



Qualification specification

NCFE CACHE Level 3 Award in the Awareness of the Mental Capacity Act 2005 QN: 601/3621/2

This qualification is now withdrawn

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Summary of changes

This section summarises the changes to this qualification specification since the last version (Version 6.0 August 2018).

Version	Publication Date	Summary of amendments
v6.1	February 2020	Information regarding the wellbeing and safeguarding of learners added to <u>Resources.</u>
v6.2	June 2022	Further information added to the <u>internal assessment</u> section to confirm that unless otherwise stated in this specification, all learners taking this qualification must be assessed in English and all assessment evidence presented for external quality assurance must be in English.
		Information added to the <u>entry requirements/recommendations</u> in the qualification summary to advise that registration is at the discretion of the centre, in accordance with equality legislation and should be made on the Portal.
		Support handbook section added to section 1 with information about how to access support handbooks.

Section 1: General introduction

About this qualification specification

This qualification specification contains everything you need to know about this qualification and should be used by everyone involved in the planning, delivery and assessment of the Level 3 Award in the Awareness of the Mental Capacity Act 2005.

Support handbook

This qualification specification must be used alongside the mandatory support handbook which can be found on the NCFE website. This contains additional supporting information to help with planning, delivery and assessment.

This qualification specification contains all the qualification-specific information you will need that is not covered in the support handbook.

How the qualification works

This qualification is made up of units each representing a small step of learning. This allows the qualification to be completed at your own pace.

Each unit has:

- a **unit reference** number the unique number given to each unit at qualification approval by Ofqual
- a level shows how difficult it is
- a credit value one credit represents about 10 hours' work
- guided learning (GL) the average number of hours of supervised or directed study time or assessment required to achieve the unit
- a unit aim explains what is covered in the unit
- learning outcomes cover what you need to do (skills) or what you need to understand (knowledge)
- assessment criteria/scope of learning what you need to show (evidence)

Each learning outcome is linked to a number of assessment criteria. Evidence must be provided for all the assessment criteria to gain the unit. Grades are not awarded.

Learnik g outcomes The learner will:	Assessment criteria The learner can:	Evidence record e.g. page number & method	Assessor judgemen achieved Initial and date
1. Know substances which are commonly misused.	1.1. List categories of substances which are commonly misused.		
	1.2. Identify substances which are commonly misused.		

Total Qualification Time

Total Qualification Time (TQT) is comprised of the following two elements:

- the number of hours which we have allocated to a qualification for Guided Learning
- an estimated number of hours a Learner will reasonably be likely to spend in preparation, study, or any other form of participation in education or training, but not under the immediate supervision of a Tutor or Assessor.

Centres can decide how to allocate the TQT across the units of a qualification.

Guided Learning (GL)

- Guided Learning (GL) and TQT apply to the qualification as a whole.
- We use GL to refer to the estimated guided learning hours at unit level.

Recognition of Prior Learning (RPL)

Centres may recognise prior learning at their discretion if they are satisfied that the evidence provided by the learner meets the requirements of a qualification. Where RPL is to be used extensively (for a whole unit or more), advice must be given by your External Quality Assurer.

Understanding learning outcomes

There are two main types of learning outcome:

- Skills that can be performed
- Knowledge that can be learnt.

Sometimes they can cover a combination of the two.

Competence-/Skills-based learning outcomes:

 begin with 'Be able to'. The assessment criteria usually show that the evidence could be observable within a real work environment. Other methods may be applied, please see chart in Assessment Guidance section. All evidence must be based on the learner's experience in a real work environment.

Knowledge-based learning outcomes:

• begin with 'Know', 'Understand' or 'Know how to'.



For your convenience, knowledge-only units are indicated by a star in both the Unit Achievement Log and at the top of the units.

If a unit is not marked with a star, it is a skills unit or contains a mix of knowledge and skills.

Entry guidance

Centres are responsible for ensuring that this qualification is appropriate for the age and ability of learners. They need to make sure that learners can fulfil the requirements of the learning outcomes and comply with the relevant literacy, numeracy and health and safety aspects of this qualification.

Learners registered on this qualification shouldn't undertake another qualification at the same level with the same or a similar title, as duplication of learning may affect funding eligibility.

