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DEPARTMENT OF EDUCATION

MINISTRY OF EDUCATION

REPORT BY ACTING JUDGE EBERHARD BERTELSMANN REGARDING THE INVESTIGATIONS INTO CERTAIN IRREGULARITIES WHICH ALLEGEDLY OCCURRED DURING THE SENIOR CERTIFICATE EXAMINATIONS OF 1998 IN MPUMALANGA

The Director General of the **national Department of Education** hereby publishes the report by **Eberhard Bertelsmann, Acting Judge of the High Court** in Pretoria upon **investigations into certain irregularities** which allegedly **occurred** during **the senior certificate examinations** of 1998 in **Mpumalanga for general information.**

DIRECTOR-GENERAL

MAY 1999

EMBARGOED UNTIL 14H00

29 APRIL 1999

**Report upon
investigations into
possible irregularities
in the 1998
Mpumalanga Senior
Certificate
Examinations**

Judge E Bertelsmann SC
Acting Judge of the High Court
Pretoria

**REPORT TO THE HONORABLE MINISTER OF EDUCATION. DR SIBUSISO BENGU
REGARDING THE INVESTIGATIONS INTO CERTAIN IRREGULARITIES WHICH
ALLEGEDLY OCCURRED DURING THE SENIOR CERTIFICATE EXAMINATIONS OF 1998
IN MPUMALANGA**

INTRODUCTION

1.

The Honorable Minister of **Education, Dr Sibusiso Mandlenkosi Emmanuel Bengu**, acting with the consent of the Honorable Judge President of the **Transvaal, Mr Justice B M Ngoepe**, and the Minister of **Justice**, the Honorable **Dr Dullah Omar**, appointed me at the beginning of March 1999 as judicial co-ordinator of two **concurrent** investigations into the above **alleged irregularities**. At the same time, I was **requested** to report upon and **make recommendations** in connection **with** a number of aspects, which arose, from the alleged **irregularities** and **their** consequences.

2.

I have the privilege to present my report herewith. I must underline, however, that the report had to be prepared within a very limited time **frame**. It has been impossible to investigate each and every single allegation that **has** been made in respect of the 1998 Senior **Certificate Examination** in Mpumalanga.

3.

This was in any event not my **brief**: the investigation of every **factual** allegation of alleged **unlawful** conduct is the function of the Commercial Branch of the **SAPS**, whose members are still **engaged** upon their task. **SAFCERT** on the other hand is **ascertaining** the **exact** margin by which the marks **in** some subjects were increased, is **re-adjusting** these marks and determining the **correct** results.

4

The mere **fact** that allegations of serious **misconduct** and unacceptable practices and procedures were being made, of which a number **appeared** to be true, is however relevant in itself **because** of the effect which these averments had and still have upon the credibility of the system and upon the position of **the individuals** who are directly affected thereby.

5.

My comments and **factual findings** must be seen as provisional, as they are subject to the **findings** by **SAFCERT** and to the **outcome** of any criminal prosecution which may be instituted once the **police** investigations have been concluded.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

THE NATURE AND FOCUS OF THE INSTIGATIONS

6.

A. THE SAFCERT INSTIGATION

SAFCERT's investigation focuses primarily on establishing the precise extent of the irregularities, the subjects in which and the **candidates** whose marks were **altered unlawfully** and to establish what **the** correct marks of **each candidate** in **each** subject ought to be.

To this end, **Dr Calitz**, who was primarily responsible for conducting the investigation on **SAFCERT's part**, collected all available mark sheets from the Mpumalanga Education authorities for a number of **subjects**. (Some mark sheets **appear** to have been lost).

The mark sheets were **subjected to careful analysis** to **establish** whether the marks as **recorded** thereupon had **been tampered** with or not. The result will be set out below in **greater detail**: **tampering** did indeed occur.

The SAFCERT report is not yet complete and will be **presented** by the Council itself in due course. It is expected that this report will be completed by not **later** than 22 April 1999.

7.

B. THE POLICE INSTIGATION

The police investigation is aimed at **identifying** the culprits who were responsible for the act of tampering **itself**. From the very beginning, **rumours abounded** that one or more **highly placed officials** in the **Mpumalanga** Department of **Education** had ordered or arranged that the marks should be **increased** to **enhance** the **political standing** and reputation of the **Mpumalanga** Government and **its** department of **education**. The precise motive with which the **unlawful** actions were **perpetrated** will presumably **only** be known once the **police** investigation **has** been **concluded** and a prosecution **has resulted**. At this stage it is, however, **clear** that at **least** one senior **official was involved** in **increasing** marks on the mark sheets of **several subjects** across the **board**, acting in **concert** with other responsible persons in a position of trust.

The persons responsible must **prima facie have** been aware (always subject to their right to reply and to **explain**), that:

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

- a) their actions were **unlawful**;
- b) they might amount to **fraud**;
- c) the **publication** of the **incorrect marks was calculated** to **cause** immense damage to the entire **education and examination** system of South **Africa**;
- d) the candidates, whose **marks** were interfered **with**, were thereby done a vast **disservice**;
- e) once the true **facts** became **known**, severe hardship, **disappointment, embarrassment** and **financial** loss would be **caused** to every **candidate** whose **marks** had been **altered**, and **also** to his or her **family**, associates, school **and financial supporters**;
- f) **academic** institutions, **colleges, technikons** and **universities** who **admitted** students on the strength of the incorrect **remarks** to courses **requiring** a university **entrance certificate**, would be put to a **great deal** of trouble, **embarrassment**, administrative delay and **financial** prejudice in order to **rectify** the admission of **students** who would **normally** not have been **admitted**;

- g) the Government of the **Mpumalanga** Province **and** in particular **its MEC for Education** would be **exposed** to serious negative publicity and adverse **political consequences**;
- h) **the** reputation of the **Mpumalanga Education** Department would be seriously harmed and the **honour** and profession standing of its **officials** would be **compromised**; and
- i) those **students** who would not be **admitted** to tertiary institutions **because** their place would be **taken (incorrectly)** by **Mpumalanga students**, who had been **admitted** on **the** strength of the **false results**, would suffer severe detriment.

Once the culprits are **identified**, a **criminal prosecution** should **result**, in which the State must be **requested** to insist on **appropriate** terms of imprisonment should a **conviction** of **fraud** or forgery and **uttering** follow.

C. THIS REPORT

In my own investigation, I concentrated upon the following areas:

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

- 1) the need to ensure that all relevant **facts** was establish as soon as possible by both **SAFCERT** and the South **African Police**;
- 2) the **need** to ensure that all documentary evidence, in as much as it was still **available**, was secured and made **available** to both **SAFCERT** and the South **African Police**;
- 3) to ensure that the investigations be **conducted** as **speedily** as possible to minimize the damage which has been **caused** to the **education** and **examination** system;
- 4) to **safeguard the** interests of **individuals** who have been **caught** up in the process; and in particular
- 5) to protect the rights of students and **learners** who are **affected** by the problem which has arisen as a result of the **alleged irregularities** and the publicity which these have attracted.

METHODOLOGY

9.

Given the very limited time **frame**, in which my report had to be **prepared**, I **endeavored** to **collect** as much information **from** as many **sources** as **quickly** as possible. I held **consultations** with:

- 9.1 officials of the national Ministry of Education;
- 9.2 it's **Director General**, **Dr N C Manganyi**;
- 9.3 **officials** of the **Department** of **Education** in **Mpumalanga**;
- 9.4 The **Mpumalanga MEC** for **Education**, **Mr D Mabuza**;
- 9.5 **Dr F Calitz**, **CEO** of the **South African Certification Council**;
- 9.6 the **chairperson** of **SAFCERT**, **Dr M Nkomo**;

Report upon **investigations into possible irregularities** in the **1998 Mpumalanga Senior Certificate Examinations**
Judge **Eberhard Bertelsmann SC**
Acting Judge of the **High Court - Pretoria**
3 April 1999

- 9.7 the South African Police Services represent by Captain Joubert, Superintendent du Plessis, Commissioner Esterhuize, Captain Nel and Director Meiring;
- 9.8 representatives of Governing Body Associations;
- 9.9 representatives of Parent Associations;
- 9.10 representatives of Teacher Unions;
- 9.11 representatives of Student Representative Bodies;
- 9.12 concerned individuals;
- 9.13 members of the public;
- 9.14 staff members of the Mpumalanga Education Department;
- 9.15 representatives of the Joint Matriculation Board;
- 9.16 the South African Universities' Vice Chancellors' Association (SAUVCA);

Report upon investigations into possible irregularities in the 1998 Mpumalanga Seder Certificate Examination
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

- 9.17 the **Committee of Technikon Principals (CTP)**;
- 9.18 **SAFCERT**;
- 9.19 two **individual examiners**; and
- 9.20 three **individual** moderators.

10.

Wherever possible, I obtained the views of **experts** and of **officials** who are **involved** in the **day-to-day administration** of schools, **education departments, examinations, quality control and standardization**. I **informed** those **individuals** and bodies who are **criticized** in **this report** of my **provisional findings** and allowed them to react thereto.

Regular follow-up consultations were **held, personally** and **telephonically**, whenever necessary **or possible**.

11.

I also received a number of **written** submissions and other **documentary** evidence.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

- 12.1 I am **indebted** to everybody who gave freely of their time and advice. **Because of the fact that not all** investigations have been **concluded**, particularly the investigation by the **South African Police**, I **request** that the full list of witnesses I interacted with be **regarded as confidential** at this stage.
- 12.2 **After** invitations had been **addressed** to all representative student bodies for purposes of a meeting on the 19th of March 1999, of which not all were **reacted** to, I received a telephone **call** during the **last** week of March 1999 from a **SASCO** representative in **Mpumalanga**, **claiming that** his **organization** had not been informed of the meeting and wished to make **further** representations to me. As I could not attend to the matter immediately, I arranged to **call** him back during the course of the **next** day, which I did at the number, which **I** had been **provided** with.
- 12.3 Unfortunately, the gentleman **concerned** was not available, nor was his provincial chairperson. I **left** messages for **both**, but these were not reacted to. Apart from this **isolated** instance, I spoke to every individual or **organization**, which **expressed an** interest to discuss the **subject** matter of this investigation with **me**.

Because of persistent allegations of **continued** tampering, I **requested** the South African Police immediately **after** my appointment to **attach all** 480,000 examination scripts in **Mpumalanga** and to transfer them to

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge **Eberhard Bertelsmann SC**
Acting Judge of the **High Court –Pretoria**
3 April 1999

Pretoria for safe keeping, where they would be available as **evidence in any future legal proceedings**. I was **also** motivated by the concern that many parents and schools might wish to have the **examination** scripts of their children or **learners** remarked or **re-checked**.

14.

The attachment of the **examination** scripts interrupt the remarking **process**, which had **already commenced**. **In** order not to **further** prejudice the liners whose scripts were being **remarked**, and to ensure easy **access** to the **examination** scripts, arrangements were made by the **national** Department of **Education**, **extremely** efficiently represented by **Mr André Reyneke** and **Mrs M Locke**, to open the **sealed** containers in which the **Police** had **placed** the **examination** scripts and to transfer these **into** the **safe** keeping of the **national** **Department**. Here, numerous employees spent many hours of **overtime** sorting and **accounting** for **all the** **examination** scripts. **This** mammoth task was completed within a few days. Every **single examination** script is now ordered and stacked in subject matter and numerical order and **can easily** be **traced**. **The national** Department of **Education** and its employees deserve gratitude for their **dedication**.

15.

Most of the meetings which I held were **recorded, always with** the consent **of** the persons I **consulted**. **Mrs M Locke** of the Directorate **Legal** Services of the national Ministry **provided transcripts**, together **with other** **logistical support**, while the typing of this report was undertaken by **Mrs Elize Paton**.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

16.

Whenever a discussion **was** held with any person who might be **faced** with disciplinary action, **criminal** prosecution or civil litigation arising **from** his or her involvement in the alleged activities, such person was **fully** informed that **there** was no obligation on her or him to **answer** any questions or to **co-operate** in any **fashion with** the enquiry. Witnesses were **also** informed of their right to **legal representation** and to **refuse** to **answer** any **question**, which they **felt**, might elicit an incriminating answer. Apart from one **isolated** instance, not a single witness **refused** to answer any question.

17.

All the interrogations, which I **conducted**, of persons who might potentially be **faced** with **disciplinary** or civil **steps** or a **criminal prosecution** were attended by **officers** of **the Commercial** Crime Unit of the **South African Police Services**. Every witness' attention was **specifically** drawn to the **fact** that police **officers** were present and might use the **material**, which was obtained during the interrogation for purposes of a **subsequent criminal prosecution**.

EDUCATIONAL CONCEPTS, STRUCTURES AND STATUTES

18.

Prior to embarking upon an analysis of the **factual** occurrences, which form the subject matter of this report, it is useful to define the **educational** concepts, structures and **statutory** provisions against which the **facts** will have to be interpreted.

a) The senior certificate examination:

This **examination** is at **the** moment the most important **examination** in the school **education** system. It is held at the point of withdrawal, which forms the end of 12 **years** of schooling for the majority of learners in South **Africa**, **and** certainly for all those learners who intend to pursue a **further** or higher education qualification.

The senior certificate **examination** serves as an important entrance criteria into higher education.

The Minister of Education is, in terms of the National Education Policy Act, Act 27 of 1996, obliged to ensure that “the standards of education provisions, delivery and performance throughout the Republic be monitored and evaluated by the Department (the national Ministry) annually or at other specified intervals, with the object of assessing progress and complying with the provision of the Constitution and with national education policy”.

This includes the senior certificate examination.

In terms of the Constitution and in terms of the National Education Policy Act, 1996, the Minister of Education is responsible for norms and standards in education. It is the function of the provincial education authorities to ensure the actual provision of education. They are also responsible for the running of schools.

b) The South African Certification Council (SAFCERT):

The South African Certification Council is created by the South African Certification Council Act, Act 85 of 1986. It is responsible for:

" control over the norms and standards of subject matter and examination, and for the issuing of certificates, at the different points of withdrawal in school and

technical college education and non-formal education; and to provide for the conducting of common examinations”

(Preamble to the Act).

19.

In terms of section 9 of the Act, and subject to the general policy determined in terms of section 2(1) of the National Policy for General Education Affairs Act, Act 76 of 1984, SAFCERT issues certificates in the prescribed form to candidates who in a subject or all the subjects at a point of withdrawal (such as the senior certificate examination conducted by the Mpumalanga Province) have complied with the norms and standards prescribed by the council in the examinations conducted by an examining body which in the opinion of the council:

- a) complies with the requirements, which may be prescribed by the council for conducting examinations with a view to the obtaining of certificates;
- b) applies the norms and standards which may be prescribed by the council and with which a candidate is required to comply in those examinations in order to obtain a certificate;

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

- c) offers or **causes** to be **offered** such subject matter as may be prescribed by the **council** with a view to the obtaining of **certificates**; and
- d) **complies** with such other renditions as may be determined by the **council**.

20.

In order to be able to properly **fulfill** its functions, **SAFCERT** monitors **all examinations conducted** under its aegis by **statistical analysis**, and prepares a **statistical** prediction of the **marks**, which are set as a norm **for** current and future **examinations**. This norm is **based** upon the **marks** obtained by **candidates** in **the** same **examination** in the previous five years, **adjusted** for potential improvement and ties into account **all** other relevant **circumstances**.

21.

Once the raw **marks** of an **examination** are **received**, they are **statistically captured** and in **the so-called** **ogiving process** are **compared** to the norm predicted by the **council** for the current **examinati**on. This process is **performed** by the **examining** body and by members of **SAFCERT's statistical committee**.

22.

The Mpumalanga Education Department and all other provincial education departments are examination bodies recognized by SAFCERT in terms of section 9 of the South African Certification Council Act, Act 85 of 1986. These departments must comply with the regulations promulgated in terms of section 18 of that Act and also the so-called "other conditions" published by SAFCERT as part of the regulations. External moderators are i.e. appointed by SAFCERT in terms of these provisions.

23.

Part II of the regulations published by SAFCERT during July 1998 in terms of the Act, reads inter alia as follows:

"REQUIREMENTS FOR CONDUCTING EXTERNAL EXAMINATIONS

- (2) In respect of an external examination to be conducted after 4 September 1992 an examining body shall -
- a) take adequate measures, including measures to combat irregularities in the examination venue and security measures for ensuring the secrecy of examination papers, to ensure the integrity of the examinations;

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court -Pretoria
3 April 1999

- b) ensure that **each** paper in an **external examination** is representative of the prescribed subject matter intended in regulation 4;
- c) **If ordered** by the council, include a **moderating** instrument in the **examinations**;
- d) ensure that **each** paper in an **external examination** is moderated by at least one competent internal moderator“

24.

The "other conditions" include the following:

"The examination body must:

.....

- 3. Ensure that the moderation referred to **in regulation 2(d)** includes control of the standard of marking of **examination** answer scripts. **Internal** moderators are required to certify that the answer scripts have been marked according to the standard approved by the **external** moderators in the memoranda **provided** with the **examination question papers**;

Report upon investigations into possible irregularities In the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court --Pretoria
3 April 1999

6. Adjust raw **examination** marks to **conform** to the parameters for mark distributions as determined by the Council;

7. Take decisions on such adjustments at a meeting where at least two **members of the** council's **committee** for **examination** statistics are **present, and** with the **concurrence** of these members"

(The composition of the **SAFCERT** delegation at the **standardization** meeting of the 28th of December 1998 has been **challenged** by the **Mpumalanga Education Department**. I deal therewith hereinbelow).

