



ENSURING THE EXPERTISE TO GROW SOUTH AFRICA

Training Academy Appeal Process

A-07-PRO

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BACKGROUND: THE ECSA ACADEMY SYSTEM DOCUMENTS

The documents that define the Engineering Council of South Africa (ECSA) system for a training academy establishment and certification are shown in Figure 1 below, which also locates the current document.

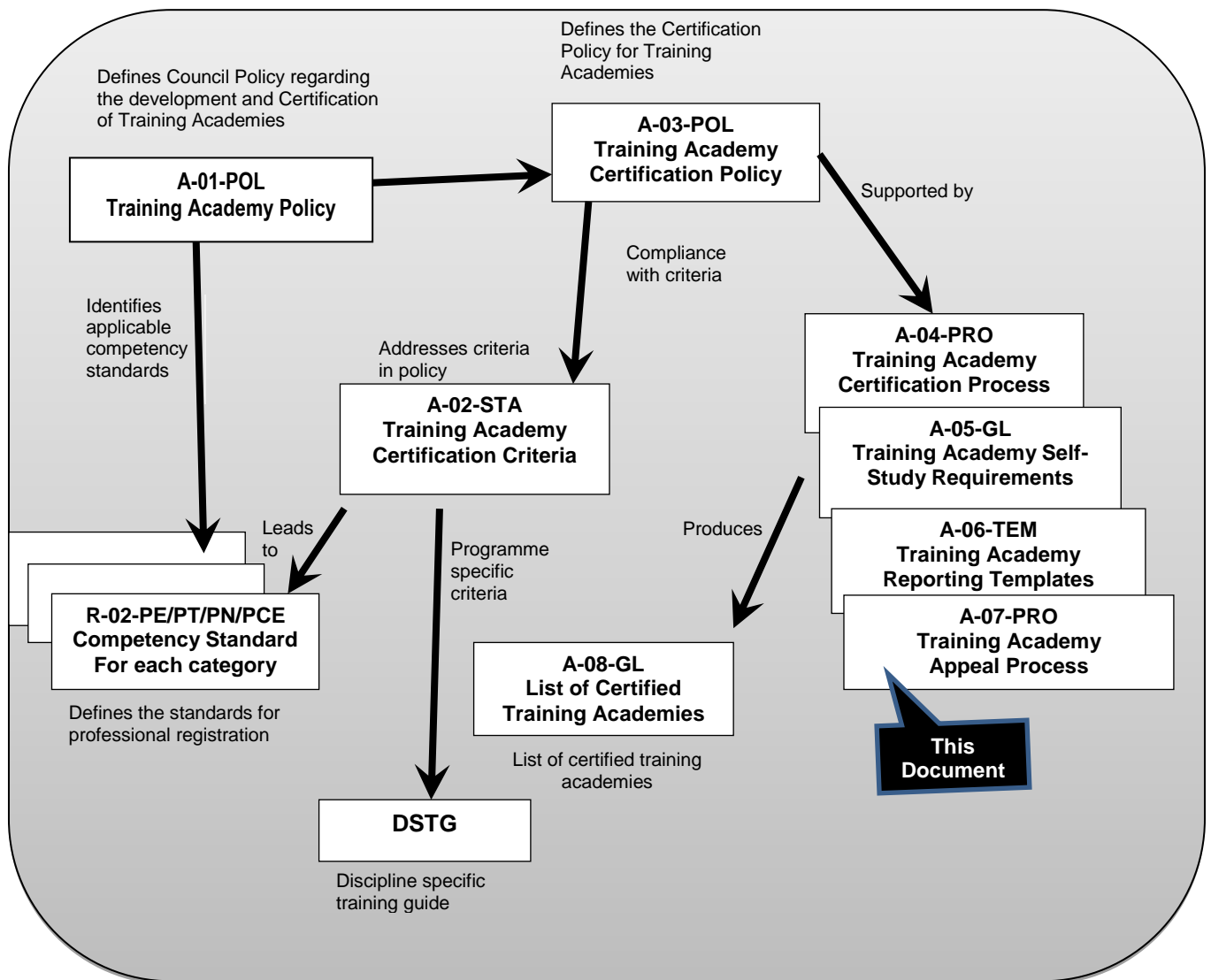



Figure 1: Documents defining the ECSA Academy System

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1. PURPOSE

The Engineering Profession Act (Act 46 of 2000) defines appeal procedures for persons aggrieved by decisions on registration and disciplinary matters. It does not make explicit provision for appeals against certification decisions.