Our website

The most recent version of our qualification specification and supporting documents can be found on the NCFE website. To ensure that you're using the most up-to-date version, please check the version number in the page footers against that of the qualification specification.

The website also contains information about all qualifications, including a qualification factsheet and other support materials.

The Centre Secure website

More specific information to support Centre delivery can be found on our secure website.

To access the secure website, click on the link on the NCFE website and log in using the details provided by the Centre administrator.

Support for Centres

There are a number of support documents available that you might find useful for delivery. These are available to download the NCFE website or can be requested by the customer support team on 0191 239 8000 or email <u>customersupport@ncfe.org.uk</u>

Our Customer Support team will support you with approvals, registrations, external quality assurance, external assessment, results and certification.

Section 2: About this qualification

Version 6.2 June 2022

Qualification summary			
Title	NCFE CACHE Level 3 Award in the Awareness of the Mental Capacity Act 2005		
Qualification number	601/3621/2		
Aims and objectives	 This qualification is designed for a range of learners in a health and social care setting including those in a work role and informal/family carers. The qualification aims to provide learners with: an understanding of the Mental Capacity Act 2005 an understanding of the importance of complying with the Mental Capacity Act 2005 Code of Practice when working with individuals who lack capacity the knowledge to apply the Mental Capacity Act 2005 in their practice. The objectives of this qualification are to help learners to prepare for further training and to support a role in the workplace where the individual may work or interact with vulnerable adults. 		
Total Qualification Time (hours)	30		
Guided Learning (hours)	28		
Credit value	3		
Grading system	Achieved/Not Yet Achieved		
Minimum age of learner	16		
Real work environment (RWE) requirement/ recommendation	This is a knowledge-only qualification; therefore, no real work environment placement is required.		
Rule of combination	To be awarded the NCFE CACHE Level 3 Award in the Awareness of the Mental Capacity Act 2005, learners are required to successfully complete one mandatory unit.		

Entry requirements/ recommendations	There are no specific recommended prior learning requirements for this qualification. However, learners may find it helpful if they've already achieved a Level 2 qualification in a health or social care related area. Registration is at the discretion of the centre, in accordance with equality legislation, and should be made on the Portal. However, learners should be aged 16 or above to undertake this qualification.	
Progression	Learners who achieve this qualification could progress to:	
	 Level 3 Diploma in Health and Social Care (Adults) for England Level 3 Certificate in Preparing to Work in Adult Social Care Level 3 Certificate in Stroke Care Management Level 3 Certificate in the Principles of End of Life Level 3 Diploma in Counselling Skills 	
Assessment methods	Portfolio of evidence.	
Additional assessment requirements	This qualification must be assessed in accordance with Skills for Care and Development's Assessment Principles.	
	This qualification is internally assessed and externally quality assured.	
Regulation information	This is a regulated qualification. The regulated number for this qualification is 601/3621/2.	

Useful websites

Centres may find the following websites helpful for materials and resources to assist with the delivery of this qualification:

- Mental Capacity Act 2005: <u>www.legislation.gov.uk/ukpga/2005/9/contents</u>
- NHS: <u>www.nhs.uk/Conditions/social-care-and-support-guide/Pages/mental-capacity.aspx</u>
- Mind: www.mind.org.uk/information-support/legal-rights/mental-capacity-act-2005/
- Social Care Institute for Excellence: <u>www.scie.org.uk</u>
- National Institute for Health and Care Excellence: <u>www.nice.org.uk</u>
- Care Quality Commission: <u>www.cqc.org.uk</u>
- Mental Health Foundation: <u>www.mentalhealth.org.uk</u>
- Mencap: <u>www.mencap.org.uk</u>

Section 3: Units

Version 6.2 June 2022

Mandatory units						
Unit ref (assigned by AO)	Unit no.	Unit title	Unit type	Level	Credit	Guided Learning Hours
Unit 01	L/504/8409	Awareness of the Mental Capacity Act 2005	Knowledge	3	3	28

The star icon a indicates that a unit is knowledge based.

The units above may be available as stand-alone unit programmes. Please visit the NCFE website for further information.

