
GOVERNMENT NOTICES

DEPARTMENT OF HEALTH

No. R. 1045

14 December 2011

NURSING ACT, 2005 (ACT No. 33 of 2005)

Regulations Relating to the Accreditation of Institutions as Nursing Education Institutions

The Minister of Health intends, in terms of section 58(1) (g) of the Nursing Act, 2005 (Act No.33 of 2005), after consultation with the South African Nursing Council, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Public Entities and Management), within three months of the date of publication of this notice.

SCHEDULE

Definitions

1. In this schedule **“the Act”** means the Nursing Act, 2005 (Act No. 33 of 2005), and any word or expression to which a meaning has been assigned in the Act has such meaning and, unless the context otherwise indicates—

“accreditation” means certification of an institution, for a specified period, recognizing it as a nursing education institution with the capacity to offer a prescribed nursing programme, upon compliance with the Council’s prescribed accreditation requirements, criteria and standards for nursing education and training;

“audit” means the process of systematic scrutiny of a quality management system carried out by an audit team in order to determine whether the institution

meets the Council's prescribed accreditation requirements, criteria and standards for nursing education and training;

"audit visit" means an on-site assessment or appraisal undertaken to confirm, validate and determine if an applying institution or a nursing education institution's statements and claims made in the institutional portfolio and self assessment meet the Council's prescribed accreditation requirements, criteria and standards for nursing education and training;

"auditor" means an independent professional nurse who understands the standards and principles of auditing and is appointed by the Council to participate in audits;

"clinical accompaniment" means a structured process by a Nursing Education Institution to facilitate directed assistance and support to the learner students by a nurse educator at the clinical facility to ensure the achievement of learning outcomes;

"clinical facility" means a health facility whose primary purpose is the provision of care to patients and is also used to teach learners/students

"clinical learning opportunities" means the range of learning experiences, including work integrated and service learning, available in a health care setting. It may also include other experiential learning sites where a learner/student has the opportunity to gain required clinical skills;

"clinical supervision" means assistance and support extended to the student by the professional nurse or midwife in a clinical facility with the aim of developing a competent and independent practitioner;

"conditional accreditation" means approval to operate as a nursing education institution under certain circumstances for a specified period until all Council's prescribed accreditation requirements, criteria and standards for nursing education and training are met;

“criteria” means characteristics, or dimensions that are used to judge compliance to a standard;

“de-accreditation” means withdrawal of accreditation of a nursing education institution or nursing education programme by the Council;

“fee” means an amount of money payable to Council as determined from time to time and published by notice in the *Gazette*;

“focus visit” means a site visit which focuses only on certain identified aspects of the portfolio of evidence and compliance with Council’s prescribed accreditation requirements, criteria and standards for nursing education and training as determined by the Council prior to the visit and for a specific purpose;

“full accreditation” means approval to operate as a nursing education institution and indicates that the institution complies with all the Council’s prescribed accreditation requirements, criteria and standards for nursing education and training and may operate for a period not exceeding five years;

“governance” means the system by which a nursing education institution is directed and controlled. It is concerned with systems, controls, accountabilities and decision-making at the highest level of the nursing education institution;

“institution” means a founded establishment or organization consisting of a building or complex of buildings and its associated resources for the specific purpose of offering nursing education and training programmes;

“institutional accreditation” means the act of granting credit or recognition with respect to a nursing education institution that complies with the Council’s prescribed accreditation requirements, criteria and standards for nursing education and training;

“institutional portfolio” means a compilation of several measures of an institution’s evidence that the mission and learning outcomes identified by the institution are being realized. Institutional portfolios demonstrate accountability to

stakeholders and may be used as a vehicle for institution-wide reflection, learning, and improvement;

“institutional self-assessment” means a comprehensive and systematic review of and institution applying for accreditation as a nursing education institution or regular review of an organization's activities and results referenced against the required Council's prescribed accreditation requirements, criteria and standards for nursing education and training. The self-assessment process allows the nursing education institution or a new institution to discern clearly its strengths and areas in which improvements can be made and culminates in planned improvement actions which are then monitored for progress;

“learner or student” means a person registered with the Council in terms of Section 32 of the Act;

“learning site” means the accredited physical location where education and training facilities and resources are available for the delivery of education and training of learners;

“programme accreditation” means recognition of a learning programme as complying with the Council's prescribed accreditation requirements, criteria and standards for a specified nursing education and training programme; and

“standards” means a reference point against which aspects of nursing education can be evaluated to assess quality, and to make a judgment or decision.