25.

SAFCERT provides **external** moderators to **all provincial education** authorities for the preparation of **examinations** in most subjects which are written for the senior **certificate examination**. **Generally** every **subject**, which is studied by a **significant** number of **learners** who sit the **examination**, is **monitored** by an **external** moderator who is **appointed** or provided by **SAFCERT** to the **provincial** authorities.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

26.

The external moderators consider every examination paper prepared by the provincial examiners for each and every subject, suggest corrections, amendments and improvement and thereby ensure that the standard set by one provincial authority is the same as that set by the other provincial authorities in the senior certificate examination.

27.

SAFCERT is furthermore responsible for certifying that the senior certificate examination complies with the standards which meet the requirements for the senior certificate and with it, meet the requirements for entrance to higher education or further education.

28.

c) The Inter-Provincial Examination Committee (IPEC):

The Inter-Provincial Examination Committee is a subcommittee of the Committee of Heads of Education (HEDCOM), a structure which is created in terms of section 10 of the National Education Policy Act, 1996, which is a statutory committee consisting of the Heads of Education in all provinces.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

29.

IPEC consists of representatives of all provincial education departments, who are usually a member or members of top management. IPEC was created as a sub-committee of HEDCOM in 1997, after serious administrative problems were identified in the 1996 senior certificate examination, when the provinces assumed responsibility for the examination for the first time. IPEC meets on a regular basis and provides an opportunity for all provincial education authorities to exchange expertise, experience, knowledge and know-how in regard to the running and preparation of examinations, and in particular the senior certificate examination.

30.

The administration of IPEC falls under the Directorate: National Examinations of the national Ministry of Education. It is responsible, inter alia, for the development of the National Policy on the Conduct of the Senior Certificate Examinations as it relates to the provincial education departments. This policy has been developed in close co-operation with all provincial education authorities over the past two years and is presently in its final draft form. The final draft has been accepted in all respects, which are relevant to this enquiry, by all provincial authorities, including the Mpumalanga Provincial Authorities.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

31.

d) The Provincial Education Authorities: Generally

The Provincial Education Authorities have been **recognised** as **examining** bodies in terms of the **SAFCERT** Act. **Consequently**, a **provincial education** authority sets its own **examination** by:

31.1 Appointing **its own examiners** and **internal** moderators;

31.2 **The internal** moderator **i.a. controls** the manner **and fashion** in which the **examiners** mark **examination** scripts **and** may make **adjustments** to the marks given by **examiners**. A moderator should **consider candidates** who are above average, average and below average **and** may **effect corrections** or adjustments to **the marks** given by the **examiners** in the **examination** scripts during the **examination process**. **These** adjusted marks **must** be **clearly indicated** in a **different pen, usually green**, in **the examination script**;

31.3 The **examiner** or chief **examiner** prepares an **examination** paper together with a marking **memorandum** which is **proofread** and then submitted to **the internal moderator** who **controls** whether it complies **with the syllabus** and **standard**;

- 31.4 **The examination** paper is submitted to the **external** moderator who is appointed by **SAFCERT**;
- 31.5 It is **corrected after** the **external** moderator **has** considered the **examination** paper and the marking memorandum which is prepared and printed during the **course** of the **year**;
- 31.6 The paper is then distribute to the **various** schools and other **centres** where the **examination** is **written**;
- 31.7 **After** the **examination** scripts are **collected** at **central examination** points where the **examination** scripts are **marked**;
- 31.8 The marking is moderated by the **internal** moderator;
- 31.9 **The internal** moderator **considers** the **standard** of marking **and** the general **performance** of the **candidates**, and assesses whether the **examination** paper was properly understood by the **candidates**;
- 31.10 The **internal** moderator may, if it appears that there are errors, ambiguities or **other** problems in a senior **certificate examination** paper (e.g. that the paper is too long), suggest in his moderators report to the **Provincial Education Department** that the marks **obtained** by some

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

or all candidates in the particular subject be adjusted, upward or downward, because of any problem which may have been identified in this fashion;

31.11 The moderators' reports are considered by the Provincial Education Department and should be discussed at the standardization meeting, if necessary;

31.12 Once all the examination papers have been marked and all marks have been captured, the top management of the Provincial Education Department meets with a delegation of SAFCERT in terms of the "other conditions" for the senior certificate examination which, are conditions determined by the SAFCERT in terms of its Statute. The relevant provisions have already been quoted above;

31.13 Marks which have been obtained by the candidates in the senior certificate examination in all subjects are considered during the standardization meeting, and, if necessary or justified, are adjusted in the light of all the factors which SAFCERT and the relevant provincial authority can take into consideration;

31.14 It must be underlined that the statistical predictions of the probable results prepared by SAFCERT are of prime importance in determining how far the results obtained in the senior certificate examination diverge from the predicted or expected norm;

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examination
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court -Pretoria
3 April 1999

- 31.15 It must **also** be emphasized that the adjustment of **marks** of an **examination** result affecting **all the candidates** in a particular subject **can only lawfully** be effected at a **standardization** meeting properly **composed** of representatives of the **Provincial Education Department** and **SAFCERT**;
- 31.16 The **functions** of **examiners** and **internal moderators**, and the **process** of setting and marking an **examination** apply, with minor modifications, **uniformly** in all nine provinces. They reflect the **examination** structure and **draft national** policy developed by **IPEC** with the active **co-operation** and agreement of the **Provincial Education Authorities**.
- 31.17 The draft **national** policy is **explicit in regard** to mark adjustments. It **reads** as follows:

"MARK ADJUSTMENTS

Mark adjustments are done by the **Examining** Body in injunction with **SAFCERT** **after** the **capture** of the marks. **The** distribution of raw marks on a data set should be provided at the mark adjustment meeting. A set of graphs that represent **the** distribution of the raw marks and the adjusted marks is **also required** at this meeting. ”

31.18 The policy **complies** with the statutory requirements **determined** by the renditions **published** by **SAFCERT** as aforesaid.

32.

e) **The Mpumalanga Education Department:**

32.1 **Like** other provincial **education** departments, the **Mpumalanga Education Department** is responsible for setting its provincial examination which is administered in accordance with **the draft** national policy and the relevant statutory provisions.

32.2 The School **Education Act (Mpumalanga)**, Act 8 of 1995, empowers the member of the Executive Council in Section 105 **thereof** to **make regulations** for any matter which may or must be **determined** by regulation.

32.3 **On the 1st** of July 1997, the **MEC for Education in Mpumalanga**, **Mr David Dabede Mabuza**, published regulations in a Provincial **Gazette** Extraordinary, No 247, **relating to examinations**.

32.4 **These regulations** are applicable to all examinations in **Mpumalanga** including the 1998 Senior Certificate Examination.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

32.5 Regulation 20 thereof reads as follows:

"EXAMINERS AND MODERATORS:

20. (1) The **Head** of the Department may -

(a) appoint **metier**, **subject** to the conditions, as he or she may deem **fit** to-

(i) set **draft examination** papers in the **different subjects in which** an examination is conducted;

(ii) **mark examinations** answer books or **conduct practical** examinations;

(iii) **award** marks to **candidates** for the **subjects in which** they **wrote** examinations; and

(b) appoint a **moderator**, **subject** to the conditions, as he or she may deem **fit**, to-

(i) moderate **draft examination** papers;

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court -Pretoria
3 April 1999

- (ii) moderate **examination** answer books in respect of art examination and evaluate the marks that have been **awarded** to a **candidate** by the examiner; **and**
 - (iii) undertake the remarking of **examination** answer books;
 - (c) appoint an **assistant examiner**, subject to the **conditions** as he or she may deem **fit**, to mark **examination** answer books or **conduct practical** examinations;
 - (d) enter into **general** or specific agreement with an examiner or a moderator for the efficient administration of the examinations;
 - (e) terminate the services of an examiner or a moderator at anytime; **and**
 - (f) amend or substitute the conditions of appointment referred to in paragraphs (a), (b) and (c), with the **exception of remuneration**, at any time.
- (2) **In addition to subregulation (1), the following renditions shall apply to examiners and moderators and anyone who assists them in the execution of their duties:**

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

- (a) The contents of a draft question paper, the memorandum on it and the marks obtained by a candidate shall not be disclosed to unauthorised persons;
- (b) an examiner or a moderator shall not hold the copyright in a draft question paper or a question paper or memorandum drawn up on behalf of the Department;
- (c) the Head of the Department shall not be obliged to have the examination scripts in a particular subject marked by the examiner who drew up the question paper or to have such examination scripts moderated by the moderator who moderated the question paper;
- (d) the Head of the Department may, at his or her discretion, amend and use a question paper or a memorandum without consulting the examiner or moderator concerned;
- (e) question papers shall be set in accordance with the syllabi and conditions that have been approved by the Department for the course concerned;

- (f) the moderator **shall** assess, and comment on the **draft** question paper and the memorandum objectively and ensure that no **language** or any other mistakes occur in the **draft** question paper, **that** it conforms with the **syllabus** and the **course** requirements, and that the **required** standard has **been maintained**. Should that not be the **case**, he or she may, at his or her **discretion**, submit for the proposal for amendment or improvement to the examiner (sic): Provided **that**, should **the** moderator and the examiner not be able to **reach agreement**, the head of the Department will make the **final** decision on such **points** of disagreement;
- (g) a file writing the **syllabus**, **draft** question paper and a memorandum shall be kept **intact**, and **correspondence** between the examiner and the moderator **shall** be kept in a relevant file;
- (h) a file containing a **draft** question paper and a memorandum **shall** be **posted** by registered mail **after** the envelope **containing** such file has been securely sealed;
- (i) when **marking** and moderating **examination** answer books, examiners and moderators shall exercise the **greatest care** and maintain **the** highest degree of impartiality to ensure the objective **allocation** of marks to a **candidate**;

- (j) if the number of **examination** scripts for a **particular** subject exceed the number **prescribed** by the **Department**, per examination, the examiner **shall**, with a view to expediting the marking and with the approval of the Head of the **Department**, make use of **assistant** examiners;
- (k) an **examiner shall** be responsible for the work of his or her assistant examiners and **shall** himself or herself mark the number of scripts **prescribed** by the Department per **examination** in a **particular** subject and **shall** check a percentage prescribed by the Department of those scripts marked by the **assistant** examiners;
- (l) a moderator **shall** write a **report** on the form "Moderator's Report", on the standard of marking in the subject for which he or she is responsible, and in it he or she **shall** make specific proposals and **support** his or her **reasons** for finding it **necessary** to **depart** from the **examiner's allocation** of marks; and
- (m) **after** any **examination**, an examiner **shall**, on the form "**Examiner's Report**", report on **each** question paper for which he or she is responsible, provide the **statistical data** required by the Department and make **general** remarks and suggestions, to be communised to **the** relevant **educational** institutions for improving the presentation of the subject."

32.6 Of particular importance for the role and function of moderators are regulation 20(1)(b)(i), (ii) and (iii), regulation 20(2)(f) and in particular regulation 20(2)(1), which determines that a moderator shall, in his moderator's report,

" make specific proposals and support his or her reasons for finding it necessary to depart from the examiners allocation of marks"

32.7 A moderator is clearly not empowered by the Mpumalanga regulations to do more than to suggest, to the Department of Education, an adjustment of marks which may be recommended for reasons of the nature indicated above.

32.8 The Mpumalanga Education Department provides moderators with pre-printed forms, headed "Mpumalanga Education Department Internal Moderator's Report" which form makes specific provision for comments by the internal moderator in respect of the standard of marking and contains a specific question dealing with the internal moderator's recommendation of an adjustment of the marks. A specimen copy of the pre-printed form is annexed as ANNEXURE "A" to this report.

32.9 The Mpumalanga Education Department has, since 1996, provided its examiners and moderators with a so-called markers' manual in respect of marking of examination scripts,

which memorandum sets out the responsibilities of chief markers, examiners and moderators. Subparagraph under the heading:

“1.2 **DUTIES OF CHIEF MARKERS**”

1.2(h).....

“Arrangements for the moderation of scripts by internal moderators:

- (i) **The Chief** markers will be supplied with the list of dates for moderation.
- (ii) **The** chief markers will **select the** scripts as **follows, highest,** average **and** below average.
- (iii) **After** moderation adjustments should be done **there-and-then.”**
(sic)

32.10 Clause 7. **“MODERATING OF MARK SCRIPTS”**

of the manual provides:

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

“7.1 The moderator is responsible for moderating **marked** scripts.

7.2 **METHOD**

Internal moderators:

(a) Moderating **procedure**

- * moderators remark **all** scripts, using the question paper and memorandum provided by the **department**. The **moderators** will moderate at the **centres** three days **after the** start of marking.

- * the mark which a moderator has **allocated** for **each** question must **appear** inside the script as well as on the front **cover** of the **scripts**. Moderators must use "**green**" ink."

32.11 In

“7.3 **MODERATORS REPORT**”

the **manual** determines the following:

Report upon **investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations**
Judge **Eberhard Bertelsmann SC**
Acting Judge of the **High Court –Pretoria**
3 April 1999

"Moderators are to complete the moderator's report and provide a clear recommendation as to whether the marks of the marker should be accepted or not. The moderator's report must reach the Department within 3 weeks after the date of the examination according to the examination time-table."

32.12 These are the only provisions in the manual dealing with the role and function of moderators.

32.13 The Mpumalanga province uses and applies an examiners' manual which was already applicable in the former Eastern Transvaal Province. It contains, in clause 1.2(k) thereof detailed provisions regarding the mark sheets to which the marks candidates achieve in the examination must be transferred. It is quoted here in full:

"(k) Completing mark sheets

The chief examiner/marketing examiner is responsible for the accuracy of mark sheets. The correct way to complete mark sheets is as follows:

- (i) Fill in the numbers "999" in the mark column opposite the examination number of each candidate shown as absent.

- (ii) Transfer **examination** marks from **scripts** to mark sheets with meticulous **care**. Please note the "**maximum marks**" on the mark sheets.
- (iii) **Make sure that each** candidate's **examination** number as it **appears** on the mark sheet corresponds with the number on the **examination** scripts before **transferring** the marks to the mark sheets.
- (iv) Add up all the marks on the mark **sheet**, including "999", **and** write down the **total** in the **space provided** on the mark sheet.
- (v) **Recalculate** this total to ensure that it is **correct**. (Every **mark** sheet must be **double-checked**, and the same **total** must be arrived at before it maybe **considered** to be **correct**).
- (vi) **If** this **total** remains **incorrect**, the computer will **reject** the entire mark **sheet**. It is very difficult to make corrections at this late stage.
- (vii) Enter the marks of **candidates** whose **examination numbers** do not **appear** on the mark sheet on a **blank** mark sheet. **Please inure that**

the name of the **subject**, the relevant question paper and the **centre** number, as well as the **candidate's examination number/ID** number, appear on the blank mark sheet.

(viii) **Each** mark sheet has a **special** number and the **examination** numbers of the **candidates** on the list are linked to this mark sheet number. Therefore, one **cannot copy** the mark sheet of one **subject** and use it for another **subject**.

(ix) Mark sheets must be baled in as the marking **proceeds** and must not be kept until the marking is fished. ”

32.14 **Clause 7** of the Eastern **Transvaal Province Examiners' Manual deals** with the moderating of marked scripts and reads as follows:

“7. **MODERATING OF MARKED SCRIPTS**

7.1 The moderator is responsible for moderating **marked scripts**.

7.2 **METHOD**

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

(a) **The Department** will forward a sample of **the** marked **scripts, an examination** paper and its memorandum to the moderator.

(b) **The** sample of **scripts** will include the following:

* **Scripts** from **all** the **markers** (not less than 30 or more **than** 100 **scripts**)

* **Scripts** of **candidates** who obtained 70% or higher marks

* **Scripts** of **candidates** who **obtained** **approximately** 50%

* **Scripts** of candidates who obtained **approximately** 40%

* **Scripts** of **candidates** who obtained 30% or fewer marks.

(i) **Moderating procedures**

* **Moderators** remark **all** **scripts** which are sent to **them**, using the question paper and memorandum provided by the Department.

* **The** mark which a moderator **has allocated** for **each** question must appear inside the script as well as on the **cover** page of the script. Moderators must use "green" ink.

(ii) **Remuneration of moderators:**

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court – Pretoria
3 April 1999

Moderators are to be remunerated per moderated script according to the approved tariff list, Standardised fees are payable for the remarking/moderation of scripts.

7.3 MODERATOR'S REPORT

Moderators are to complete the moderator's report form 00/ET 179 and provide a clear recommendation as to whether the marks of the examiner should be accepted or not. The moderator's report must reach the Department within three (3) weeks after the date of the examination according to the examination time-table,"

32.15 In 1996, the Mpumalanga Department of Education published an examination policy document. This policy document does not contain any further provisions relating to the marking or moderating of examination scripts.

32.16 It will be noted that the statutory provisions and internal guidelines determined by the Mpumalanga Education Department differ in no way whatsoever from the provisions of the SAFCERT Act and the draft national policy. They are furthermore in accordance with the existing practice followed in all provinces even prior to 1996.

