorate: Educational Measurement, Assessment and Public Examinations will serve as chairperson and the second representative will be nominated from the Legal Section of the Department of Education.
 - (b) One official from each of the provincial education departments, nominated by the Head of Department.
 - (c) One representative from each of the private assessment bodies.
- (2) In addition the following persons will be nominated as observers:
 - (a) One representative from Higher Education South Africa;
 - (b) One representative from the South African Qualifications Authority;
 - (c) One representative from Umalusi; and
 - (d) One representative from each of the recognised teacher unions.
- (3) All members of the committee, together with the chairperson, will be appointed by the Director-General. The Minister will appoint the additional members with observer status.

71. Jurisdiction of the NEIC

- (1) The National Examinations Irregularities Committee will have jurisdiction in any alleged assessment irregularity relating to or occurring during the various stages of the assessment process, which includes:
 - (a) Registration of learners;
 - (b) Compilation of Internal assessment marks;
 - (c) Monitoring and moderation of Internal assessment;
 - (d) Setting and moderation of examination question papers;
 - (e) Writing of the examinations;
 - (f) Marking of examination scripts;
 - (g) Capturing of marks;
 - (h) Standardisation of results;
 - (i) Release of examination results; and
 - (j) Certification process.

- (2) All decisions taken by the Provincial Examinations Irregularities Committee relating to irregularities in the above stages of the assessment process will be subject to final ratification by the National Examinations Irregularities Committee.

72. Functions of the NEIC

- (1) The NEIC must be responsible for co-ordinating and supporting the Provincial Examinations Irregularities Committees in the handling of assessment irregularities in their respective provinces.
- (2) The NEIC must co-ordinate and support the Examinations Irregularities Committee of the private assessment bodies.
- (3) The NEIC will also ensure that assessment irregularities are handled in a consistent manner across the country. This will be accomplished by taking responsibility for the following:
 - (a) Supporting the assessment bodies in the development of capacity relating to the identification, investigation and reporting of assessment irregularities;

- (b) Supporting the assessment bodies in the establishment of appropriate systems and structures for the handling of irregularities;
- (c) Provision of timeframes for the finalisation of assessment irregularities that occur during the different stages of the assessment process so as to ensure that a reasonable number of the assessment irregularities are finalised prior to the release of the results;
- (d) Ensure that all requirements relating to the provision of irregularity reports to Umalusi are appropriately complied with;
- (e) Evaluate the reports on irregularities received from the PEICs and from the Examinations Irregularities Committee of the private assessment bodies, so as to ensure that the irregularities are dealt with appropriately;
- (f) Review the recommendations of the PEICs and the Examinations Irregularities Committee of the private assessment bodies, relating to the sanctions to be imposed so that there is consistency in the severity of sanctions;
- (g) Support the provincial education departments in the handling of appeals submitted to the Department;
- (h) Assist the provincial education departments in 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
- (i) Investigate examination irregularities as requested by the Director-General.

73. The Provincial Examinations Irregularities Committee

- (1) Each provincial education department must establish a Provincial Examinations Irregularities Committee.
- (2) The Provincial Examinations Irregularities Committee must take responsibility for the handling of assessment irregularities at a provincial level.
- (3) The Head of Department must appoint the members of the Provincial Examinations Irregularities Committee.

74. Private Examinations Irregularities Committee

- (1) The private assessment bodies must establish an Examinations Irregularities Committee.

- (2) The composition and function of the Examinations Irregularities Committee established by the private assessment bodies may be similar to that of the PEIC.
- (3) The Examinations Irregularities Committee contemplated in subregulation (4) and (5), must report all irregularities to the NEIC.

75. Composition of the PEIC

- (1) The composition of the PEIC will be as follows:
 - (a) Five officials in the employ of the relevant provincial department of education recommended to the Head of Department for appointment by the provincial Examinations Board;
 - (b) The provincial education department must include competencies and expertise in the following areas:
 - (i) The education system as a whole;
 - (ii) The examination system;
 - (iii) Professional legal practitioner;
 - (iv) Subject area specialisation, co-opted on a need basis; and
 - (v) Labour relations.
- (2) In addition, the following persons will be nominated as observers:
 - (a) One representative from Higher Education South Africa;
 - (b) One representative from the South African Qualifications Authority;
 - (c) One representative from Umalusi; and
 - (d) One representative from each of the recognised teacher unions.
- (3) All members of the committee together with the chairperson will be appointed by the Head of Department. The additional members with observer status will be appointed by the MEC.