Conditions and Requirements for accreditation of an institution as a nursing education institution

2. (1) An institution may be accredited as a nursing education institution if—
 - (a) It has a designated person that is the head of the nursing education institution who
 - (i) is registered with the Council as a professional nurse;

- (ii) has an additional qualification in nursing education;
 - (iii) is in possession of a relevant management qualification; and
 - (iv) holds at least a Bachelor's degree qualification in nursing and a qualification that is a level higher than the qualification offered by the nursing education institution.
- (b) It is registered with the Department of Higher Education and Training in terms of relevant legislation, if it is a private institution;
- (c) It is established or deemed or recognized by the Department of Higher Education and Training in terms of relevant legislation, if it is a public entity; and
- (d) The programme meets the accreditation requirements, criteria and any standards as determined by the Council.
- (2) Such an institution must have—
- (a) formal agreement(s) with one or more relevant juristic person(s) responsible for health services, which address the clinical learning opportunities, clinical accompaniment and supervision needs of learners placed in such health services;
 - (b) a fixed physical address;
 - (c) access to clinical facilities that are appropriate and relevant for the achievement of the outcomes of the programme; and
 - (d) evidence of quality control mechanisms over clinical education and training.
- (3) Such institution must apply for accreditation to offer the programme in line with determined health human resources needs.
- (4) Such institution must have infrastructure and resources that are adequate and relevant for the achievement of the outcomes of the programme.

Accreditation process

3. (1) The accreditation process includes—
- (a) the submission of an application for accreditation;
 - (b) the review of application for accreditation;

- (c) an audit, which may include an audit visit, to validate the evidence referred to in submitted documentation;
 - (d) a decision regarding accreditation; and
 - (e) the issuing of an accreditation certificate if the application is successful.
- (2) The process of accreditation of a new applicant may take up to twelve months.
- (3) The timeframe referred to in subregulation (2) may be extended if the information and documentation required at any stage during the accreditation process submitted is incomplete or if there is a delay in the submission of such information.

Submission of application for accreditation as a nursing education institution

4. (1) The head of the institution referred to in regulation 2 (1) must—
- (a) apply for accreditation to the Council in writing, at least twelve months prior to the intended date of commencement of the course, in a format as determined by Council;
 - (b) submit to the Council the prescribed completed institutional self-assessment and institutional portfolio as specified in regulation 5;
 - (c) pay to the Council the prescribed application fee;
 - (d) provide evidence of meeting the requirements of regulation 2;
 - (e) provide evidence of meeting prescribed accreditation requirements, criteria and any standards for nursing education and training as determined by the Council's; and
 - (f) demonstrate that there is a need for such education and training.
- (2) The application for accreditation must only be considered by the Council once all of the conditions and the requirements referred to in subregulations 2(1) and 4(1) are met.
- (3) An incomplete application must not be considered and such an application must be returned to the applicant.

- (4) The Council must take the date on which the complete submission was made to the Council as the date of the application.
 - (5) Applications for accreditation of prescribed nursing qualifications, must only be considered if such qualifications are registered on the National Qualifications Framework.
5. (1) The applicant must submit a completed institutional self-assessment and institutional portfolio as determined by the Council.
- (2) The institutional self-assessment and institutional portfolio must be submitted at least twelve months prior to the anticipated date of commencement of education and training.
6. In order to be accredited as a nursing education institution, the applicant must meet the Council's requirements and any standards as may be determined from time to time.