THE CONDUCT OF THE SENIOR CERTIFICATE EXAMINATION IN MPUMALANGA IN 1998:
AN ASSESSMENT

33.

In what follows, I provide an assessment of the conduct of the 1998 senior certificate examination in Mpumalanga and the aftermath thereof. The narrative is of necessity a personal one. It reflects the facts which I regard as having been established with sufficient certainty to be recorded as such, always subject to the proviso that further enquiries are still being conducted and other aspects may emerge from them. I must also underline that some of the matters which I record may not be common cause and may not necessarily be accepted by everybody involved in the process as correct in each and every respect. I am satisfied, however, that this assessment is fair, properly motivated and supported by documentary and oral evidence. I should add that the most significant facts emerged from discussions which I held with senior officials and other employees of the Mpumalanga Education Department and some moderators and examiners. Most of these discussions were recorded on tape and transcribed. Both tapes and transcriptions will be handed to the Honorable Minister together with this report. I would urge that they be regarded as confidential and **sub judice** while the investigations of the South African Police are continuing.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Seder Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

34.

The general preparation for the senior **certificate examination** of 1998 in Mpumalanga proceeded in accordance with **National Policy** and with the **assistance** of **IPEC** and the **Directorate National Examinations** of the Department of **Education**, **without** any apparent serious problem. **In fact**, **educators** and administrators alike were of the view **that**, **contrary** to 1996, the administrative preparations and conduct of the **examinations** were **successful** and **effective**.

35

Shortly before the **start** of the **examination** in November 1998, the **Mpumalanga Education Department** held one or more **workshops**, **arranged** by senior **officials**.

36.

This **workshop** was **attended** by **most**, if not **all moderators** and **examiners**. The **examination manual** was distribute and discussed.

37.

Several moderators and examiners suggested to me that during this **workshop** they were **informed** that a moderator had the power and the authority to **effect** an **overall** adjustment of the **marks** achieved by all the

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

candidates in the **particular subject**, in other words to perform the function of the **adjustment** of marks on his or her own, without prior reference to the Provincial Education Department and without reference to the **standardization** meeting with **SAFCERT**. **In fact**, the moderators were allegedly informed that they **had**, in **effect**, the power to usurp the **function** of **the standardization** meeting.

38.

This **communication** was made to the moderators, according to some of them, by one or more senior official(s) of the **provincial** department. As the **police** investigations have not been concluded, the identity of the person or persons involved will not be disclosed, Reliance for the **existence** of this power on the part of the moderator was allegedly placed on the provisions of paragraph 1.2(h) of the manual, **quoted** above, which, so it was alleged, was interpreted to mean that art adjustment of marks allocated to individual **candidates** on their **scripts** included the power to adjust the marks of all **candidates** in that subject.

39.

Moderators were apparently **further** told **that**, if they **adjusted** the marks of **all candidates**, this should be **effected** upon the mark **sheets** to which the marks were **transferred** at the **examination centre**. **The adjusted** marks should be **entered** into the **second** column of the mark sheet either by the moderator himself or herself, or by the chief **examiner** who should be instructed by **the** moderator to do so.

Report upon **investigations into possible irregularities** in the **1998 Mpumalanga Seder Certificate Examinations**
Judge **Eberhard Bertelsmann SC**
Acting Judge of the **High Court –Pretoria**
3 April 1999

40.

The relevant senior official(s) denied having given an **express** instruction to this effect to moderators, but at least one **conceded** having been aware of the **fact** that **moderators had**, during the senior **certificate examination**, adjusted the marks of **all candidates** in a **considerable** number of **subjects**, including **afrikaans**, biology, geography, history and others. **That** official also **admitted** that great emphasis **was placed** on **paragraph 1.2(h)** of the manual during the workshop.

41.

Moderators of the **affected** subjects **confirmed** that they had indeed **upwardly adjusted** the marks of **all candidates** relying upon the provisions of the manual and the instruction which was **allegedly** given at the workshop. **The** marks which were **increased**, were recorded on the mark sheets **in green ink**, as marks which **had** been duly moderated. **The** mark sheets were sent to **Middelburg**, where the adjusted results were **captured** from the mark sheets onto the computer.

42.

The three moderators I met and the relevant official agreed that no moderator had adjusted marks during the 1996 or 1997 senior certificate **examination**. **This** is remarkable, **particularly** in the light of the **fact** that the 1996 **examination** did not yield good results and that the manual upon which reliance was **placed** for the

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge **Eberhard Bertelsmann SC**
Acting Judge of the High Court –Pretoria
3 April 1999

purported existence of the power to adjust marks on the part of the moderators, was also used in 1996 and 1997.

43.

The individual moderators were at a loss to explain their actions in the light of the express provisions of the regulations, of which they should or must have been aware, and of the express provisions of the pre-printed moderators' report form, which clearly states that recommendations in regard to an adjustment of marks are to be made to the provincial education department. Some vain attempts were made to explain that the recommendations were in fact made to the examiners, but it soon became clear that in those instances where the examiners were told to effect the increase of the marks on the mark sheets, this was regarded by both the moderator and the examiner as an instruction to perform a function which the moderator would otherwise have performed himself or herself.

44.

When confronted with these facts, one official suggested that, while the moderators had the power to increase the marks, they still had to report to the provincial education department and to the standardization meeting, through the department, that the marks had been increased and that such report would be couched in the form of a recommendation.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

45.

This explanation is too k-fetched to be worthy of further consideration.

46.

Not all the moderators who effected adjustments of the marks, (which adjustments were invariably upward), recorded this fact in their moderators' reports.

47.

It is possible that several senior officials of the Mpumalanga Education Department were aware of the fact that moderators had upwardly adjusted marks across the board in a number of subjects. I should note that Mr Mello, the Acting Head of the Mpumalanga Education Department, and the Head of the Mpumalanga Education Department, Mrs Sithole who is presently on study leave, both denied emphatically that they had been informed of the true state of affairs. It was also emphasized that the MEC, Mr Mabuza was unaware of any wrongdoing. I am unaware of any ground upon which these denials can be doubted.

48.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court – Pretoria
3 April 1999

The **exact** number and identity of the officials in the **Mpumalanga Education** Department who were aware of the **true state of affairs** will have to be established by **the investigation** of the South **African Police Services**.

49.

I should also add **that**, in spite of the **fact** that I **requested an opportunity** to meet **all the moderators** in those subjects which had **been identified** by **Dr Calitz** as those in which **marks had been increased** across the **board**, **only** the moderators of biology, history and geography **attended** the meeting which had been **arranged** for Sunday the 28th of March 1999. The moderators of the other subjects which were **affected** have consequently not yet had a chance to **explain** their actions, *Prima facie*, however, their actions are as **unlawful** as those of the moderators to whom I **could speak**.

50.

The upward adjustment **effected** in biology was **motivated** in a particularly **significant** way. The **internal** moderator for this subject wrote the following recommendations in his report for the **standard** ten biology higher grade November 1998 senior **certificate examination**:

"RECOMMENDATIONS:

Report upon investigations into possible irregularities in the 1998 Mpumalanga Seder Certificate Examinations
Judge **Eberhard Bertelsmann SC**
Acting Judge of the **High Court –Pretoria**
3 April 1999

This observation has been done within a very small sample of markers and very **small** sample of candidates, partly due to the time **limitation** of the time **allocated** for moderation and **that** within such time both the **HG** and **SG** papers be **observed**.

It is within these limits that it is recommend that plus minus 20% marks be credited across the spectrum, to avert disaster of provincial **and/or national** standing.”

51.

It is **clear** that the results in biology would have been very poor indeed without the 20% adjustment, **SAFCERT's** provisional view is that the true raw marks **in** this subject may indeed be up to 9% below the norm.

52.

When the **standardization** meeting took **place** on the 28th of **December** 1998, and when the **extraordinary** **increase** in the results of **individual** subjects and the **general** pass rate **became apparent**, not one of the attending **officials** disclosed the **fact** that the raw marks included adjustments of up to 20% effected by **moderators** to the **overall** results. At **least** one of the senior **Mpumalanga officials** attending this meeting was fully aware of what had happened.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

53.

In terms of law and practice, the SAFCERT representatives must have been informed at the standardization meeting on the 28th of December 1998 of the true state of affairs. Instead the senior official or officials who was/were fully aware of all facts, not only failed to disclose the actions which had been undertaken by the internal moderators, but in addition, explained the positive results which had apparently been achieved with reference to the additional efforts the Mpumalanga Education Department and its teachers had made to prepare the learners for the examination.

54,

When the first critical questions were asked in public, the provincial spokesperson publicly defended the results, again without any reference to the true state of affairs being made by those in the know. Others, including senior educators and politicians came to the defence of the Mpumalanga Education Department, genuinely under the impression that the excellent results had been achieved by hard work, dedication and enthusiasm.

55.

At the standardization meeting the raw marks were observed to be far above the expected norm and had to be adjusted downward even without knowledge of the unlawful increase effected by the moderators.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

56.

The adjusted results reflected that 30646 candidates of the 42069 who had sat for the examination passed, while 18°/0 of the pupils obtained senior certificate examination exemptions (university entrance qualifications) virtually double the 9,3% who had achieved this result in 1997.

57

In spite of the fact that a positive explanation had been provided during the standardization meeting of the grounds upon which the increase of the marks could be explained, Dr Calitz remained troubled. On the 30th of December 1998, he phoned Dr Ihron Rensburg, the Deputy Director General of the national Department of Education to share his doubts about the Mpumalanga results with him. Dr Rensburg in turn informed the Acting Director General of the national Department of Education, Mr Thami Mseleku who telephoned the Head of the Mpumalanga Department of Education, Mrs Faith Sithole and discussed the potential problem with her.

58.

Mrs Sithole telephonically traced Dr Calitz to his home on the 31 st of December 1998 and discussed the issue with him. She suggested that the examination moderation process should start immediately.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

59.

It should be **added** at **this** juncture that **SAFCERT annually** moderates the **examination** of the various **provinces after** the **results** have been made public, **usually** within three months **after publication** of the results.

60.

Mrs Sithole indicated to **Dr Calitz** that she was prepared to withhold the **publication** of the results **until** the 7th of January 1999, the date upon which all **provinces'** senior **certificate examination** results had to be published, **according** to a **HEDCOM decision**, in order to enable **SAFCERT** to **conduct** the moderation **process** and to **satisfy** itself that the results were genuine.

61.

Unfortunately, **Dr Calitz** was of the view that the time **available** for such **process** was too **short, because** of the new year long weekend and **because** of the **fact** that many of **SAFCERT's staff members** were on holiday. He did undertake, however, to **start** the moderation **procedure** immediately **after** the **publication** of the **results**.

62.

It is common cause that Dr Calitz was aware of the fact that Mpumalanga would publish its senior certificate examination results together with the rest of the country and that he did not advise Mrs Sithole against such a course.

63.

During the period the 30th of December 1998 and the 4th of January 1999, the top management of the national Ministry discussed the problem. Various options were considered, including the possibility of advising the Mpumalanga Education Department not to publish the results until the moderation process had been finalized, or to publish the results and investigate any alleged irregularities at a later stage and to request SAFCERT to commence the moderation procedure immediately. Eventually, when Mr Mseleku spoke to Mr Mello on or about the 4th of January 1999 informing him of the fact that the national Department would be prepared to accept either option, he was informed@ pursuant to the discussion which Mrs Sithole had had with Dr Calitz on the 31st of December 1998, the decision had been taken to publish the results with the full knowledge of the SAFCERT officials and to commence the moderation process as soon as possible thereafter.

64.

It is a pity **that** the option which **Mrs Sithole** had offered to **Dr Calitz**, namely to withhold **publication** until the moderation **process had** been **finalized**, could not be, or was **not, accepted**, as a huge embarrassment for **all** paroles **concerned could** have **been avoided** if the moderation procedure had been performed immediately.

65,

Mrs Sithole was in the company of the **Mpumalanga Education Department's** top management team when the aforesaid discussion took **place**. **At least** one senior official **implicated** by this investigation followed her discussion with **Dr Calitz**, but did not disclose that the **excellent** results of the **Mpumalanga matriculants had** been achieved as a **result** of the **unlawful** extensive upward adjustment of **marks**.

66.

Mrs Sithole is emphatic that she did not know of the true state of **affairs and** was not informal thereof until it was **revealed during** a meeting **conducted** by myself with her department's top management on the 24th of March 1999, to which reference will be made hereinbelow.

67.

The publication of the results on the 7th of January 1999 created a public stir. There was considerable joy and satisfaction on the part of the Mpumalanga authorities, while, as I have already stated, skepticism greeted the results in other circles.

68.

When SAFCERT embarked in the new year upon the moderation action, the principal focus fell on biology in which subject the marks appeared to be the most suspicious. The external moderator, Mrs Crowe, was requested to investigate the marks which had been allocated in this subject. For this purpose, Dr Calitz requested a number of scripts from the Mpumalanga Education Department in order to make them available to Mrs Crowe and to investigate them himself.

69.

Among the scripts which Dr Calitz investigate he found indications of cover pages having been replaced and of marks apparently having been altered. Dr Calitz had requested the scripts of certain specific candidates who had been allocated a specific mark of, e.g. 82 out of 300. As the marks in biology higher grade had, however, been increased across the board by 60, the real result of the candidate concerned was 22 out of 300.

Apparently, when Dr Calitz requested the relevant scripts, attempts were made to find scripts in which the

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court – Pretoria
3 April 1999

actual mark scored by the candidate amounted to 82 and to substitute the cover page of the candidate whose script had been requested, on the cover page of the script of the candidate who had scored a genuine 82.

70.

During my investigation I heard evidence from sources, which because of the continuing police investigation I would not like to identify at this stage, that certain officials of the Mpumalanga Education Department, including at least one senior official, were observed&tie publication of the examination results apparently re-writing several examination scripts and shredding others. All the persons I interacted with at the Mpumalanga Education Department denied any knowledge of such an activity. The matter is still being investigated by the South African Police.

71.

Dr Calitz thereafter called for further scripts from the Mpumalanga Education Department. This request was initially denied because the department insisted on the moderators report being provided to itself prior to being prepared to supply further scripts to Dr Calitz.

On the 21st and 22nd of January 1999, SAFCERT held a meeting at the Kempton Park Conference Centre, of which the provisional minutes, which have not yet been certified correct, were provided to me. They are annexed hereto as ANNEXURE "B". It is clear that the council was perturbed not only about the irregularities which had occurred in Mpumalanga, but also about the fact that the problem concerning the results had not been discovered in the standardization meeting on the basis of statistical evidence. I quote from the minutes:

"Prof Fatti pointed out that it was not possible to pick up the overall pass rate on evidence presented in the standardisation meeting, since overall results maculations had not been carried out at that stage. Mr Moll pointed out that SAFCERT administrative procedures were not tight enough during the standardisation process, in particular with regard to the recording and official sanction of decisions. Provinces kept their own records, however informally, but there was no formal SAFCERT documentation on decisions reached. SAFCERT therefore had to accept its share of the blame for the situation that had arisen in Mpumalanga. Dr Ngijima pointed out that SAFCERT had received Mpumalanga documents relating to ogiving on 23 December, five days before the standardisation meeting, which should have given SAFCERT sufficient time to pick up the problem. In response the executive officer emphasized that although there had been nothing technically wrong with the results, he had realized that another kind of investigation would be necessary to determine the full cause of the improved raw marks, "

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Expiations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court - Pretoria
3 April 1999

73.

At the same meeting, Mr Mello presented the view of the Mpumalanga Education Department that the latter had been very badly served by SAFCERT. He underlined that the Mpumalanga Education Authorities regarded the following processes as unsatisfactory:

- 73.1 The SAFCERT CEO had received the statistics five days before the giving date, namely on the 23rd of December 1998, which had given SAFCERT sufficient time to study and understand the statistics and comparison table;
- 73.2 During the standardization meeting, concerns had been raised by Dr Calitz in regard to the continuous assessment marks for biology higher grade and standard grades, and that there were no liners who had scored a zero (0) mark in history, both higher grade and standard grade;
- 73.3 The matter had been discussed, and it had been suggested that the continuous assessment marks in biology (which had not been taken into consideration during previous years) could be removed. Dr Calitz indicated however that there was no need to do that for the 1998 examination, but that an investigation would be required of the role which these marks would fulfill in the standardizing procedures;

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court – Pretoria
3 April 1999

- 73.4 **When Dr Calitz** and those **accompanying him left** the **standardization** meeting, he expressed the opinion that the **process** was satisfactory, **remarking** that there would be a slight increase in the pass rate;
- 73.5 **The Mpumalanga Education Department was concerned** that the **increase** might not be as slight **as** projected by the **statisticians**;
- 73.6 Even though the **Mpumalanga Education** Department had, through **Mrs Sithole**, offered to the **SAFCERT** CEO to **co-operate** in attending to **SAFCERT's** concerns by performing the moderation **process immediately**, **Dr Calitz** had still **maintained** that the results **could be announced** as **planned** on the 4th of January 1999;
- 73.7 **The Mpumalanga Education** Department was **furthermore** angered by the **fact** that **Dr Calitz** did not raise his **concerns officially** with the **Mpumalanga Head** of the Education Department or the **Mpumalanga MEC for Education**, but that **the Mpumalanga Education** Department had **heard** thereof through the **national** Department of **Education**;
- 73.8 **Dr Calitz** had not **availed** himself of the **second** opportunity given to him by the **Mpumalanga Education** Department to intervene in the situation;

73.9 As **stated** before the **Mpumalanga Education Department** has **also criticized** the imposition of the **SAFCERT** delegation to the **standardization meeting**, **claiming** that **Mr Talbot** should not have been **included as** he is not a member of the **council**. The **SAFCERT Act** does empower the council, however, to **appoint** persons to **committees** who are not themselves members of the **council**. This power is **contained** in section 5(1)(a) of the Act. This **particular** point of criticism is **consequently** not **valid**.

