



DIRECTORATE FOR REGISTRATION AND RECOGNITION

**EVALUATION REPORT FOR THE RECOGNITION OF PROFESSIONAL BODIES AND
REGISTRATION OF PROFESSIONAL DESIGNATIONS**

Name of Professional Body	South African Institute of Medico-Legal Experts (NPC)(SAIME)
Statutory or Non-Statutory Body	Non-Statutory
Sector	Medico Legal Health Law
Physical Address	1 Sixty Jan Smuts Building 1 Sixty Jan Smuts Avenue Rosebank
Application Approved by Board/Council	Yes
Application Signed by CEO / Registrar/ Board Chairperson	Yes
Number of Designations Applied for	2
Date of Site Visit	12 February 2021
Date of Gazette Notice	6 August 2021



**PROFESSIONAL BODY RECOGNITION AND PROFESSIONAL DESIGNATION REGISTRATION
EVALUATION REPORT**

NAME OF BODY: South African Institute of Medico-Legal Experts (NPC) (SAIME)

Background

Medical jurisprudence is the scientific field that applies medical knowledge to legal problems. Ordinarily, and as practiced by other countries, cases that fall under this realm of Medico-Legal practice require independent medical evaluations and expert testimony in order to prove a case. As in other countries, in South Africa independent, non-biased medical or health practitioners are called in to evaluate a patient’s claims, injuries, medical history, and treatment protocols.

Thus, there are compelling reasons for Medico-Legal professionals to pursue professional accreditation and certifications. Earning a certificate or designation validates the person’s high-level of expertise and often leads to added prestige and puts holders ahead of the pack. The purpose of certification and designation is not intended to replace or compete with any existing professional regulatory functions such as the function of the Health Professional Council of South Africa (HPCSA), but rather to augment them, hence a memorandum of understanding was signed between SAIME and HPCSA and it is attached.

Due to a lack of co-ordination in the Medico-Legal profession, a few health practitioners convened a roundtable discussion with the theme “*Working together to Professionalise, Medico-Legal Practice*” on 02 December 2015. The purpose of the round-table was to share thoughts, practices and strategies on how to professionalise the Medico-Legal practice. Delegates to the round-table discussion unanimously agreed that there was a need to establish an overarching body to support the professionalisation initiatives.

The roundtable resolved to appoint a task team to conduct a desktop research on different models used in other countries so as to develop a roadmap for a benchmarking study of the establishment of a professional body in South Africa.

An elective conference was convened on 30 January 2020 to consider a report from the task team. The report indicated that there was an urgent need to establish a non-statutory professional body to ensure recognition of Medico-Legal practice as a discipline. The conference then nominated and elected committed women and men to spearhead the idea on professionalisation of the Medico-Legal practice. The members were tasked to register the body as a Non-profit Company with the Companies and Intellectual Property Commission (CIPC) as the South African Institute of Medico-Legal Experts (NPC) (SAIME) and to apply to the South African Qualifications Authority (SAQA) for the recognition of SAIME as a non-statutory professional body and to register two professional designations.

SECTION A: RECOGNITION COMPLIANCE

Compliance Summary of the Mid-term Monitoring

No	Item	Yes	No
1	Legally Constituted Entity	X	
2	Good Corporate Governance Practices	X	
3	Transformation	X	
4	Human Resources	X	
5	Premises	X	

6	Financial Resources	X	
7	Awarding of Professional Designations	X	
8	Recognition of Prior Learning (RPL)	X	
9	Continuing Professional Development (CPD)	X	
10	Membership Database	X	
11	Career Advice Information	X	
12	Code of Conduct and Protection of the Public	X	
13	Education and Training	X	
14	Proliferation of professional bodies	X	

SECTION B: RECOGNITION EVALUATION

1. CRITERIA FOR RECOGNISING A PROFESSIONAL BODY

The Directorate for Registration and Recognition (DRR) evaluated the application submitted by SAIME against the *Policy and Criteria for Recognising a Professional Body and Registering a Professional Designation for the Purposes of the NQF Act*. SAIME was found to meet all the criteria for recognising a professional body listed below:

1.1 Legally Constituted Entity

The South African Institute of Medico-Legal Experts (NPC)(SAIME) is a non-statutory body registered with the Companies and Intellectual Property Commission (CIPC) as a Non-Profit Company (NPC) with registration number 2019/091601/08.

The following document(s) were submitted.

- CIPC Disclosure Certificate
- Minutes of the Inaugural Conference
- Governance Charter
- List of Board Members

According to the CIPC Disclosure Certificate, SAIME has three Directors and according to the Minutes of the Inaugural Conference, SAIME has five office bearers.

