SOUTH AFRICAN NURSING COUNCIL

STRUCTURE AND FUNCTIONING
THE STRUCTURE AND FUNCTIONING OF THE
SOUTH AFRICAN NURSING COUNCIL

CONTENTS

1. Statutory control of the nursing and midwifery professions ........................................ 1
   1.1 Key developments in statutory control ......................................................... 1
   1.2 Composition of the Council ............................................................................. 4
   1.3 Objects of the Council ...................................................................................... 5
   1.4 Powers of the Council ....................................................................................... 5

2. Functions and functioning of the Council ............................................................... 6
   2.1 Full Council ....................................................................................................... 6
   2.2 Committee system ............................................................................................. 6
      2.2.1 The Executive Committee ........................................................................... 6
      2.2.2 Standing and ad hoc committees ............................................................... 8
   2.3 Consultation with interest groups ...................................................................... 13
   2.4 Office Bearers .................................................................................................. 13
   2.5 President and Registrar ................................................................................... 13

3. The Decision-making process ................................................................................. 13
   3.1 Non-regulatory policy formulation .................................................................... 13
   3.2 Regulatory policy formulation ......................................................................... 14
   3.3 Decision-making in professional conduct matters ............................................. 14
   3.4 Accreditation of nursing schools and programmes of nursing education .......... 15

4. Administrative system of Council ........................................................................... 15
   4.1 Top Management .............................................................................................. 15
      4.1.1 Registrar ..................................................................................................... 15
      4.1.2 Deputy Registrars ....................................................................................... 17
      4.1.3 Senior Managers ....................................................................................... 17
      4.1.4 Managers ................................................................................................... 18
   4.2 Sections of the Council ..................................................................................... 19
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.</td>
<td>Council Members: Activities, Responsibilities and Code of Conduct</td>
</tr>
<tr>
<td>5.1</td>
<td>Office Bearers</td>
</tr>
<tr>
<td>5.2</td>
<td>Council Members</td>
</tr>
<tr>
<td>5.3</td>
<td>Code of Conduct</td>
</tr>
<tr>
<td>6.</td>
<td>Council documentation system</td>
</tr>
<tr>
<td>6.1</td>
<td>Title page of documents presented at meetings</td>
</tr>
<tr>
<td>6.2</td>
<td>Documents furnished for the March meeting of the full Council</td>
</tr>
<tr>
<td>6.3</td>
<td>Documents circulated for the September meeting of the full Council</td>
</tr>
<tr>
<td>6.4</td>
<td>Handling the report of the Executive, Finance and Staff Committee during Council meetings</td>
</tr>
<tr>
<td>7.</td>
<td>The South African Nursing Council Building</td>
</tr>
</tbody>
</table>
THE SOUTH AFRICAN NURSING COUNCIL:
STRUCTURE AND FUNCTIONING

1. STATUTORY CONTROL OF THE NURSING AND MIDWIFERY PROFESSIONS

The nursing and midwifery professions in South Africa are controlled by the South African Nursing Council. This is an autonomous, apolitical, financially independent statutory body initially established by the Nursing Act No 45 of 1944, and currently by the Nursing Act No 50 of 1978, as amended.

1.1 Key developments in statutory control

State registration for nurses and midwives in South Africa was introduced through the promulgation of the Medical and Pharmacy Act No 34 of 1891 in the then Cape Colony. By 1904 the other colonies which in 1910 together with the Cape became the Union of South Africa, had followed suit. During the period to 1928, the nursing profession was controlled by the Medical Council. Nurses were consulted only informally on nursing practice, nursing education, disciplinary matters and the formulation of ethical concepts. Consultation also took place with influential groups in the community as well as the health authorities.

It was only in 1928 that statutory provision was made by means of the Medical, Dental and Pharmacy Act, No 13 of 1928, for the election by nurses and midwives, of two registered nurses to serve on the Medical and Dental Council. Committees on which the two nurse members served, were established by that Council to allow for formal communication and consultation with the nursing profession, the authorities providing nursing education and relevant community groups.

In 1944 the full control of nurses and midwives was put into the hands of the nursing profession when Parliament passed the Nursing Act No 45 of 1944. This Act, which was intended for the protection of the public, was a direct result of pressure from the profession, supported by the community.