74.

Although a number of **rumours circulated** that other irregularities may have **occurred**, **particularly after SAFCERT called** for a sample of 1200 **examination papers** to **control the marks and** found that some of the **examination papers** had been tampered **with**, **early suspicion centered** upon the person or persons responsible for the **transfer** of the marks from the mark **sheets** to the **computer**.

75.

On 23rd **February** 1999, **SAFCERT** informed the Honorable Minister of **Education, Dr Sibusiso Bengu**, that **prima facie** **proof existed** of tampering with the **examination results**. On the 26th of **February** 1999, the **national Department of Education announced** that a **full scale** investigation **into the examination results** and the manner and **fashion** in which the **examination** had been conducted, would be **launched** by **SAFCERT**

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

while a **criminal** charge of **fraud**, alternatively forgery and uttering, would be laid with the **South African Police Service**.

76.

At the same time I was **appointed** to report as soon **as** possible upon:

76.1 **the process** and progress of the investigations, which it was my **function** to **co-ordinate**, setting the **goals and** objectives;

76.2 to give legal advice and **assistance** to the investigating bodies **and** to protect the **rights** of candidates;

76.3 to communicate progress of the investigations to the national Department and to write a **report** which must indicate:

76.3.1 what the **extent** of the **irregularities** is;

76.3.2 who is **affected** by the **irregularities**;

76.3.3 who is responsible for the **irregularities**;

Report **upon investigations** into **possible irregularities** in the **1998 Mpumalanga Senior Certificate Examinations**
Judge **Eberhard Bertelsmann SC**
Acting Judge of the High Court – Pretoria
3 April 1999

76.3.4 what **the consequences** of such irregularities are;

76.3.5 what steps are to be taken to ensure that the integrity of the system **is not jeopardised**;

76.3.6 how the candidates' **rights** are to be **protected**; and

76.3.7 what steps **can be taken** to avoid a **recurrence** in **future**.

77.

In spite of the developments having taken **place** as set **out** above, and in spite of the intense public **speculation** about the senior **certificate examination**, the senior **Mpumalanga** official or **officials** remained **silent**, as did **all** the moderators and **examiners**, about the moderators' actions. It is difficult to understand why the matter was not cleared up **immediately once SAFCERT realized** that marks **which** had not been **allocated** in the ordinary marking **process** had been added to the candidates' **results**. It was public knowledge that **SAFCERT** was convinced that there had been tampering with the **examination** results, which **cast** an immolate doubt upon the entire **examination** system not **only** of **Mpumalanga**, but of South **Africa** as a whole. **Rumours** were rife, and many innocent people were **suspected** of complicity **in** nefarious activities. Yet the senior **official** or officials, the moderators and the **examiners** kept mum.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge **Eberhard Bertelsmann SC**
Acting Judge of the **High Court – Pretoria**
3 April 1999

78.

On the 8th of March 1999 I had **the** first meeting with the top management of the **Mpumalanga Education Department** in **Middelburg**, which was **attended** by the **MEC**. At this meeting, no mention whatsoever was made of the **fact** that marks had been **added** by moderators, in spite of the **fact** that I had come to **Middelburg** primarily to discuss the **fact** that marks had in **fact** been **increased**. A lengthy discussion was held **concerning** the **allegations** that those employees of the department who had **captured** the marks were responsible for the **unlawful** increase **thereof**, and arrangements were made to interrogate the officials of the **Provincial Education Department** who had been **involved** in the **capturing** process. Still nothing was said about the actions which had in **fact** taken **place** and of which the relevant senior **official** or **officials** were **fully** aware. During this meeting, the **MEC** and the other members of the **Department's** top management **team** expressed **considerable** bitterness about **the** role **played** by **SAFCERT** in general, and **Dr Calitz** and **Mr Talbot** in **particular**. The point was made with **force and conviction** had **SAFCERT** seen its way clear to advise **against** the **publication** of **the** senior **certificate examination** results or had **SAFCERT** embarked upon the moderation **process immediately**, the most **unfortunate consequences** which have now arisen as a **result** of the **fact** that the **results** were **published** and that **matriculants** were **provided** with incorrect marks, could have been avoided.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

79.

I agree that this is a valid point which must be **addressed**. **Speedier** action on the part of **SAFCERT** could have avoided the present disaster at **least** partially, although this does not in any way diminish the seriousness of the **fact that an orchestrated, organized unlawful** action was **conducted** at a very high level in the **Mpumalanga Education Department** in respect of the senior **certification examinations**. Nor does it detract from the **fact that the Mpumalanga Department** did not withdraw the results of its own **accord** once it become aware of **existing** irregularities, and still has **not** done so.

80.

At the meeting of the 8 March 1999, as well as the **subsequent** meeting which took **place** on the 24th of March 1999, **SAFCERT** was **further accused** of a **political** agenda in the light of the **fact** that opposition parties **became aware** of **SAFCERT's** report to the Honorable Minister before this was **discussed** with the **Mpumalanga Education Department**. **Dr Calitz** surmises that word of **existing irregularities leaked** to the media following an **IPEC** meeting in January 1999, when **the results** were termed "**statistically impossible**". This **fact** was published for the **first** time in Rapport on 14 **February** 1999. **Dr Calitz** denies any **complicity** in the leaking of these **facts**.

Report upon investigation into possible irregularities in the 1998 Mpumalanga Seder Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

81.

The resolution of this problem **falls** outside the **ambit** of this enquiry

82.

The publicity, unfortunate though it was for the integrity of the **education system**, did however **highlight** the **existence** of the problem and the **national** Department deserves praise for the speedy and public **manner** in which steps were **taken** to **address** the problem, to **rectify** the **irregularities** and to ameliorate the **consequences**.

83

It is **disconcerting**, however, that a **provincial education** authority should regard the **statutory quality** and **assurance** body as an enemy and a **political** opponent. **This** is an issue which must be addressed by **both** bodies immediately in the interests of a **healthy education** and **examination** system.

84.

As a result of the discussions on the 8th of March 1999 and following upon **further** enquiries, a meeting **was arranged** for the 24th of March 1999 during which I interviewed **all** the **Mpumalanga** department's **officials**

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

who had **assisted** with the **capturing** of the **marks**. **In addition**, I held further discussions **with** the **MEC** and top management and **confronted** top management with **allegations** that one or more of its members had been **involved** in the tampering with **examination** scripts, which allegations were **abounding** at that stage. **They** were vigorously **denied**, but during the **latter** part of the meeting a **senior official** volunteered that **moderators** had the right to **increase marks** of **candidates**. Upon my immediate enquiry as to which provision **allowed** moderators to act in this **fashion, reference** was made to the **examination regulations** which I have quoted above.

85.

I requested a **copy** thereof **and** arranged for a **further meeting** with senior **officials** and the moderators **and** **examiners concerned** on the **28th** of **March 1999**.

86.

It **must** be **underlined** that this statement of the senior official on the 24th of March **1999** was the **first indication**, to the best of my **knowledge**, which was ever any member of the **Mpumalanga Education Department** of the **fact** that **moderators** had been allowed **to** increase students' **marks** across the board.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court – Pretoria
3 April 1999

87.

At 14h00 on the 28th of March 1999, I met **certain** senior officials and some moderators and examiners, again in **Middelburg**. All persons who were **interrogated** were duly **warned** that they were not **obliged** to speak. Two **police officers**, Superintendent **du Plessis** and Captain **Joubert** of the **Commercial Crime Unit**, **attended** the meeting at my invitation as did **Mr Andre Reyneke** as an expert in the field of **examinations**.

88.

It was during this meeting that the **full** extent to which moderators had been responsible for the **unlawful** adjustment of marks was **placed** on record. As I have **already indicated**, the **explanation** for their action and the **reliance placed** on the **regulations** or the manual is entirely unconvincing.

89.

No **explanation** has **been offered** for the **fact** that at **least** one senior **official** (and whoever else may have been aware of the true state of **affairs**, including the **moderators and examiners**) **failed** to disclose the **full and true facts** until the 28th of March 1999, and did so **only after** persistent and purposeful **questioning**.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court – Pretoria
3 April 1999

90.

On the 24th of **March** 1999 I **requested** a copy of **all** moderators' **reports** which were completed & the senior **certificate examination**. These I **received**, with the exception of the **geography** moderator's report. It **turned out**, however, that one of the history moderator's reports **differed** from a document purporting to be the moderators report for the same paper which had been given to **Dr Calitz**, when he had asked for **copies** of the same **moderators'** reports.

91.

I **confronted** the **moderator concerned**, and a senior official with this disconcerting fact. It emerged **that** the document **Dr Calitz** had received had not been **completed** or signed by **the** moderator.

92.

Two of the original reports which were indeed **prepared** by the moderator, **exhibited** the feature that the number of the marks **which he suggested** should be added to the candidates' results **had** themselves been **changed** by a hand which the moderator **could** not **identify**. In both **cases**, the figure "2" or "20" had been changed from a "3" or "30". **The** moderator **stated** that this **could** have been done by himself, but he was not **certain**.

Report upon **investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations**
Judge **Eberhard Bertelsmann SC**
Acting Judge of the **High Court –Pretoria**
3 April 1999

93.

It is impossible to determine at this stage why the **additional** moderator's report **was issued**, but it must be **noted** that **that report**, for which the moderator is not responsible, did not include a **recommendation** that the marks should be **upwardly adjusted** as did the one which the moderator in **fact** signed. The South **African** Police will have to establish why **SAFCERT** was presented with a document which, on the **face** of it, **appears** to be a forgery.

94.

In conclusion, it need **only** be remarked that **the** relevant senior **official** or **officials**, the moderators **and** the **examiners** must have been **fully** aware of the **fact** that their actions were **unlawful**. No other **reasonable explanation exists** for their continued **silence** in the **face** of the public outcry and the obvious **detriment** to which the **Mpumalanga class** of 1998- **subjected** as a **result** of the disclosure that their marks were not genuine,

95.

I **can** now **deal** with the specific questions put to me by the Honorable Minister against **the** above background.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

THE EXTENT OF THE IRREGULARITY

96,

The extent of the irregularities perpetrated by the moderators and examiners, and covered up by a senior official or officials, against whom the strong suspicion must exist that he, she or they was/were responsible in the first instance for arranging and organizing the moderators' actions, is obviously considerable. The organized interference with the candidates' marks occurred at the one point in the system which was vulnerable to large scale tampering. Although various steps, methods and procedures have been built into the examination process to prevent the learner writing the examination from indulging in untoward conduct, nobody expected the system to be undermined by those who were employed at senior level to protect and uphold it.

97.

The subsequent failure by those concerned to disclose the true state of affairs at the earliest opportunity contributed to the widening of the effect of the irregularities, as literally thousands of innocent students were informed that they had passed the senior certificate examination and/or had gained a university or technikon

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court - Pretoria
3 April 1999

entrance result. These will now be disappointed and subjected to serious detriment once their true marks are obtained.

98.

It must be added that the large scale upward adjustment of marks is not the only irregularity which has been detected. I have referral to the tampering with examination scripts themselves already. This may well have been perpetrated in an effort to hide the original untoward activities.

99.

Furthermore, allegations were made that some schools at certain examination centres received generally much lower marks than they had received in the past or had expected to receive in this examination. Primary among these appears to be the Witbank High School, which sent a report to the Mpumalanga Education Department of which a copy is annexed hereto, marked ANNEXURE "C".

100.

During the meeting of the 28th of March 1999, a senior official alleged that there were at least prima facie indications of racism having been practised by certain examiners in the marking of exam scripts. With specific reference to the Witbank High School, the official alleged that some examiners had apparently

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

purposefully awarded higher marks to **learners** from schools who were predominantly **white** in **comparison** to schools which were attended **predominantly** by **black** learners.

101.

As these allegations were made in the presence of the South Mean **Police**, I **immediately requested** Superintendent **du Plessis** and **Captain Joubert** to investigate these complaints to the hilt and to ensure that any **examiner** who was guilty of **falsifying examination** remarks with a racist motive, or any other motive, be arrested and charged.

102,

During a telephonic conversation in the **late afternoon** of the 2nd of April 1999, of which I kept a handwritten note, a senior **official** of **Mpumalanga Department** charged **the SAFCERT** again with a racist agenda. This **conclusion** was based on the following **circumstances**:

102.1 **In** the moderation **process** in previous **years**, **examination** scripts which were **requested** for moderation were selected not by, or with **reference** to, the **centre** where the **examination had** been written, but with reference to the **candidates** and the marks which they had **achieved**, a **practice** which has been referred to before.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

In this instance, however, scripts were requested for moderation with reference to centres, virtually all being centres with a predominance of black students who would then, if irregularities were detected, be the victims of the process rather than the pupils at those centres which were not moderated,

While I understand the concern, I trust that the SAFCERT investigation, which is nearing completion, will deal with the marks achieved by all students. This is certainly the assurance which I have been given by SAFCERT's CEO.

When I raised this issue with Dr Calitz, he informed me that the provisional investigation (SAFCERT's report is not yet finalized) conducted by him had indicated that marks of those learners who attended former Model C schools had been adjusted to a considerably lesser extent than those of learners who attended other schools in all the subjects which had been investigated so far. Dr Calitz gave the assurance that there was no bias in SAFCERT's approach and that the only yardstick which was adopted, was that of a thorough statistical investigation of all marks which had been improperly adjusted.

102.2 Scripts were not requested for minor subjects, but for those subjects which are popular and consequently have a predominance of black pupils. Subjects such as technical drawing, where across the board increase of marks occurred, were not requested for moderation.

Again, the advantaging of white students appeared to have been a motive.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court – Pretoria
3 April 1999

I also raised this issue with Dr Calitz and was given the assurance that, particularly in the light of these concerns, all subjects would be investigated and no particular group or subject would be ignored in the moderation process. He stated further that, in fact, no adjustment of marks occurred in the subject technical drawing.

102.3 Mr Talbot had remarked on the 28th of December 1998 that he was amazed that there had been no black pupils in this examination which had received a "O" or zero for history. This issue was also addressed in the meeting of SAFCERT of the 21st of January 1999, ANNEXURE "B". Again, I am given the assurance that this approach was motivated by the statistician's concern, and not by any racial motive.

After proper adjustment, there will be candidates who receive a "O" in the subject.

I have conveyed to Dr Calitz that it is essential that the concern that SAFCERT might be biased must be addressed fully in SAFCERT's report in order to ensure that its objectivity, fairness and equal treatment of every learner in the country is beyond question. I trust that these concerns will be fully addressed and inclusively laid to rest.

103.

The other irregularities set out above will have to be reversed by the police investigation.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court - Pretoria
3 April 1999

F. **WHO IS AFFECTED BY THE IRREGULARITIES?**

104.

There can be no doubt that the entire South African education and examination system, as well as its standardization and quality control procedure are directly affected by the irregularities. Defalcation of results on an organized and large scale such as the one under discussion here, has an impact not only upon the province concerned, but upon the entire national system, both nationally and internationally. The potential harm that has been done by this action is immense. Swift and transparent action of the nature taken by Minister Bengu was essential to prevent permanent discreditation of the South African education and examination system. The decisive steps taken by the Honorable Minister met with approval by all representative bodies with whom I consulted and were obviously necessary to reestablish the trust in the system as soon as possible.

105.

Learners and students as well as the institutions of higher learning are affected by the publication of the incorrect results. Apart from these, employers who have appointed learners on the strength of a senior

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

certificate to which the new employee may not be **entitled**, will be **prejudiced** as are those **learners** who are still attempting to **find employment**. Every **matriculant** who wrote the 1998 **Mpumalanga senior certificate examination** will in **fact** be adversely **affected** in some way or another, as being one of the **Mpumalanga class** of 1998- by the **false examination** results. Obviously, everybody supporting a **learner** or **student**, such as **parents, family, friends** and others, as well as the schools at which the **learners studied**, are affected **directly** or **indirectly**.

106.

A group which has been irreversibly **prejudiced**, but which will be very **difficult** if not impossible to **identify**, are those **learners** who **intended** to enter a **technikon** or university **and** would have **qualified** but for the **fact** that the **available place** at the institution was filled by a **Mpumalanga** student who ostensibly **qualified** for admission and did not do so in **fact**. Those **learners** who were part of the **large number** of students **who** had to be turned away from **technikons** in particular (**Pretoria Technikon turned away 14000 applicants**) will never be **identified**, but they **certainly suffered**.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court – Pretoria
3 April 1999

G. **THE PERSON OR PERSONS RESPONSIBLE FOR THE IRREGULARITY**

107

It is **clear** from the investigations **conducted** to date that at **least** one senior **official** of the **Mpumalanga Education Department**, and possibly others as well as a number of other employees in positions of **trust** were responsible for the **irregularities** which have been **discovered**. **Their** identity **cannot** be disclosed at this **stage** as the police investigation is not **completed**.