1.2 Good Corporate Governance Practices

The professional body submitted the:

- Minutes of the Inaugural Conference held on 30 January 2016
- Governance Charter
- HPCSA – SAIME Memorandum of Understanding
- List of Board Members

Members of the Board are appointed at the elective conference from nominees of experts in the fields of medical, legal and other special skills as may be determined by the conference.

The dates and times of the meetings of the Board and Committees of the Board are contained in the meeting schedule that is approved by the Board in September / October annually.

In terms of this charter, a Board member holds office for a period not exceeding five years. A member may be re-elected at the expiry of his or her term of office.

The Board meets at least four times per year at such places and at such times as may be decided by resolution from time to time. The dates and times of the meetings of the Board, are contained in the meeting schedule that is approved by the Board annually.

Special meetings may be called at the discretion of the President, or at the substantiated request of not less than one third of the members, in which event the meeting shall be held at a time and place determined by the President, as soon as practicable after the receipt of such a request.

Notice of any meeting of the Board, which includes an agenda of the matters to be considered, are forwarded by the delegated official to each member and such other persons required to attend, at least five working days before the scheduled date of the meeting, to the email address registered with the professional body.

The President presides at meetings of the Board. If the President is absent from any meeting the members present may elect from among themselves a Presiding Officer for the meeting.

The Registrar is appointed by the Board and is the only executive member of the Board. The Registrar acts as the leading interface between the Board and management and represents the public face of SAIME in dealings with its major stakeholders.

The role players in the decision-making structure are:

- a) Management;
- b) Board Committees (other than the Executive Committee); and
- c) Board.

The role of Management is to produce reliable information on which decisions can be based.

The role of Board Committees is to monitor the performance of management to ensure that they have discharged their responsibilities as set out above.

Finally, the role of the Board is to make a binding decision once it is satisfied that all the other role players have played their parts.

1.3 Transformation

The submission did not have any unfair exclusionary practices. The board is made up of 17 members.

The demographics of the Board members are as follows:

- 11 males
- 6 females
- 14 members are African
- 2 are Indian
- 1 is white

SAIME took a decision at its inaugural meeting to comply with the King Report on Corporate Governance (King IV). The philosophy of King IV is focused around the following:

- Ethical and effective leadership;
- Company's role and responsibility in society;
- Corporate citizenship;
- Sustainable development;
- Stakeholder inclusivity and responsiveness; and
- Integrated reporting and integrated thinking.

In the conduct of any meeting of the Board the ordinary rules of debate shall apply.

- Decision-making shall be by consensus with the proviso that where consensus cannot be reached a vote may be taken. Where voting is deemed necessary it shall be by show of hands unless a ballot is requested by any member, when a secret ballot shall be held.
- The President shall have both a deliberative vote and a casting vote.

1.4 Human Resources

SAIME submitted its management and other personnel organogram.

- The professional body has five permanent and three contract staff members.
- The functions and duties of staff members are reflected on the organogram.

1.5 Premises

The domicillum citandi is:

1 Sixty Jan Smuts Building
1 Sixty Jan Smuts Avenue
Rosebank

SAIME submitted a Lease Agreement between Paramount Property Fund Limited and the South African Institute of Medico-Legal Experts. The lease agreement is for a period of 38 months, commencing on 1 January 2019 and expiring on 28 February 2022.

1.6 Financial Resources

The professional body submitted its audited annual financial statements for the years 2018, 2019 and 2020 respectively.

According to SAIME, the main sources of income for the professional body are:

- Membership subscriptions
- Membership renewals
- Revenue generated from expert reports fees from HPCSA, RAF, etc; and
- Donations.

The annual financial statements have been prepared on the basis of accounting policies to going concern. This basis presumes that funds will be available to finance future operations and that the realisation of assets and settlement of liabilities, contingent obligations and commitments will occur in the ordinary course of business.

SAIME also submitted proof of invoicing done to members, proof of payments done by members (membership subscriptions/renewals).

The auditors opinion is that the annual financial statements present fairly, in all material respects, the financial position of South African Institute of Medicolegal Experts as at 30 March 2020 and its financial performance and cash flows for the year then ended.

1.7 Awarding of Professional Designations

SAIME submitted the Professional Accreditation and Designation Award Policy.