Unit layout

For each unit the following information has been provided:

Unit title	Provides a clear, concise explanation of the content of the unit.	
Unit reference	The unique reference number given to each unit at qualification approval by Ofqual.	
Unit level	Denotes the level of the unit within the framework.	
Unit group	Explains if the unit is mandatory or optional.	
Unit guided learning hours	The average number of hours of supervised or directed study time or assessment required to achieve a qualification or unit of a qualification.	
Credit value	The value that has been given to the unit based on the expected learning time for an average learner.	
Unit summary	Provides a brief outline of the unit content.	
Learning outcome	A statement of what a learner will know, understand or be able to do, as a result of a process of learning.	
Assessment criteria	A description of the requirements a learner must achieve to demonstrate that a learning outcome has been met.	
Unit delivery and assessment guidance	This includes specific guidance relating to the delivery and assessment of the unit and information to support the learner.	
Additional information	Any further information about the unit, eg assessment principles.	
Type of evidence	The types of evidence listed are for guidance purposes only. Within learners' portfolios, other types of evidence are acceptable if all learning outcomes are covered and if the evidence generated can be internally and externally quality assured. For approval of methods of internal assessment other than portfolio building, please contact the Quality Assurance team.	

NB: Words highlighted in bold in the learning outcomes, assessment criteria and assessment tasks are linked to the additional guidance section where more information can be found.

Explanation of terms used at Level 3:	
(not all verbs are used in this qualification)	ļ

Apply	Explain how existing knowledge can be linked to new or different situations in practice.	
Analyse	Break the subject down into separate parts and examine each part. Show how the main ideas are related and why they are important. Reference to current research or theory may support the analysis.	
Clarify	Explain the information in a clear, concise way.	
Classify	Organise according to specific criteria.	
Collate	Collect and present information arranged in sequence or logical order.	
Compare	Examine the subjects in detail and consider the similarities and differences.	
Critically compare	This is a development of compare where the learner considers the positive aspects and limitations of the subject.	
Consider	Think carefully and write about a problem, action or decision.	
Demonstrate	Show an understanding by describing, explaining or illustrating using examples.	
Describe	Write about the subject giving detailed information in a logical way.	
Develop (a plan/idea which)	Expand a plan or idea by adding more detail and/or depth of information.	
Diagnose	Identify the cause based on valid evidence.	
Differentiate	Identify the differences between two or more things.	
Discuss	Write a detailed account giving a range of views or opinions.	
Distinguish	Explain the difference between two or more items, resources, pieces of information.	
Draw conclusions (which)	Make a final decision or judgment based on reasons.	
Estimate	Form an approximate opinion or judgment using previous knowledge or considering other information.	

Evaluate	Examine strengths and weaknesses, arguments for and against and/or similarities and differences. Judge the evidence from the different perspectives and make a valid conclusion or reasoned judgement. Reference to current research or theory may support the evaluation.	
Explain	Provide detailed information about the subject with reasons showing how or why. Responses could include examples to support these reasons.	
Extrapolate	Use existing knowledge to predict possible outcomes which might be outside the norm.	
Identify	Recognise and name the main points accurately. (Some description may also be necessary to gain higher marks when using compensatory marking).	
Implement	Explain how to put an idea or plan into action.	
Interpret	Explain the meaning of something.	
Judge	Form an opinion or make a decision.	
Justify	Give a satisfactory explanation for actions or decisions.	
Plan	Think about and organise information in a logical way using an appropriate format.	
Perform	Carry out a task or process to meet the requirements of the question.	
Provide	Identify and give relevant and detailed information in relation to the subject.	
Review and revise	Look back over the subject and make corrections or changes.	
Reflect	Learners should consider their actions, experiences or learning and the implications of this for their practice and/or professional development.	
Select	Make an informed choice for a specific purpose.	
Show	Supply evidence to demonstrate accurate knowledge and understanding.	
State	Give the main points clearly in sentences or paragraphs.	
Summarise	Give the main ideas or facts in a concise way.	

Unit 01: Awareness of the Mental Capacity Act 2005

Unit reference	L/504/8409	Unit level	3
Mandatory/optional	Mandatory		
Credit value	3		
Unit guided learning hours	28		
Unit summary	This unit provides the knowledge and understanding required by a learner to provide care and treatment to individuals in accordance with the value base that underpins the Mental Capacity Act 2005.		