Extension of accreditation scope

7. (1) A nursing education institution must apply to the Council for extension of accreditation scope for—
- (a) an additional nursing education programme;
 - (b) new or additional learning sites;
 - (c) relocation of an accredited facility;
 - (d) additional clinical facilities;
 - (e) increase in learner numbers; or
 - (f) additional learner intakes.
- (2) A nursing education institution must inform the Council thirty (30) days prior to any changes made to the ownership, name, head of the nursing education or governance structure of the institution.

- (3) A decision on extension of the scope of accreditation must be based on a review of the application and it may include an audit or a focus visit to validate the information provided.
- (4) A nursing education institution may only extend its accreditation scope if the Council grants such an extension.
- (5) Extension of scope by the nursing education institution without complying with subregulations (1), (2), (3), (4) is an offence for which the head of the nursing education institution and the governing body shall be held liable.

Review of application for accreditation of a nursing education institution

- 8. (1) The Council on evaluation of the documentation submitted by the applicant must determine whether the applicant meets the requirements for accreditation.
- (2) The Council must notify the applicant of the outcome of the evaluation of documents in writing.
- (3) If the applicant's documentation meets the Council's prescribed accreditation requirements, criteria and standards for nursing education and training, the Council must schedule an audit visit to the institution and its facilities.
- (4) Where an applicant's documentation does not meet the Council's prescribed accreditation requirements, criteria and standards for nursing education and training, the applicant must re-submit the amended application within a period of ninety (90) days from date of receipt of the written evaluation of the documents.
- (5) The Council must notify the applicant of outcome of the evaluation of re-submitted documents in writing.
- (6) Where the applicant's documentation on re-submission fails to meet the Council's prescribed accreditation requirements, criteria and standards for nursing education and training—

- (a) the application shall lapse; and
 - (b) if the institution wishes to pursue the application further, the applicant is required to re-commence the application process and pay the prescribed application fee.
- (7) Subregulation (6) shall also apply to an applicant who has not re-submitted the application within the prescribed time in terms of subregulation (4).

Audit visit

9. (1) An audit visit must be conducted for all applications for accreditation of a nursing education institution and nursing education programmes for the purposes of—
- (a) validating the statements and claims made in the institution's portfolio and institutional self assessment;
 - (b) assessing the institutions facilities and resources; and
 - (c) determining whether the institution meets the Council's prescribed accreditation requirements, criteria and standards for nursing education and training.
- (2) The audit visit referred to in subregulation (1) must be conducted after the evaluation of the documentation referred to in subregulation 8(1).

Decision

10. (1) The outcome of the accreditation process must be communicated to the applicant in writing and may include one of the following decisions—
- (a) conditional accreditation for a period not exceeding two years;
 - (b) full accreditation for a period not exceeding five years and
 - (c) no accreditation.
- (2) A decision to grant conditional accreditation referred to in subregulation (1)(a) may be taken when an institution does not meet all of the Council's prescribed accreditation requirements, criteria and standards for nursing education and training and such an institution is required to fulfill conditions as determined by the Council.

- (3) A decision to grant full accreditation referred to subregulation (1) (b) may be taken when an institution complies with all of the Council's prescribed accreditation requirements, criteria and standards for nursing education and training.
- (4) An application for accreditation may be declined as referred to in subregulation (1)(c) when an institution does not comply with Council's prescribed accreditation requirements, criteria and standards for nursing education and training.

Issuing of an accreditation certificate

- 11. (1) On successful application the Council shall issue the institution with a certificate of accreditation indicating the decision made in terms of regulation 10, the dates and duration of accreditation and any other information as determined by the Council.
- (2) An accreditation certificate is only valid for the type of accreditation, date, duration, name of institution, programme and physical address of the institution as stipulated on the certificate.
- (3) Accreditation certificates shall at all times be displayed by the institution at a prominent place accessible to learners and the public.

Re-accreditation of a nursing education institution granted full accreditation

- 12. (1) An institution which is granted full accreditation must apply for re-accreditation twelve months prior to the expiry of the accreditation period.
- (2) The application must be accompanied by the prescribed accreditation fee.
- (3) The institution is required to submit a completed institutional self-assessment and an institutional portfolio of evidence demonstrating institutional performance over

the accreditation period and any further information that may be determined by Council.

