J. Interpretation and definitions

This table relates the Ofqual Conditions of Recognition (Section I) to the Policy and Procedures of The Learning Machine Ltd, and records the review dates when the conditions were last checked for compliance. The procedure is for each condition to be independently checked by two Directors.

Links

Part 1 The awarding organisation

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Go to B. The awarding organisation and Ofqual **[2]/ Qualifications Wales**

[3]Go [3] to C. Third parties [3]

Part 2 The regulated qualification

Go to D. General requirements for regulated qualifications **[4]**

Go **[5]** to E. Design and development of qualifications **[5]**

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Go to J. Interpretation and definitions [10]

Conditions	Reference to TLM Policy and Procedures	Date reviewed
J. Interpretation and definitions		
Condition J1 Interpretation and definitions		
J1.1 In these conditions, the following rules of interpretation shall apply.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

J. Interpretation and definitions

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		16/1/18(JK)
J1.2 Unless the context suggests otherwise, in these conditions – (a) words in the masculine gender are to be read as including the feminine gender (and vice versa), (b) words in the singular are to be read as including the plural (and vice versa), (c) references to 'it' are to be read as including references to 'he' and 'she' (and vice versa), (d) the words 'including' and 'in particular' indicate a list of examples and should not be read as limiting the scope of the words that occur before them, (e) references to 'person' include any body of persons, whether corporate or unincorporate, (f) 'awarding organisation' refers to an organisation which is recognised in accordance with section 132 of the Act, (g) 'relevant qualification' refers to any qualification for which the relevant awarding organisation is recognised or which falls within a description of qualifications for which it is recognised, (h) references to providing something 'in writing' are to include providing it by hand, post, fax, electronic mail or through a submission to RITS, (i) a 'qualification' means a regulated qualification (and includes any units of that qualification), (j)references to an Act of Parliament include any secondary legislation made under that Act of Parliament, and (k)words have the same meaning as in Part 7 of the Act.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
J1.3 If there is an inconsistency between a provision in these		8th October 2011 (IL)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

conditions, and a provision contained in any document which is referenced in these conditions, these conditions shall prevail and the other document shall have no force and effect to the extent of that inconsistency.		12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
J1.4 Titles and headings in these conditions are for information only and are not to be used for the purposes of interpretation.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK 16/1/18(JK)
J1.5 A person is connected to an awarding organisation if that person undertakes or is involved in any activity undertaken by the awarding organisation.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
J1.6 Completion of a qualification by a Learner shall include the completion of any appeals process.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
J1.7 Where an awarding organisation is required to		8th October 2011 (IL)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

publish a document or information, that document or information must be published in a way which is – (a) clear to its intended audience, (b) accurate,and (c) reasonably accessible (including by way of publication, if available, on the awarding organisation's website)		12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
J1.8 In these conditions, the following words shall have the meaning given to them below (and cognate expressions should be construed accordingly) –		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
the Act The Apprenticeships, Skills, Children and Learning Act 2009.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Adverse Effect An act, omission, event, incident, or circumstance has an Adverse Effect if it – (A) gives rise to prejudice to Learners or potential Learners, or (B) adversely affects – (i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

with its Conditions of Recognition, (ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or (iii) public confidence in qualifications.		
Assessor A person who undertakes marking or the review of marking. This involves using a particular set of criteria to make judgements as to the level of attainment a Learner has demonstrated in an assessment.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Authentication A process under which evidence generated by a Learner in an assessment is confirmed as having been generated by that Learner (or identified and confirmed as being that Learner's contribution to group work) and as being generated under the required conditions.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Centre An organisation undertaking the delivery of an assessment (and potentially other activities) to Learners on behalf of an awarding organisation. Centres are typically educational institutions, training providers, or employers.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Characteristic Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation in England and age,		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

disability, marital status, racial group, religious belief, sex, sexual orientation, political opinion, and persons with and without dependants in Northern Ireland.		07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Certificate Requirements One or more documents of that title or with a title containing those words.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Comparability Generating assessment outcomes that are comparable in standards between assessments within a qualification, between similar qualifications, with other awarding organisations, and over time. Where an assessment has equivalent forms then it is important to ensure comparability of outcomes. There are two reasons for this – (A) To reach fair comparisons about the attainment of Learners: It is impossible to produce different forms with exactly the same content and statistical specifications (such as the level of difficulty or demand on the Learner). Therefore, a requirement to ensure comparability of outcomes makes sure the level of difficulty or demand of the test forms is taken into account when setting standards so that Learners taking the different forms can be compared fairly, and (B) To ensure that the outcomes can be used as a measure of standards:		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

Outcomes from different forms of the same test must be comparable if they are to be used to measure standards over time. Both expert judgements and statistical procedures such as test equating can be used to ensure comparability of outcomes from different forms of the same test. It is, however, important to ensure that assessments are not so similar that they become predictable, as this would be a threat to Validity.		
Competition Law The Competition Act 1998, or any legislation in a jurisdiction other than England which has an equivalent purpose and effect.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Conditions of Recognition All conditions to which an awarding organisation's recognition is subject (including other conditions imposed under section 132(3)(d) of the Act).		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Data Protection Law The Data Protection Act 1998, or any legislation in a jurisdiction other than England which has an equivalent purpose and effect.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