In this first Nursing Act there was no reference to racial groups, all nurses and midwives were on the registers and the election of Council members was open to all registered nurses and midwives. This racial equality in the control of the profession ended with the promulgation of the nursing Act No 69 of 1957, which introduced indirect representation of Black and Coloured nurses by Whites on the Council and the introduction of elected Advisory Boards for those population groups.

Subsequently, the Council made representations for the repeal of Act No 69 of 1957 so that provision could be made for direct representation for all races. These efforts culminated in the promulgation of the Nursing Act No 50 of 1978, which provided for the election of 5 White, 3 Black, 1 Coloured and 1 Indian registered nurses to the Council.
At the instigation of the Council, the Nursing Act was revised in March 1992 to provide, inter alia, for drastic changes in the composition of the Council.

The eleventh Council, the term of office of which commenced on 1 April 1994 was constituted as follows:

* the total membership remained 30;
* fifty percent of the membership was elected by registered nurses and midwives who were South African citizens, resident in South Africa;
* the remaining fifty percent were appointed on the grounds of specific expertise by
  - the South African Medical and Dental Council - one member;
  - the South African Pharmacy Council - one member;
  - the Committee of University Principals - two members who were registered nurses involved in nursing education at universities;
  - the Minister of National Health and Population Development - two officers of the Department of National Health and Population Development, of whom one had to be a registered nurse;
  - five other persons of whom four had to be registered nurses;
  - two registered nurses from the teaching staff of nursing colleges;
  - two lay persons who were not registered as members of a health profession.

In respect of the South African Medical and Dental Council, the South African Pharmacy Council and the South African Nursing Council, provision was made in each of the three relevant Acts for reciprocal representation.

In 1994 the former republics of Transkei, Bophuthatswana, Venda and Ciskei and the former self-governing territories of Gazankulu, KaNgwane, Qwa-qwa, KwaZulu, KwaNdebele and Lebowa were re-incorporated into the Republic of South Africa. A result of this was that the Nursing Amendment Act No 45 of 1995 was promulgated on 12 April 1995, which abolished the nursing councils of South Africa, Transkei Bophuthatswana and Ciskei and replaced them with the South African Interim Nursing Council. At the same time the nursing acts of all ten of the above territories were repealed. The members of the Interim Council, which had a term of office of only two years were all appointed by the Minister of Health, based on the following nominations:

(a) eight registered nurses designated by the South African Nursing Council from its members taking into account provincial representation;

(b) two registered nurses designated by the Transkei Nursing Council from its members;
(c) three registered nurses designated by the Bophuthatswana Nursing Council from its members;

(d) two registered nurses designated by the Ciskeian Nursing Council from its members;

(e) nine registered nurses designated by the Transitional Nurses Committee taking into account provincial representation;

(f) two officers of the Department of Health;

(g) one person registered as a pharmacist in terms of the Pharmacy Act, 1974 (Act No. 53 of 1974), and who practised as such;

(h) one person registered as a medical practitioner in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 55 of 1974), who practised as such;

(i) one person appointed on account of his or her knowledge of the law;

(j) five other persons.

The objects of the Council, as set out in section 3 of the Nursing Act, were amended by the addition of the following new sub-sections:

"(f) to make recommendations to the Minister on the constitution of a new council within a period not exceeding two years from the date of the commencement of the Nursing Amendment Act, 1995;

(g) to advise the Minister on the amendment or adaptation of this Act so as to support the universal norms and values of the nursing profession and to place greater emphasis on professional practice, democracy, transparency, equity, accessibility and community involvement."

During its term of office, the Interim Council -

* amalgamated the staffs, assets and liabilities of the former Nursing Councils;

* devised a staff structure in accordance with Council needs;

* revised the Nursing Act and all regulations as well as policy documents;

* created three new standing committees viz the transformation, communication and practice standards committees;

* created a new human resource development section as well as a corporate communications section;
established a communication strategy to facilitate communication with the profession and all other stakeholders;

* revised the nursing education system;

* revised the processes of accreditation and the monitoring of professional conduct.

