



NB: You will only be called to serve on an Ad-hoc Appeal Committee when the need arises.

INFORMATION DOCUMENT – Ad-hoc Appeals Committee

Health Professions Council of South Africa (HPCSA), is a statutory body established under the Health Professions Act, 1974 (Act 56 of 1974) with the mandate to regulate the health profession in South Africa.

The HPCSA hereby invites applications from suitably qualified and interested persons with relevant experience in medical health and who are registered with the HPCSA and persons qualified in law to be placed on the database to serve on its ad hoc appeals committee in terms of Section 10 (2) of the Health Professions Act, 1974 (Act No. 56 of 1974).

Section 10 (2) provides that, The council shall establish ad hoc appeal committees, each consisting of, as chairperson, a person with knowledge of the law with at least 10 years" relevant experience, not more than two registered persons drawn from the profession of the registered person in respect of whose conduct a professional conduct committee of a professional board had held an inquiry, and a member of the council appointed to represent the community

The HPCSA is specifically looking for Interested persons to be placed on the database of the **ad hoc appeal committees** for the following professional boards: Medical and Dental Professions Board; Professional Board for Dental Therapy and Oral Hygiene; Professional Board for Emergency Care; Professional Board for Dietetics and Nutrition; Professional Board for Environmental Health Practitioners; Professional Board for Psychology; Professional Board for Occupational Therapy, Medical Orthotics, and Prosthetics; Professional Board for Medical Technology; Professional Board for Radiography and Clinical Technology; Professional Board for Optometry and Dispensing Opticians; Professional Board for Physiotherapy, Podiatry, and Biokinetics; and Professional Board for Speech Language and Hearing Professions.

REQUIREMENTS

- A person with a legal degree, and knowledge of law with at least 10 years relevant practical experience (Advocates, Attorneys, Judges and Retired judges are eligible to apply).

- In the case of a health practitioner, the applicant must be registered with the HPCSA, and be in good standing with the HPCSA with minimum of five (5) years of relevant clinical or practical experience.

CRITERIA for selection to ad-hoc appeals committee

- Applicants must have a good understanding of public and/private sector of practice
- Applicants who served previously on conduct enquiries/appeals committees
- Applicants who served previously on other forms of enquiries/appeals outside of HPCSA (*this will assist in identifying those who need development in HPCSA appeals and conduct enquiries*)
- Applicants that attended legal training/courses
- Applicants with a record of HPCSA accredited CPD ethics courses in related area/s in the past 5 years for practitioners and 10 years for legal practitioners
- Postgraduate or Doctoral degree will be an added advantage

RESPONSIBILITIES & DUTIES

Section 10 (3) provides that: An appeal committee referred to in subsection (2) shall have the power to vary, confirm or set aside a finding of a professional conduct committee established in terms of section 15(5)(f) or to refer the matter back to the professional conduct committee with such instructions as it may deem fit.

SHOULD APPLICANTS ON THE DATABASE BE CALLED TO SERVE ON THE AD-HOC APPEAL COMMITTEES THEY WILL BE REQUIRED TO

- determine appeal applications lodged by health practitioners registered with the HPCSA, who are dissatisfied with the decision/sanction imposed by the Professional Conduct Committee
- Review documents and evidence submitted by the parties for preparation of the appeal hearing
- interpret and apply the applicable legislation/regulations/rules and any other relevant provision,
- attend appeal hearings and appeal committee meetings and make an appropriate determination,
- act as final step of the appeal process with the binding decisions
- perform any other duty as directed by the Chairperson of the Committee.

KNOWLEDGE AND SKILLS-ADVANTAGEOUS

- Knowledge of the HPCSA and its Professional Conduct Processes
- Knowledge of HPCSA Legislation and other Legislation (PAJA, PAIA etc)
- Knowledge in Corporate governance.
- Ability to work under pressure,
- Perform in a multicultural and complex environment,
- Produce quality reports and meet deadlines;
- Excellent organizational and analytical skills;
- Practice and sound knowledge of Judicial procedures in the case of legal practitioners,
- Teamwork; Integrity, independence, trustworthy and able to respect confidentiality;
- Ability to read submissions and assess to identify problem/s, research, work independently or on team projects,
- Cooperate with others from diverse backgrounds,
- Communicate and write effectively in English,
- Competency in computer literacy,

EXCLUSIONS

No person shall be eligible for placement on the database of the ad hoc appeals Committees if -

- (a) he or she is not registered with the Health Professions Council of South Africa;
- (b) he or she is not a South African citizen or is not permanently resident in South Africa;
- (c) he or she has entered into a composition with the creditors of his or her estate, or whose estate has been sequestrated;
- (d) he or she is disqualified under the Act from practising his or her profession;
- (e) he or she has been found guilty of improper or disgraceful conduct at an inquiry held under Chapter IV of the Health Professions Act, 1974;

- (f) he or she is a patient as defined in section 1 of the Mental Health Care Act, 2002 (Act No. 17 of 2002);
- (g) he or she has been convicted of an offence in respect whereof he or she was sentenced to imprisonment without the option of a fine or in the case of fraud, a fine or imprisonment;
- (h) he or she is a member of a municipal council, provincial legislature or parliament;
or
- (i) he or she is a provincial or national office bearer or employee of any party, organization or body of a political nature.

A declaration/ disclosure form to this effect is included and must be completed.

Successful applicants will be placed on the database of ad hoc appeal committees for a period of five (5) years. The ad hoc appeal committees are the committees of Council therefore the successful applicants will be bound by the provisions of the Health Professions Act, 1974, the relevant Regulations made in terms of the Health Professions Act, 1974, the Charter of Councilors, Policies, Rules or any other relevant provision or directives of the HPCSA.

Remuneration of members will be in accordance with the fee structure determined by the HPCSA.

Applications **must** be in accordance with the CV template, be submitted in writing and must further contain the following: a motivation statement, the completed declaration and certified copies of the identity document and qualifications which must be forwarded to:

Patricia Raseawelo via **e-mail:** appealsandpcc@hpcsa.co.za . Correspondence will be limited to successful applicants.

For enquiries please contact: Ms Patricia Raseawelo at Tel: (012) 338-9356 or email to appealsandpcc@hpcsa.co.za