76. Jurisdiction of the PEIC

- (1) The Provincial Examinations Irregularities Committee has jurisdiction in any alleged assessment irregularity relating to or occurring during the following:
 - (a) Compilation, monitoring and moderation of Internal assessment;
 - (b) Writing of the final Senior Certificate examination;
 - (c) Marking of examination answer scripts;
 - (d) Processing of external question papers;
 - (e) Processing and release of examination results;
 - (f) Conditions under which candidates are examined;
 - (g) Conditions under which educators examine; and
 - (h) Any other irregularities related to examinations.

77. Functions of the PEIC

- (1) The PEIC must investigate and make recommendations on appropriate action to the Head of Department or his or her nominee in respect of the following:
 - (a) Misconduct by educators in the compilation, monitoring or moderation of Internal assessment;
 - (b) Misconduct by any person involved in any or all processes of assessment;
 - (c) Misconduct by the Chief Invigilators or examination monitors or officials involved in the administration or running or management or monitoring of examinations;
 - (d) Misconduct by Invigilators or any other person involved in the administration or management or monitoring of examinations at public or independent schools or learning institutions registered as examination centres with the relevant provincial department of education;
 - (e) Examination irregularities involving candidates at public or independent schools or learning institutions registered as examination centres with the relevant provincial department of education;
 - (f) Irregularities in the appointment of Chief Invigilators or Invigilators or Internal Moderators or Chief Examiners or Chief Markers or Deputy Chief Examiners or Deputy Chief Markers or Senior Markers or Markers or Monitors or Assessment or Administration Assistants;

- (g) Any action by an outside body or person that may impact adversely in any way on the successful administration, management or monitoring of assessment or examination, or compromise the integrity and legitimacy of such assessment or examination;
 - (h) Examination irregularities based on reports or complaints received from any quarter; and
 - (i) Any other irregularities related to examinations.
- (2) The PEIC may utilise the services of other officials from the provincial education department to conduct investigations and hearings. These officials will operate under the jurisdiction of the PEIC and will report to the PEIC.

78. School Assessment Irregularities Committee

Each school must establish a School Assessment Irregularities Committee whose composition and functions will be determined by the provisions of the policy of the assessment body.

79. Release of Results under Investigation

- (1) The assessment 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 candidates must be withheld pending further investigation.
- (3) If a candidate is found to be irregular in one subject, only the results of that subject must be withheld.
- (4) Candidates that were found guilty of an irregularity must be recorded on the system and such information must be made available to all assessment bodies.

80. Short Title and Commencement

These regulations are called the Regulations for the Conduct, Administration and Management of Assessment for the Senior Certificate, 2005 and come into effect on the date of publication.

ANNEXURE A**IRREGULARITIES INVOLVING LEARNERS****Administrative Errors, Omissions**

No.	IRREGULARITY	ACTION TO BE TAKEN OR SANCTION
(a)	Failure to produce identification documents	<ul style="list-style-type: none"> • Candidate must be allowed to write the examination, but must produce the identification document within 24 hours or provide an affidavit. • If the candidate fails to produce the identification document or the affidavit within 24 hours, an irregularity must be registered.
(b)	Incorrect examination number or no examination number	<ul style="list-style-type: none"> • The assessment body must use all available means to establish the correct examination number and this must be verified with the school or the candidate concerned.
(c)	Writing on incorrect grade	<ul style="list-style-type: none"> • If the action was unintentional or the result of misinterpretation, the candidate's mark must be converted as indicated in the Umalusi guidelines • If the action was intentional or deliberate, the results of the candidate must be declared null and void. • The candidate retains the marks awarded for the other components in the subject and the results are released as such.
(d)	Late arrival at the examination centre	<ul style="list-style-type: none"> • A candidate must not be admitted to the centre examination room, if he or she arrives after the first hour of the commencement of the examination. • A candidate that arrives within the first hour of the commencement of the examination, must be allowed in the examination room, but will not be allowed any additional writing time.
(e)	Examination script lost or missing by the assessment body	The assessment body must determine a calculated mark in accordance with Umalusi guidelines, and submit this to Umalusi for approval.