Learning outcomes The learner will:	Assessment criteria The learner can:
1. Understand the importance of the Mental Capacity Act 2005.	1.1. Explain why legislation is necessary to protect the rights of individuals who may lack the capacity to make decisions for themselves.
	1.2. Describe the factors which may lead to an individual lacking the capacity to make a particular decision for themselves.
	 1.3. Explain how the Mental Capacity Act 2005: empowers people to make decisions for themselves protects people who lack capacity by placing them at the heart of the decision making process.
	1.4. Describe why effective communication is important when working with a person who may lack capacity to make a particular decision for themselves.
2. Understand the key elements of the Mental Capacity Act 2005.	2.1. Define the 5 statutory principles included in the Mental Capacity Act 2005.
	2.2. Describe when a worker must comply with the Mental Capacity Act 2005.

Learning outcomes The learner will:	Assessment criteria The learner can:
	2.3. Explain how the Mental Capacity Act 2005 gives legal protection to workers providing care and treatment for someone who lacks capacity.
	2.4. Explain 'capacity' as defined in the Mental Capacity Act 2005.
	2.5. Explain ' best interests ' as defined in the Mental Capacity Act 2005.
	2.6. Explain what actions needs to be taken to ensure a worker acts in an individual's 'best interests'.
	2.7. Identify whose responsibility it is to assess 'capacity' and 'best interests'.
	2.8. Identify the type of 'day-to-day' decisions a worker may find themselves making on behalf of a person who lacks capacity to make those decisions themselves.
	2.9. Explain the circumstances when an Independent Mental Capacity Advocate (IMCA) should be appointed.
	2.10. Explain how the Mental Capacity Act 2005 can assist a person to 'plan ahead' for a time when they may not have capacity to make certain decisions.
3. Understand 'restraint' as defined in the s6(4) Mental Capacity Act 2005.	3.1. Identify the range of actions that amount to restraint.
	3.2. Identify the factors which make restraint lawful under the Mental Capacity Act 2005.
	3.3. Describe the circumstances where the restrictions or restraint being used amount to a person being ' deprived of their liberty '.
	3.4. Describe the actions that are necessary to ensure that a person is lawfully 'deprived of their liberty'.

Learning outcomes The learner will:	Assessment criteria The learner can:
	3.5. Explain why a worker should raise their concerns with their supervisor/manager when they think a person may be being 'deprived of their liberty'.
4. Understand the importance of complying with the Mental Capacity Act 2005 Code of Practice when working with individuals who lack capacity.	4.1. Explain the legal status of the Mental Capacity Act 2005, Code of Practice.
	4.2. Explain the purpose of the Mental Capacity Act 2005, Code of Practice.
	4.3. Explain how the Mental Capacity Act 2005 Code of Practice affects the day-to-day activities of a worker when making decisions for individuals who lack the capacity to make those decisions for themselves.

Delivery and assessment guidance

Guidance for developing assessment

- 2.5. **Best interests** when making decisions or carrying out an action on behalf of an individual who is assessed as lacking capacity to make that decision.
- 3.3. **Deprived of their liberty** see Chapter 2 of the Mental Capacity Act 2005, Deprivation of Liberty, Code of Practice.

Assessment guidance

Types of evidence: Individual notes or learner report discussion **Assessment criteria**: 1.1–1.4, 2.1–2.7, 3.1, 3.2 **Additional information**: Learners could conduct research and prepare notes or a learner report.

Type of evidence: Case study Assessment criteria: 2.8–2.10, 3.3–3.5 Additional information: Tutors could construct case studies to illustrate scenarios based on the assessment criteria, these could be supported by focussed questions for the learner.

Types of evidence: Oral or written questioning **Assessment criteria**: 4.1–4.3

Additional information: Learners could respond to a set of pre-prepared questions covering the assessment criteria. Questions and answers should be clearly recorded.

Types of evidence

Evidence could include:

- individual notes or learner report discussion
- case study
- oral or written questioning.