H. THE CONSEQUENCES OF THE IRREGULARITIES

108.

It is **clear** that **all** learners in **Mpumalanga** have been **affected and** tainted by the stain **that** they belong to the **class of 1998**.

109.

At this stage the **number** of learners who will be **affected** by the **unlawful adjustment of marks** is not **known**. This **will be determined** by the **SAFCERT** report. It appears probable, however, that the majority of learners in **Mpumalanga** will see their **marks** lowered to a **greater** or lesser **extent**, depending on their choice of **subjects**.

110.

This may have serious **consequences** for every single one of them, in **particular** those who gained **entrance** to higher **education** -ens on the strength of a **result which indicated** a university entrance or **technikon**

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court -Pretoria
3 April 1999

admission **result**, or who **obtained** employment on the strength of a **certificate** which **may** now in reality not be **awarded** at all.

111.

The above average **candidates** who gained admission to higher **education** institutions, and whose university **entrance qualification** will not be **affected** by a lowering of their marks, should experience no problems in **continuing** their studies. It **may** be, however, that such a student may lose a **bursary** or loan which is **only awarded** to above average **candidates**. It is impossible to estimate at this stage how many individual **may** be **affected** in this **fashion**. I would **urge** those bodies which grant **bursaries** and loans to be lenient toward **students** who may now no longer **qualify** for assistance which may be **essential** for their **continued** studies, and to grant the holder of the **bursary** or loan the opportunity to prove himself or herself.

112.

The next **category** of **learners** who will be adversely **affected** are those who on their published marks **gained** a university **entrance** result which is now no longer the **case**. Such a **candidate** would normally not be **admitted** to a university, but **could**, under extraordinary **circumstances**, possibly be **admitted** under the provisions of **paragraph** 23 of Government **Notice** No 1586 of the 28th of November 1997, issued by the Committee of University **Principals** in regard to the requirements **and conditions** for senior **certificate** endorsement **and** the issuing of **certificates** of exemption, as **amended** on the 27th of November 1998. **This** would **mean** that a

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court – Pretoria
3 April 1999

candidate who would not normally **comply** with all the **renditions** of a senior **certificate examination** endorsement might be admitted **conditionally**, subject to obtaining the outstanding **qualifications** which would meet the senior **certificate** exemption **renditions**. I suggest that **all** universities who have admitted **candidates falling** into this **category** should be **urged** to follow this **course**.

113.

The third and fourth **categories** are **learners** who **are** enrolled at universities who do not **qualify** for a senior **certificate** exemption at roll, or who have in **fact failed** their **senior certificate examination**. In both instances, admission to a university would normally not be **granted**, but **according** to **Mr Lötter**, the representative of the South African Universities **Vice Chancellors' Association**, universities **can**, in terms of paragraph 31 and with the **consent** of the Joint **Matriculation Board**, grant an extraordinary exemption to these **candidates** and allow **them** to remain at the university and assess them at the end of the *semester or at **the** end of the **first year**, **provided** that the **university concerned** has a support **program** enabling the student to supplement the **qualification** he has not yet obtained. **On** the strength of such a support program and assessment a student **could** be allowed to **continue** his or her studies.

114.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

Although this would amount to an extraordinary concession to students who were enrolled on the strength of their incorrect marks, I suggest that the Department of Education urge all universities to adopt this approach toward students in this group.

115.

Obviously, all universities do offer study assistance and bridging courses which may well be required for many of these students; such assistance would be greatly appreciated.

116.

The technikons may find themselves in a somewhat different position. In terms of section 76 of the Higher Education Act, Act 101 of 1997, the Technikons Act, Act 125 of 1993, is r-din its entirety.

117.

Section 74(6) of the Higher Education Act does provide, however, that

“the joint statutes and joint regulations and rules made in terms of the Technikons Act, 1993 continue to exist until the date/s contemplated in subsection (2) of this section.”

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

118.

Subsection (2) in turn reads as follows:

"In terms of subsection (3) the Committee of University Principals, the Matriculation Board and the Committee of Technikon Principals cease to exist as statutory bodies on a date or dates to be determined by the Minister in the Gazette."

119,

No such date has yet been determined, with a result that the admission requirements prescribed by the Committee of Technikon Principals in terms of section 5(e) of the Technikons Act still apply. Requirements for admission to study at a technikon are consequently determined in the joint statutes. The joint statutes in turn prescribe in paragraph 6(1) thereof, read with section 26(1) and 26(3) of the Technikons Act, that a senior certificate issued in terms of section 9 of the South African Certification Council Act, a national senior certificate or an equivalent qualification must have been obtained by the student to gain entry to a technikon.

120.

No equivalent to paragraph 23 or paragraph 31, which allows universities to enroll students under Special exemptions and conditions, exists for technikons.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

121.

From a strictly legalistic point of view, students who have failed the examination on a re-adjustment of their marks would consequently have to leave a technikon. Mr Nico Stofberg, the representative of the Committee of Technikon Principals, indicated as much during the discussions that I held with the representatives of the Higher Education Institutions.

122.

Technikons would, according to Mr Stofberg, offer to reimburse the fees which such students had paid as a matter of course, and would repay a pro rata portion of the hostel fees.

123.

I suggest that the national Department explore ways and means with the technikons to allow students who were enrolled on the strength of their incorrect marks to remain at the technikon, should they wish to do so, at least for the first semester or the first year, and to give them an opportunity during this period to obtain a senior certificate, possibly by arranging for a special supplementary examination for these students in the winter holidays. Alternatively, a final decision of their future at a technikon could possibly be delayed until the end of this year, or early in 2000, once such students have had an opportunity to sit for the senior certificate examination again.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court – Pretoria
3 April 1999

124.

It is clear that many people have **suffered** not **only emotional** stress, but potentially serious **financial** consequences. This would be particularly the case if students had in fact to be turned away from universities or **technikons** as a **result** of the **correction** of their **marks**.

125

The **potential** litigation that may arise from the **irregularities** **cannot** be **foreseen** at this stage. It is quite possible that parents, **unsuccessful** learners and **students** who have to **leave** an institution might decide to sue the authorities **and** in particular the **Mpumalanga Education Department** and possibly **SAFCERT** or **the individuals** involved, for damages. Obviously, every authority which is sued, could join the **perpetrators** of the **irregularities** as codefendants.

126.

The **Mpumalanga Education Department** might be well advised to obtain the services of an arbitration institution, such as the **Arbitration Foundation of South Africa** or of the **Arbitrators' Association**, to **assist** in the settlement of potential **claims** which maybe **instituted**.

Report upon **investigations into possible irregularities** in the **1998 Mpumalanga Senior Certificate Examinations**
Judge **Eberhard Bertelsmann SC**
Acting Judge of the **High Court –Pretoria**
3 April 1999

127.

As another consequence of the irregularities, the national Department of Education decided to resume direct control of the supplementary examinations presently conducted in Mpumalanga. This power was exercised in terms of the provisions of the National Education Policy Act, Act 27 of 1996 and the Further Education and Training Act, Act 98 of 1998.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

I. **THE STEPS TO BE TAKEN TO ENSURE THE INTEGRITY OF THE SYSTEM**

128.

Once the **irregularities** were **discovered**, urgent steps were **required** to protect the **integrity** of the system. **The transparent** and high profile steps which the Honorable Minister of **Education** and the **national** Department took to **support** the **SAFCERT** enquiry and the police investigation and to arrange for my appointment have done much, I believe, to **protect** the integrity of the system. **This has** been acknowledged by **all interested** parties.

129,

Further steps need however to be taken to **ensure adequate protection** of **the system**. **The first** of these must be that the Department of **Education** in **Mpumalanga** must institute **departmental** and disciplinary steps against **those** persons responsible for the **irregularities, and in particular** the senior official or **officials** and the moderators and **examiners** who have **already** been **identified** as participants in the **unlawful** activities.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

130.

The police investigation must be concluded as soon as possible and, should a prima facie case of fraud or forgery and uttering be established, prosecutions of the perpetrators of the irregularities should follow. In this connection, the national Department should publicly request the Director of Public Prosecutions to give priority to these matters and should also offer to present evidence in regard to an appropriate sentence should a conviction follow. Prima facie I am of the view that in case of conviction a considerable term of imprisonment would be the appropriate punishment to be imposed.

131,

In addition, statutory and regulatory steps will have to be taken to prevent a repetition of the irregularities. These are discussed below.

J. **HOW ARE THE CANDIDATES' RIGHTS TO BE PROTECTED?**

132.

It is clear that the **learners** who sat the **Mpumalanga** senior **certificate examination** are entirely innocent of the **irregularities** discussed in this **report**.

133.

In order to ensure that their **rights** are properly pm-it must **first** be understood what **these** rights are.

134,

The **candidates** have, **in** the **first** instance, an obvious right to be properly **educated and** to be given the opportunity of writing an **examination** that has been **fairly set, covers** the curriculum that has been taught and is of **an** appropriate standard. **Furthermore**, a **candidate** has **the** right to be properly **tested**, to have the **examination** scripts properly marked and **assessed** and to be given a **fair** mark **correctly** reflecting the level of

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court -Pretoria
3 April 1999

his or her performance. Thereafter, a candidate has the right, if properly qualified, to be considered for admission to an institution of further or higher education.

135.

A learner does not have a clear right to be admitted to an institution of higher education, compare

Motala & Another v University of Natal 1995(3) BCLR 374 (D)

but clearly has a right to be fairly considered according to appropriate selection criteria for admission to such an institution.

136.

Obviously, a learner has all the other rights enshrined in the Constitution's Bill of Rights and in the South African Schools Act, Act 84 of 1996.

137.

This means that the candidates are entitled, *inter alia*, to fair administrative action, equal treatment and a protection of their right to learn.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Seder Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court – Pretoria
3 April 1999

138

Every learner and his family have the right not to be prejudiced by a delict and not to be victims of dishonest, unfair and discriminatory administrative actions.

139

It is questionable whether, from a strictly legalistic point of view, a student who has been admitted to an institution of higher education on the strength of a senior certificate which, through no fault of his own, reflects incorrect marks, is entitled to remain at an institution which would have refused him or her admission if the senior certificate had reflected the correct marks.

140

There can be no doubt, however, that a candidate who was brought under the false impression that his or her marks were better than they are, has a right to be treated fairly now that the true facts have come to light.

141.

I have already adverted above to the probable consequences that may result from actions which institutions of higher education may feel compelled to take once the candidate's correct marks are known. If the strict letter

Report upon investigations into possible irregularities in the 1998 Mpumalanga Seder Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court – Pretoria
3 April 1999

of the law is applied, some institutions may **feel constrained** to exclude those students who have in **fact** failed **the senior certificate** examination.

142.

I hope that it will be possible to **make special** arrangements for these students who are the innocent victims of the **unlawful** action of others, along the **lines suggested** above.

143.

The course I **suggest** would be in **accordance** with **the** unanimous **recommendation** I have received from **education** authorities, student **representative** bodies, parent **representative organizations**, governing bodies' **representative organizations** and others, including **SAFCERT** and the **Mpumalanga Education Department**. It is **clear that**, to a **certain extent**, a **student** who **actually failed** the **examination** and is now given an **opportunity** to prove herself or himself on the strength of **his** or **her performance during the first** semester or **first** year at a higher **education** institution will **ironically** be given an **extraordinary** advantage should my **proposals** be **accepted**. This is preferable, however, to the **alternative of summarily terminating** the student's **enrollment**. I **fully** appreciate that the **appeal** to allow the students an **extraordinary** chance to **continue a further** or tertiary **education**, involves **financial** commitments on the part of the Hens **concerned**, but I trust that the **additional resources** which are **required to accommodate** these students will have a **smaller** impact upon the institutions than summary **dismissal** would have upon the students.

Report upon **investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations**
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999

I have **already** referral to those candidates, who, had it not been for the admission of ostensibly properly **qualified** students from **Mpumalanga**, might have gained **entrance** to an institution of higher **education** or **further education**, but were **refused because** of the **fact** that the institution had no **further capacity** to admit them. The **rights** of these **potential** students have been negatively **affected**, albeit **tangentially**. It would be impossible, however, to **identify** the individuals **concerned**, although some student may still sue either the **Mpumalanga Education Department, SAFCERT, the** individuals involved or an institution of higher **education** for damages or other relief as a result of the **effect** which the **irregularities** have had on him or her.

K STEPS TO BE TAKEN TO AVOID A REPETITION

145.

The irregularities which were perpetrated could be committal because the system was simply not designed to prevent unlawful action on the part of persons who had been appointed to protect and guard and properly apply the education and examination system.

146,

When doubts were raised at the end of December 1998 about the Mpumalanga results, the authorities, and in particular the national Department and SAFCERT as well as the Mpumalanga Education Department were faced with a classical "Catch 22" situation, Had it been decided to withhold publication of the marks beyond the deadline of the 7th of January 1999 in order to finalize the moderation process, the resultant public outcry and negative effect upon the system may have been as severe, if not worse, than that which the later discovery of the irregularities had after publication of the results. Such a situation must be avoided in future.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court -Pretoria
3 April 1999

147,

A repetition of the irregularities may at first blush seem to be unlikely given the high profile which the national Department's reaction has assured,

148.

Procedures must however decidedly be put in place to ensure that a similar irregularity cannot be perpetrated upon the system in future.

149.

In the first instance, I would recommend that regulations should be promulgated determining@ in order to eliminate human error and tampering, a duplication of the counting and capturing of examination marks should be introduced as obligatory in all provinces. Two independent teams should each add and capture the marks and thereby ensure that there is a built-in control of the result.

150.

In addition, SAFCERT and the examining authority should not only have the power, but also the duty to prevent the publication of results which at first blush appear to be suspect.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Seder Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court - Pretoria
3 April 1999

151.

The SAFCERT Act and regulations should be amended to determine that the examining authority and SAFCERT must, after consultation with one another in the standardization process, independently certify that they are satisfied that the results are genuine before publication thereof may take place.

152

SAFCERT should also re-arrange its schedules and programs in order to be able to execute its monitoring function, if necessary, prior to the publication of the senior certificate examination results.

153.

Finally, I am aware of the fact that the present investigation and this report will have a severe effect upon the Mpumalanga Education Department, which has already suffered a great deal because of the adverse publicity which it and its MEC, Mr Mabuza, have received.

154.

I believe that the Mpumalanga Education Department's present capacity, which will be subjected to further strain as a result of this report and the potential further steps that may follow, will require support of the

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court -Pretoria
3 April 1999

nature which the national Department is rendering at the moment in respect of the supplementary examinations. I recommend that such support be given until such time as matters have returned to normal and the Mpumalanga Education Department is in a position to resume its ordinary functions.

155,

SAFCERT and the Mpumalanga Education Department should convene a joint meeting as soon as possible to clear the air and to determine procedures which will ensure co-operation and create mutual trust in the interest of the education and examination system as a whole.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court -Pretoria
3 April 1999

CONCLUSION

156.

I thank the Honourable Minister for the privilege bestowed upon me to be able to play a part in this investigation. I am certain that the speedy reaction of the national Department and the public manner in which the Honourable Minister took decisive steps to protect the system have done a great deal to prevent further harm.

157.

I would like to thank the officials of the national Department and of the Mpumalanga Education Department and in particular my secretary Mrs Elize Paton and Ms M Locke of the Directorate Legal Services of the national Department for their support, assistance and encouragement - as well as the many hours of overtime which were put into ensure the timeous finalization of this report.



EBERHARD BERTELSMANN SC
ACTING JUDGE OF THE HIGH COURT
JUDGES' CHAMBERS
PRETORIA
3 APRIL 1999

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court -Pretoria
3 April 1999



Annexure A

**MPUMALANGA EDUCATION DEPARTMENT
INTERNAL MODERATOR'S REPORT**

Kindly forward this report within three (3) days after completion of the examination session to: The Sub-directorate Examinations, Private Bag XI 855, Middelburg, 1050. Claims for marking of a specific paper will not be paid unless this report is returned.

1. Examination

Mark with a "X"	
FULL-TIME	PRIVATE

	Y	Y	M	M
19				

2. Course: (Std 10/STD/NTC, etc) _____

3. Subject: _____ Grade: _ Paper: _____

4. Is the marking of the examiner up to standard? _____

5. Is the marking consistent? _____

6. Is the marking of the examiner recommended for acceptance? _____

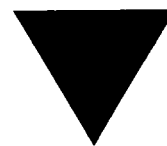
7. If the replies to be foregoing are not in the affirmative, what adjustment of the marks is recommended? _____

8. Reasons for the recommendation at 7 _____

9. General remarks _____

SIGNATURE OF INTERNAL MODERATOR
EXAM014/mg

DATE



Annexure B

SOUTH AFRICAN CERTIFICATION COUNCIL

MINUTES OF AN EXTRAORDINARY MEETING OF THE S A CERTIFICATION COUNCIL HELD ON 21 AND 22 JANUARY 1999, AT THE KEMPTON PARK CONFERENCE CENTRE

1. OPENING

The Chairperson welcomed all members, the meeting was constituted and he declared the meeting open. **Mr Moll** was requested to take the minutes of the meeting.

