

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH

NO. R. 558

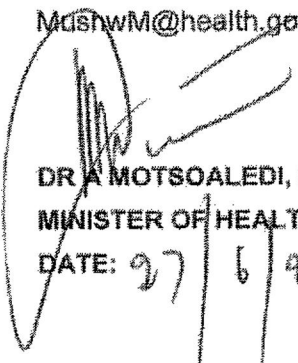
05 APRIL 2019

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

REGULATIONS RELATING TO THE APPROVAL OF AND THE MINIMUM REQUIREMENTS FOR THE EDUCATION AND TRAINING OF A LEARNER/STUDENT LEADING TO REGISTRATION IN THE CATEGORY MIDWIFE

The Minister of Health intends, in terms of section 58(1)(f) of the Nursing Act, 2005 (Act No.33 of 2005), and 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 (Ms M Mushwana, MushwM@health.gov.za), within three (3) months of the date of publication of this notice.



DR A MOTSOALEDI, MP
MINISTER OF HEALTH

DATE: 27/6/2018

SCHEDULE

1. Definitions

In this schedule **"the Act"** means the Nursing Act, 2005 (Act No.33 of 2005), and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise-

"academic year" means a period of at least 44 weeks of learning in any calendar year;

"assessment" means a structured process for gathering evidence and making judgments about a learner's performance in relation to the prescribed requirements for the programme;

"assessment method" means the act that the assessor engages in, utilizing a variety of assessment strategies;

"assessor" means a practitioner registered as such with the Council, who will be responsible for the assessment of the learner's achievement of learning outcomes for the programme;

"clinical accompaniment" means a structured process by a nursing education institution to facilitate assistance and support to the learner, by the nurse educator at the clinical facility, to ensure the achievement of the programme outcomes;

"clinical facility" means a health establishment whose primary purpose is the provision of care to healthcare users and is also utilized to teach clinical skills to learners;

"clinical learning opportunities" means the range of learning experiences available in a healthcare setting or other experiential learning sites, for a learner to gain the required clinical skills;

"clinical placement" means the period spent by a learner in clinical and other experiential learning sites to ensure that the purpose of the programme is achieved;

"clinical supervision" means the assistance and support extended to the learner by the midwife at a clinical facility, with an aim of developing a competent, independent practitioner;

"competence" means the ability of a practitioner to integrate the professional attributes including, but not limited to, knowledge, skills, judgment, values and beliefs required to perform as a midwife in all situations and practice settings;

"fee" means a fee or fees determined by the Council from time to time and published by notice in the *Government Gazette*;

"fundamental learning" means learning which forms the basis needed to undertake the programme;

"integrated assessment" means forms of assessment which permit the learner to demonstrate applied competence and which use a range of formative and summative assessment methods;

"learner" means a person registered with the Council as a learner midwife in terms of Section 32;

"learning outcomes" means the prescribed competencies and educational outcomes for the programme;

"midwife" means person registered as such in terms of section 31;

"moderation" means the process conducted by an independent moderator, which ensures that assessment of the outcomes prescribed for the programme is fair, valid and reliable;

"moderator" means a practitioner registered as such with the Council who will be responsible for the moderation of assessment conducted by the nursing education institutions for the programme;

"programme" means a purposeful and structured set of learning experiences that leads to registration in the category 'midwife';

"programme outcomes" means the equivalent of the exit level outcomes of the qualification;

"qualification" means a planned combination of learning outcomes with a defined purpose that is intended to provide qualifying learners with applied competence for meeting the prescribed requirements of the qualification in the category 'midwife', that is registered on the National Qualifications Framework (NQF); and

"recognition of prior learning" means the evidence-based comparison of previous learning and experience against the learning outcomes required for a specific programme, and the acceptance of such previous learning for the purpose of accessing a programme.

