

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 97 OF 2016

The Engineering Council of South Africa

Rules: Continuing Professional Development and
Renewal of Registration

The Engineering Council of South Africa has in terms of section 36(1) made amendments to the Rules published in **Board Notice 16 of 2014 dated 21 February 2014**, in relation to continuing professional development as contemplated in section 13(k) of the Engineering Profession Act, 2000 (Act No 46 of 2000), and in relation to renewal of registration as contemplated in section 22(2) of that Act, as set out in Schedule hereto:

These rules are to come into operation after public consultation process has been concluded.

SCHEDULE

1. Interpretation: -----
- (1) **“Conditions for Renewal of Registration”**, in the context of section 22(2) of *the Act*, means those contained in these rules.
- (2) These rules are based on *the Council’s* Policy on Continuing Professional Development, and should be interpreted in the context of that policy, in so far as the policy supports and augments the principles embodied in these rules.
- (3) In these rules, a word or expression to which a meaning has been assigned by the Engineering Profession Act, 2000 (Act No 46 of 2000) has the same meaning unless the context otherwise indicates, and
 - (i) **“accredited educational institution”** means an educational institution which offers engineering programmes and which have been granted accreditation by *the Council* in terms of section 13(b) of *the Act*;
 - (ii) **“approved CPD provider”** means a *voluntary association* and an *“accredited educational institution”* which are recognised by *the Council* for purposes of offering appropriate learning in respect of category 1 CPD activities as contemplated in rule 4(6) and Appendix A;
 - (iii) **“continuing professional development”** also referred to in these rules as **“CPD”** means continuing education and training as contemplated in section 13(k) of *the Act*, and also means the systematic maintenance, improvement and broadening of knowledge and skills, and the development of personal qualities necessary for the execution of professional and technical duties throughout a person’s engineering career”;
 - (iv) **“effective date”** means the date of the coming into effect of these rules.
 - (v) **“expiry date”** as contemplated in section 22(1) of *the Act*, means the date marking every *third* anniversary of the date on which such registered person has been registered by the Engineering Council of South Africa;
 - (vi) **“Policy on Continuing Professional Development”** means the most recent applicable version of *the Council’s* policy on continuing professional development, and **“the Policy”** has the same meaning;
 - (vii) **“the Act”** means the Engineering Profession Act, 2000 (Act No. 46 of 2000);

- (xii) **“the Council”** for purposes of these rules means the Council, established in terms of section 2 of *the Act*, whose members are appointed in terms of section 4 of *the Act*, and who is the ultimate policy making authority under *the Act*, and includes the executive committee of the Council in so far as the executive committee is authorised to make the same decisions as the Council;
- (viii) **“the council”** for purposes of these rules means a generic reference to any committee established by *the Council*, person or persons duly authorised by *the Council* to perform specified functions in terms of these rules;
- (ix) **“Voluntary Association”** means an association, institute, institution or society which is recognised by *the Council* as a *voluntary association* in terms of section 25(3) of the Engineering Profession Act, 2000, and **“recognised voluntary association”** has the same meaning.

2. Principles underlying CPD

- (1) *The Council* is responsible for regulating the practice of engineering in South Africa. This is in terms of the Engineering Professions Act No. 46 of 2000 (*“the Act”*). Section 13(k) of the Act empowers *the Council* to determine, in consultation with *voluntary associations* (as defined in the Act) and registered persons, requirements for continuing professional development and training. *The Council* is enjoined by the Government in terms of the Act to serve and protect the safety and health of the public by establishing and maintaining minimum standards of practice, knowledge and skills of registered engineering persons in the country as well as to establish and maintain standards of professional ethics among them.
- (2) Registered persons are required by their Code of Conduct to practice strictly within their area of competence and to maintain and enhance this competence. They therefore have the responsibility to keep abreast of the developments and knowledge in their areas of expertise in order to maintain their competence. In addition to maintaining their own competence, they should strive to contribute to the advancement of the body of knowledge with which they practice, and to the profession in general.
- (3) The competencies needed to function effectively as a professional engineer (in all engineering categories): whether in business, education (universities), professional practice (consulting), the public sector (including public and municipal entities) or any other environment, continue to evolve, change and expand at a rapid rate. Professional engineers face increased expectations to display professional knowledge and skills in this ever-changing environment. Accordingly, maintaining and continuously developing professional competence are critical to meet expectations.
- (4) Whilst the foundation and basis of professional registration with *The Council* is the technical competency of the registered persons, it is equally important for registered persons to develop and maintain their non-technical competencies (general skills), such as ethical behaviour, leadership and management skills, etc. as these are also regarded as relevant CPD activities.
- (5) Registered persons are expected to ensure that, in their conformance to *The Council’s* CPD requirements, the CPD activities undertaken by them must be relevant and must contribute to the development and maintenance of specific professional competence required by the registered persons’ current and possible future roles.

- (6) CPD compliance in *the Council* is tied to the renewal of registration. Section 22(1) of the Act imposes a duty on a registered person to apply for the renewal of his/her registration with *the Council* "at least three months prior to the prescribed expiry date of his/her registration". Subsection (2) of this section confers the power on *the Council* to determine conditions for renewal of registration.
- (7) The discretion provided for in the Act for *the Council* to "determine, after consultation with the voluntary associations and registered persons, conditions relating to and the nature and extent of continuing education and training" triggered *the Council* decision to use of Continuing Professional Development (CPD) as a mechanism to determine renewal of registration. *The Council's* objective is to maintain a culture of CPD for the South African engineering profession.
- (8) The international agreements concluded between *the Council* and other international engineering bodies i.e. Engineers Mobility Forum & Engineering Technologists Mobility Forum have as a requirement for the recognition of *the Council's* assessment process and continued registration of individuals, the maintenance of competence through a system of continuing professional development. South African registered professionals would therefore need to undertake CPD activities in order to maintain their international registration.
- (9) Whilst *the Council* is to monitor and enforce compliance by registered persons with the CPD requirements, it is also intent on ensuring that CPD activities are, objectively viewed and assessed, accessible and affordable to registered persons. In addition, it is *the Council's* duty to ensure that the content of the engineering activities that the members use for purposes of compliance *the Council's* CPD requirements, is of a sufficiently high standard. In this regard, and in line with best practice, *the Council* is to play an active (as opposed to arms-length) and leading role in the area of CPD administration going forward.