The Nursing Amendment Act, No 19 of 1997, made provision for the abolition of the Interim Council and for the following composition for the new South African Nursing Council:

(a) 12 persons who shall be registered nurses or midwives and who shall be elected by registered nurses and midwives;

(b) three persons who shall be enrolled nurses and who shall be elected by enrolled nurses;

(c) three persons who shall be nursing auxiliaries and who shall be elected by nursing auxiliaries;

(d) 18 persons who shall be appointed by the Minister, of whom -

(i) one shall be a registered nurse who is in the employment of the Department of Health;

(ii) six shall be registered nurses, enrolled nurses or nursing auxiliaries who are not in the employment of the Department of Health;

(iii) two shall be nursing students at nursing colleges or universities who are at least in their third academic year of study; and

(iv) nine shall be persons who are not nurses, each representing a province, and who shall be appointed from persons whose names are submitted by those members of the Executive Council of the various provinces who are responsible for health, after nominations have been submitted by members of the public in the various provinces; and

(e) three persons, appointed by the following bodies:

(i) one attorney, by the Association of Law Societies;

(ii) one pharmacist, by the South African Pharmacy Council;

(iii) one medical practitioner, by the Health Professions Council of South Africa.

The following office bearers are elected by the Council for its five year term of office:

* President
* Vice-President
* Deputy Vice-President
* Treasurer
An election was held during the second half of 1997 and the appointment of members in accordance with the Act was done by the Minister of Health, the South African Pharmacy Council, the Health Professions Council of South Africa and the Association of Law Societies. The first meeting of the new Council took place on 24 April 1998.

1.2 Objects of the South African Nursing Council

In terms of section 3 of the Nursing Act, the objects of the Council are -

* to assist in the promotion of the health standards of the inhabitants of South Africa;
* to set standards for and to control the education and the practice of nurses, midwives and nursing auxiliaries;
* to advise the Minister of National Health on any matter falling within the scope of the Nursing Act;
* to communicate to the Minister of National Health information of public importance acquired by the Council.

* to advise the Minister on the amendment or adaptation of the Act so as to support the universal norms and values of the nursing profession and to place greater emphasis on professional practice, democracy, transparency, equity, accessibility and community involvement.

1.3 Powers of the Council

The powers of the Council as set out in section 4 of the Nursing Act can be summarised as follows -

* to register and enroll nurses, midwives and nursing auxiliaries and to keep registers and rolls;
* to conduct examinations and issue qualifications;
* to accredit and inspect nursing schools and nursing education programmes;
* to acquire, hire or dispose of property, borrow money on the security of the assets of the Council, accept or make any donation or accept and administer any trust;
* to issue licences to nursing agencies and inspect such agencies;
* to register additional qualifications.
FLOWCHART FOR POLICY AND DECISION-MAKING ON PROFESSIONAL AND OPERATIONAL MATTERS

COUNCIL

EXECUTIVE, FINANCE AND STAFF COMMITTEE

COMMITTEE OF PRELIMINARY INVESTIGATION

PROFESSIONAL CONDUCT COMMITTEE

EDUCATION COMMITTEE

LAWS AND PRACTICE STANDARDS COMMITTEE

TRANSFORMATION AND COMMUNICATION COMMITTEE

AD HOC COMMITTEES
2. FUNCTIONS AND FUNCTIONING OF THE COUNCIL

The functioning of the Council takes place at two levels, namely -

* the full Council which meets twice a year and which is assisted by an Executive, Finance and Staff Committee and various other standing and ad hoc committees, consisting of Council members and co-opted members when required (see Figure 1); and

* the administration of the Council consisting of the Registrar/Chief Executive Officer with a full-time staff complement.

2.1 Full Council

At the first meeting of its five-year term of office the Council elects the Office Bearers, the Executive, Finance and Staff Committee and various standing committees. Thereafter, at every first Council meeting of the four subsequent years of the term of office involved, the Council elects an Executive, Finance and Staff Committee for the ensuing twelve months. The other standing committees normally have a five-year term of office.

Other matters dealt with by the full Council are the determination of policy on the recommendations of the Executive, Finance and Staff Committee, the condoning of decisions taken by the Executive, Finance and Staff Committee between Council meetings, the ratification of sentences imposed by the professional conduct committee and the re-admission to a register or roll of persons whose names were removed after a professional conduct hearing.