- The professional body member or applicant must submit the application form together with the required supporting documentation, including proof of payment of the prescribed accreditation fee.
- The professional body will inform the applicant of the outcome of the application, advise the applicant, where applicable, of the provisions of the appeal procedure. The applicant will also be advised of the rules relating to the retention of the professional designation including the CPD requirements and rules for the use of the designation.

These professional designations may only be awarded to a member who:-

- is in good standing and has paid the prescribed accreditation application fee;
- makes a formal application to be assessed;
- meets the criteria for the awarding of the relevant professional designation; and
- subscribes to SAIME's codes, policies and procedures.

The professional body has the following designations:

- Fellow Medico-Legal Expert (FMLE)
- Certified Medico-Legal Expert (CMLE).

SAIME may revoke the professional designation if the holder is:-

- no longer a SAIME member;
- no longer a SAIME member in good standing;
- found to be in breach of SAIME's Codes, Policies and Procedures; and
- no longer actively practices as a bona fide Medico-Legal Expert, or practitioner.

The PB communicates the criteria for the awarding of professional designations to its prospective members in the following ways.

- Pamphlets;
- Walk-ins; and
- Website.

1.8 Recognition of Prior Learning (RPL)

SAIME submitted its Recognition of Prior Learning Policy.

- The SAIME RPL Policy must be read in conjunction with:
 - The South African Qualifications Authority' (SAQA), National Policy for the Implementation of The Recognition of Prior Learning (RPL) 2020.
 - The Council on Higher Education (CHE) policies on the Recognition of Prior Learning, Credit Accumulation and Transfer, and Assessment in higher education (August 2016).
 - National Qualifications Framework Amendment Act, 2019 (№ Act 12 of 2019); Recognition of Prior Learning (RPL) Coordination Policy (February 2016).

- SAQA's Policy and Criteria for Recognising a Professional Body and Registering a Professional Designation (2020) for the Purposes of the NQF Act, Act 12 of 2019.

RPL application process

- Applications must be made using SAIME's RPL application form. A non-refundable assessment fee is payable at the time of application.
- The applicant must collect and submit a Portfolio of Evidence (POE). It is the responsibility of the applicant to provide all necessary documentation to demonstrate the learning experience meets the principles and eligibility criteria for RPL.
- Applications will be assessed by the relevant education / training committee, or its delegates (internal assessor). In assessing applications for RPL, the assessor will refer to the principles and eligibility criteria as outlined in this policy.

There are no members who were awarded designations through the RPL route. SAIME does not conduct any training. All training has been outsourced to the American Board of Independent Medical Examiners (ABIME) and the South African Medico Legal Association (SAMLA). SAMLA is an independent, transparent, neutral, and educational organisation not for profit, funded by membership contributions, donations and funds generated through seminars.

RPL appeal process

- If the applicant is not satisfied with the result of the assessment, he/she must complete the Appeal Form, stating reasons for the appeal.
- The Board must establish a (three) 3 member RPL Appeal Committee (AC) which will be responsible for ensuring that the appeal process is done according to the prescripts of this policy.
- An eligible expert may appeal to the AC with regards to his / her suspension and/or any matter concerning his/her membership as a result of disciplinary action taken against him by his/her.
- Such an appeal must be lodged, in writing, to the Chairperson of the AC, by no later than 7 (seven) ordinary days after the *partial granting or not granting* assessment. The AC will make its findings within a period of 4 (four) ordinary weeks from receipt of the appeal.

1.9 Continuing Professional Development (CPD)

SAIME submitted its Continuing Professional Development Policy. All Medico-Legal Experts shall, at least annually, apply the below CPD Framework:-

- plan for, complete and record relevant learning and development activities to address the learning outcomes and personal development gaps identified;
- perform self-assessment activities to identify relevant learning outcomes and personal development gaps;
- maintain accurate and complete records evidencing compliance with this policy. This shall include, but not be limited to, evidence of application of the CPD Framework and supporting documentation of all learning and development activities undertaken;
- as part of a membership annual renewal for registration, the Medico-Legal Expert shall be required to declare whether he or she has complied with the CPD Policy;
- complete and record relevant learning and development activities on ethics annually. The learning and development activities undertaken shall include activities that assist the Expert to comply with the SAIME's Code of Professional Ethics and Conduct; and
- during a reporting period an Expert shall complete a minimum of three hours of relevant learning and development activities on ethics

Members are required to complete:-

- a minimum of 60 hours of relevant professional development activity during a three-year rolling cycle, of which –
- a minimum of 40 (of the above 60 hours) hours must be verifiable; and
- a minimum of 20 hours of learning (verifiable/non-verifiable) must be completed during each of the three years;
- a minimum of 20 hours of learning (verifiable/non-verifiable) must be completed during each of year;
- a minimum of 15 hours for ethics learning (verifiable) must be completed during each of the three years; and
- a minimum of 5 hours for ethics learning (verifiable) must be completed during each year.