3. Definition of CPD in context

- (1) CPD is defined as the systematic maintenance, improvement and broadening of knowledge and skills, and the development of personal qualities necessary for the execution of professional and technical duties throughout a person's engineering career. It is learning and development that takes place after completion of the university studies and by means of which engineers maintain and develop the competencies to continue to perform their role competently.
- (2) CPD's development pillars are as follows:
 - (a) Professional knowledge;
 - (b) Professional skills;
 - (c) Professional values, ethics and attitudes; and
 - (d) Professional competence.
- (3) It is the duty of every registered person to strike a balance of the above-stated four development pillars in complying with *the Council's* CPD regime/ policy. In monitoring compliance to CPD, *the Council* is to specifically pay attention to the requisite balance in this regard.
- (4) It should be noted that CPD is not limited to education, practical experience and training only. It also extends to learning and development activities such as coaching and mentoring, networking, observation, feedback and reflection as well as other means by which competence can be achieved.
- (5) This Policy Framework (rules) are given full effect by *the Council's* CPD policy. That policy has also been revised so as to ensure full alignment between it and this Framework(rules).

4. Application of these Rules to Registered Persons

- (1) These rules must be read and applied in conjunction with ECSA's CPD policy as amended.
- (2) These rules apply in respect of all persons registered in all categories of registration as embodied in section 18 of the Act. The rules also apply to voluntary associations recognised by *the Council* (to an extent that they play a role in *the Council's* CPD regime).
- (3) These rules also apply in respect of registered persons who are practicing abroad, subject to the following conditions:
 - (a) Registered persons who are registered with other engineering statutory councils that are either signatories to the International Engineering Alliance Accords and Agreements; or who are registered with statutory or related professional bodies with which *the Council* has concluded reciprocity agreements or Memoranda of Understanding (MoU) as well as those that are registered/ affiliated with professional bodies linked to the International Engineering Alliance or such professional bodies with which *the Council* has concluded reciprocity agreements or Memoranda of Understanding (MoU) shall, upon formal written notification of *the Council*, be recognised for *the Council's* CPD purposes.
 - (b) In respect of persons registered with engineering statutory councils that are signatories to the International Engineering Alliance Accords and Agreements or those with which *the Council* has concluded reciprocity agreements or Memoranda of Understanding (MoU), such persons may opt to comply either with *the Council's* CPD policy requirements, or that of the other statutory council.
 - (c) Should registered persons opt to comply with the CPD policy of the engineering statutory councils that are signatories to the International Engineering Alliance accords and Agreements or those with which *the Council* has concluded reciprocity agreements or Memoranda of Understanding (MoU), then such compliance will be deemed to be compliance with the *Council* CPD policy requirements for the year in question. There will not be a need to also comply with *the Council's* CPD requirements for that year.
 - (d) Registered persons who elect this option (i.e. compliance with the CPD policy of the engineering statutory councils that are signatories to the International Engineering Alliance accords and Agreements or those with which *the Council* has concluded reciprocity agreements or Memoranda of Understanding (MoU)); are required to inform ECSA of this fact on an annual basis in writing and declare compliance with the other professional body's CPD policy. Documentary proof of CPD activities undertaken abroad must be submitted to *the Council* for evaluation against the requirements of these rules and *the Policy*.
 - (e) Once a registered person has opted as to which CPD policy they are to comply with, then that member will not be allowed to do so partially and wish to also partly comply with *the Council's* CPD policy in the same year. Opting for the CPD regime of a statutory council or professional body in any given year shall be required to be complete and not partial.
 - (f) In the absence of full compliance by any registered person with rule 3(2) of these Rules, then registered persons registered abroad shall be expected to fully comply with *the Council's* CPD policy framework.

5. Objectives and Benefits of the CPD system

- (1) *The Council's* CPD regime is predicated on the continuous monitoring of conformance by registered persons with the four pillars referred to in rule 2(2) in ensuring that its duty as espoused by section 14 of the Act is carried out.
- (2) Registered persons have a duty to, in their compliance with *the Council's* CPD requirements, ensure a balance between the four CPD development pillars stated above.

- (3) CPD is introduced for all registered persons in order to:
- (a) Protect the public and the environment against unsound engineering practices;
 - (b) Engender and strengthen public trust in the engineering profession;
 - (c) Ensure, through the creation of a culture of CPD, that all registered persons maintain their competence throughout their period of registration;
 - (d) Develop a commitment (positive attitude) to lifelong learning (and maintain and developing professional competence);
 - (e) Link satisfactory CPD standing to the requirements for renewal of registration;
 - (f) Take responsibility for undertaking relevant CPD activities to remain competent in their roles;
 - (g) Take responsibility for recording their CPD activities to demonstrate that they have undertaken relevant and appropriate learning activities; and
 - (h) Provide high quality service to clients, employers and other stakeholders;
- (4) The following are the benefits of the CPD system on registered persons:
- (a) The capacity of engineers to develop their technical and professional knowledge is enhanced and improved;
 - (b) Engineering professionals continuously fulfil their responsibilities or duties competently;
 - (c) Career prospects and career progression with current employers or future employers are enhanced; and
 - (d) Public trust in their ability to carry out their functions competently is enhanced.

