

APPEALS POLICY AND PROCEDURES	
Policy Number	F2
Version	Version 3
Category	Registration
Date of Approval	22 September 2020
Date of Implementation	01 October 2020
Date of next Review	3-yearly - September 2023
Applicability	This policy applies to all SACNASP registered scientists and applicants who appeal against decisions reached by the SACNASP Council
Policy Custodian	Registration Manager
Approving Authority	SACNASP Council

1. PURPOSE

To provide guidelines for dealing with grievances relating to registration of scientists as prescribed in section 25 of the Natural Scientific Professions Act, 2003. (No. 27 of 2003) as amended.

2. OUTCOMES / AIMS AND OBJECTIVES

- 2.1 The objectives of the Appeals Policy are to highlight the process and procedures relating to -
- 2.1.1 An appeal against a decision in instances where the Council or a committee of the Council declines an application to register a person or registers an applicant in a different category or a Field of Practice from that which was applied for or cancels his or her registration in terms of sections 21 (1) (a)(iii).

- 2.1.2 An appeal against a decision to cancel the registration of a registered person and removal of his or her name from the register referred to in section 11(c) in terms of section 33(3)(a)(iv) where the person concerned has been found guilty of or has admitted guilt to the charge of misconduct; or fails to pay the annual fee within a prescribed time in accordance with section 21(a)(iii).
- 2.2 When an appeal is lodged by a registered person against a decision that will result in de-registration, the applicant shall be informed of the process that will be followed until the appeal has been concluded.

3. DEFINITIONS

- 3.1 **SACNASP** means the “South African Council for Natural Scientific Professions”
- 3.2 **Council** means the Council of the “South African Council for Natural Scientific Professions”.
- 3.3 **CEO** means the Chief Executive Officer of SACNASP, appointed by the Council.
- 3.4 **NSP Act** means the Natural Scientific Professions Act, 2003. (No. 27 of 2003) as amended.
- 3.5 **Registered person** refers to a person registered under Section 20 of the Act, and includes any person deemed to be registered in terms of this Act.
- 3.6 **Professional Natural Scientist** refers to a person registered as such under Section 20(3)(a)
- 3.7 **Certificated Natural Scientist** refers to a person registered as such under Section 20(3)(a)
- 3.8 **Candidate Natural Scientist** refers to a person registered as such under Section 20(3)(a)
- 3.9 **Applicants** mean any person who has applied for registration with the South African Council for Natural Scientific Professions and whose application is still being processed.
- 3.10 **Registration process** is the process of –
- Assessment of competency of applicants by the PACs for the purpose of registration under this Act;
 - Finalising the application/ awaiting referee reports / obtaining further documentation etc.;
 - Entering the names of the applicants who qualify into the register contemplated in section 11(c);
- 3.11 **PAC** means the Professional Advisory Committee
- 3.12 **FOP** means Field of Practice

4. POLICY STATEMENTS

4.1 Eligibility to lodge an appeal

4.1.1 An applicant or currently registered person can appeal only against -

- The refusal of an application for registration of a person;
- The refusal to register a person in the specific field of practice applied for; but offers registration under a different field of practice;
- The refusal to register a person in the category applied for but offers registration in a different category;
- The de-registration of a person in terms of 2.1.2.

4.2 Lodging an appeal

4.2.1 An appeal should be lodged within 30 days after the applicant receives written reasons of the decision pertaining to their registration status as stated in 4.1.1 above.

4.2.2 A prescribed fee should accompany the written appeal to be submitted to the SACNASP office.

4.2.3 The appeal should set out the grounds for the appeal and all relevant arguments, information, motivation and documents to support the appeal.

4.2.4 Once an appeal is requested, an initial check will be made by the Registrations Department to ensure that no obvious administrative mistake has been made. In the event that such a mistake is found, which materially affects the result (i.e. registration approved or not approved; correct field of practice indicated), the result will be amended accordingly, and the appeal fee will be refunded in full and the applicant so informed.

4.2.5 If an appeal is made on the grounds of mitigating circumstances, an applicant must provide valid reasons why these circumstances could not be revealed before publication of the registration outcome.

4.2.6 The principle of *ignorantia juris non excusat* will apply, i.e. not familiarising yourself with all the relevant assessment criteria will not be a valid ground for appeal.