		16/1/18(JK)
Endorsement A reference in the title of a qualification acknowledging that the Learner is focusing or has focused on one or more particular areas of knowledge, skills and understanding which form part of the qualification (as encompassed in the qualification title). (For instance, in GCSE Art and Design – Textile Design, Textile Design is an Endorsement of GCSE Art and Design.)		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Equalities Law The Equality Act 2010, any Act that was a statutory predecessor to that Act, or any legislation in a jurisdiction other than England/Wales which has an equivalent purpose and effect.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Governing Body Where the awarding organisation is a limited company, the board of directors of the awarding organisation. Where the awarding organisation is not a limited company, a person or group of people having the equivalent status within the organisational structure of the awarding organisation.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Group Where an awarding organisation is a limited company, a group made up of any company which is a holding company of the awarding organisation, a subsidiary of the awarding		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

organisation or a subsidiary of a holding company of the awarding organisation. Where an awarding organisation is not a limited company, a person or group of people having the equivalent status.		4/9/16 (JK) 16/1/18(JK)
Learner A person who is registered to take a qualification and to be assessed as part of that qualification.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Level of Demand The degree of challenge that an assessment presents for the Learner.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Logo Requirements One or more documents of that title or with a title containing those words.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Manageability Manageability relates to the feasibility of carrying out particular assessment processes. A Manageable assessment process is one which places reasonable		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

demands on Centres and Learners. The evaluation of the reasonableness of the demands will be based on the scale of the assessment process on the participants, balanced by the usefulness of the outcomes. As with the other requirements (Validity, Reliability, Comparability and Minimising Bias), judgements about Manageability must be balanced with considerations around the other requirements.		14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Minimising Bias Minimising Bias is about ensuring that an assessment does not produce unreasonably adverse outcomes for Learners who share a common attribute. The Minimisation of Bias is related to fairness to all Learners and is also closely related to statutory equality duties.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Moderation The process through which the marking of assessments by Centres is monitored to make sure it meets required standards and through which adjustments to results are made, where required, to ensure that results are based on the required standard. This includes verification.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK 16/1/18(JK)
Ofqual's/Qualifications Wales Logo Any logo, design or style in which Ofqual/Qualification Wales holds intellectual property rights.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

Reasonable Adjustment An adjustment of the type that is defined in Condition G6.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Register The register published and maintained by Ofqual in accordance with section 148 of the Act.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 16/1/18(JK)
Regulatory Document A regulatory document, or part of a regulatory document, which features in a document entitled the 'Regulatory Document List', which may be published by Ofqual/Qualifications Wales and may be varied and replaced by Ofqual /Qualifications Wales from time to time.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Reliability Reliability is about consistency and so concerns the extent to which the various stages in the assessment process generate outcomes which would be replicated were the assessment repeated. Reliability is a necessary condition of Validity, as it is not possible to demonstrate the Validity of an assessment process which is not Reliable. The Reliability of an assessment is affected by a range of factors such as the sampling of assessment tasks		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

and inconsistency in marking by human Assessors.		
RITS The Regulatory Information Technology System, which is a system provided for awarding organisations by Ofqual, as it may be varied and replaced from time to time.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Rules of Combination A rule specifying the combination of units which may be taken to form a particular qualification, any units which must be taken and any related requirements.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Senior Officer A director or senior executive officer of the awarding organisation or, where the awarding organisation is not a limited company, a person holding a position of equivalent status within the organisational structure of the awarding organisation.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Special Consideration Special consideration of a type that is defined in Condition G7.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

		4/9/16 (JK) 16/1/18(JK)
Stimulus Materials Materials provided to the Learner before or at the time of the assessment which facilitate the Learner's demonstration of his or her knowledge, skills and understanding. Tasks in an assessment may relate directly to the materials and a Learner may make direct reference to the materials in completing the assessment. Such materials may include, for example, charts, diagrams, pictures, quotations or machinery.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Users of Qualifications Persons who have a legitimate interest in the qualification or type of qualification made available by the awarding organisation, which may include – (A) Learners and Learners' representatives, (B) Centres, (C) Teachers (D) Employers and employers' representatives, (E) Further and higher education establishments, (F) Schools, (G) Government departments and agencies, and (H) Professional bodies. **Definition of 'Teacher' –** A person who prepares any Learner, or any person likely to become a Learner, for assessment for a qualification and who does so: a. as a lecturer, supervisor, tutor or other appropriate provider of education or training, or b. in circumstances in which that preparation takes place primarily at home.		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 27/7/13 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)

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Validity The extent to which evidence and theory support the interpretation that the assessment outcomes meet their intended uses. The evaluation of Validity involves the development of a clear argument to support the proposed interpretation of the outcomes and as a consequence the intended uses of the assessment. The Validity argument should be built on statements of the proposed interpretation and supporting evidence collected from all stages of the assessment process.		4/9/16 (JK) 16/1/18(JK)
Workforce Persons available for work (including employees, workers and contractors).		8th October 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 16/1/18(JK)
Go to A. Governance [1]		

Source URL: https://theingots.org/community/ofqualJ

Links
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[5] https://theingots.org/community/ofqualE

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

[6] https://theingots.org/community/ofqualF
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(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');