Human at the Centre

Whose decision is it when a machine informs it?

Accountability, wellbeing and AI in medico-legal practice

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SAMLA 2026 Conference, Day 2 panel: Navigating Ethical Healthcare in an Era of Human and Technological Complexity

Why I am on this panel

→ HPCSA-registered Industrial and Organisational Psychologist; recognised expert witness in civil litigation matters

→ Doctor of Commerce in Industrial Psychology; accredited mediator

→ SIOPSA Past President; member of the UCT Council (2024 to 2028)

→ I write reports courts rely on, so accountability for what I put my name to is not abstract for me

THE AUDIENCE ASKED

"If the machine informs the decision, and the clinician carries the outcome, whose decision was it?"

My answer: *the professional's. And that is exactly why the system around them matters.*

The rule is already written

- → HPCSA Booklet 20 (AI guidelines, revised 20 November 2025): the practitioner must always make the final decision on patient care
- → AI should support, enhance and expedite decisions, not replace judgement
- → Medical Protection (6 March 2026): a clinician should not be expected to defer to an AI output, and deferring to avoid blame creates exposure, not protection
- → The human risk has a name: automation bias, the pull to over-trust a confident output

The tool can inform. Only a registered professional can answer.

Sources: Bowmans (24 Nov 2025) on HPCSA Booklet 20; Medical Protection Society South Africa (6 Mar 2026)

Preventing avoidable harm starts with the human

→ Wellbeing is a safety measure: exhausted, overloaded and fearful clinicians are the ones most likely to over-defer to a tool or cut corners

→ Use only validated AI: Booklet 20 says only AI validated for reliability and cultural appropriateness should be used

→ Build psychological safety, so a junior can challenge the output without fear

→ Document the reasoning, including why a tool's suggestion was followed or set aside

→ Respect patient choice: patients who decline AI may not be disadvantaged

Sources: HPCSA Booklet 20 via Bowmans (24 Nov 2025)

Human plus AI: what SIOPSA 2026 told us

→ Theme of the 28th SIOPSA Conference (July 2026): Human + AI, designing positive organisations through augmented intelligence

→ The message that travelled: AI can enhance professional practice, but its value depends on the evidence, judgement and accountability around its use

→ Programme themes included the quality of the human in the loop, and not becoming over-dependent on AI

→ Augmented intelligence: AI that enhances human capability rather than replacing it

Human plus AI, not human or AI.

Sources: SIOPSA 28th Annual Conference page and programme (July 2026); TTS Talent reflections on the 2026 SIOPSA Conference

Questions for this panel

→ Where does the human in the loop fail in your setting, and what is one cheap fix?

→ Who carries the duty to make a good decision possible: the clinician, the hospital, the funder, the developer?

→ Does fear of litigation make care safer, or does it add to avoidable harm?

→ What is one thing a hospital or practice could change on Monday?

Prompts proposed for the 30-minute panel discussion

Thank You!

The machine can inform. The professional decides. The system must make that possible.

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