2. Requirements for registration in the category Midwife

- (1) A person shall be registered in the category 'Midwife' in terms of Section 31(1)(b) if such person-
 - (a) received education and training at a Nursing Education Institution that is accredited to provide the programme;
 - (b) was registered with the Council as a learner for the duration of the programme in terms of section 32 of the Act;
 - (c) has met the requirements of the accredited programme;
 - (d) has been assessed and found competent in all exit level outcomes of the programme; and
 - (e) has complied with any other conditions as determined by the Council.
- (2) On completion or termination of the programme, the person in charge of the Nursing Education Institution where the learner was registered must submit to the Council –
 - (a) A record of theoretical education and training;
 - (b) A record of clinical education and training;
 - (c) A record of summative assessments conducted, including recognition of prior learning where applicable;
 - (d) If applicable, a declaration certifying that the learner has met the prescribed educational requirements and is competent for registration in the category 'Midwife', signed by the person in charge of the Nursing Education Institution, in a format as determined by the Council; and
 - (e) Any other information as may be required by the Council.
- (3) The application for registration in the category 'Midwife' must be in accordance with the *Regulations Relating to the Particulars to be Furnished to the Council for Keeping of the Register for Nursing Practitioners, the Manner of Effecting Alterations to the Register, and Certificates that may be issued by the Council*, published in Government Notice No. R. 195 of 19 February 2008.
- (4) In the case of a person that was not duly registered with the Council as a learner in terms of subregulation (1)(b), education and training undergone during the period when the person was not registered as a learner shall not be recognized by the Council.

3. Accreditation of a Nursing Education Institution to offer the programme

An institution must be accredited to offer the programme in terms of the *Regulations Relating to the Accreditation of Institutions as Nursing Education Institutions*, published under Government Notice No. R. 173 of 8 March 2013.

4. Admission requirements to the programme

- (1) A candidate shall apply for admission to the programme to a Nursing Education Institution that is accredited to provide the programme referred to in these Regulations.
- (2) In order to be admitted to the programme, a person must be registered as a general nurse.

5. Minimum requirements for the programme

- (1) The requirements of the programme must be read and applied in conjunction with the rules of such programme, as determined by the Council. Such rules shall be published by notice in the *Government Gazette*.
- (2) Learners are required to achieve all exit level outcomes of the qualification.
- (3) The duration of the programme is one (1) academic year of full time studies.
- (4) A learner shall, throughout the programme, receive integrated education and training to achieve both theoretical and clinical outcomes.
- (5) A learner shall comply with all clinical placement requirements of the programme as determined by the Council.
- (6) The maximum period that a learner may spend in a simulated learning environment must comply with the conditions determined by Council, which may be published by notice in the *Government Gazette* at the discretion of the Council.

6. Clinical teaching and learning

- (1) Clinical teaching and learning must only be provided in clinical facilities that are approved in terms of the accreditation of the programme.
- (2) Clinical learning must take place in a range of clinical settings and other learning sites that will facilitate the achievement of the programme outcomes.
- (3) The Nursing Education Institution must set clinical learning outcomes for each of the learning areas of the programme.

- (4) The Nursing Education Institution must keep records of all clinical training.
- (5) The Nursing Education Institution is accountable for clinical accompaniment of learners on day or night shift.
- (6) The clinical facility is accountable for clinical supervision of learners on day or night shift.
- (7) Clinical education and training shall include learning experience at night which –
 - (a) Shall not exceed two (2) months of an academic year; and
 - (b) Shall not take place within the first six (6) months of the commencement of the programme.