6. The role of *the Council* in the administration of CPD

- (1) Empowered by section 13(k) of the Act, the determination of the CPD requirements shall be the responsibility of *the Council*.
- (2) With effect from the effective date *the Council* shall:
- (a) Become the sole authority in the determination of the requirements to be met by registered persons for purposes of compliance with *the Council's* CPD policy framework;
 - (b) Become the sole accrediting institution for all CPD-related activities. All CPD service providers shall be accredited solely by ECSA with effect from the effective date;
 - (c) Develop and publish on its website a list of all accredited CPD service providers;
 - (d) Delegate to voluntary associations (that have signed a recognition Accord with *the Council*), the authority to provide CPD activities to their members (using *the Council* -accredited CPD service providers).

7. *The Council's* CPD Requirements

- (1) The attainment of CPD may be achieved by registered persons in three ways, namely:
- (a) An input-based (developmental) approach: This approach establishes a minimum set of learning activities by means of which registered persons can develop and maintain competence.
 - (b) An output-based approach: This approach requires registered persons to demonstrate, in the form of outcomes, that they develop and maintain professional competence.
 - (c) A hybrid approach: This approach is a combination of the elements of the input-based and output-based approaches. It sets down the amount of learning which is required and setting requirements for demonstrating the outcomes that have been achieved.

8. Exemptions from the CPD Policy Framework

- (1) The following registered persons are exempted from the CPD policy:
 - (a) **Registered persons that have reached the age of seventy (70) years and no longer practice engineering.**
 - (b) **Registered persons that hold non-engineering management roles in their respective areas of employment.**
 - (c) **Registered persons that have retired completely and no longer carries out any activities associated with the designation of a Professional Engineer in all the categories prescribed by the Act.**
 - (d) **Registered persons that take extended leave from engineering work for whatever reason; and**
 - (e) **Registered persons that take extended breaks due to unemployment, illness or incapacitation.**
- (2) The above exemptions are not automatic. Formal application by a registered person to *ECSA*, accompanied by supporting documentation as well as a sworn statement/affidavit outlining the circumstances and reasons for their application, is required. *The Council* shall then communicate its decision to the registered person concerned.
- (3) Exemption from the CPD policy in terms of Rule 8 does not affect the registration status of a registered person being exempted. Every registered person's duties and responsibilities as a registered person shall persist notwithstanding the exemption. Registered persons to whom exemption is granted are required to confirm their professional registration status on an annual basis with *the Council*.
- (4) The following grounds shall not be deemed adequate by *the Council* for partial or full exemption of the application of the CPD policy:
 - (a) Partial retirement by any registered person;
 - (b) Registered persons undertaking engineering work on a part-time basis; and
 - (c) Practicing engineering abroad/ outside South Africa.
- (5) Registered persons that are exempted from CPD requirements are encouraged to keep up to date and remain relevant in terms of their professional interests, roles and the industries in which they operated prior to exemption.
- (6) The exemption of any registered person from CPD shall remain in place until the circumstances for which the exemption was granted are no longer applicable. The onus is on the member to formally (in writing) notify *the Council* when the circumstances around the granting of the exemption are no longer applicable.
- (7) Should an exempted registered person resume engineering work or related activities after a significant period during which such activities were not performed, *the Council* may require such a person to undertake additional relevant CPD or to provide a plan which sets out in detail how the registered person will update their knowledge and ensure they can perform their responsibilities competently and with due care.
- (8) Should an exempted registered person resume engineering work or related activities without *the Council* being formally notified, then such would amount to misconduct, and such person shall be referred to *the Council's* Investigation Committee for appropriate action.

9. The CPD Cycle and Measurement

- (1) Subject to an initial phasing-in period referred to under transitional provisions in rule, the CPD system shall function in a cycle of three years irrespective of the CPD option a registered person elects (namely: the input-based option, the output based option and the hybrid option (combining both input and out-based options)).
- (2) The three-year cycle of each registered person commences on the anniversary of the date on which such registered person became registered by *the Council*, which date appears on the person's certificate of registration issued by *the Council*, and which date also constitutes the *expiry date*, as defined in these rules, when such person is required to apply for renewal of his or her registration. The date on which a person has been registered is also obtainable from *the Council's* Website www.ecsa.co.za.
- (3) Where a person is registered in more than one professional category, the date applicable to the category in which such person first registered will be recorded as the date on which such person's cycle commences, and which date also constituted the *expiry date*, as defined in these rules.
- (4) During each cycle of three years every registered person must accumulate a minimum of 25 credits in order to qualify for renewal of his/her registration.
- (5) The determining criteria shall be linked to the CPD option elected by a registered person.
 - (a) In respect of the input-based option: the amount of hours spent by a registered person in continuing professional development activities is a determining factor. In this regard:
 - ▲ A registered person will be credited with one credit per 10 hours of attendance.
 - ▲ A full day activity will be regarded as being for 10 hours and a half-day activity will be regarded as 5 hours and hence a half a credit.
 - ▲ Members opting for the input-based approach are required to accumulate/ attain no less than 4 credits (40 hours) annually from the date of professional registration with ECSA;
 - ▲ The hours and activities must be capable of verification by ECSA.
 - (b) In respect of the output-based option: A weighting of one credit for every 300 hours per year for engineering related activity is awarded for this category. A maximum of two credits for 600 hours per year may be earned in respect of this activity.

