

11 May 2018

## **PROFESSIONAL BOARD FOR PSYCHOLOGY**

### **UPDATE ON THE REVIEW OF THE REGULATIONS RELATING TO THE SCOPE OF THE PROFESSION OF PSYCHOLOGY**

This communication serves to update the profession on progress made by the Professional Board in finalising the review of the Regulations defining the Scope of the Profession of Psychology.

A high court application was launched in July 2013 in which Recognition of Lifelong Learning in psychology Action Group Alliance and Justice Alliance of South Africa sought to review and set aside the Minister's decision to amend the scope regulations. Amongst others, the applicants argued that the Minister did not consult the Health Professions Council of South Africa ("HPCSA") in making such amendment regulations as required by section 61(1) of the Act. The Minister could not demonstrate that, in fact, he consulted with the HPCSA in making such amendment regulations. The applicants, therefore, sought to challenge the process that was followed in making these amendment regulations.

The parties, the Minister and the HPCSA entered into a settlement agreement in terms of which the high court application was settled out of court. This settlement agreement was made an order of the court on 25 November 2016.

By agreement between the applicants and the respondents, the court ordered, inter alia, that:

- (a) The amendment regulations as published under GNR. 704 in GG. 34581 of 02 September 2011 be declared invalid;
- (b) The Minister's decision to promulgate the amendment regulations be remitted for reconsideration; and
- (c) the order of invalidity of the amendment regulations was suspended for a period of 24 (twenty-four) months.

This process of review was undertaken by the Board in response to the Court Order of the Western Cape High Court and the Professional Board for Psychology embarked on a process to develop a revised scope of practice.

A Working Group on the promulgation of the Regulations (WGOPR) was established early in 2017 and the work of the Working Group was a continuation of the work done by the Scope Task Team which was established in January 2012. The Scope Task Team had to deal with the amendment of both the Scope of the Profession and the Scope of Practice Regulations and the Scope Task Team had concluded its work and submitted reports to the Board after which it was dissolved in February 2017.

Prior to the establishment of the Working Group, the Scope Task Team did extensive work that contributed to the revised regulations, which included:

- Best Practice Benchmarking;
- Analysis of input received from stakeholders on the revised Scope of Practice and Scope of Profession of Psychology;
- A National Survey of all Registered Psychology Practitioners was undertaken in February 2017.

The Working Group was mandated to-

- a. review the judgement of the court case;
- b. review the Regulations defining the scope of the Profession and the Annexures relating to the Scope of Practice;
- c. consult with stakeholders; and
- d. develop a revised scope of the profession for professional psychology for promulgation.

The Working Group had its first meeting in April 2017 and outlined a detailed project plan for the process of review of the scope of the profession which included wide consultation over 2 days with registered practitioners, professional associations/ societies and relevant stakeholders. A special consultation opportunity was also facilitated for representatives of Higher Educational institutions and clinical internship sites.

A summary of the key issues that emanated from the consultation process with the various stakeholders were:

- a. evidence of a misunderstanding of the difference between the Scope of the Profession and the Scope of Practice;
- b. some practitioners had been trained to practice across categories, but they could not do so because of the restricted regulations;
- c. discontentment from Counselling Psychologists and Educational Psychologists against Clinical Psychologists who they felt were not limited by the regulations;
- d. a call for transverse registration by some practitioners who had trained across categories;
- e. most of the challenges articulated in the submissions were emanating from Medical Aids' non-payment of some services or some of the psychology practitioners;
- f. concerns with the model of training where a one-year Master's programme was deemed to be inadequate to provide the basic competencies for a person to register as a psychologist;
- g. issues around funding of posts and
- h. concern about Community Service for Clinical Psychologists by the Department of Health and no other categories.

The Working Group has completed the drafting of the new definitions for each professional category taking into account South Africa's needs and aligning it with international definitions and trends as well as redrafted the Regulations on the scope and profession into one coercive document. The new revised Regulations served at the Board on 23 February 2018 and after careful consideration by the members, was approved. The revised Regulations served at the Council Meeting on 27 & 28 March 2018.