7. Assessment and moderation of learning outcomes

- (1) Assessment of learning by a Nursing Education Institution must comply with the following:
 - (a) It must be conducted by an assessor registered with the Council;
 - (b) The learner must be assessed and found competent in all learning outcomes of the programme, in line with the assessment criteria outlined for the qualification registered on the National Qualifications Framework;
 - (c) A minimum of 60% of formative clinical assessment activities must be done in 'real life' situations;
 - (d) There must be evidence of continuous assessment throughout the period of study;
 - (e) There must be evidence of internal moderation of all assessments;
 - (f) Records of assessment and moderation must be kept by the Nursing Education Institution for a period as prescribed by relevant legislation, and be produced on request of the Council;
 - (g) Summative assessment must be conducted at the end of learning periods as determined by institutional policies, which must include a final assessment at the end of the programme; and
 - (h) Any other requirements as may be determined by the Council;
 - (i) It must be conducted by an assessor registered with the Council;
 - (j) The learner must be assessed and found competent in all learning outcomes of the programme, in line with the assessment criteria outlined for the qualification registered on the National Qualifications Framework; and
 - (k) Any other requirements as may be determined by the Council.
- (2) Notwithstanding the provisions in subregulation (1), the Council may delegate the assessment and moderation functions to any person or organization.

8. Transfers

- (1) In case of a learner transferring to another Nursing Education Institution, the person in charge of the Nursing Education Institution transferring the learner must –
 - (a) Submit to the receiving Nursing Education Institution, on request, a record of all education and training that the learner has undergone; and
 - (b) Submit to the Council –
 - (i) A record of education and training undergone by the learner, in a format determined by the Council; and
 - (ii) A notice of termination of education and training in a format determined by the Council.
- (2) The Nursing Education Institution receiving the transferred learner as in subregulation (1) must submit to the Council an application for readmission of the learner into the programme in terms of section 32 of the Act, and in accordance with prescribed requirements.

9. Recognition of prior learning

- (1) A learner may be assessed on prior learning for no more than 50% of the prescribed credits towards the programme by –
 - (a) Applying to a Nursing Education Institution accredited to offer the midwifery programme;
 - (b) Providing evidence of prior learning by means of portfolios, other forms of appropriate evidence or challenge examinations; and
 - (c) Complying with the Nursing Education Institution's Recognition of Prior Learning Policies and Procedures.
- (2) The process referred to in subregulation (1) must meet the Council's and the general prescripts for recognition of prior learning.
- (3) The assessment of prior learning referred to in subregulation (1) must be conducted by an assessor registered in terms of Regulation 7(1)(a).
- (4) The nursing education institution must submit the credits obtained from the assessment of prior learning as part of the completion of training records referred to in Regulation 2.2(c).
- (5) The Nursing Education Institution where recognition of prior learning has taken place must keep a full record of the assessment conducted, and all documentation pertaining to such

assessment, for a period as prescribed by relevant legislation and, on request, supply such records to the Council.

- (6) Where a Nursing Education Institution fails to produce the recognition of prior learning records on request of the Council, the Council may refuse such an application for credits, and where credit was already granted, such credit may be withdrawn.

10. Application of these regulations

- (1) These regulations shall apply to –
 - (a) All programmes leading to registration as a Midwife; and
 - (b) All learners following such programmes.

11. Transitional arrangements

- (1) *The Regulations Relating to the Course Leading to Registration as a Midwife* published by Government Notice No. R. 254 of 14 February 1975 shall remain in force until repealed by notice in the *Government Gazette*.
- (2) Notwithstanding the provisions of subregulation (1), the Council will, from the publication date of these Regulations, cease to accredit any Nursing Education Institution to offer the education and training programme referred to in subregulation (1).
- (3) Notwithstanding the provisions of subregulation (1), Nursing Education Institutions accredited for education and training programmes in terms of the Regulations mentioned in subregulation (1) will cease to admit new learners to such programme on a date to be determined by the Council and published by notice in the *Government Gazette*.
- (4) The Nursing Education Institutions referred to in sub-regulation (3) must ensure that all education and training programmes that commenced prior to the date referred to in subregulation (3) are completed within a period of three (3) years from the date determined by the Council in terms of subregulation 3 above.
- (5) Notwithstanding the provisions of sub-regulation (1), learners registered in terms of the regulations mentioned in subregulation (1) will continue to be regulated under those regulations until the end of the three-year period mentioned in subregulation (4).

12. Commencement

These Regulations shall come into operation on the date of final publication in the *Gazette*.