



Association of Test Publishers of South Africa (ATP)

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Feedback at SIOPSA
10th Annual Conference
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Pretoria



Agenda

- Introduction to ATP South Africa
- Factual history regarding the South African Internet Guidelines published by the HPCSA
- The legal framework
- Current issues
- Next steps

The need for an Association of Test Publishers



- April 2005 the Psychometrics Committee of the HPCSA requested the coordination of test publishers as stakeholder group at the Johannesburg Airport Meeting
- In the words of Mr Shishana of the HPCSA (April 2005): “This is the beginning of a journey of cooperation and consultation”

Association of Test Publishers

ATP South Africa

- Is Affiliated with ATP International, via the Europe division of ATP
- ATP SA is looking at expanding its scope to an African division of Test Publishers
- ATP International was established in 1992 in the USA,
- The Association of Test Publishers is a non-profit organisation representing providers of tests and assessment tools and/or services related to education, employment, certification/licensing or clinical uses.



Association of Test Publishers ATP South Africa

- **Mission:**

Business organisations use a variety of tests as aids in hiring, placing or promoting employees.

Industrial/Organizational test publishers are dedicated to promoting and advancing the role of quality assessment in the workplace.

Association of Test Publishers

ATP South Africa

- **SHL South Africa.**
- **JvR: Jopie van Rooyen & Partners (South Africa) (Pty) Ltd.**
- **Thomas International Management Systems (SA) (Pty) Ltd.**
- Amos Laycock Consulting.
- Aprolab.
- Bios Southern Africa.
- Corporate Solutions.
- Insights.
- International Training Network.
- M & M Initiatives.
- MAC Assessment & Development.
- Magellan Consulting.
- Mind Muzik Media.
- NMMU Student Counselling.
- Organisation & Management Technology.
- PI South Africa.
- Placements Incorporated.
- Potential Index Associates.
- Profiles International.
- Sitek SA.
- Saville Consulting.
- SOI.



Factual History

- 8 April 2005 - Psychometrics committee HPCSA and test publishers meet at Johannesburg Airport
- Sep 2005 - HPCSA adopted first version of SA Internet Guidelines
- 23 Feb - 2006 HPCSA meet with ATP
- May 2006 - HPCSA rescinded the decision to adopt the internet guidelines
- May 2006 - HPCSA invites feedback and comments on Internet guidelines from stakeholders due 31 July 2006 (also reclassification of tests)
- All stakeholders had problems with the guidelines and current test classification system



Factual History (cont)

- 22 September 2006 - The Board again adopted the previously published Internet guidelines (with no changes, even with “rest rooms”)
- 2 Feb 2007 - ATP file record with the high court, Case 4218/07 to force HPCSA to rescind their decision to adopt and publish the Internet guidelines (This application was supported by all 22 Test Publisher members of ATP)



Some ATP Arguments

- Procedurally unfair the PAJA (Promotion of Administrative Justice Act 3 of 2000)
- Central theme is on the supervision and administration in testing which, in turn, is based on incorrect interpretation of the Act (also before the courts on review)
- The medium of administration is now determinant if a test requires evaluation and classification
- The supervision and administration paragraphs are not rationally connected to the purpose of the guideline



Some ATP Arguments

- The SA guideline disregard the well established ITC guidelines regarding supervision and administration in online testing
- The accumulated scientific evidence, local and international, demonstrate that the mode of administration and supervision have no effect on the psychometric properties of typical performance tests
- There is no rationale for the minimum age of 18 to use Internet assessment



Factual History (cont)

- 20 April 2007 - HPCSA conceded the review application with full cost (only communicated 5 June 2007)
- 14 April 2007 - (Gildenhuys Lessing Malatji write) " We further confirm to the extent that there is no legislation in place at this stage on these two issues... (Guidelines for Psychological testing and Test Administration)



Legal Framework

- Section 37(2)(d) of the act provides as follows: “(2) The following acts for the purpose of subsection (1), deemed to be acts specially pertaining to the profession of a psychologist, namely-
 - (a)... (d) the exercising of control over prescribed questionnaires or tests or prescribed techniques, apparatus or instruments for the determination of intellectual abilities, aptitude, personality make-up, personality functioning, psychological functioning or psychopathology;”



Legal Framework (cont)

- “Prescribed” to mean prescribed by regulation
- The minister has not promulgated any regulations in that section of the act



Legal Framework (cont)

- Section 37(4)(g) of the act provides as follows:
 - “(4) Subject to the provisions of subsection (5), the provisions of subsection (1) shall not be construed as prohibiting the following, namely-
 - (a) ...(g) anything done in the prescribed manner-
 - (i) by any person under the supervision of or on the instructions of a psychologist;....



What is happening now?

- The HPCSA most probably is busy writing new regulations/legislation
- ATP and other stakeholders expect to see new regulations that will be “over” regulating our profession and will “over” prescribe how psychologists may act
- Stakeholders need to decide what is in the best interest of the profession and the public
- Stakeholders need to voice their opinion when the consultation process starts



Discussion points

- Law / legislation (education vs. control)
- Test classification and/or evaluation (what should be regulated and what not)
- Categories and levels of tests (what are their applications and context of use)
- Categories and levels of reports or outputs (what are their applications and context of use)
- Control of tests (practitioners, developers, publishers, users and end users)



What should practitioners do for now?

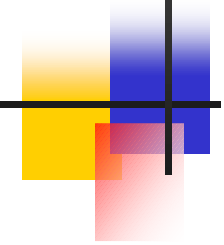
- We already have the most regulated environment in the world regarding assessment in the workplace
- We have well balanced and good Ethical rules of conduct for practitioners registered under the act (Government Notice R717, 4 August 2006)
- Well designed international guidelines and frameworks (ITC, EFPA)
- Other legislation and guidelines are in place in SA, Employment Equity Act and Health Professions Act. SIOPSA Guidelines on Validation and Selection Procedures



Closing Thought

Industrial and Organisational Psychologists are well trained, responsible and competent individuals that can be held accountable for their decisions, judgment, and professional conduct.

They can make a massive contribution to society and they will not harm the public



Questions?