Council on 28 March 2018 approved the ***Regulations relating to the scope of the profession of Psychology*** and Council's legal Department submitted the Regulations to the Department of Health on 18 April 2018 with a view to promulgation for purposes of public comment.

The draft regulations are currently with the Office of the Minister of Health for promulgation for purposes of commenting for a period of three months. Once the Minister has promulgated the regulations, stakeholders will be afforded the opportunity to submit comment on the revised regulations within a period of three months before a final promulgation will be made.

A detailed report of the historical background and process of review of the Regulations relating to the scope of the profession of Psychology was approved by the Professional Board and is available on the Board's website for perusal.

Please refer to the project plan and timelines as per Annexure A which the Board had committed itself to in ensuring that the revised regulations were promulgated in line with the timelines.

The Working Group is constructively addressing the other concerns and issues of stakeholders resulting from the historical development of our profession in South Africa, these include training across categories in the past, inconsistencies in current training, the need for transverse registration, non-payment by medical aids, funding of posts and the lack of posts. The Working Group has met with the Council for Higher Education (CHE) and the South African Qualifications Authority (SAQA) and are scheduled to meet various other government ministries and stakeholders. Further updates on the progress will be reported in due course.

The Professional Board appreciates the support and values all the inputs made by our stakeholders on the review process of the Regulations relating to the scope of the profession.

Yours faithfully.



**MRS A TALJAARD: BOARD MANAGER  
PROFESSIONAL BOARD FOR PSYCHOLOGY**

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*Protecting the public and guiding the professions*

President: Dr TKS Letlape, Vice President: Mr L A Malotana, Acting Registrar/CEO: Adv P Khumalo

**PROJECT PLAN**  
**WORKING GROUP ON PROMULGATION OF REGULATIONS**

ACTIVITY	TIMEFRAME	PERFORMANCE INDICATOR
Planning of the Project	2 March 2017	Completed
Establish a Working Group	2 March 2017	Completed
First meeting of the Working Group	12 April 2017	Completed
Develop a working plan for the Working Group	12 April 2017	Completed
Develop a stakeholder engagement plan	12 April 2017	Completed
Stakeholder engagements Consultation with professional associations/ societies and input submitted by professionals	22 and 23 June 2017	Completed
Consideration of input and presentations by professional associations/ societies and professionals	26 July 2017	Completed
Analysis stakeholder input	1 August 2017	Completed
Strategy of consultation process continued	21 August 2017	Completed
Stakeholder Engagement with Educational institutions and Internship sites	14 and 15 September 2017	Completed
Analysis of stakeholder input and further strategy	30 October 2017	Completed
Merging of scope documents- Regulations R 702 and R 933	6 December 2017	Completed
Submit draft revised Regulations defining the Scope of the Profession of Psychology and draft report on process of review of scope regulations	16 January 2018	Completed
Board member input on draft scope invited	20 February 2018	Completed
Approval of draft regulations by the Board Approval of Report on scope review by Board	23 February 2018	Completed
Approval of revised regulations relating to the scope by the Council	28 March 2018	Completed
Strategy on scope review and other outcomes	12 April 2018	Completed
Submission scope regulations to DOH by Legal Dept for promulgation	18 April 2018	Completed
Proposed consultative meeting with Minister of Health	18 – 26 April 2018	In progress
Proposed promulgation of draft Scope Regulations for comment by the Minister	30 April 2018	Outstanding
Period for receipt of comment (3 months)	1 May 2018 -31 July 2018	Outstanding

ACTIVITY	TIMEFRAME	PERFORMANCE INDICATOR
Collation and submission of comment received by DOH	6 August 2018	Outstanding
Consideration of comment received from stakeholders by Working Group and Board	7 and 8 August 2018	Outstanding
Prepare final Regulations relating to the scope of the profession	8 August 2018	Outstanding
Approval of final Regulations relating to the scope of the profession by the Board	13 August 2018	Outstanding
Approval of final scope Regulations relating to the scope of the profession by Council	27 and 28 September 2018	Outstanding
Submit final regulations to the Minister for promulgation	3 October 2018	Outstanding
Promulgation of final Regulations relating to the scope of the profession	Prior to 31 October 2018	Outstanding