A portion of hours undertaken by members must be verifiable. CPD records and supporting documentation must be accessible should a member be selected for verification.

SAIME provided evidence of CPD implementation. All members are complying with the requirements of CPD.

1.10 Membership Database

SAIME submitted lists of designated and non-designated members.

- The list of non-designated members has 688 individuals.
- The list of designated members has 14 individuals.
- Certified Medico-Legal Expert: 8 members
- Fellow of Medico-Legal Expert: 6 members

SAIME has successfully uploaded a dummy dataload onto the NLRD.

1.11 Career Advice Information

Currently it is done through university visits and walk-in enquiries at SAIME offices. Once recognised SAIME will augment these efforts, by using social media and other means.

1.12 Code of Conduct and Protection of the Public

SAIME submitted the following documents:

- SAIME Application Form
- SAIME Code of Ethics
- SAIME Codes of Conduct and Ethics
- SAIME Complaint Form

SAIME's Code of Ethics ("the Code") applies equally to all employees, members and other representatives of SAIME. Compliance with the Code by all employees and certain other representatives is mandatory. The codes are made available at SAIME office and website.

If employees or members become aware of, or suspect, a contravention of the Code, they must promptly and confidentially advise SAIME's Executive Committee as set out in the Contravention of the Code. The matter will be investigated and dealt with as set out in the Disciplinary Code.

If employees or members believe that their own actions have or may have contravened the Code, or suspect that a contravention of the Code has been committed by another employee or member of SAIME, they should, without confronting the other employee or member concerned:

- promptly report this, preferably in writing, to the person to whom they report, or
- to another appropriate senior person (e.g. Executive Committee's CEO (or his/hers delegated official))

The Disciplinary Procedure

The professional body has a three member (3) Disciplinary Committee (DC) which is be responsible for ensuring that members abide by the Code of Conduct and Ethics.

The DC will, from the date of its consideration of complaint or suspicion of non-compliance, start investigations and deliver its verdict within a period of 4 (four) ordinary weeks.

The member whose conduct was investigated by the DC, will be informed by the delegated official of the DC's decision and reasons thereof within 7 (seven) ordinary days of such decision taken.

In the event that the DC decides to recommend to the Board to order an expulsion of the member, over and above any suspension or penalty that may already be in place as ordered by the DC, the DC or delegated official or body will send such recommendation to the Board, addressed to the President, within 7 (seven) ordinary days.

SAIME has not conducted any disciplinary cases since its inception.

The Appeals Procedure

The professional body has a 3 (three) member Appeal Committee (AC) which is be responsible for ensuring that the appeal process is done according to the prescripts of this Code of Conduct and Ethics.

A member may appeal to the AC with regards to his/her suspension and/or any matter concerning his/her membership as a result of disciplinary action taken against him/her.

Such an appeal must be lodged, in writing, to the Chairperson of the AC, by no later than 7 (seven) ordinary days after the member was informed in writing of the DC's decision, stating the member's reasons for his/her appeal. The AC will make its findings within a period of 4 (four) ordinary weeks from receipt of the appeal.

In case of the appeal by a Board member whose conduct was investigated, he/she will have the right to appeal in writing, stating reasons therefore, to the Board within 14 (fourteen) ordinary days. The Board will make its findings within a period of 4 (four) ordinary weeks from receipt of the appeal.

1.13 Education and Training

Regarding education and training, the professional body is not:

- accredited as an education and training provider by a Quality Council.
- registered as an education and training provider with the Department of Higher Education and Training.

1.14 Proliferation of Professional Bodies

There is a statutory body in the sector, the Health Professions Council of South Africa. However, SAIME has a Memorandum of Understanding (MoU) with the statutory body. The professional body has submitted a copy of the MoU.

The purpose of the MoU is to ensure the supply of experts in the medical/legal and Medico-Legal fraternity.

2. CRITERIA FOR REGISTERING A PROFESSIONAL DESIGNATION

Designation(s) to be Registered

2.1 Designation Title: Certified Medico-Legal Expert (CMLE)

Short Description:

- awarded to senior members of SAIME and the Medico-Legal profession. CMLE is the second highest grade of SAIME membership;
- it is an award that recognises the member comprehensive knowledge of the profession, their great achievement, knowledge and experience in the Medico-Legal profession;
- certified member must be a member of the Health Professional Council of South Africa (HPCSA), if they fall within the realm of health, medical or dental sector.