Relationship to occupational standards/NOS mapping	Links to National Skills Standards
	We've highlighted where learning opportunities for the Functional Skills qualifications may be found. The activities learners carry out whilst completing this qualification could help prepare them for their Functional Skills assessments.
	The mapping is only at the level of the unit.
	EnglishICT
	Links to NOS
	We've mapped this qualification against National Occupational Standards (NOS) in Health and Social Care. As they complete this qualification, learners can gather evidence that may be used towards the knowledge requirements of a relevant competence- based qualification.
	Skills for Care and Development Standards for Health and Social Care:
	 SCDHSC0023 Develop your own knowledge and practice
	 SCDHSC0024 Support the safeguarding of individuals
Additional unit assessment requirements	This unit must be assessed in accordance with Skills for Care and Development's Assessment Principles.
	This document is available to download from the NCFE website.

Section 4: Assessment and quality assurance information

Assessment strategies and principles relevant to this qualification

The units we offer have been developed in line with the specific **assessment strategies or principles** of different Sector Skills Councils (SSCs) or by us where there is no SSC lead.

The key requirements of the assessment strategies or principles that relate to units in this qualification can be found on the qualification page on our website.

Centres need to ensure that individuals undertaking Assessor or Quality Assurer roles conform to the SSC assessment requirements for the **unit** they are assessing or quality assuring.

Staffing requirements

Centres delivering any of NCFE's qualifications must:

- have a sufficient number of appropriately qualified/experienced Assessors to assess the volume of learners they intend to register
- have a sufficient number of appropriately qualified/experienced Internal Quality Assurers to internally quality assure the anticipated number of Assessors and learners
- ensure that all staff involved in assessment and internal quality assurance are provided with appropriate training and undertake meaningful and relevant continuing professional development
- implement effective internal quality assurance systems and processes to ensure all assessment decisions are reliable, valid, authentic, sufficient and current. This should include standardisation to ensure consistency of assessment
- provide all staff involved in the assessment process with sufficient time and resources to carry out their roles effectively.

Assessors and Internal Quality Assurance

Staff involved in the Assessment and Internal Quality Assurance of this qualification must be able to demonstrate that they have (or are working towards) the relevant occupational knowledge and/or occupational competence, at the same level or higher as the units being assessed and internal quality assured. This may be gained through experience and/or qualifications.

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Internal Assessment

Each learner must create a portfolio of evidence generated from appropriate assessment tasks which demonstrates achievement of all the learning outcomes associated with each unit. The assessment tasks should allow the learner to respond to a real life situation that they may face when in employment. On completion of each unit learners must declare that the work produced is their own and the Assessor must countersign this.

Internally assessed work should be completed by the learner in accordance with the qualification specification. A representative number of assessment hours should be timetabled into the scheme of work. Internal assessment hours must be administered outside of scheduled teaching and learning hours and should be supervised and assessed by the Tutor. Assessment activities can be integrated throughout, although separate from the teaching of the unit and do not have to take place directly at the end of the unit.

Any work submitted for internal assessment must be completed during scheduled assessment hours in accordance with the scheme of work, and must be authenticated and attributable to the learner. The Tutor must be satisfied that the work produced is the learner's own and the learner must declare that the work is their own.

In practice, this means that all of the portfolio of evidence will be completed in normal class time within scheduled assessment hours and kept separate from any teaching and learning hours.

The internal assessment component is based on 100% coverage of the qualification content which is assessed holistically against descriptors to achieve a grade.

If a Centre chooses to create their own internal assessment tasks, they must:

- · be accessible and lead to objective assessment judgements
- permit and encourage authentic activities where the learner's own work can be clearly judged
- refer to the **Good Practice in Internal Quality Assurance** document on our secure website.

Unless stated otherwise in this qualification specification, all learners taking this qualification must be assessed in English and all assessment evidence presented for external quality assurance must be in English.

Assessment guidance is provided for each unit. Assessors can use other methods of assessment as long as they're valid and reliable and maintain the integrity of the assessment and of the standards required of this qualification.

Supervision of learners and your role as an Assessor

Guidance on how to administer the internal assessment and the support you provide learners can be found on our secure website in the document Good Practice in Internal Quality Assurance.

Feedback to learners

Guidance on providing feedback during teaching and learning and each stage of the assessment can be found on our secure website in the document **Good Practice in Internal Quality Assurance.**

Presenting evidence

Written

Written evidence may be presented in word-processed or handwritten form. Audio-visual content (videos, pictures, drawings, audio) may also be used.

Tables, graphs and spreadsheets may be produced using appropriate ICT.