Acts of Dishonesty

No.	IRREGULARITY	SANCTIONS
(a)	Candidate found in possession of unauthorised material during the examination session.	<ul style="list-style-type: none"> • If the unauthorised material is related to the subject being written, the questions in the paper that are relevant to the unauthorised material must be excluded from the answer script and the candidate's answer script must be marked out of the original total. • If the extent of assistance obtained from the unauthorised material is substantial, the candidate's results in that paper may be declared null and void. • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations. • If the unauthorised material is not related to the subject being written, the candidate is issued with a written warning, which will be taken into consideration should he or she be guilty of a future offence.
(b)	Candidate found in possession of unauthorised electronic device during the examination session.	<ul style="list-style-type: none"> • If the unauthorised device was not used during the examination session, the candidate is issued with a written warning, which will be taken into consideration should he or she be guilty of a future offence. • If the unauthorised device was used during the examination session and the assistance obtained is substantial, the candidate's results in that paper may be declared null and void. • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations.
(c)	Candidate caught copying or obtaining help from a fellow candidate.	<ul style="list-style-type: none"> • The results of the candidate caught copying may be declared null and void, in that paper. • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations. • If there is evidence of collusion, the candidate offering the assistance must also be sanctioned as indicated above.
(d)	Candidate assisting another candidate during the examination session.	<ul style="list-style-type: none"> • As in (c).
(e)	Presentation of fraudulent	<ul style="list-style-type: none"> • The candidate's results in that paper must be

No.	IRREGULARITY	SANCTIONS
	identification or impersonation	<p>declared null and void.</p> <ul style="list-style-type: none"> • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations. • In addition, this matter must be reported to the SAPS.
(f)	Assistance provided by invigilator, teacher or principal to candidate	<ul style="list-style-type: none"> • In the case where the candidate is found guilty, the results for that paper may be declared null and void. • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations. • In the case of the invigilator, teacher or principal, this must be regarded as an act of misconduct, the official must be immediately suspended from all examination related work, and be dealt with in terms of the relevant legislation. • This must also be reported to SAPS.
(g)	Handwriting of a different person on script	<ul style="list-style-type: none"> • As in (c).
(h)	Two examination scripts with the same examination number	<ul style="list-style-type: none"> • If the action was unintentional the examination numbers must be corrected and the results of the candidates concerned must be released. • If the action was intentional or deliberate, the results of the guilty candidate for that paper must be declared null and void. • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations.
(i)	Crib notes discovered in scripts at marking centre	<ul style="list-style-type: none"> • As in (a).
(j)	Script removed from examination room and submitted later	<ul style="list-style-type: none"> • The script must be marked as normal, pending the outcome of the investigation. • In the case where the candidate is found guilty, the results for that paper must be declared null and void. • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations.
(k)	Submission of work that is not candidate's own work.	<ul style="list-style-type: none"> • The candidate who submits work that is not his or her own, may have his or her results in that paper declared null and void. • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations. • If there is evidence of collusion, the candidate offering the assistance must also be sanctioned as indicated above.

No.	IRREGULARITY	SANCTIONS
(l)	Leaked/Stolen question paper	<ul style="list-style-type: none"> • This must be regarded as a criminal case and must be referred to the SAPS. • Candidates who are proved to have stolen a question paper prior to it being written must be barred from writing the examination for 3 - 5 years, from the date of the offence.
(m)	Bribery or attempted bribery	<ul style="list-style-type: none"> • This must be regarded as a criminal case and must be referred to the SAPS. • In the case where the candidate is found guilty, the candidate must be barred from writing the examination for 3 - 5 years, from the date of the offence. • In the case where an educator or departmental official is involved, this must be regarded as an act of misconduct and must be dealt with in terms of the relevant legislation.

(Annexure A: Acts of Dishonesty amended by of GN 830 of 2007)

Behavioral Offences

No.	IRREGULARITY	ACTION TO BE TAKEN OR SANCTION
(a)	Creating a disturbance, intimidation and drunkenness, disregarding the arrangements and/or the reasonable instructions of the invigilator.	<ul style="list-style-type: none"> • Candidate must be warned and if the behaviour or action persists the candidate must be removed examination centre. • Candidate forfeits the opportunity to write or to continue writing that specific examination paper. • Where the candidate has commenced with the examination, the marks attained will be declared null and void. • The candidate retains the marks awarded for the other components in the subject and the results are released as such. • Criminal charges may be instituted.