AWARDING CRITERIA

For the Professional Designation to be awarded, professionals must comply with the following minimum requirements:

Underlying NQF Registered Qualification

Relevant registered qualification at NQF Level 7.

Experience / Practical Experience / Experiential Learning

Three (3) years of Medico-Legal working experience

Competency Assessment / Board Examination

No board examination is required. All training and assessments are conducted by SAMLA and ABIME.

Designation RPL Statement

- Applications must be made using the RPL SAIME's application form. A non-refundable assessment fee is payable at the time of application.
- The applicant must collect and submit a Portfolio of Evidence (POE). It is the responsibility of the applicant to provide all necessary documentation to demonstrate the learning experience meets the principles and eligibility criteria for RPL.

Designation Competences:

- Apply Medico-Legal knowledge and Medico legal skills and professional attitudes to the provision of claimant.
- Perform claimant-centered Medico-Legal assessment.
- Propose and participate (under appropriate supervision) in implementing management plans.
- Understand and participate in continuous improvement in Medico-Legal care quality and clients safety.
- Establish professional beneficial relationships with clients.
- Use clients-centred skills to seek, gather, select and interpret accurate and relevant information of the quantifiable situation, incorporating the perspectives of clients and their families to inform management.
- Engage clients and their families in developing plans that reflect the client's medico-legal care needs and goals.
- Share medico-legal care information and plans with clients and their families while adhering to principles of confidentiality and consent.

- Document and share written and electronic information about the medical encounter, and share this information orally, with other members of the Medico-Legal care team, to optimize quantifiable decision-making, clients' safety, and privacy.
- Demonstrate a commitment to clients by applying best practices and adhering to high ethical standards

RETAINING CRITERIA

In order to ensure the currency of professional knowledge and to retain the Professional Designation, the professional must comply with the following minimum requirements:

Code of Conduct

- Members must adhere to the SAIME's Codes of Conduct and Ethics;

Continuing Professional Development (CPD) Requirements

- Holder complying with SAIME's requirements for Continuous Professional Development (CPD)
- Member in good standing

Fees

- Pays the annual fee.

Professional Designation Progression Pathway

- *Certified Medico-Legal Expert (CMLE)*
- Fellow Medico-Legal Expert (FMLE)

For more information on this Professional Designation, please visit the website at www.saime.co.za

2.2 Designation Title: Fellow Medico-Legal Expert (FMLE)

Short Description:

- Awarded to senior advocates of SAIME and the Medico-Legal profession. FMLE is the highest grade of SAIME membership;
- it is an accolade that recognises the member's outstanding level of achievement, knowledge and experience in the Medico-Legal profession;
- fellows are members who use their achievements and insights to inspire others, raise the public profile of the Medico-Legal profession and play a major role in setting the national strategy.

AWARDING CRITERIA

For the Professional Designation to be awarded, professionals must comply with the following minimum requirements:

Underlying NQF Registered Qualification

Relevant registered qualification at NQF Level 7

Experience / Practical Experience / Experiential Learning

Eight (8) years of Medico-Legal work experience.

Competency Assessment / Board Examination

No board examination is required. All training and assessments are conducted by South African Medico-Legal Association (SAMLA) and ABIME.

Designation RPL Statement

Applications must be made using the RPL SAIME's application form. A non-refundable assessment fee is payable at the time of application.

The applicant must collect and submit a Portfolio of Evidence (POE). It is the responsibility of the applicant to provide all necessary documentation to demonstrate the learning experience meets the principles and eligibility criteria for RPL.

Designation Competences:

- Contribute to the improvement of Medico-Legal delivery in teams, organizations, and systems.
- Engage in the stewardship of Medico-Legal resources.
- Demonstrate leadership in Medico-Legal practice.

RETAINING CRITERIA

In order to ensure the currency of professional knowledge and to retain the Professional Designation, the professional must comply with the following minimum requirements:

Code of Conduct

- Members must adhere to the SAIME's Codes of Conduct and Ethics

Continuing Professional Development (CPD) Requirements

- Holder complying with SAIME's requirements for Continuous Professional Development (CPD)
- Member in good standing

Fees

- Pays the annual fee.

Professional Designation Progression Pathway

- Certified Medico-Legal Expert (CMLE)
- *Fellow Medico-Legal Expert (FMLE)*

For more information on this Professional Designation, please visit the website at www.saime.co.za