2. MEMBERS PRESENT

Dr M Nkomo	(Chairperson)	Prof E M Lemmer
Mr M Andrew		Dr N Mgijima
Prof A J H Buitendacht		Mr I Moll
Prof C R M Dlamini		Dr J A Myburgh
Mr A A Essop		Dr S G Nyawuza
Prof L P Fatti		Dr F M Orkin
Prof P Kota		Mr B Shipalana
Dr F Calitz	(Executive Officer)	Mr B Schreuder (observer)

3. APOLOGIES

Apologies were received from **Prof I Bellis**, **Messrs J A C Botha** and **S J Mkhwanazi**. **Messrs T B Khunyeli** and **D Kennedy** had resigned as they were no longer in the service of the Free State and Western Cape Education Departments. Since **Mr Kennedy** had resigned as a member of the Council, the **MEC** of the Western Cape nominated **Mr B Schreuder** as a member of the Council. The Minister had not yet confirmed his appointment, but the Chairperson was of the opinion that this would be a mere formality. **It was consequently decided that Mr Schreuder be invited to attend the Strategic Planning meeting of the Council as an observer.** **Mr Schreuder** offered to **recuse** himself from the extraordinary meeting but Council decided to grant him observer status at this meeting as well.

4. CONFIRMATION OF THE AGENDA

It was agreed that the extraordinary meeting would discuss just one item, viz the report of the external moderator in Biology, **Mrs A A Crowe**, on the moderation of a sample of scripts from the **Mpumalanga** Education Department.

5. MODERATION OF A SAMPLE OF THE 1998 BIOLOGY HG SCRIPTS FROM MPUMALANGA EDUCATION DEPARTMENT

The Executive Officer presented the moderator's report (attached) and a written report on his own follow-up of the matter (also attached). He mentioned that he (on behalf of **Safcert**) had **expressed his surprise at the results achieved in certain subjects at the standardisation meeting, but that, in the light of assurances received from the Province relating to study guides and**

intensive support of Grade twelve candidates, had accepted them in good faith. He also pointed out that Prof Lotz, who had attended the Mpumalanga standardisation meeting on behalf of the central Department of Education, had reported back his concern about the Mpumalanga results to the Minister.

The Executive Officer went on to explain his analysis of the scripts incorporated in the sample, and circulated examples for the attention of Council members. There were indications of cover pages having been replaced and of marks apparently having been altered. These initial indications led him to proceed to **Mpumalanga** to obtain more scripts, which request had been denied. He stressed that he had been following a procedure laid down in the Council's regulations.

Discussion ensued as to why the problem with the results had not been picked up in the standardisation meeting on the basis of statistical evidence. **Prof Fatti** pointed out that it was not possible to pick up the overall pass rate on evidence presented in the standardisation meeting, since overall results calculations had not been carried out at that stage. **Mr Moll** pointed out that **Safcert** administrative procedures were not tight enough during the standardisation process, in particular with regard to the recording and official sanction of decisions. Provinces kept their own records, however informally, but **there** was no formal **Safcert** documentation on decisions reached. **Safcert** therefore had to accept its share of the blame for the situation that had risen in **Mpumalanga**. **Dr Mgijima** pointed out that **Safcert** had received **Mpumalanga** documents relating to **ogiving** on **23 December, five days** before the standardisation meeting, which should have given **Safcert** sufficient time to pick up the problem. In response the Executive Officer emphasised that although there had been nothing technically wrong with the results, he had realised that another kind of investigation would be necessary to determine the full cause of the improved raw marks.

At this stage a **Mr Mello** arrived at the meeting, and introduced himself as the **Mpumalanga** representative to the meeting. He apologised for being late indicating that he had lost his way. He mentioned that the **MEC** had nominated him to attend the meeting and to give **an input to the Council on the matters under debate. Mr Mello's status at the meeting** was discussed and the Chairperson said that Council members were appointed by the Minister and did not represent a province. He also ruled that no provision was made for a proxy. However, given that **Mr Mello** was present, the Chairperson invited him to put **Mpumalanga's** case to the meeting as a "guest. It was agreed that while the written input (attached) would be recorded in the minutes, it would not be deemed to be a formal response from **Mpumalanga**. **Mr Mello** concluded by saying that he did not receive fair treatment at the meeting, that the meeting was arrogant towards him and that he felt degraded by the casual manner in which he was treated. He regarded the process as not in the interests of **Mpumalanga**.

The Chairperson thanked **Mr Mello** for his contribution, but differed strongly with **Mr Mello's** contention that the **reception** afforded to him had been indecent, casual or arrogant. He added that the Council had not known that **Mr Mello** would be attending the meeting, and that **Mr Mello's** characterisation of the **meeting** was not accurate. He assured **Mr Mello** that Council would take what he had said very seriously and would discharge its responsibility in relation to it in terms of its Act. The Chairperson also requested **Mr Mello** not to convey to his colleagues that the members were **indecent**, as that was far from the truth.

After further long and in-depth discussions on this ^{ssue} the Council unanimously

- a) noted a moderator's report on the 1998 Mpumalanga Biology HG examinations which indicated irregularities in some of the scripts. This was supported by an inspection by Council of scripts from a sample of forty-five taken for post facto checking, most of which had apparently been tampered with.
- b) took note of the concerns raised by the Mpumalanga Education Department regarding the role and procedures applied by SAFCERT officials during the prior consideration of the 1998 results in Mpumalanga.
- c) noted the view that the publication of results (by contrast with the certification) is the responsibility of the respective Education Departments or examining bodies.
- d) expressed the belief that a detailed investigation was necessary to establish the extent of the possible problem (as well as the possible impact of a continuous-assessment component on the marks, and improved educational practices by the Department), and to check whether the integrity of the examination in Mpumalanga might have been compromised.
- e) resolved to establish a committee to undertake the investigation, to report to the Council as soon as possible, for Council to consider its findings and decide upon their wider implications, if any. The Committee would comprise
 - * Dr M Nkomo - Chairman of Council
 - * Dr N Mgijima - National Department of Education representative
 - * Prof P Fatti - Statistics Committee representative
 - * Prof P Kota - Moderators Committee representative
 - * Dr F Calitz - Executive Officer.
 The committee would have the authority to take the necessary legal opinions.
- f) agreed to supply the Mpumalanga Department with the report it requested of the irregularities encountered during the moderation and subsequent inspection of the sampled Biology HG scripts.

- g) decided to request that **Mpumalanga** Department **allow** the Council's committee or its appointed officers
- * to have direct access to the answer scripts and computerised or other records for Biology **HG** and such other subjects as they may decide, so that the committee may undertake the above investigation;
 - * to remove such scripts as may be necessary for the inspection of the Council.
- h) further resolved to undertake a general review of the validation and other procedures of **SAFCERT** (including consideration of the sequence of events in this instance as an important example), towards clarifying and formalizing its relationship with provincial education departments and other education authorities.

The Council also decided that the Committee should finalise the report to the **Mpumalanga** Education Department, and that the Executive Officer **should** alert **Dr Ihron Rensburg** of the central Department of Education of the fact that an investigation would be continuing.

MODERATION OF 1998 SENIOR CERTIFICATE SCRIPTS : MPUMALANGA

When the Mpumalanga Education Department announced very much improved results for the 1998 Senior Certificate examinations the Executive Officer decided to set the process of moderation of answer scripts in terms of the Council's regulation 2(e) (ii) into motion as soon as possible. Samples of specific candidates in Biology HG & SG, History HG, Business Economics SG, Economics HG and Geography HG were drawn, and their examination numbers were supplied to Mpumalanga with the request that their scripts be made available for moderation. It should be noted that the raw marks in the six subjects mentioned were considerably higher than in previous years, as can be seen from the details for Biology HG which are attached on pages 3 and 4.

The report from Mrs A Crowe, the moderator for Biology HG, is given on pages 5 and 6. The Executive Officer noted the concern expressed under point 2, and examined the scripts himself. There were indications that they were not the scripts of the candidates nominated for the sample, but the scripts of other candidates from which the cover pages were removed and replaced by different cover pages bearing the examination numbers and centre numbers of the candidates originally selected. In addition there were indications that marks were added to the marks which candidates obtained in the examination before these marks were entered into the computer.

The Executive Officer felt that in order to confirm or allay the suspicions aroused by these indications it was necessary to look at some more scripts, but without the intervention of any officials involved in the drawing of the original samples. He visited the Department for this purpose, but could not get access to the scripts. He was informed by the Head of the Department and the MEC for Education that they were of the opinion that they should first be given a report on the moderation of the scripts already moderated before further steps flowing from that report could be taken. The MEC also indicated to him that this report should not come from him as an individual, but should be a report from the Council.

A telephonic report from Prof S L Barnard, the moderator for History, was similar to Mrs Crowe's report, and he also mentioned indication of tampering with the scripts.

Continuing with the process of selecting samples, of scripts for moderation the Executive Officer requested the scripts of specified candidates in Afrikaans and English Second Language HG, History SG, Mathematics HG & SG, Biblical Studies HG & SG, Business Economics HG, Economics SG, Agricultural Science SG, Physical Science HG and Geography SG. The scripts for Business Economics HG, Agricultural Science SG, Biblical Studies HG and Economics SG have been delivered already.

Amongst the scripts for Business Economics **HG** there are two scripts, one in English and one in Afrikaans, both with examination number **7907175147080** and **centre** number 8771 and a mark of 219, but with different questions answered. Also amongst the scripts for Business Economics **HG** there is a second pair of scripts, one in English and one in Afrikaans, both with **centre** number 8759 and examination number 8006050060085. Of this second pair the English script has a mark of 248, while the Afrikaans one has a mark of 248 which was amended to 266 in pencil, possibly when the addition of marks was checked. On the computer system candidate number 8006050060085, has a mark of 248. Both these candidates wrote Afrikaans First Language **HG**, so that the Afrikaans scripts are probably the authentic ones.

Amongst the scripts for Economics SG there are two scripts, both in English, both with examination number 1822854 and centre number 1469 and a mark of 128, but with different questions answered.

These duplications are obvious evidence of tampering with the scripts, and are lending credibility to the allegations mentioned earlier. There is no apparent reason why it was necessary to tamper with the 'scripts for Business Economics **HG** and Economics **SG**. In the case of Biology **HG**, and perhaps History **HG**, it seems likely to assume that the tampering was done to conceal some irregularity, and one possibility is that it is the fact that marks were added to the marks which candidates obtained in the examination.

At a press conference on the 1998 Senior Certificate results the Minister of Education indicated that he did not intend becoming involved in the issue around the improved results of **Mpumalanga**, but that it was the task of the Certification Council to ensure that the results **were** correct. With these indications that an irregularity might have occurred, the Council should consider how the matter is to be investigated further.

A short meeting was quickly arranged wherein the Department raised professional concerns in the handling of this matter. The Department felt that it deserved to be treated with recognition, respect and trust. In that meeting the Department requested SAFCERT to table a progress report on the scripts already collected. It was finally agreed that a progress report would be tabled as requested.

In a closed meeting between the MEC for Education and the CEO of SAFCERT an agreement was reached that the progress report be tabled by the following day (Friday, 8 January 1999 at 17h00) at Middelburg.

From previous interactions the MEC was concerned that subsequent communications with the CEO should be with the mandate of the Council. He thus requested that the report should be from the Council.

4. THE CONCERN OF THE DEPARTMENT

The CEO of SAFCERT received the statistics five days before the ogiving date i.e. 23/1 2/98, which gave him ample time to study and understand both the statistics and comparison tables. For continuous assessment and written examination.

On the ogiving date which was the 28/1 2/98 the CEO raised concerns around the following areas:-

- Continuous assessment marks for Biology in Higher Grade and Standard Grade.
- . That there were no learners who scored a zero (0) mark in History both Higher Grade and Standard Grade.

The Department agreed that the continuous assessment marks in Biology could be removed; but the CEO indicated that there is no need to do that for the 1998 examinations but that an investigation needs to be made in pursuit of standardizing these marks. He then visited the system's section to make sure that the adjustments were made as he wanted. The CEO and his entourage left the Department saying that the process was satisfactory. The remark made was that there will be a slight increase in the pass rate. We were also concerned that the increase was not slight as projected by the statisticians.

On the evening of the 30 December 1998 Mr Mello, the Administrative Secretary to the MEC was phoned by Mr Mseleku - D.D.G. Human Resource and Labour Relations in the National Department of Education. Mr Mseleku indicated that SAFCERT seems to be concerned with the Mpumalanga results. A matter which was never raised with the Department at any point. Mr Mello took the matter up with both the HOD and the MEC the following day (31 December 1998). It concerned us that he had ample time to study the statistics

and detect problems, raise them at the giving meeting what were the problems. In the Department via if he was not reaching consensus with the delegated officials he should have sought the intervention of their principals

The Department, through the HOD tried to make arrangements with the CEO to attend to his concerns but the CEO still maintained that the Department could proceed with the announcement as arranged for Monday, 4 January 1999, Various options were muted without any taken by the CEO. The process of moderation which would have taken place much later was brought forward to check what could be the cause of the increase. This is a normal procedure after examinations are over and has no impact usually on the results. The Department agreed to comply with SAFCERT on that process.

4.1. **THE DEPARTMENT HAS PROBLEMS WITH THE FOLLOWING:**

- . That the CEO did not raise his concerns officially with the HOD not the MEC, but the Department heard telephonically through the National Department of Education.
- . That the CEO was given the second chance to attempt to intervene and satisfy himself on the 31 December 1998 but mislead the Department by saying there is nothing wrong with the results.

The Department's assessment is that the inability to standardize and correctly project the impact of the implementation of CASS is being clouded by other processes (such as unusual moderation) which makes us to loose focus on where all the abnormalised should have been normalised and made" acceptable" that is now placing their inability to standardized the results as a departmental problem whilst it is in fact their problem.

SAFCERT has had the opportunity to standardize the results both on the 28 December 1998 and on the 31 December after they have raised their concerns through the National Department and the Department has offered an opportunity to reassess the situation on 2 January 1999 or somewhere during the first week of January but not later than 7 January 1999 as raised earlier.

5. **CONCLUSION**

The focus in the view of the Department should be on the failure to normalise the result or since the matter was so sensitive and important even alerting the principals on the situation and its consequences as statisticians.

Any examining authority can experience a number of problems, difficulties and flaws in the running of an examination process. At times papers might leak, the examination question papers could be too difficult or too easy,

markers could **be** very lenient or strict, there is ever so many irregularities which might occur in this **process** to this end.

Through legislation the National Minister has put **SAFCERT incharge** of the Standardization of the examination results.

With the introduction of continuous assessment for Grade 12 in **Mpumalanga**, which was submitted to the CEO, there should have been special attention paid to how it impacts on the entire examination. * such the options given to the CEO **after** the results were calculated should have been implemented if the Department had the authority to do so, but this was treated casually by the CEO.

It is very unfortunate that communication from the Council does not go through line-function as such the Head of Department is kept in the dark but has to contend with handling these issues in the **public** as they arise. We recommend that the formal lines be utilised and other structures **in** the Department be acknowledged e.g. the Provincial Examination Board in **which SAFCERT** is represented. The Board has sub-committees such as Irregularities Committee, Moderators Committee **etc.**

The Department would finally like to complement the approach adopted by the National Department of Education in relation to this matter. We welcome all advises on how to approach this matter in view of how it impacts on the lives of learners, parents and the community in general.

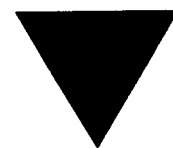
We hope that your good **office** will find this information **useful** and of value as you deal with this matter at the National level.

Kind regards



HEAD OF DEPARTMENT
MRS F T SITHOLE

20/01/1999.
DATE



Annexure C



Witbank High School

Tel. School (0135) 6566444
Fax: (0135) 6566444
Tel Hostel (0135) 6564893

Beatty Avenue
P.O Box 909
WITBANK
1035

1999-03-08

Mr Lukas Mello
Deputy Director General of Education
Private Bag X25 1863
MIDDELBURG
1050

RE PROBLEMS WITH MATRICULATION MARKS

BACKGROUND

1. Upon release of the 1998 matric results it was clearly apparent that the Biology results for our school were wholly incorrect.
2. The Higher Grade average was almost 20% below what is usually attained
3. The marks of individual pupils were also clearly incorrect. For instance, Mohamed Suliman obtained distinctions for his other six subjects but was given a D Symbol for Biology.
4. This was brought to the attention of Department officials immediately but they were unwilling to assist in rectifying the error
5. Owing to the fact that Mohamed Suliman was one of the Top Three students in Mpumalanga and with persistent pressure from his parents the Department changed his mark from a D Symbol to an A Symbol and instated him as the Top Achiever in Mpumalanga.

6. The **Department** was, however, not willing to investigate the remainder of our pupils' Biology marks.
7. A letter dated 1999-01-13 sent to **Mrs Ndlovana** with regard to this matter remains unanswered to date.
8. A number of the affected pupils then applied for a remark of their **papers**.
9. The remarks have since been released and there were no changes made.

