

News from the Association of Test Publishers SA (ATP SA)

November 2007

The Association of Test Publishers South Africa (ATP SA) was founded in 2005, following the proceedings of the April 2005 meeting between the Psychometrics Committee of the Health Professions Council of South Africa (HPCSA) and test publishers. The association has engaged with the Professional Board for Psychology of the HPCSA, on behalf of its members, to improve psychological assessment in South Africa by informing best practice consistent with international trends.

The status of Internet testing in South Africa

In September 2005 the HPCSA adopted the first version of the *South African Guidelines for Computerised Testing*. This document was broadly based on the International Test Commission's (ITC) guidelines, which ATP SA fully endorsed given the balanced stance, thoroughness of reasoning and ethical orientation of the international guidelines. However the HPCSA unilaterally, and without apparent consideration of input from stakeholders, decided to prohibit the use of unsupervised Internet testing in South Africa. ATP SA as a body objected to the one-sided view and unilateral decision of the HPCSA, and intervened with legal action (Case 4218/07). The outcome of this action was that in April 2007 the HPCSA rescinded its decision to publish the *Guidelines*.

Currently the situation is therefore that there is no legislation in place concerning Internet testing. Legal counsel for the HPCSA confirmed this in a letter to legal counsel for ATP SA, stating: "We further confirm that to the extent that there is no legislation in place at this stage on these two issues [internet testing and the administration of tests by unregistered persons], the Board would not be in a position to take any decision on the guidelines for psychological testing."

Regulation No. R. 1863 of 16 September 1977 clearly states that an act, as referred to in Section 37 (1) of the Health Professions Act 1974 (Act 56 of 1974), may be performed by any person under the supervision, or on the instruction of a Psychologist. For example, a psychologist may instruct candidates to complete assessments online, but the psychologist will still remain accountable for the decision. Given the accumulated research and documentation on best practice in Internet testing – be it supervised or unsupervised – the supervising psychologist can recommend the process of using the Internet for the administration of suitably designed tests.

The use of the Internet for the administration of suitably designed tests is thus legal and an accepted international practice, as long as it is conducted in line with available published international and local best practice and ethical guidelines. ATP SA urges all professionals using Internet assessments to do so guided by their professional ethics.

HPCSA's proposal to reclassify instruments currently classified as psychological tests

No outcome to date has been received from the HPCSA on the proposal to re-evaluate and reclassify the list of tests currently classified as psychological tests. It has been over a year since ATP SA originally submitted our proposal on the reclassification of tests to the HPCSA. ATP SA has subsequently resubmitted our proposal to the HPCSA, and is looking to engage in discussions for the process going forward. ATP SA would also like to discuss

- Internet testing as part of the proposed test classification framework
- Distinguishing between the classification of Clinical Psychological and Occupational tests.

The Minister's regulations defining the scope of the profession of psychology

In the Government Gazette No. R. 969, 19th October 2007, the Minister of Health published proposed regulations defining the scope of the profession of psychology. The proposed regulations would in effect make alterations to Section 37 of the Health Professions Act, No. 56 of 1974, and revoke previous regulations concerning test classification and delegation. ATP SA consulted legal counsel on the matter and objected to the proposed regulations on the grounds that the making of this regulation was *ultra vires*; amendments to the Act must go through Parliament, and cannot be enacted through the promulgation of regulations by the Minister. Subsequently, on the 16th November 2007 legal counsel for ATP SA sent a letter to the Director General Health, stating ATP SA's objection and grounds for objection to the proposed regulation. No response has yet been received on this matter.

If you have any questions regarding the above matters please feel free to contact me.

Kind Regards

A handwritten signature in cursive script that reads 'Hennie Kriek'.

Prof HJ Kriek

Chair – ATP SA