- (4) The Council must take into consideration the annual self-assessment reports received from the institution for the duration of the accreditation period.
- (5) The Council may conduct an audit as contemplated in subregulation 18(5) or a focus visit to institutions seeking re-accreditation.
- (6) The Council must take into consideration the institution's performance and compliance with the Council's nursing education and training requirements and standards.
- (7) The outcome of the re-accreditation process must be communicated to the applicant in writing and may include one of the following decisions—
 - (a) a conditional accreditation granted to a nursing education institution that does not meet all of the Council's prescribed accreditation requirements, criteria and standards for nursing education and training and the institution is required to fulfill certain conditions that may be determined by the Council, for a period not exceeding two years; or
 - (b) a full accreditation granted to an institution that complies with all of the Council's prescribed accreditation requirements, criteria and standards for nursing education and training, for a period not exceeding five years; or
 - (c) application for re-accreditation declined due to the institution not complying with the Council's prescribed accreditation requirements, criteria and standards for nursing education and training.
- (8) A nursing education institution's accreditation shall lapse if the institution fails to apply for re-accreditation within the prescribed time and manner.
- (9) If a nursing education institution is not re-accredited it may not continue to provide nursing education and training and must comply with the requirements of subregulation 14(2).

Re-accreditation of a nursing education institution granted conditional accreditation

13. (1) An institution that has received conditional accreditation is required to demonstrate evidence of their performance in addressing the shortcomings specified by the Council within the specified period.
- (2) The application for full accreditation must reach the Council by the end of the first month of the last year of the conditional accreditation period and must be accompanied by the prescribed accreditation fee.
- (3) The institution is required to submit a self-assessment and a completed portfolio of evidence demonstrating institutional performance over the accreditation period and any further information that may be determined by Council.
- (4) The Council must take into consideration the annual self-assessment reports received from the institution for the duration of the conditional accreditation period.
- (5) The Council may conduct an audit visit or a focus visit to a nursing education institution seeking re-accreditation.
- (6) The Council must make a decision to re-accredit the nursing education institution based on the institution's performance and compliance with the Council's prescribed accreditation requirements, criteria and standards for nursing education and training.
- (7) Failure on the part of the nursing education institution to re-apply for accreditation in the prescribed manner shall result in the lapse of the institutions accreditation.
- (8) If an institution is not re-accredited it may not continue to provide nursing education and training and must comply with the requirements of subregulation 14(2)

De-accreditation of a nursing education institution

14. (1) The Council may de-accredit a nursing education institution under the following circumstances—
- (a) Where there is evidence that the nursing education institution fails to maintain the requirements of the Act, the regulations, the Council's prescribed accreditation requirements, criteria and standards for nursing education and training or any other legal or statutory requirements;
 - (b) Where there is evidence that submission for accreditation, was fraudulent, or contained false or misleading information or documentation;
 - (c) Where there is evidence that the nursing education institution makes use of fraudulent, false and misleading advertising or marketing material;
 - (d) on request for voluntary de-accreditation from the head of the nursing education institution; or
 - (e) on failure by the nursing education institution to apply for re-accreditation.
- (2) In the event of accreditation being withdrawn by the Council, whether voluntary or not, the nursing education institution must—
- (a) cease to operate on the date as determined by the Council;
 - (b) inform all existing learners at the institution in writing of such de-accreditation within ten days of becoming aware of the de-accreditation;
 - (c) secure alternative arrangements for learners in order to complete the learning programme for which they are registered with the Council within thirty days of notification;
 - (d) refund the proportion of learner fees paid for outstanding education and training;
 - (e) submit to Council the education and training record of each learner in the format determined by the Council;
 - (f) issue a copy of the education and training record to each learner the receiving institution where the learners shall continue their learning programme; and
 - (g) remove any displays or any material or documents making reference to accreditation by the Council.

- (3) Failure to comply with subregulation (2) constitutes an offence for which the head of the nursing education institution and the governing body shall be held liable.