POINTS OF CONCERN:

1. It is universally clear that the Biology marks of this school were either tampered with by the **Department**, or the papers were **woefully** in-adequately marked in the first place.
2. There are a number of **ex-Model C** schools in **Mpumalanga** with the same problem.
3. The Department was willing to change **Mohamed Suliman's** mark but unwilling to investigate the concerns of other pupils.
4. Our **pupils** have been negatively affected in that some have failed to be awarded **bursaries** which they would have got if the correct Biology marks had been on their matriculation results, and some have been denied access to their preferred **field** of study because of the marks mix-up.
5. Pupils had to pay **R48.00** for a **re-mark** where no changes in their marks were forthcoming. We find this extremely **difficult** to believe.
6. **Mrs Andrew**, our Biology teacher, is without doubt one of the finest Biology **teachers** in **Mpumalanga**, if not in South **Africa**. Her record over thirty years of teaching speaks for itself. She has also been closely involved in the **matric** Biology administration in **Mpumalanga**, and as chief Marker has prepared the memorandum for the **final** examination used by the markers.
7. The pupils write three **full** length examinations at our school during their **matric** year, before writing the Departmental exam. The standard of these exams is on a par with, if not more strict, than the **final** examination. The results achieved during 1998 were in line with our previous record **and** are another reason why the results obtained by our pupils are viewed with such incredulity.
8. We can accept that the marks of certain candidates were adjusted upwards, but we cannot accept that marks have been taken away from our school to do so.

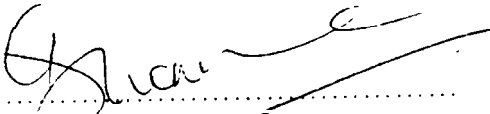
OUR URGENT APPEAL:

1. We as the Governing Body of the school urgently request that an investigation be instituted as a matter of urgency into:
 - i) the Biology results themselves, and
 - ii) the administration of the marks and how the adjustments were made.
2. We furthermore urgently request you to allow Mrs Andrew and the parents concerned to view a few of the problem candidates' scripts in order that justice might be seen to have been done.
3. As a separate issue we have grave misgivings concerning the integrity of the entire re-marking process. We do not believe that the process takes place in a manner which is fair and reasonable towards the learners.

These matters are extremely serious and of great concern, not only to the affected learners, but also to the total parent community who are demanding immediate action.

Your urgent reply would be appreciated.

Yours faithfully



.....
G E NURCOMBE-THORNE
CHAIRMAN GOVERNING BODY

cc Judge Advocate
Minister of Education
Premier of Mpumalanga
MEC Education of Mpumalanga -
Acting Director Management &
Examinations
Snr Deputy Chief Education Specialist
Witbank Circuit 1

E Bertelsman
Prof S Bengu
Mr M Phosa
Mr D Mabuza

Mrs G Ndlovana

Mr I M Matsobane

ANNEXURE :

A few of the affected learners and their examination numbers:

Mohamed Suliman	A8103305078085
Edna Lemley	A8 105030042088
Charlene de Bruyn	A801 1260136089
Natalie Sulter	A80071 70136086
Vanessa Reynders	A8101210016000
Kim Gibbons	A8008110166084
Peter Belzar	A8010115160088

**EMBARGOED UNTIL 14H00
29 APRIL 1999**

**Supplementary Report
upon investigations
into certain
irregularities in the
1998 Mpumalanga
Senior Certificate
Examinations**

**Eberhard Bertelsmann SC
Chambers - Pretoria
29 April 1999**

**SUPPLEMENTARY REPORT TO THE HONOURABLE MINISTER OF EDUCATION. DR
SIBUSISU BENGU, REGARDING THE INSTIGATIONS INTO CERTAIN
IRREGULARITIES WHICH ALLEGEDLY OCCURRED DURING THE SENIOR
CERTIFICATE EXAMINATIONS OF 1998 IN MPUMALANGA**

1.

I had the privilege of presenting my principal report to the Honorable Minister of Education on the 6th of April 1999.

2.

Although it had originally been intended to finalize not only my own report, but the investigation of the South Mean Police Services and of the South African Certification Council at the end of March 1999, this proved to be practically impossible.

3.

On the 6th of April 1999 it was resolved to postpone the deadline for the finalization of these reports to Thursday the 22nd of April 1999.

Supplementary Report regarding the investigations into certain irregularities which allegedly occurred during the Senior Certificate Examinations of 1998 in Mpumalanga
Eberhard Bertelsmann SC
Chambers - Pretoria
29 April 1999

4.

At that stage, the South African Certification Council still needed to finalize the investigation into all the subjects affected by the unlawful practices. In addition, the standardization meeting had to be held before publication of the correct results could take place.

5.

On the 6th of April 1999 it was expected that the Police investigation would also be completed before the 22nd of April 1999, so that the results of all investigations could be published on the 22nd of April 1999 together with the corrected marks of the Mpumalanga matriculants.

6.

Unfortunately, further delays occurred in both the SAFCERT investigation and the Police investigation. At a meeting held on the 20th of April 1999 with the Honorable Minister, SAFCERT, representatives of the Joint Matriculation Board, the universities and technikons as well the Police, the Honorable MEC for Education of Mpumalanga, Mr D D Mabuza and Mr L M Mello, the acting head of department of the

Supplementary Report regarding the investigations into certain irregularities which allegedly occurred during the Senior Certificate Examinations of 1998 in Mpumalanga

Eberhard Bertelsmann SC

Chambers - Pretoria

29 April 1999

Mpumalanga Education Department, the **deadline** for the **finalization** of the investigations was extended yet again to the 29th of April 1999.

7.

The **standardization meeting** in respect of the **Mpumalanga** results, of which the **corrected** particulars became available on the 20th of April 1999, was eventually held on Thursday the 22nd of April 1999. At this meeting, SAFCERT was represented by its Chief Executive **Officer, Dr Fred Calitz**, and several of its **committee** members, while the National Department of Education was represented by **Mr Andre Reyneke** and **Dr Ihron Rensburg**.

8.

The **Mpumalanga** Education Department **was** represent by its acting **head, Mr Mello** and several of the department's senior officials.

9.

At the **standardization** meeting, the **full** range of all the results of the matriculation examination was

Supplementary Report regarding the investigations into certain irregularities which allegedly occurred during the Senior Certificate Examinations of 1998 in Mpumalanga

Eberhard Bertelsmann SC

Chambers – Pretoria

29 April 1999

discussed in all subjects. I should add that the Mpumalanga Education Department had been in the possession of the corrected raw marks as calculated and re-established by SAFCERT since the afternoon of the 20th of April 1999.

10.

As was explained in my principal report, SAFCERT prepares statistical calculations for each subject predicting the probable results of the matriculation examination of all candidates, and the statistical spread of outstanding candidates, average candidates and below average candidates.

11.

During the standardization meeting, the statistical prediction is compared to the actual raw marks which were obtained by the examinees and the results are then standardized. Marks are adjusted bearing in mind the aforesaid statistical predictions, the circumstances of the particular examination, any improvement in the teaching and preparation of the students, the integrity of the examination system and all other aspects which may impact upon the general result of the examination.

12

Supplementary Report regarding the investigations into certain irregularities which allegedly occurred during the Senior Certificate Examinations of 1998 in Mpumalanga

Eberhard Bertelsmann SC

Chambers - Pretoria

29 April 1999

Marks are then adjusted and **allocated** within the scientifically and **educationally** acceptable range applying the **SAFCERT** formula.

13.

A **certain measure** of latitude is allowed to **SAFCERT** and the **examining** body within these scientific parameters.

14.

By Friday evening, the parties represent at the **standardization meeting** were **agreed** upon the results. Both **Mr Mello** and **Dr Calitz** as well as **Mr Reyneke confirmed** to me that the adjustment of the marks was **accepted** by everybody present.

15.

These parties have **also confirmed** in **subsequent** telephonic **and personal** discussions **with me that** the

Supplementary Report regarding the investigations into certain irregularities which allegedly occurred during the Senior Certificate Examinations of 1998 in Mpumalanga

Eberhard Bertelsmann SC

Chambers - Pretoria

29 April 1999

adjustment of the marks **was effected** in a spirit of compassion for the **learners** who have **suffered** as a result of the **unlawful** action perpetrated by senior officials and dictionaries of the **Mpumalanga Education Department**. During **the** discussion of **the statistically** generated predictions, **Mr Mello** and his **officials' approach** were that a sympathetic application of these proposal **adjustments** should be **applied**. This was **accepted** by **SAFCERT** and the **National** Department within the **scientifically** permissible range.

16.

Eventually the **adjusted** marks **showed** a pass rate of **52,6%**, an improvement of **approximately 6.6%** **compared** to the **1997 results**. This **compares** to a **72,5%** pass rate which was **purportedly achieved** according to the **results** which had been **unlawfully** tampered with.

17.

After the marks were properly **standardized**, it has **emerged that** **12,5%** of the **41 649** candidates who achieved matriculation endorsement, namely a **total** number of **5,189** liners **compared** with the **7 101** who had **purportedly achieved** such an endorsement according to the **unlawful results**. **16 711** candidates did not **qualify** for a matriculation endorsement, but **qualified** for a senior **certificate**. **In total 21 900** candidates **passed** and **19749** candidates failed **compared** with **28755** who passed and **10927** who failed

Supplementary Report regarding the investigations into certain irregularities which allegedly occurred during the Senior Certificate Examinations of 1998 in Mpumalanga

Eberhard Bertelsmann SC

Chambers - Pretoria

29 April 1999

according to the **tampered** results. **The full range of the results is annexed hereto, marked ANNEXURE "Y".**

18.

On Friday, **Dr Calitz** reported to me that the **standardization of the marks had been effected unanimously**, a fact which was later **confirmed by Mr Andre Reyneke**.

19.

It should be **underlined** at this stage that, although the **standardization meeting finally** determines the overall marks of **all learners** on a **statistically** and **scientifically** justifiable basis, **each** and every learner, school, principal, parent **and**, where appropriate, **each** representative **organization can still request** that **individual candidates'** scripts be checked and **re-marked**. **This is still the case**, in spite of the irregularities which occurred, because, as I pointed out **in** my principal report, the **National Department of Education** went to **considerable** lengths to ensure the **safety** and integrity of the examination scripts. **With a few exceptions**, **all** scripts are available and can be **checked** and examined.

Supplementary Report regarding the investigations into certain irregularities which allegedly occurred during the Senior Certificate Examinations of 1998 in Mpumalanga

Eberhard Bertelsmann SC

Chambers - Pretoria

29 April 1999

On Monday, the 26th of April 1999, a senior official of the **Mpumalanga Education Department** did, however, raise a number of **practical** questions relating to the results **achieved** by **learners** at **certain** examination **centres** in the **subjects** biology and geography. A meeting was arranged at the **national** Department, where it **was agreed** that **the** individual **scripts** of the learners affected would be examined **immediately**. This was done by **Dr Calitz, Mr Reyneke** and the **Mpumalanga** officials and it was reported to me in the evening that **all** queries had **resolved** to everybody's **satisfaction**.

21.

I embarked upon the preparation of this **supplementary** report, **only** to be **informed** by **Mr Mabuza** on Tuesday night that a further problem had raised its **head**. This problem was eventually **reduced** to writing by **Mr Mello** in a letter, a copy of which is annexed hereto **marked ANNEXURE "X"**.

22.

After Mr Mabuza had **raised** the issue of the moderators' reports with me, I phoned **Mr Mello** on the morning on the 28th of April 1999 and **discussed** the issue with him. **I pointed** out that, as **far** as I was

Supplementary Report regarding the investigations into certain irregularities which allegedly occurred during the Senior Certificate Examinations of 1998 in Mpumalanga
Eberhard Bertelsmann SC
Chambers - Pretoria
29 April 1999

aware, the adjustment of the marks had been **conducted** in a spirit of **scientifically** justifiable generosity toward the learners, with which statement **Mr Mello agreed**. In spite thereof, however, he was of the view that the moderators reports should be taken into **consideration**, in spite of the fact that some of these moderators were persons who **participated** in the untoward adjustment of the marks in the first instance.

23.

I investigated the matter and discussed it with **Dr Calitz** and **Mr Reyneke**, as well as **Mr Mello** during the **course** of the day on the telephone, I was **informed** by **Mr Reyneke** that:

23.1 **Internal** moderators are usually not in a position to **comment** upon the overall results, as they **only see** a limited segment of the **learners** and their scripts;

23.2 **Consequently**, their view as to whether the marks in a particular subject, or the overall **result**, should be adjusted upward or **downward**, **cannot** be the decisive factor **because** they do not have the overview of **all results** achieved by **all learners** in **all the subjects** in which **examinations** were written;

23.3 **These facts** were discussed in passing during the **standardization** meeting on **Thursday**, the

Supplementary Report **regarding the investigations** into certain irregularities which allegedly occurred during the **Senior Certificate Examinations** of 1998 in **Mpumalanga**
Eberhard Bertelsmann SC
Chambers - Pretoria
29 April 1999

22nd of April 1999, and were **accepted as** correct by everybody present;

23.4 Normally, moderators' and examiners' reports are given **limited**, if any, attention during a **standardization** meeting **unless**;

23.5 A moderator could **point** to a problem **in** a particular examination because of **technical** or scientific problems, such as the fact that an examination paper was ambiguous or **contained** a **misleading** question. **In** such event, a moderator's view in regard to an adjustment of the marks is of **importance**;

23.6.1.1 It is primarily the responsibility of the **examining** authority to refer to moderators' **and** examiners' reports if such are to be **considered** in the **standardization** meeting;

23.7 As the **adjustment** of marks was carried out **in** a spirit of scientifically justifiable generosity, further **reference** to the moderators **reports** would not have **affected** the **results** at **all**;

23.8 Neither **SAFCERT** nor the National Department would be prepared to consider a **further** adjustment of **the** marks, but for **exceptional** cases **based** on durational sound principles

Supplementary Report regarding the investigations into certain irregularities which allegedly occurred during the Senior Certificate Examinations of 1998 in Mpumalanga
Eberhard Bertelsmann SC
Chambers - Pretoria
29 April 1999

or reasons of which there are no evidence at present;

23.9 The **standardization** meeting was **concluded** properly **and reached** scientifically justifiable results;

23.10 It is in the interest of **learners** and of the public at large as well as **the** system as whole that the process, once properly **concluded**, remains **finalized**;

23.11 Each individual **learner** is still at liberty to **request** an inspection or remark of his **individual** scripts, so that the **rights** of no individual **will** be detrimentally **affected** if the adjusted marks are **accepted** as correct. **Dr Calitz confirmed** to me that **SAFCERT** regards **the process** as **concluded** and that he agrees with the attitude **adopted** by **the National Department**.

24.

After having discussed the matter with the various parties **concerned** over the telephone, it is my **considered** view that the attitude adopted by the **National Department** and by **SAFCERT** is correct. Quite apart from the **educationally and scientifically** motivated **justification** of this point of view, I **find** it rather **strange** that no effort was made to table the moderators' **reports** by the senior officials of the **Mpumalanga Education**

Supplementary Report regarding the investigations into certain irregularities which allegedly occurred during the Senior Certificate Examinations of 1998 in Mpumalanga

Eberhard Bertelsmann SC

Chambers - Pretoria

29 April 1999

Department during the **standardization** meeting. Bearing in mind that at **least** some of the moderators **concerned** are prima facie guilty of having been involved to a considerable extent in the activities which have **caused** the present debacle, I would be extremely hesitant to accord any weight to their views in any event. I am **convinced** that there is no merit in the stance adopted by the **Mpumalanga** Education Department in this regard and I regret that **further** delay and expense has been caused thereby. I am **satisfied** that, given the magnitude of the **malpractice's**, the relevant authorities have done their best to **rectify** the situation and to limit the damage which has been caused to the individual learner as much as possible.

25.

It is in the interest of each **and** every learner, of the system as a **whole**, of the **Mpumalanga** Education Department and of the public at **large** that the **process** be **finalized** on the basis I have set out above.

26.

I would like to express my appreciation **and** admiration toward the officials of the National Department and in particular **Mr Reyneke** and Advocate **Eben Boshoff** as well as **Dr Manganyi** and **Dr Rensburg** as well as **SAFCERT** for the dedication and tireless efforts with **which** they **contributed** to a solution of the problem.

Supplementary Report regarding the investigations into certain irregularities which allegedly occurred during the Senior Certificate Examinations of 1998 in Mpumalanga
Eberhard Bertelsmann SC
Chambers - Pretoria
29 April 1999

27

I am happy to record that the representatives of the **technikons** and universities indicated during a meeting on the **20th** of April 1999 that they would consider **the** recommendations I made **in** the principal report regarding the **treatments** of students who may not **qualify** for admission to a **technikon** or a university, but were admitted on **the** strength of **incorrect** marks, very sympathetically. I hope that a similarly understanding approach will be adopted by employers who appointed employees to positions which **require** a senior certificate which such new employee may now not have achieved.

28.

It had been hoped that the South **African** Police Services would be able to conclude their investigations at this stage as well. Unfortunately, because of the magnitude of the problem and, in particular, because of the fact that a large number of forensic tests have to be conducted it will still take two to three **weeks** before the Police **will** be in a position to prefer charges, if at **all**.

Supplementary Report regarding the investigations into certain irregularities which allegedly occurred during the Senior Certificate Examinations of 1998 in Mpumalanga
Eberhard Bertelsmann SC
Chambers - Pretoria
29 April 1999

29.

It is regrettable that I **cannot** present a **complete** picture at this stage, but in the public interest the report must now be released.