There are four (4) steps that a registered member opting for the output-based option must follow and satisfy. These are:

- ▲ **Planning**: A registered person needs to identify the learning needs/gaps relative to their work to the roles the members are undertaking. This is important so as to ensure that a member has undertaken CPD interventions that are relevant to the roles/work that the registered person does;
 - ▲ **Learning action/ intervention** – a registered person should identify learning activities to meet competency requirements that need to be developed or maintained;
 - ▲ **Evaluation** - a registered person should be able to evaluate the impact, notably: the effectiveness of learning activities undertaken and whether the objectives identified in the planning step/phase have been met; whether competency has been achieved (developed or maintained) and whether any further action / learning activities are still required; and
 - ▲ **Declaration** - a registered person should annually ensure that an output-based measurement approach has been followed and therefore that the competency requirements for members' specific roles have been developed and maintained for the year under review.
- (c) In respect of the output-based option: Where registered persons alternate between approaches (input and output based) over the three-year period, the overall evaluation as to whether members meet the requirements of this policy will be done on the output based approach.

- (d) In any given CPD cycle, a registered person has a choice of which approach they are to adopt in meeting *the Council's* CPD requirements. Once an approach is chosen by a registered persons, then that approach will have to be maintained for the duration of the cycle.
- (e) Every registered person must ensure that the CPD activities that they embark are verifiable or capable of verification. Non-verifiable activities will result in non-recordal thereof by *the Council* for CPD purposes.
- (f) Additional credits which have been accumulated during any particular year may be carried over to subsequent years of the three-year cycle, provided that no more than the maximum permissible credits for the particular activity may be carried over.

(6) In summary: CPD credits must be obtained as per the table below:

Categories	Activities	Maximum Credits pa	Hours
Category 1	Input-based (Developmental) Approach	4 credits	40 hours (10hrs/credit)
Category 2	Output-based approach	2 credits 1 credit	600 hours (300 hrs./credit) 50 hours (50hrs/credit)
Category 3	Hybrid Approach	Same as Cat 2	(Same as Cat 2

10. Recording of CPD Activities

- (1) Unless exempted by *the Council* in terms of these rules, registered persons are responsible for documenting the relevant professional development activities which they have undertaken. This is in addition to each registered person's responsibility for planning and undertaking activities that maintain and develop their professional competence.
- (2) Members are required to demonstrate participation in a relevant CPD activity by keeping record of their CPD activities in the following manner:
 - (a) Either manually on form ECPD1 and by either emailing it or sending it by courier to *the Council*. Posting of CPD activities is not permitted; or
 - (b) Electronically, in a password protected private domain for each registered person, via *the Council's* website www.ecsa.co.za.
- (3) Registered persons may record individual CPD activities on a continuous basis as they occur during each annual cycle, provided that all CPD activities undertaken during each annual cycle must be recorded no later than 30 days after the completion of each annual cycle.
- (4) When recording CPD activities under this rule, any person who is registered in more than one professional category must inform *the Council* which category of registration is the most appropriate to his or her area of practice, in which case *the Council* evaluates the appropriateness of the CPD activities so recorded in the context of the registration category preferred by such registered person.

- (5) Every registered person must retain documentary evidence of all CPD activities undertaken during each three-year cycle, and be able to present such evidence when requested by *the Council* to do so. Examples of such supporting documentation are:
- (a) Certificates of attendance;
 - (b) Attendance registers;
 - (c) Minutes of meetings;
 - (d) Examination results;
 - (e) Published papers;
 - (f) Independent assessments of a learning activity performed; etc.

11. Auditing of recorded CPD activities

- (1) *The Council* shall undertake a monitoring process to ensure –
- (a) That CPD undertaken is relevant and appropriate to the current and future role of the registered person; and
 - (b) That appropriate records and supporting documentation are kept.
- (2) In order to assess whether members meet the requirements of this policy, monitoring shall take the form of an annual verification of the CPD of a randomly selected sample of all registered persons (whether they have selected the input- or output-based measurement options).
- (3) *The Council* may conduct random audits as it deems necessary and practicable, but notionally as indicated from time to time in its *Policy*, of the CPD records of all registered persons who are required to undertake CPD in terms of these rules.
- (4) The onus rests on the registered persons to provide evidence to demonstrate that competence was developed or maintained.
- (5) In the event that a registered person is selected for audit, such registered person must send, within four weeks of receiving notification to this effect, whatever information ECSA may seek for purposes of the audit.
- (6) If a *voluntary association* or an *accredited educational institution* provided a CPD activity, written verification from such recognised *voluntary association* or *accredited educational institution* will be recognised as sufficient evidence of attendance.
- (7) Where a CPD activity was provided by any other person or organisation who is not an *approved CPD provider*, approval of such CPD activity must be obtained from *the Council* and proof of attendance must be submitted.
- (8) *The Council* must advise a registered person, within 30 days after completion of an audit, of the outcome of such audit.
- (9) If during an audit a registered person is assessed as having failed to meet the requirements, *the Council* shall take the necessary steps as may have been deemed necessary and appropriate to deal with the matter. Every matter will be handled on a case-by-case basis.

12. Application for Renewal and Assessment against CPD requirements

- (1) In terms of section 22(1) of *the Act*, and subject to the transitional provisions contained in rule 18, a registered person must, at least three months prior to the prescribed *expiry date* of his or her registration, apply in the prescribed manner to *the Council* for the renewal of his or her registration.
- (2) *The Council* must at least five months prior to the relevant *expiry date* applicable to a registered person, who is required in terms of these rules to apply for renewal of his or her registration, notify him or her of his or her obligation to submit an application for renewal at least three months prior to the *expiry date*.