Decisions by ECSA on the certification of training programmes affect both the organisations of those training programmes and their graduates. Natural justice therefore dictates that there should be an appeal mechanism relating to adverse certification decisions open to organisations providing training of programmes.

This policy follows the approach of ECSA's policies on appeals against registration and disciplinary decisions. It is guided by Section 40(2) of the Engineering Profession Act 2000 that allows the Council to delegate powers to its committees but does not permit the power to hear an appeal to be so delegated. This policy prescribes the process for appeals by training organisations against decisions of the Certification Committees in terms of policy A-03-POL or the Central Registration Committee in terms of its power to withdraw certification from a currently certified training programme.

This policy applies to appeals after the certification decision has been conveyed to the organisation by the Chief Executive Officer. The policy does not provide for appeals before the Certification Committee or Central Registration Committee in the case of withdrawal of certification has considered the report and recommendation of the certification team.

2. APPEAL PROCEDURE

The Certification Committee must, in the normal course of events and in terms of its procedures:


- consider the findings and recommendations of the team, together with any representations made by the organisation;
- decide in terms of the powers delegated to it by the Council; and
- advise the organisation of its decision accordingly.

If an organisation is aggrieved by the decision of the Certification Committee in relation to its programme the following procedure must be followed.

- The organisation concerned may appeal to the Council by lodging such appeal, in writing, with the Chief Executive Officer within 30 days from the date on which the

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organisation is notified by the Chief Executive Officer of the decision of the Certification Committee.

- Such appeal must be in writing and must set out the grounds on which the organisation seeks to rely and provide such information as is necessary to support these grounds.
- The Chief Executive Officer may grant extension of time for the lodging of an appeal for reasons he/she deems sufficient.
- The Chief Executive Officer must, within 14 days after receipt of the appeal, submit the appeal together with all documentation lodged with the appeal, to the Certification Committee that made the decision or recommendation to refuse certification, and request such committee to examine the grounds for the appeal and furnish its comments to the Chief Executive Officer within 21 days after receipt of the request from the Chief Executive Officer. The Chairperson of the Certification committee must determine the process by which the Certification Committee formulates its comments.
- The Chief Executive Officer must appoint an appeal committee, consisting of no more than four members, from a panel of persons approved by the Council. These persons must be appropriately qualified to hear the particular case under appeal, and no member of the appeal committee so appointed may be a member of the committee from which the original decision emanated or the team that visited the organisation.
- The Chief Executive Officer must designate the chairperson from the members of the appeal committee.
- After receipt of the comments of the committee referred to in rule 4, the Chief Executive Officer must without delay submit the appeal in question, together with all supporting documentation, as well as such comments to the appeal committee for consideration, and at the same time determine, in consultation with the members of the appeal committee, a date and venue for considering the appeal.
- The appeal committee must invite the appellant to present his or her case and may call on a representative of the committee referred to in rule 4 to present the views of that committee.
- The appeal committee must consider all evidence so presented and come to a decision by a majority vote, which decision shall have the status of a recommendation. If there is an equality of votes, the chairman has a casting vote.

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- The Chief Executive Officer must, without delay, submit the recommendation of the appeal committee to the Council for decision at its next scheduled meeting. If such meeting is not scheduled to take place within 60 days of receipt of the appeal, the Chief Executive Officer must, in consultation with the president of the Council, convene a special meeting of the Council as soon as is practicable.
- The Council may confirm, vary or revoke the recommendation of the appeal committee, or come to its own decision. The Chief Executive Officer must notify the appellant of its decision and provide him or her with adequate reasons for its decision.
- Any member of Council who was a member of the certification team or the committee that made the decision being appealed may not vote on the appeal in Council.
- The notification referred to in paragraph 12 must contain an advice to the appellant that he or she may appeal against the decision to the Council for the Built Environment in terms of Section 21 of the Council for the Built Environment Act, 2000.

3. DEFINITIONS

For the purpose of this policy:

“**Act**” means the Engineering Professions Act, 2000:

“**Certification Committee**” means a committee with the delegated power of Council to make decisions on training programmes to grant certification, with or without conditions, and to withhold or withdraw certification;

“**Appeal Committee**” means a committee constituted in terms of rule 5; “**Appellant**” means the organisation who is the applicant in rule 1;

“**Chief Executive Officer**” is the person appointed in terms of section 8(1) of the Act; “**Council**” means the Engineering Council of South Africa established in terms of section 2 of the Act;

“**Organisation**” means an organisation that provides engineering training programmes.

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