30

Because the Police enquiries are still continuing, no individual who may be regarded as a suspect on the ground of the findings that I have made should be identified at this stage. I would urgently request parties who have an interest in the matter to refrain from speculation about the identity of those individuals who may eventually be pointed out as suspects and or as accused, until such time as the police and the

Supplementary Report regarding the investigations into certain irregularities which allegedly occurred during the Senior Certificate Examinations of 1998 in Mpumalanga

Eberhard Bertelsmann SC

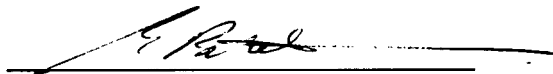
Chambers – Pretoria

29 April 1999

prosecution authorities have been able to conclude **their** task and any suspect **has** been **given an opportunity** to explain his or her actions to the investigating authorities should they **wish** to do so.

31.

I thank you for the trust **placed** in me. My particular **thanks** are due to Advocate **Eben Boshoff** and **Mrs M** Locke for their practical and administrative assistance and encouragement.



EBERHARD BERTELSMANN SC
CHAMBERS
29 APRIL 1999

Supplementary Report regarding the investigations into certain irregularities which allegedly occurred during the Senior Certificate Examinations of 1998 **in Mpumalanga**

Eberhard Bertelsmann SC
Chambers - Pretoria
29 April 1999



Annexure Y

Program : E0319M8
 Examination : 1998/11
 Section : SENIOR CERTIFICATE (FULLTIME)

MPUMALANGA DEPARTMENT OF EDUCATION
 ● *****

Date: 1999/04/29
 Time: 08:12:44 Z
 Page:

RESULT STATISTICS

Total number of candidates who entered: 43746
 Total number of candidates who wrote: 42074

(a) Number of candidates who sat for the full examination	41649
(b) Number of candidates from (a) who qualified for a Senior Certificate	21%0
(c) Percentage of candidates from (a) who qualified for a Senior Certificate	52.6
(d) Number of candidates who offered a subject set which could lead to a Matriculation endorsement	34437
(e) Percentage of candidates from (a) who offered a subject set which could lead to a Matriculation endorsement	82.7
(f) Number of candidates from (d) who qualified for a Matriculation endorsement	5189
(g) Percentage of candidates from (d) who qualified for a Matriculation endorsement	1s.1
(h) Percentage of candidates from (a) who qualified for a Matriculation endorsement	12. s
(i) Number of candidates from (d) who did not qualify for a Matriculation endorsement but qualified for a Senior Certificate	12549
(j) Number of candidates who sat for less than the full examination	42S
(k) Number of subject entries involved in (j)	2626
(l) Number of subjects from (k) which were passed	1080
(m) Number of candidates from (j) who could complete a Senior Certificate	NA
(n) Number of candidates from (m) who qualified for a Senior Certificate	NA
(o) Number of candidates from (j) who could complete a Matriculation endorsement	NA
(p) Number of candidates from (o) who qualified for a Matriculation endorsement	NA
(q) Number of candidates who were fully absent	1672
(r) Number of candidates who failed	19749

S0009 - END OF DATA SET

Program : **E0319M2**
 Examination : **1998/11**
 section : SENIOR CERTIFICATE (FULLTIME)

MPUMALANGA DEPARTMENT OF EDUCATION

Date: 1999/04/29
 Time: 08:10:25
 Page: 1

Result statistics -Irregularities included

(i) Total number of candidates who entered: 43746
 (H) Total number of candidates who wrote ...: **42074**

(A)	(B)	(c)	(D)	(E)	(F)	(G)	(J)
Candidates who wrote full exam	Senior certificate number %	Senior cert. Univ. endors number %	Candidates failed number %	Total absent number %	Marks outstanding number %	Candidates irregular number %	Less than 6 subjects wrote number
41612	16703 40.1	5184 12.5	19725 47.4	1672 3.9	58 0.1	72 0.2	404

Pass indicator	Complete (Col A + E)	Incomplete (Col F)	(Marks outstanding)
0	0	0	No result calculated yet
1	5184	5	Entered 'SS/M' Passed 'SS/M'
2	10989	4	Entered 'SS/M', Failed 'SS/M', Passed 'SS'
3	2157	2	Entered 'SS/M', Passed 'SS' with condition exempt ion
4	3557	2	Entered 'SS', Passed 'SS'
5	3042	4	Entered 'SS', Failed 'SS'
6	16682	17	Entered 'SS/M', Failed 'SS/M' and 'SS'
7	0	0	Not in use
a	0	0	Not in use
Total O - 8	41611	34	
9	2062	39	Failed - Less than 6 subjects

(K) O Candidates entered for less than 6 subjects

Calculation methods:

1. Column A = Columns B + C + D + (No results calculated)
2. Column H = Columns A + F + J
3. Column I = Columns A + E + F + J + K
4. Column G is included in columns B through F

SUBJECT STATISTICS

● *****

EXPLANATION OF THE COLUMNS IN THE TABLE OF THE ATTACHED SUBJECT STATISTICS

-
- * A - The number of candidates who sat for the ● examination
- *
- B - The number of candidates who passed the examination (excluding condonations)
-
- C - The number of candidates who passed the ● examination on condonation
-
- * D - The number of candidates who failed the ● examination but qualified for a conversion
- * to a pass on the next lower grade
-
- E - The number of candidates who passed with distinction (excluding condonations)
-
- F - The number of candidates who passed with distinction on condonation
- *
- G - The number of candidates who qualified for a condonation from an F on HG to an E
- * to qualify for a Higher Grade credit
-
- H - The number of candidates who qualified for a condonation from an H to a GG to
- * qualify for subminimum in the sixth subject
-
- *

Program : E0319M9
 Examination : 1998/11
 Section : SENIOR CERTIFICATE (FULLTIME)

MPUMALANGA DEPARTMENT OF EDUCATION

Date: 1999-04/29
 Time: 08:12:46.2
 Page: 2

SUBJECT STATISTICS

SUBJECT	SUBJECT DESCRIPTION	A	B	c	D	E	F	G	H
04011	ACCOUNTING HG	5673	1151	9s	1219	125	9	0	25
04012	ACCOUNTING SG	3ss7	1379	83	625	9	s	0	2
03021	ADDITIONAL MATHEMATICS HG	26	18	0	0	6	1	0	0
01011	AFRIKAANS FIRST LANGUAGE HG	2224	2096	63	64	65	27	G	0
01012	AFRIKAANS FIRST LANGUAGE SG	1123	1108	2	11	3	1	0	0
01021	AFRIKAANS SECOND LANGUAGE HG	33847	31990	128	1652	1s2	14	0	0
01022	AFRIKAANS SECOND LANGUAGE SG	432	421	1	9	1	0	0	G
08021	AGRICULTURAL SCIENCE HG	41s	36	9	61	1	0	0	o
080	AGRICULTURAL SCIENCE SG	119s5	4134	294	287S	10	7	0	0
08031	ANIMAL HUSBANDRY HG	1	1	0	o	0	0	0	0
08032	ANIMAL HUSBANDRY SG	1s	13	0	2	0	0	0	0
09362	APPLIED AGRICULTURAL SCIENCE SG	141	75	s	31	0	0	0	0
06011	ART HG	83	81	o	2	10	2	0	0
06012	ART SG	75	74	0	0	0	0	0	0
0s011	BIBLICAL STUDIES HG	3119	44a	4s	708	12	1	0	1
0s012	BIBLICAL STUDIES SG	177s	832	12	241	3a	1	0	0
03061	BIOLOGY HG	21193	2806	400	7822	4a	12	0	7
03062	BIOLOGY SG	94s3	2941	182	216S	13	7	0	1
07012	BRICKLAYING AND PLASTERING SG	14	10	0	1	0	0	0	0
07022	BUILDING CONSTRUCTION SG	67	62	0	3	4	2	0	0
04021	BUSINESS ECONOMICS HG	26S3	662	43	504	59	12	0	4
04022	BUSINESS ECONOMICS SG	11954	5621	239	2236	73	33	0	0
04032	COMMERCIAL MATHEMATICS SG	14s	24	0	20	0	0	0	1
07241	COMPUTER STUDIES HG	208	204	1	3	44	7	0	0
07242	COMPUTER STUDIES SG	174	174	0	0	26	8	0	0
04041	ECONOMICS HG	6772	1918	160	1797	38	18	0	0
04042	ECONOMICS SG	2170	1302	42	S89	17	a	0	0
07032	ELECTRICIAN WORK SG	231	201	3	19	10	2	0	0
07042	ELECTRONICS SG	49	34	1	7	0	0	0	0
01041	ENGLISH FIRST LANGUAGE HG	907	837	12	54	26	13	0	0
01042	ENGLISH FIRST LANGUAGE SG	238	231	0	7	0	0	0	0
01051	ENGLISH SECOND LANGUAGE HG	39661	36575	193	2670	S87	117	0	0
010s2	ENGLISH SECOND LANGUAGE SG	1133	1127	1	s	5	3	0	0
08042	FARM MECHANICS SG	117	8S	1	27	0	0	0	0
08051	FIELD HUSBANDRY HG	1	1	0	0	0	0	0	0
08052	FIELD HUSBANDRY SG	14	14	0	0	0	0	0	0
070S2	FITTING AND TURNING SG	10s	87	3	13	6	0	0	0
01271	FRENCH HG	8	8	0	0	1	0	0	0
01272	FRENCH SG	1	1	0	0	0	1	0	0
30	FUNCTIONAL MATHEMATICS SG	326	17s	6	2s	1	1	0	0
03052	FUNCTIONAL PHYSICAL SCIENCE SG	142	88	2	3a	0	0	0	0
05021	GEOGRAPHY HG	12806	2649	291	5125	95	32	0	0
05022	GEOGRAPHY SG	5970	244a	136	1490	s	1	0	0
01291	GERMAN THIRD LANGUAGE HG	1	1	0	0	o	0	0	0
01321	HINDI HG	1	1	0	0	1	0	0	0
05031	HISTORY HG	4619	539	56	62S	41	6	0	?
0s032	HISTORY SG	S438	1387	93	804	14	3	0	c
07211	HOME ECONOMICS HG	1032	712	42	249	13	10	0	o

Program : E0319M9
 Examination : 1998/11
 section : SENIOR CERTIFICATE (FULLTIME)

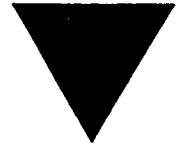
MPUMALANGA DEPARTMENT OF EDUCATION
 ● *****

Date: 1999/04/29
 Time: 08:12:46 Z
 Page: 3

SUBJECT STATISTICS

SUBJECT	SUBJECT DESCRIPTION	A	B	c	D	E	F	G	H
07212	HOME ECONOMICS SG	444	434	0	7	1	0	0	0
07232	HOTEL KEEPING AND CATERING SG	443	443	0	0	26	9	0	0
09052	INTRODUCTION TO CRIMINOLOGY SG	77	8	0	6	0	0	0	0
01071	ISINDEBELE FIRST LANGUAGE HG	5987	5901	8	0	22	17	0	0
01211	ISIXHOSA FIRST LANGUAGE HG	24	23	0	1	5	4	0	0
01231	ISIZULU FIRST LANGUAGE HG	9352	8594	34	715	47	16	0	0
01241	ISIZULU THIRD LANGUAGE HG	10	10	0	0	0	0	0	0
03011	MATHEMATICS HG	3552	957	73	506	93	15	0	28
03012	MATHEMATICS SG	14942	3868	202	1205	173	44	0	31
04052	MERCANTILE LAW SG	178	57	6	59	0	0	0	0
07192	METALWORKS SG	106	86	5	13	0	0	0	0
07072	MOTOR MECHANICS SG	149	147	0	2	16	0	0	0
06061	MUSIC HG	12	12	0	0	3	1	0	0
06082	MUSIC PERFORMANCE (2ND INSTRUM) SG	2	2	0	0	2	0	0	0
06062	MUSIC SG	4	4	0	0	0	0	0	0
07222	NEEDLEWORK AND CLOTHING SG	140	131	0	6	2	3	0	0
03041	PHYSICAL SCIENCE HG	5661	1493	129	1269	114	27	0	12
03042	PHYSICAL SCIENCE SG	5780	2486	146	999	24	8	0	4
03071	PHYSIOLOGY HG	148	9	1	22	0	0	0	0
03072	PHYSIOLOGY SG	21	3	0	6	0	0	0	0
01351	PORTUGUESE HG	4	2	1	1	0	0	0	0
01352	PORTUGUESE SG	1	1	0	0	0	0	0	0
01091	SEPEDI FIRST LANGUAGE HG	6631	6124	24	475	14	14	0	0
01111	SESOTHO FIRST LANGUAGE HG	224	216	0	8	1	0	0	0
01171	SETSWANA FIRST LANGUAGE HG	1701	1576	8	115	8	2	0	0
01131	SISWATI FIRST LANGUAGE HG	13536	12514	32	969	45	39	0	0
09032	SOUTH AFRICAN CRIMINAL LAW SG	37	12	3	16	0	0	0	0
06111	SPEECH AND DRAMA HG	8	8	0	0	0	0	0	0
07111	TECHNICAL DRAWING HG	629	509	12	68	43	14	0	0
07112	TECHNICAL DRAWING SG	550	453	8	52	13	3	0	0
07121	TECHNIKA: CIVIL HG	66	64	0	2	0	1	0	0
07131	TECHNIKA: ELECTRICAL HG	12	8	1	3	0	1	0	0
07132	TECHNIKA: ELECTRICAL SG	10	s	0	4	0	0	0	0
07141	TECHNIKA: ELECTRONICS HG	129	111	5	12	19	3	0	0
07142	TECHNIKA: ELECTRONICS SG	16	11	2	2	0	0	0	0
07151	TECHNIKA: MECHANICAL HG	84	80	1	3	11	4	0	0
07152	TECHNIKA: MECHANICAL SG	1	1	0	0	0	0	0	0
01191	TSHIVENDA FIRST LANGUAGE HG	2	2	0	0	0	0	0	0
04082	TYPING SG	1284	911	16	69	129	22	0	1
07162	WELDING AND METALWORKING SG	30	28	0	1	0	0	0	0
07202	WOODWORK SG	340	239	9	29	0	0	0	0
07172	WOODWORKING SG	9	6	0	2	0	0	0	0
01151	XITSONGA FIRST LANGUAGE HG	79	78	0	1	0	0	0	0

0009 END OF DATA SET



Annexure X

Mpumalanga Provincial Government

Room 207, The Galleries,
Corner Jan van Riebeeck and
Verdoorn Streets
MIDDELBURG
1055
Republic of South Africa



Private Bag X25 1863
MIDDELBURG
1050
South Africa
Tel no (013) 249 7633
Fax no (013) 249 2596

Deputy Director-General : Department of Education

Rcf:
Enq: L M Mello

The Chief Executive Officer
The South African Certification Council
P O Box 74299
LYNNWOOD RIDGE
0040

Dear Dr Calitz

Re : MODERATORS **RECOMMENDATIONS**

The **Mpumalanga Department** of Education would like to put it on record and **also** request. **SAFCERT** to consider the Moderators recommendations in relation to the following subjects for the 1998 November **Exam**:

- Biology **HG & SG**
- History **HG & SG**
- Afrikaans 2nd Language **HG & SG**
- Geography **HG & SG**

This **request** is **informed** by the following;

1. That at the **re-orgiving** meeting held on 22 April 1999, an impression was **created** by the **SAFCERT** delegation **that** moderators recommendations **are** usually **not** considered for adjustments of marks,

2. Upon coming back to **Mpumalanga** the officials **made** comparisons with what has been the practice, pattern **and** presidency for 1996 → 1997 it is discovered that in **the two years in question** moderators recommendations were fully considered and implemented.

The department **would** therefore wish to register this points and further request a meeting to discuss the above matter.

Kind regards,



ACTING DEPUTY DIRECTOR-GENERAL

ModeratorsRecommendations: Safcert/Rg

28/04/99

CONTENTS

No.

Page Gazette
No. No.**GENERAL NOTICE****Education, Department of****General Notice**

937 Report by **Acting Judge Eberhard Bertelsmann** regarding the Investigations into Certain Irregularities With Allegedly **Occured** during the Senior **Certificate** Examinations of 1998 in **Mpumalanga**: For general information 1 20085

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53.

In terms of law and practice, the SAFCERT representatives must have been informed at the standardization meeting on the 28th of December 1998 of the true state of affairs. Instead the senior official or officials who was/were fully aware of all facts, not only failed to disclose the actions which had been undertaken by the internal moderators, but in addition, explained the positive results which had apparently been achieved with reference to the additional efforts the Mpumalanga Education Department and its teachers had made to prepare the learners for the examination.

54,

When the first critical questions were asked in public, the provincial spokesperson publicly defended the results, again without any reference to the true state of* being made by those in the know. Others, including senior educators and politicians came to the defence of the Mpumalanga Education Department, genuinely under the impression that the excellent results had been achieved by hard work, dedication and enthusiasm.

55.

At the standardization meeting the raw marks were observed to be far above the expected norm and had to be adjusted downward even without knowledge of the unlawful increase effected by the moderators.

Report upon investigations into possible irregularities in the 1998 Mpumalanga Senior Certificate Examinations
Judge Eberhard Bertelsmann SC
Acting Judge of the High Court –Pretoria
3 April 1999