- (3) The application for renewal must be submitted in the format as determined by *the Council* from time to time, copies of which are published on *the Council's* website (www.ecsa.co.za).
- (4) Upon receipt of an application *the Council* must consider the application and decide whether or not the requirements of these rules have been complied with.
- (5) *The Council* may call for such documentary evidence from the applicant as it may deem necessary in order to validate the credits claimed by the applicant.
- (6) If *the Council* is satisfied that the applicant has met the requirements of these rules, *the Council* must record such decision in the applicable register maintained by *the Council* and, within 30 days of making the decision, advise the applicant of such decision, and of the fact that his or her registration will, subject to these rules, remain valid for a further period of five years until the next *expiry date*.
- (7) If *the Council* is convinced that the applicant has failed to comply with the requirements of these rules, the relevant provisions pertaining to non-compliance contained in rule xxx apply, and the applicant must be advised of the decision as well as of the implications flowing therefrom within 30 days from the date on which the decision was made.

13. Non-Compliance with these rules

At Annual Audit Stage

- (1) If during an annual audit referred to in rule 10, *the Council* is of the opinion that a registered person has failed to comply with the requirements of these rules, *the Council* may decide whether any remedial steps are necessary at that stage, if any, and inform such registered person of the deficiency, the remedial steps to take in order to comply with the requirements and the period within which to remedy the deficiency.
- (2) Unless a shorter period has been prescribed by *the Council*, any registered person who failed to comply with the requirements is automatically subject to re-audit during the following year.

At Renewal Stage

- (3) If after consideration of an application for renewal of a person's registration referred to in rule 11, *the Council* is convinced that the applicant has failed to comply with the requirements of these rules, *the Council* must –
 - (a) record this fact in the applicable register;
 - (b) inform the non-compliant applicant of this fact and afford such applicant an opportunity to submit a written explanation why the requirements have not been met and to indicate how the applicant plans to remedy the deficiency.
- (4) If *the Council* does not accept the explanation or the remedial measures proposed by the applicant, *the Council* must determine which other remedial measures must be taken to comply with the requirements and also determine the period of extension to be granted in order for the applicant to meet the requirements.
- (5) The applicant must, within two weeks before the end of the period determined by *the Council* in terms of sub-rule 12(4), submit documentary evidence of compliance.
- (6) If *the Council* is convinced that the applicant is still not compliant with the requirements, *the council* must refer the matter to the Central Registration Committee of *the Council* to consider whether or not renewal of such person's registration should be refused, and the Central Registration Committee must, before deciding on this matter provide an opportunity to the applicant, in person, to give reasons why renewal of his or her registration should not be refused.

Refusal to renew a person's registration

- (7) If *the Council* is satisfied that the registered person's application for renewal must be refused, the relevant Council Committee must confirm its refusal to renew such registration and within 30 days from the date on which such refusal is made to inform the registered person of the decision, and, at the same time instruct the registered person to return the certificate of registration, originally issued to such person, to *the Council* within 30 days from the date of such instruction.

Return of Registration Certificate

- (8) The provisions of section 23 of *the Act* apply *mutatis mutandis* in respect of a person whose registration has been cancelled as a result of the non-renewal of his or her registration in terms of these rules.

Refusal by Registered Person to comply with these rules

- (9) Any registered person who willfully refuses to undertake CPD activities or to comply with these rules is guilty of improper conduct, and the provisions of sections 27(3), 28, 29, 30, 31, 32, 33, and 34 of *the Act* apply *mutatis mutandis* in respect of such person.

14. Right of Appeal

- (1) The provisions of section 24(1), read with 24(3) of *the Act*, apply *mutatis mutandis* in respect of a person who is aggrieved by a decision of *the council* to refuse renewal of a person's registration.
- (2) Any registered person or a non-approved provider may make representations to *the Council* should they feel aggrieved by an assessment by *the Council* of a CPD activity, either in terms of content or credit allocated, and such representation must be made no later than 30 days after an assessment has been made by *the Council*.

15. Approval of providers of CPD activities

- (1) *Voluntary Associations* and *Accredited Educational Institutions* are hereby approved for purposes of offering Category 1 CPD activities, unless otherwise specified by *the Council*, and published, on *the Council's* website.
- (2) *The Council* shall be the sole validating and monitoring body in respect of Category 1 CPD activities offered by providers who have not been approved in terms of these rules, and may allocate appropriate credits to such activities.

16. Approval of CPD Activities

- (1) In accrediting a Category 1 CPD activity, *the Council* must ensure that the following aspects are covered:
- (a) The activity should serve to maintain or enhance the knowledge, skills and competence of all those who participate in it;
- (b) The activity should meet an educational and developmental need and provide an effective learning experience for the participants;
- (c) The participants or group of participants must be specified (e.g. professional engineers, professional technologists, professional certificated engineers, professional technicians, registered technicians or a specified category, e.g. registered lift inspectors) and where appropriate, the discipline should also be specified;
- (d) The depth and breadth of the subject matter covered must be appropriate with sufficient time for discussion;
- (e) The subject covered should provide a balanced view and should not be unduly promotional;

- (f) The presenters should have proven practical and academic experience and be good communicators;
- (g) Evaluation forms for obtaining feedback from participants on the activity must be provided for rating of the relevance, quality and effectiveness of the activity.
- (2) Any provider who desires validation of a Category 1 CPD activity must apply to *the Council* for approval of such activity, using Form ECPD2, which is published on *the Council's* website www.ecsa.co.za.
- (3) Any registered person who intends to undertake a CPD activity offered by a provider other than a *voluntary association* or *accredited educational institution* should ascertain whether such activity is approved by *the Council* in terms of these rules in order to ensure that any credits attached to such activity are awarded by *the Council*.
- (4) An approved CPD activity, which must be identified by a unique identification number, is valid for such period as specified by *the Council* on its website from time to time.