Fees payable to the Council

15. The nursing education institutions is required to pay fees according to the Fees and Fines regulations—
- (a) an application for accreditation;
 - (b) accreditation of an institution;
 - (c) programme accreditation;
 - (d) annual nursing education institution fee;
 - (e) a focus visit; and
 - (f) an audit visit.

The appeal process

16. (1) An applicant may lodge an appeal to the Appeals Committee appointed by the Minister in terms of section 57 of the Act, against the findings or outcome of the accreditation process within thirty days of receipt of notification of such findings.
- (2) The application for an appeal must provide reasons and grounds for the appeal.
- (3) The appeal must be considered in accordance with the applicable regulations on appeal

Monitoring and evaluation

17. (1) The nursing education institution must conduct an annual self-assessment of its effectiveness in achieving its stated goals and outcomes in a format determined by the Council.
- (2) The nursing education institution must submit an annual returns in a manner determined by the Council.

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- (3) The Council may conduct a focus visit to further investigate any areas of poor performance or concerns identified from the annual institutional self-assessment reports.
 - (4) The Council must periodically conduct an audit of a nursing education institution and such audit must be conducted by independent auditors appointed by the Council.
 - (5) The Council must appoint a panel of independent auditors, based on their knowledge, experience and skills in terms of nursing education and quality assessment.
 - (6) The auditors must be trained by the Council on its auditing and education and training standards and requirements.
 - (7) Auditors must be remunerated in accordance with the Council's remuneration policy and scales.
 - (8) Each audit team must be accompanied by a person from the administration of the Council.
 - (9) The audit report must be compiled and submitted to the Council by the audit team within thirty days of the audit visit.

Investigation of complaints lodged against a nursing education institution

18. The Council must upon receipt of a complaint investigate a nursing education institution if there are sufficient grounds for such an investigation in accordance with the Council's policy.

Transitional provisions

19. (1) Unless the Council decides otherwise, provisional accreditation may be granted to a nursing education institution that was approved to provide nursing education

and training in terms of regulations made under the Nursing Act, 1978 (Act No. 50 of 1978), provided that—

- (a) provisional accreditation is granted for a period not exceeding 5 years;
 - (b) the dates for provisional accreditation contemplated in subregulation (1)(a) must be determined and published in a government notice by the Council and
 - (c) during the period of provisional accreditation the institution must demonstrate that it can meet with the Council's prescribed accreditation requirements, criteria and standards for nursing education and training.
- (2) The nursing education institution must be assessed by the Council for re-accreditation at the end of the provisional accreditation period.
- (3) The application for re-accreditation must reach the Council by the end of the first month of the last year of the accreditation period.
- (4) The application must be accompanied by the prescribed accreditation fee.
- (5) The institution is required to submit an institutional self-assessment and a completed institutional portfolio of evidence that demonstrates the institutions performance over the provisional accreditation period and any further information that may be determined or requested by Council.
- (6) The Council assessment of the nursing education institution must include the annual self-assessment reports received from the institution for the duration of the provisional accreditation period.
- (7) The Council may conduct an audit visit or a focus visit to a nursing education institution that applies for re-accreditation.
- (8) The Council must make a decision to re-accredit the nursing education institution based on the institution's performance and compliance with the Council's prescribed accreditation requirements, criteria and standards for nursing education and training.

- (9) Failure on the part of a nursing education institution to apply for re-accreditation in the prescribed manner must cause the institutions accreditation to be withdrawn in terms of regulation 15.
- (10) If a nursing education institution is not re-accredited it may not continue to provide nursing education and training and must comply with the requirements of subregulation 14(2).

Application of these regulations

20. These regulations shall apply to all nursing education institutions and nursing education and training programmes offered in South Africa.

Repeal

21. The following regulations published in the *Gazette* are hereby repealed:

<i>Government Notice No.</i>	<i>Date of publication</i>	<i>Extent</i>
R.3901	12 December 1969 as amended	Complete

**DR A MOTSOLEDI, MP
MINISTER OF HEALTH:**