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**The Honourable Minister of Health**

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and

**The Honourable Professor Wilmot James**

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and

**Honourable Members of Parliament**

**AN OPEN LETTER**

**TO THE HONOURABLE MINISTER OF HEALTH, THE HONOURABLE SHADOW  
MINISTER OF HEALTH AND HONOURABLE MEMBERS OF PARLIAMENT:**

**Appeal for assistance regarding the scope of practice for educational  
psychologists, the Council for Medical Schemes and the HPCSA's  
Professional Board for Psychology**

Dear Honourable Minister and Honourable Members of Parliament,

I am writing to you as the Chairperson of the Educational Psychology Association of South Africa (EPASSA). The aim of EPASSA is to promote, maintain and protect the honour and interests of Psychology, and Educational Psychology as a profession, and to facilitate the provision of quality educational psychology services to the people of South Africa. EPASSA is a democratically elected association with a current membership of over 450 Educational Psychologists. We are the largest, singular body specifically representing Educational Psychologists in South Africa.

EPASSA has become disillusioned with the attitude of both the Council for Medical Schemes (CMS) and the HPCSA's Professional Board for Psychology toward scope of practice issues, which have placed our profession in crisis. Well over a year ago, EPASSA requested both the Council for Medical Schemes (CMS) and the HPCSA's Professional Board for Psychology to assist in the situation where medical aids and others started discriminating against educational psychologists based on inaccurate interpretations of the scope of practice for educational psychologists. EPASSA found the responses of both the CMS and the HPCSA's Professional Board for Psychology to our repeated requests for assistance appalling. EPASSA was therefore compelled to become *amicus curiae* in a court case between the Recognition of Prior Learning Action Group on the one hand, and the Minister of Health, the Health Professions Council's Professional Board for Psychology and others on the other hand.

Before the court hearing commenced, The Honourable Minister of Health conceded, as had been argued by EPASSA in legal papers, that the scope of practice was invalid. However, the main applicants to the court case ran out of funds and agreed that the scope of practice regulations would nevertheless operate for the next two years. This turn of events provides the Minister with an opportunity to amend the regulations before they lose their legal effect in two years' time and has emboldened some to continue misinterpreting our profession. Our profession is floundering in the interim.

The HPCSA contends that the Honourable Minister settled the Court case because of narrow, technical considerations. EPASSA believe that there were far more substantial issues at play, which issues EPASSA and others explicated in affidavits

that can be found at the website <http://relpagpsychology.wixsite.com/mysite/court-case>. We believe EPASSA could apply, in accordance with a recent Constitutional Court ruling, to have the Relpag case re-opened. However, EPASSA has decided instead, at least for now, to rely on the South African Human Rights Commission, the Competitions Board and the Competitions Tribunal to take up our cause. (Please see our letter to the Competitions Board attached). We are also appealing to the Honourable Minister, the Executive, opposition parties and members of parliament to assist the profession as a national asset in health care.

Since the court settlement was reached, the HPCSA's Professional Board for Psychology has released guidelines pertaining to the scope of practice for educational psychologists. The EPASSA committee, however, rejects these guidelines for the following reasons:

- Several EPASSA members believe that the guidelines reflect an attempt to reframe the role of educational psychology and to redefine its identity in a manner that places undue weight on the preferences of certain Board members as academics as opposed to the lived experience of most educational psychologists in practice, Government positions, NGOs and/or private practice.
- The guidelines have perpetuated rather than eased the crisis facing the demise of our profession, which is a national asset.
- The Board refused to consult EPASSA or discuss the guidelines with EPASSA as the largest representative body of educational psychologists in South Africa (and indeed Southern Africa) before releasing them, despite our pleas for the Board to consult with us. The Board is aware of our status as a stakeholder.
- The guidelines are incompatible with the scope of the profession of psychology.

EPASSA would be willing to make suggestions for amendments to the HPCSA's guidelines that will adhere closely to the format used by the Board, but that will correct misleading aspects of the guidelines. We believe that the guidelines have potential, but that they are currently flawed in such a way as to bring the undemocratic intentions of the Board into serious question.

As things stand, with the guidelines in their current format, EPASSA believes that the HPCSA's Professional Board for Psychology is failing to support the norms and values of the profession and failing to uphold balanced and holistic professional practices, democracy, transparency, equity, accessibility and community involvement as alluded to in section 15A(e) of the Health Professions Act (56 of 1974). We also believe that the CMS has been inconsistent and disingenuous in opinions it has rendered.

Both the CMS and the Health Professions Council's Professional Board for Psychology are appointed by the Honourable Minister and both these bodies are organs of state per section 239(b)(ii) of the Constitution of South Africa. EPASSA is advised that principles of public administration apply to an organ of state per section 195(2) of the Constitution of South Africa. EPASSA would therefore like to suggest that the HPCSA's Professional Board for Psychology should be compelled to revisit the guidelines that were released following only the Board's process of narrow consultation. We hope that the Honourable Minister, the official opposition's shadow minister of health and other Honourable members of parliament may be able to assist in convincing the Board to act more democratically and inclusively as a constitutional imperative.

We eagerly anticipate your responses and hope for your assistance.

Sincerely,

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Dr Martin Strous  
EPASSA Chairperson

cc:

- Professor Basil Pillay, Professional Board for Psychology
- Council for Medical Schemes
- EPASSA members
- Members of the press