17. Amendment of the rules

- (1) If the *Council* at any stage decides to amend these rules, the *Council* must-
 - (a) Inform all *voluntary associations* and registered persons of its decision and provide them with the proposed amendments;
 - (b) Call for comment on the amendments from the *voluntary associations and registered persons*; and
 - (c) Prescribe such amendments in terms of section 36 of the Act.

18. Transitional Provisions

- (1) These rules are to come into effect on the effective date.
- (2) Any registered person whose renewal is due in a period under two years from the effective date, the pre-amendment CPD rules shall continue to apply. This includes holders of multiple professional registration that fall within the ambit of this rule (rule 17(1)). In that case the amended CPD rule (2016) shall apply only after the lapse of the five-year period.
- (3) Any *voluntary association* the recognition of which is to expire in a period under two years from the effective date, then the pre-amendment CPD rules shall continue to apply.
- (4) Any registered person whose registration renewal is due in a period over two years from the effective date, then such registered person has a period of twelve months from the effective date, to take the necessary steps to comply with the new rules, and provide *the Council* with proof that it does comply.
- (5) Any *voluntary association* the recognition of which is to expire in a period over two years on the effective date, then such a voluntary association has a period of twelve months from the effective date, to take the necessary steps to comply with the new rules, and provide *the Council* with proof that it does comply.
- (6) *The Council* may at its discretion, and on application by the affected registered person or a *voluntary association* referred to in rules 17(4) and (5) above, extend the period of twelve months by an additional period not exceeding six months, if *the Council* is satisfied that the registered person or a *voluntary association* in question has taken definite steps to comply with these rules, but has nevertheless not succeeded in the timeframes allowed to do so fully.
- (7) If a registered person or a *voluntary association* fails or refuses to comply with these rules within the period allowed to be compliant, its recognition as a *voluntary association* shall lapse on the day when the *Council* resolves that the *voluntary association* ceased to comply with the requirements, and in the case of the registered person, their registration status will be reviewed.

The Engineering Council of South Africa**CALL FOR COMMENT****PROPOSED RULE RELATING TO THE CONTINUING PROFESSIONAL
DEVELOPMENT (CPD) POLICY FRAMEWORK****THE ENGINEERING COUNCIL OF SOUTH AFRICA**

In terms of Section 36(2) of the Engineering Profession Act, 2000 (Act No. 46 of 2000), the Engineering Council of South Africa hereby makes known that it intends to prescribe Rules, as set out in the Schedule, in terms of Section 36(1) of the Act.

The revised/ amended Engineering Council of South Africa's Framework for the regulation of the Continuing Professional Development by registered persons, as set out herein and in the annexures hereto, is hereby published for public comment. Written comments on the proposed Rule are invited from interested persons.

Persons who wish to submit comments in connection with the Continuing Professional Development Policy Framework are invited to do so by no later than **31 August 2016**. Comments received after that date may not be considered.

All comments must be submitted in writing to Mr. Thabo Senooane: Manager, Office of the Chief Executive Officer

By Mail:
Mr. Thabo Senooane
The Engineering Council of South Africa
Private Bag X691
BRUMA
2026

By E-mail: CorporateComms@ecsa.co.za
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CONTINUES ON PAGE 130 - PART 2



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Engineering Council of South Africa**ENGINEERING PROFESSION ACT, 2000 (ACT 46 OF 2000)****A RULE IN TERMS OF SECTIONS 13(k) AND 36****PROPOSED RULE RELATING TO THE POLICY FRAMEWORK FOR THE
CONTINUING PROFESSIONAL DEVELOPMENT**

The Engineering Council of South Africa is in terms of sections 13(k) and 36 of the Engineering Profession Act, 2000 (Act 46 of 2000) make the rules set out in the Schedule.

Definitions

In this Board Notice and in all documents attached as Annexures thereto, any expression or word that has been defined in the Act has that meaning unless the context otherwise indicates. The following terms have been used herein, and for ease of reference the definitions thereof are listed hereunder

- (1) "Association" for purposes of these rules means an institute, institution, association, society or federation established by engineering practitioners to promote their collective professional and/ or business interests
- (2) "Committee" means any relevant ECSA Committee established in terms of section 17 of the Act;
- (3) "Council" means the Engineering Council of South Africa established by section 2 of the Act;
- (4) "Prescribe" means prescribed by a rule made by the council under section 36 of the Act, and "prescribed" has a corresponding meaning;
- (5) Registered person means any person registered in any of the engineering categories in section 18 of the Act;
- (6) "The Act" means the Engineering Professions Act No.46 of 2000.
- (7) "The Rules" means the Rules relating to the policy framework for the continuing professional development: 2016
- (8) "VA" means any voluntary association recognised by Council in terms of section 25 of the Act;

TABLE OF CONTENTS

1. Introduction	3
2. The objectives underlying the review and amendment of the Rules	3 - 4
3. Bodies/ Parties to be consulted	5
4. Financial Implications	5
5. Rule by Rule Explanation of the revised Rule	5 - 7
6. Conclusion	7

1. INTRODUCTION

- 1.1 The Engineering Council of South Africa (“Council”) as a statutory council, is governed by its enabling legislation: the Engineering Profession Act No 46 of 2000 (“The Act”).
- 1.2 Section 13(k) of the Act enjoins Council to determine, after consultation with the voluntary associations and registered persons, conditions relating to and the nature and extent of continuing education and training.
- 1.3 The legislative injunction above notwithstanding, Council, in line with best practice, regularly reviews, updates and enhances its processes, procedures and governance instruments for purposes of remaining relevant, promoting efficiencies, its effectiveness, integrity, elimination of duplication and wastage of resources as well as, in pursuit of collaboration and cooperation, consolidate expertise towards fully executing its legislative mandate of regulating the engineering profession. It is on this basis that Council has taken a decision to review its Continuing Professional Development Policy Framework/ regime, which is currently embodied in two policy instruments, namely **Rules: Continuing Professional Development and Renewal of Registration: Board Notice 16 of 2014** (“The Rules”) as well as the Policy on Continuing Professional Development.
- 1.4 For purposes of this Notice, the ECSA internal policy on continuing professional development, although also revised, is not part of this process.