Any copied material must be suitably acknowledged, and quotations must be clearly marked and a reference provided wherever possible to ensure that learner work can be authenticated.

Recorded

Where audio-visual evidence of multiple learners is used, Centres must ensure that each learner being assessed is clearly visible and can be identified by the Quality Assurer.

The recorded evidence should allow the learner to demonstrate the learning outcomes clearly but should only show work relevant to what is being assessed. For example if a performance/participation is done as part of a group, the Quality Assurer will need to be able to see how each learner being assessed has contributed and met the learning outcomes.

To help our Quality Assurers to identify clearly when a particular learner is performing/participating we'd recommend including the following information:

- the exact start and finish times so that the Quality Assurer can go straight to that spot on the tape/recording
- a running order list and a description of each learner
- information about where the performance/recorded evidence took place
- what type of audience they were performing to (if applicable).

Centres must also ensure that the camera and microphone are set up in a suitable place to ensure good quality audio. This will allow the Quality Assurer to hear both the learner(s) and the Assessor (if applicable).

Quality Assurance

Internal quality assurance

Internal quality assurance is the process of ensuring that everyone who assesses a particular unit in a Centre is assessing to the same standards. It's the responsibility of Internal Quality Assurers to ensure that Assessors' decisions are sampled and monitored to ensure consistency and fairness. Internal Quality Assurers are also responsible for supporting Assessors by offering advice and guidance.

The Internal Quality Assurer will follow the Centre's own sampling strategy in selecting the sample to be internally quality assured.

The Internal Quality Assurer provides the vital link between the Assessors and the External Quality Assurer and acts as the Centre's quality assurance agent.

External quality assurance

External quality assurance of internal assessments is carried out at least once a year to ensure that assessment and grading decisions are in line with required standards. External quality assurance is carried out by External Quality Assurers who are appointed, trained and monitored by NCFE. External Quality Assurers are responsible for monitoring and sampling learners' evidence to ensure that internal assessment decisions are valid, reliable, fair and consistent with national standards. Centres are notified of their External Quality Assurer's contact details on registration of learners.

Section 5: Documents and resources

Mandatory documents

The completion of an Evidence Record and Record of Assessment Cycle form is **mandatory**. We have devised these templates for your convenience; however, you may design your own forms which comply with the content of our templates.

- Evidence Record
- Record of Assessment Cycle

We have also provided notes to guide you when completing these forms:

- Completing the Evidence Record
- Completing the Record of Assessment Cycle

The forms and guidance documents are included within **Delivering our Qualifications – Assessment** and Internal Quality Assurance Guidance on our website.

Resources

The resources and materials used in the delivery of this qualification must be age-appropriate and due consideration should be given to the wellbeing and safeguarding of learners in line with your institute's safeguarding policy when developing or selecting delivery materials.

Resource requirements

There are no specific resource requirements for these qualifications, but centres must ensure learners have access to suitable resources to enable them to cover all the appropriate learning outcomes.

Section 6: General Information

Version 6.2 June 2022

Equal opportunities

NCFE fully supports the principle of equal opportunities and opposes all unlawful or unfair discrimination on the grounds of ability, age, colour, culture, disability, domestic circumstances, employment status, gender, marital status, nationality, political orientation, racial origin, religious beliefs, sexual orientation and social background. NCFE aims to ensure that equality of opportunity is promoted and that unlawful or unfair discrimination, whether direct or indirect, is eliminated both in its own employment practices and in access to its qualifications. A copy of our Diversity and Equality policy is available on the NCFE website.

Diversity, access and inclusion

Our qualifications and associated assessments are designed to be accessible, inclusive and nondiscriminatory. NCFE regularly evaluates and monitors the 6 diversity strands (gender, age, race, disability, religion, sexual orientation) throughout the development process as well as throughout the delivery, external quality assurance and external assessment processes of live qualifications. This ensures that positive attitudes and good relations are promoted, discriminatory language is not used and our assessment procedures are fully inclusive.

Learners who require reasonable adjustments or special consideration should discuss their requirements with their Tutor, who should refer to our Reasonable Adjustments and Special Considerations policy for guidance.

For more information on the Reasonable Adjustments and Special Considerations policy please see the NCFE website.

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* To continue to improve our levels of customer service, telephone calls may be recorded for training and quality purposes.

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