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# GOVERNMENT NOTICE

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## DEPARTMENT OF HEALTH

No. R. 173

8 March 2013

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

#### Regulations Relating to the Accreditation of Institutions as Nursing Education Institutions

The Minister of Health has, 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, made the regulations in the Schedule.

#### 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 indicates otherwise—

"**accreditation**" means certification of an institution, for a specified period, recognising 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 learners by a nurse educator at the clinical facility to ensure the achievement of learning outcomes;

**“clinical facility”** means a continuum of services to promote health and provide care to individuals and groups, used to teach learners;

**“clinical learning opportunities”** means the range of learning experiences, including work-integrated and service learning, available in a healthcare setting, which may also include other experiential learning sites where a learner has the opportunity to gain the required clinical skills;

**“clinical supervision”** means the assistance and support extended to the learner by the professional nurse, midwife or staff nurse 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 period determined by the Council, to enable the institution to fulfil all outstanding accreditation requirements, criteria and standards;

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

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

**“fee”** means an amount of money payable to the 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 the 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 of the Council’s prescribed

accreditation requirements, criteria and standards for nursing education and training and may operate for a period not exceeding five (5) 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 organisation 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 realised. 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 an institution applying for accreditation as a nursing education institution or regular review of an organisation'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”** 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 in charge of the nursing education and training 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 management qualification;
    - (iv) holds at least a bachelor's degree in nursing; and
    - (v) holds a nursing qualification that is a level higher than the highest qualification offered by the nursing education institution or, if the highest qualification offered is a doctoral degree, a nursing qualification at an equal level.
  - (b) in the case of a private institution, it is registered with the Department of Higher Education and Training in terms of relevant legislation;
  - (c) in the case of a public entity, it is established or declared by the Minister of Education as a higher education and training institution in terms of relevant legislation;
  - (d) the programme is accredited with the Council on Higher Education, and
  - (e) the programme meets the accreditation requirements, criteria and any standards for nursing education and training as determined by the Council from time to time.

- (2) Such an institution must have—
  - (a) a formal agreement(s) with one or more of the relevant authorities responsible for clinical facilities, 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 sufficient clinical facilities that are appropriate 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 demonstrate that there is a need for the programme to be accredited.
- (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 institution must be accredited by the Council to offer a programme prior to the commencement of such programme.
- (3) The process may be extended if the information and documentation required at any stage during the accreditation process 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 person in charge referred to in regulation 2(1) must—
    - (a) apply for accreditation to the Council in writing, at least twelve (12) months prior to the intended date of commencement of the course, in a format and at a submission date as determined by the 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 the prescribed accreditation requirements, criteria and standards for nursing education and training as determined by the Council;
    - (f) provide details of the nursing education and training programme(s) that the institution intends to offer; and
    - (g) provide evidence of support from the relevant national or provincial health authority 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 regulations 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 the 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 (12) 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 its accreditation scope for—
  - (a) an additional nursing education programme;
  - (b) new or additional learning sites;
  - (c) any change in physical location of an accredited facility;
  - (d) additional clinical facilities;
  - (e) an increase in learner numbers; or
  - (f) additional learner intakes.
- (2) A nursing education institution must inform the Council within thirty (30) days after 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) and (4) is an offence for which the head of the nursing education institution shall be held liable.

**Review of application for accreditation of a nursing education institution**

8. (1) The Council must, upon evaluation of the documentation submitted by the applicant, 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 within a specified timeframe as determined by the Council.
- (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 resubmit the amended application within a specified timeframe as determined by the Council from the date of receipt of the written evaluation of the documents.
- (5) The Council must notify the applicant of the outcome of the evaluation of resubmitted documents in writing within a specified timeframe as determined by the Council.
- (6) Where the applicant's documentation on resubmission 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 recommence the application process and pay the prescribed application fee.
- (7) Subregulation (6) shall also apply to an applicant who has not resubmitted the application within the specified timeframe 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 regulation 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) Full accreditation for a period not exceeding five (5) years;
  - (b) conditional accreditation for a period not exceeding two (2) years; or
  - (c) no accreditation.
- (2) A decision to grant conditional accreditation referred to in subregulation (1)(b) 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 fulfil conditions as determined by the Council.
- (3) A decision to grant full accreditation referred to in subregulation (1)(a) 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 the 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.

#### **Reaccreditation of a nursing education institution granted full accreditation**

12. (1) An institution which is granted full accreditation must apply for reaccreditation twelve (12) 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 the 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 regulation 18(5) or a focus visit to institutions seeking reaccreditation.
- (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 reaccreditation process must be communicated to the applicant in writing within a specified timeframe as determined by the Council and may include one of the following decisions—
- (a) 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 (5) years;
  - (b) 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 fulfil certain conditions that may be determined by the Council, for a period not exceeding two (2) years; or
  - (c) application for reaccreditation 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 reaccreditation within the timeframe prescribed in subregulation (1) or if it fails to apply in the prescribed manner.
- (9) If a nursing education institution is not reaccredited, it may not continue to provide nursing education and training and must comply with the requirements of subregulation 14(2).

**Reaccreditation 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 the 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 reaccreditation.
- (6) The Council must make a decision to reaccredit 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 reapply for accreditation in the prescribed manner shall result in the lapse of the institution's accreditation.
- (8) If an institution is not reaccredited, it may not continue to provide nursing education and training and must comply with the requirements of regulation 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 reaccreditation.
- (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 (10) 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 (30) days of notification;
  - (d) submit to Council the education and training record of each learner in the format determined by the Council;
  - (e) issue a copy of the education and training record for each learner to the receiving institution where the learners shall continue their learning programme; and
  - (f) 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 shall be liable.

#### **Fees payable to the Council**

15. The nursing education institution is required to pay fees according to the Fees and Fines regulations.

#### **The appeal process**

16. An applicant may lodge an appeal against a decision taken by the Council in terms of these regulations to the Appeals Committee appointed by the Minister in terms of section 57 of the Act.

**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 annual returns for learner nurses in a manner determined by the Council.
- (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 audit report must be compiled and submitted to the Council by the audit team within thirty (30) days of the audit visit.

**Transitional provisions**

18. (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 five (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 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 reaccreditation at the end of the provisional accreditation period.
- (3) The application for reaccreditation 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 institution's performance over the provisional accreditation period and any further information that may be determined or requested by the 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 reaccreditation.
- (8) The Council must make a decision to reaccredit 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 reaccreditation in the prescribed manner must cause the institution's accreditation to be withdrawn in terms of regulation 15.
- (10) If a nursing education institution is not reaccredited, it may not continue to provide nursing education and training and must comply with the requirements of regulation 14(2).

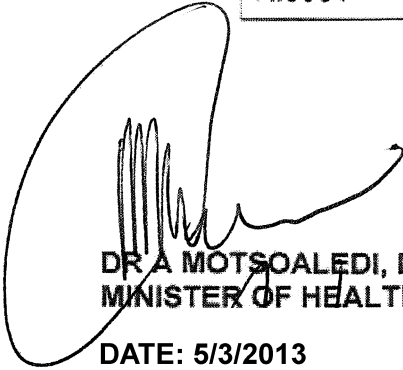
#### **Application of these regulations**

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

**Repeal**

20. The following regulation published in the *Gazette* is 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**  
**DATE: 5/3/2013**

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