2. THE OBJECTIVES UNDERLYING THE REVIEW AND AMENDMENT OF THE RULES

- 2.1 The Engineering Council of South Africa, like all well-run statutory councils in South Africa, and as enjoined by the National Department of Public Works, operates within a multiplicity of legislative, governance and performance monitoring frameworks, notably: the Council-approved strategic plan and the Annual Performance Plan (APP). It is through these that ECSA’s performance output as a statutory council is monitored and measured.
- 2.2 The content of Council’s current Annual Performance Plan (APP) contains strategic objectives that call for the review of the manner with which ECSA manages CPD, including its registration renewal processes. In this regard, Strategic Objective 1.5 of the Strategy document commits ECSA to ensure that registered persons successfully renew their registration through fair, credible, transparent and accessible processes. Supporting this Strategic Objective is the following objective statement: “Proactive registration renewal system and process workflows- CPD”
- 2.3 The current ECSA Continuing Professional Development Policy Framework/ regime inextricably links renewal of registration with the continuing professional development standing of each registered person. Phrased differently, renewal of registration is dependent/ conditional upon a registered person being fully compliant with ECSA’s continuing professional development requirements for renewal to be effected. The Council’s Strategic Objective stated above underscores this fact.
- 2.4 A number of factors have led to ECSA’s decision to review and strengthen its Continuing Professional Development Policy Framework/ regime. They are as follows:
 - 2.4.1 At the beginning of 2015, and as part of its continuous review and improvement of its value proposition to the engineering profession and the effective execution of its legislative mandate, ECSA embarked on a national public consultation roadshow in respect of its New Registration System (the NRS). Those nation-wide public consultation roadshows presented ECSA stakeholders, especially registered engineering professionals, unregistered engineers aspiring to registers with ECSA, employers of engineering professionals and those aspiring to register with ECSA, members of the different engineering profession voluntary associations, engineering academics as well as engineering students, with an opportunity to, in addition to commenting on the NRS, also provide constructive feedback to ECSA on the effectiveness of its role as a statutory body, including its continued relevance and value to

the profession, and also communicated their expectations on ECSA in its regulation of the Engineering profession going forward.

- 2.4.2 One of the issues that was sharply raised in these roadshows, was ECSA's continuing professional development regime. To be precise, ECSA received the following feedback:
 - 2.4.2.1 Compliance by registered persons with ECSA's continuing professional development is largely incapable of full compliance on the part of the registered persons based on cost and accessibility;
 - 2.4.2.2 The ECSA electronic CPD system is not user-friendly and difficult to use in uploading CPD activities; and
 - 2.4.2.3 ECSA's overall role in the administration of CPD was peripheral as opposed to being central.
 - 2.4.2.4 In direct response to this feedback, ECSA took a decision to restructure its CPD regime so as to deal with the challenges raised during the stakeholder engagements and consultations. In this regard: ECSA is currently in the process of developing a new CPD system; ECSA is intent on playing a more central role in the administration of CPD; stricter measures towards full CPD compliance by registered persons is being introduced; take any steps it considers necessary for the protection of the public in their dealings with registered persons for the maintenance of the integrity, and ensure access by registered persons to CPD products irrespective of where they are located in South Africa. .
 - 2.4.2.5 A need for ECSA's future approach to stricter adherence to CPD requirements by registered persons is also informed by the fact that the competencies needed to function effectively as professional engineers (in any category): whether in business, education (universities), professional practice (consulting engineering), the public sector (all three spheres of Government including public and municipal entities) or any other environment, continue to change and expand at a rapid rate. Engineering work has evolved and cannot be said not to have been affected by ICT and related advances globally. In this regard, professional engineers (in all legislative categories) face increased expectations to display up-to-date, latest professional knowledge and skills.
 - 2.4.2.6 Accordingly, ECSA, through CPD, is intent at ensuring that all those that are registered by Council, are fully-conformant with continuing professional development.
- 2.5 In summary: a need to review and amend the Continuing Professional Development Policy Framework is overdue, and necessary due to:
 - 2.5.1 A need to update the framework and align it to the current ECSA legislative injunction, strategy, vision and APP;
 - 2.5.2 To reposition ECSA as a central and key role-player in the administration of CPD;
 - 2.5.3 To refine, strengthen and crystallise ECSA's CPD administration and management;
 - 2.5.4 To be responsive to stakeholder expectations and feedback on the state of the ECSA CPD regime/ system; and
 - 2.5.5 To introduce clear role-delineation between ECSA and the recognised voluntary associations on the administration of the CPD policy framework.
- 2.6 Based on the revised/ amended ECSA Continuing Professional Development Policy Framework (the rules):
 - 2.6.1 Continuing Professional Development is going to be subjected to more rigorous and stricter oversight by ECSA;
 - 2.6.2 CPD service providers are to be subject to more rigorous course content accreditation by ECSA; and
 - 2.6.3 Continuing Professional Development courses and related interventions are to become more accessible and affordable to registered persons.