4.3 Constitution of an Appeal Committee

4.3.1 An appeal committee will be constituted for each appeal lodged in terms of Section 25 of the Act.

- 4.3.2 The Appeal Committee will be constituted of at least three (3) individuals who were not involved in the decision made at the Registration Committee meeting, as follows:
- an appointed legal representative (case dependent), and
 - up to three other appropriately qualified members, preferably in the relevant Field of Practice and preferably previous members of SACNASP'S Registration Committee **or** .a former member of the Professional Advisory Committee who understands the assessment policies and procedures applied in the category and discipline of the appellant..
- 4.3.3 Members may be nominated by Voluntary Associations recognised in terms of the Act as approved by the Council.
- 4.3.4 No member of the Appeal Committee may be a member of the Professional Advisory Committee from which the original decision emanated.
- 4.3.5 The CEO should designate the chairperson of the Appeal Committee in consultation with the Chairperson of Council.
- 4.3.6 The designated Chairperson is responsible for overseeing and managing the administration of the appeal process, including monitoring the progress of appeal reviews and ensuring time scales are adhered to.

5. PROCEDURES

5.1 Appeal procedure

- 5.1.1 A written appeal, accompanied by proof of payment of the prescribed Appeal Fee, should be submitted to SACNASP within 30 days after the registration results were made available to the applicant and written reasons for the decision made known to the applicant.
- 5.1.2 E-mailed, faxed or couriered copies will be accepted for processing and receipt acknowledged.
- 5.1.3 The receipt of an appeal form will be acknowledged within 7 working days. SACNASP reserves the right to refuse an application for an appeal that is received after the deadline as set out under 5.1.1 above.
- 5.1.4 Any applications for an appeal not accompanied by the prescribed fee will be refused.
- 5.1.5 The Chief Executive Officer will, in consultation with the Appeal Committee members, establish a date and time for the appeal and all relevant documentation will be distributed to Committee members.

- 5.1.6 The appellant will be invited to present his or her case (in person or via telecon).
- 5.1.7 The Appeal Committee must consider all evidence including the documentation regarding the assessment made by the PAC and make a decision by majority vote.
- 5.1.8 If there is equality in terms of the recommendation reached, the chairperson has a casting vote.
- 5.1.9 The outcome of the appeal must be tabled at the next Registration Committee meeting for discussion.
- 5.1.10 The chairperson must submit the Registration Committee's recommendation to the Council for a decision at the next scheduled Council meeting. If such a meeting is not scheduled to take place within 60 days of the appeal, the Chief Executive Officer must, in consultation with the chairperson of the Council, schedule a special meeting as soon as possible to finalise the outcome of the appeal.
- 5.1.11 Once the appeal has been completed and the result communicated to the applicant, SACNASP will not enter into any further correspondence regarding the appeal.
- 5.1.12 A copy of the appeal form and appeal letter will be retained after submission of the appeal.
- 5.1.13 A register of all appeals and the outcome thereof must be retained by SACNASP for future reference purposes.

5.2 Appeal outcome

The outcome of the appeal may include

- i) Registration of an Applicant who was initially refused registration.
- ii) The initial decision to refuse registration of the Applicant may be upheld.
- iii) An amendment to the FOP or the registration category as initially assigned to the applicant may be granted.
- iv) No change in the registration status. The FOP or category assigned may remain or cancellation upheld.

5.3 Cost of an appeal

- i) No appeal will be processed if it is not accompanied by the prescribed fee as indicated in the Fee Structure published annually.
- ii) Should the appeal be upheld in full, then the prescribed fee will be refunded as indicated in 4.2.6.

5.4 Turnaround time for processing of an appeal

Applicants will receive the results of an appeal from SACNASP after conclusion of the process, but not later than 60 days after the hearing. If an undue delay is expected (e.g. due to illness, holidays) the applicant will be notified.

5.5 Review and amendment

Any amendment to the terms of this policy must be made by the Council.



6. RELATED DOCUMENTS

6.1 Related Policies and Legislation

- a) Natural Scientific Professions Act, 2003. (No. 27 of 2003) as amended
- b) Government Gazette

7. AUTHORISATION

The reviewed Appeals Policy and Procedures Policy was presented and approved by Council on 22 September 2020 and signed by the CEO and the Chairperson of the Council on behalf of Council.

Signature	 Chairperson of Council
Date	1 October 2020
Signature	 Chief Executive Officer
Date	1 October 2020

Version Control		
Appeals Policy		Policy No. F3
Revision frequency	Version No	Approval date
3 yearly	Version 1	27 July 2016
	Version 2	29 August 2018
	Version 3	22 September 2020