3. BODIES/ PARTIES TO BE CONSULTED

Council is to consult with the following bodies and/ or stakeholders regarding review and amendment of these rules:

- 3.1 Council and Council EXCO;
- 3.2 The Presidents Forum;
- 3.3 The VA Committee;
- 3.4 All recognised VAs; and
- 3.5 Registered Persons.

4. FINANCIAL IMPLICATIONS

Council has set aside a budget for Continuing Professional Development Policy Framework review project, to cover costs such as the drafting and publication of these rules through the Government Gazette, consultative public hearings and other public participation initiatives.

5. RULE BY RULE EXPLANATION OF THE REVISED RULES

5.1 The current framework (i.e. Board Notice 16 of 2014) contains twelve (12) rules. The revised 2016 framework (rules) contain eighteen (18) rules. In the current rules, some provisions have been removed, and new ones introduced, done in pursuit of strengthening ECSA's CPD legislative mandate, in ensuring that concerns previously raised by registered persons are addressed and also informed by comparative benchmark work undertaken prior to revising these rules, as well as best practice.

5.2 A summary of what is contained in the revised/ amended recognition framework are briefly as follows:

5.2.1 Rule 1-Definitions: This is the Definitions section which remains largely unchanged. A few new additions have been inserted to this rule.

5.2.2 Rule 2- Principles underlying CPD: This paragraph deals with the importance of CPD in the engineering profession.

It further outlines the considerations that led to ECSA's decision to review the CPD policy framework) (i.e. these rule as well as the CPD policy).

This rule further seeks to anchor ECSA's CPD regime/ system on compliance with the legislative injunction to take the measures to protect the safety of the public and well as the environment against unsound engineering practices.

5.2.3 Rule 3- Definition of CPD in context: This rule not only defines the CPD requirements in the context of its legislative mandate, but also seeks to ensure that there is uniform and a shared understanding of what CPD means in ECSA's context.

5.2.4 Rule 4: Application of these Rules to Registered Persons: This rule seeks to outline the stakeholders expected to comply with this Rule.

It further links this Framework (rule) with ECSA's CPD policy (as amended).

5.2.5 Rule 5- Objectives and Benefits of the CPD system: This rule deals with the objectives of the CPD system in ECSA, as well as the benefits to be derived by CPD-compliant registered persons.

- 5.2.6 Rule 6- The role of the Council in the administration of CPD: This rule deals with the role of Council, especially what its powers are in respect of the CPD administration.

In this rule, Council withdraws the delegated authority validate or accredit CPD service providers from the voluntary associations. Going forward, the CPD validation/ accreditation function reverts to ECSA, to in-house

CPD training and the coordination thereof remains delegated to voluntary associations in terms of this rule.

- 5.2.7 Rule 7- The Council's CPD Requirements: This rule deals with the different types of CPD categories which registered person may use in complying with ECSA's CPD requirements.

This rule introduces new terminology. However, these types are not a departure from the three categories in terms of the current(pre-amendment) rules.

The rule seeks to give registered person different options (which suit or is aligned to the working environment they are in) to use in complying with ECSA's CPD requirements.

- 5.2.8 Rule 8- Exemptions from the CPD Policy Framework: This rule deals with the circumstances under which a registered person may be exempted from compliance with the rules.as well as what those that seek exemption from CPD requirements should do.

- 5.2.9 Rule 9- The CPD Cycle and Measurement: This rule changes the CPD cycle from five (5) years to three years.

It further outlines what is expected of the registered persons in order to comply with ECSA's CPD requirements.

- 5.2.10 Rule 10: Recording of CPD Activities: This rule seeks to assist registered person in how they should go about submitting or recording their CPD points and hours spent on undertaking CPD.

- 5.2.11 Rule 11- Auditing of recorded CPD activities: This deals with audits to be undertaken by ECSA in pursuit of ensuring full compliance by registered persons with the CPD requirements.

- 5.2.12 Rule 12- Application for Renewal and Assessment against CPD requirements: This rule seeks to link CPD compliance with the renewal of registration by registered persons.

- 5.2.13 Rule 13- Non-Compliance with these rules: This rule deals with the steps to be taken should a registered person not be able to meet their CPD obligations at the different stages outlined in the rules.

- 5.2.14 Rule 14- Right to appeal: This rule reaffirms the registered person's right to appeal ECSA's decision not to renew their registration based their non-compliance with the ECSA CPD requirements.

- 5.2.15 Rule 15- Approval of providers of CPD activities: This rule seeks to delineate the different roles between ECSA and the recognised voluntary associations.

- 5.2.16 Rule 16: Approval of CPD Activities: This rule outlines the factors to be taken into account by ECSA in validating/ accrediting CPD activities submitted to it by CPD service providers.

5.2.17 Rule 17: Amendment of the rules: This rule outlines the steps to be taken by ECSA in amending these rules.

5.2.18 Rule 18: Transitional Provisions: This rule outlines the processes to be followed by registered persons and voluntary associations in order to become compliant with these Rules once they become of force or effect (operational).

6. CONCLUSION

- 6.1 Section 13(k) enjoins Council to consult with the recognised VAs and registered persons in determining the CPD requirements. This consultative process is intended to comply with the Act.
- 6.2 As enjoined by section 36 of the Act, ECSA hereby calls for comments to the changes to be made to its Rules: Continuing Professional Development and Renewal of Registration: Board Notice 16 of 2014.
- 6.3 This explanatory memorandum seeks to solicit comments and input from interested parties and stakeholders regarding the revised CPD policy framework. Interested parties and stakeholders are therefore hereby called upon to read this document as well as the attached annexures thereto, and comment thereon.
- 6.4 The consultation process is not limited to the publication of this document and its annexures. Parallel to soliciting and receiving comments and inputs on this document and its annexures, there will be a series of other consultative initiatives.

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