2.2 Committee system

2.2.1 The Executive, Finance and Staff Committee

(i) The Council shall, at its first meeting and at its first meeting in each year, establish an Executive, Finance and Staff Committee in terms of section 10(1) of the Act which shall serve from 1 April until 31 March of the succeeding year and which shall consist of twelve members, i.e., the six members specified under the said section of the Act and six members elected from among the remainder of the members of the Council; Provided that if the member appointed to the Council under section 5(1)(d)(i) of the Act is an office-bearer, seven members shall be elected from among the remainder of the members of the Council.
(ii) In terms of section 10 of the Nursing Act, the committee may, with exception, of decisions on penalty in matters relating to unprofessional conduct and restoration of a person's name to the register (section 29(6) and (30) of the Act, perform all the functions of the Council between Council meetings. This implies that it may determine and execute policy subject to subsequent ratification by the Council.

With regard to staff and finance issues the committee is charged with the following responsibilities -

(a) develops staffing policies and ensures the execution thereof by the staff;

(b) develops financial policies and ensures the execution thereof by the staff;

(c) ensures annual external auditing of Council's financial records;

(d) considers the annual budget and submits it for approval to Council;

(e) reviews and approves quarterly expenditure statements;

(f) ensures adequate financial control;

(g) reviews investment strategies for investment of excess funds bi-annually;

(h) reviews the organisational structure of Council as required;

(i) approves un-budgeted expenditure not exceeding R10 000;

(j) makes recommendations to the Council with regard to licensing and all other fees;

(k) makes recommendations to Council regarding salaries, conditions of service, etc;

(l) reviews operational systems and makes recommendations in this regard to Council.

2.2.2 Standing and Ad hoc Committees

Various standing committees are appointed by the Council for the five-year term of office and a number of ad hoc committees are appointed from time to time, either by the Council or the Executive, Finance and Staff Committee. Expertise from outside the Council is frequently utilised to assist with the work of the committees when necessary.
With the exception of the Professional Conduct Committee and the Committee of Preliminary Investigation, all these committees report to the Executive, Finance and Staff Committee which then takes decisions on their recommendations.

The standing committees are as follows:

2.2.2.1 Education Committee

(i) COMPOSITION

Every newly constituted Council establishes at its first meeting an Education Committee in terms of section 11(1) of the Act to serve for the term of office of the Council and which shall consist of eight (8) members of whom at least seven shall be registered in terms of the Act. These members are elected by the council from among its members at its first meeting.

(1) In constituting this committee the following taken into consideration:
(a) expertise in: - general nursing science;
    - psychiatric nursing science;
    - community nursing science;
    and
    - midwifery;
(b) representation of universities;
(c) representation of colleges
(d) provincial representation.

The terms of reference of the committee are as follows:

The committee:

(a) identifies areas that need transformation, facilitate adequate discussions of such matters and make recommendations appropriate with majority views to the Executive, Finance and Staff Committee for consideration;

(b) develops and reviews clear protocol and streamline interface between Council and stakeholders;

(c) deals with any other responsibilities deemed appropriate by the Council and the Executive, Finance and Staff Committee;

(d) develop and modifies educational standards and criteria for accreditation;

(e) monitors and researches matters pertaining to nursing education;

(f) reviews all matters contained in the training regulations, educational policies, procedures, processes and guidelines of the Council;
(g) urgently review the following:
- basic programmes;
- post-basic programmes;
- curricula / core competencies;
- nursing education institution's accreditation;
- examination system;
- care workers;

(h) facilitates equal learning opportunities for students.

2.2.2.2. Laws and Practice Standards Committee

1. COMPOSITION

The Laws and Practice Standards Committee consists of eight members who are elected by the Council from among its members and at least four of whom are registered in terms of the Act;

2. The terms of reference of the committee are as follows:

(a) In terms of Legislation and Ethics

(i) Consider all matters with legal and ethical implications referred to it by the Executive, Finance and Staff Committee and the Council;

(ii) monitor and research matters pertaining to nursing legislation and ethics;

(iii) formulate and recommend policies regarding nursing legislation and ethics.

(b) In terms of the monitoring of Practice Standards

(i) Recommending the establishment, development and maintenance of structures and processes for the monitoring of quality in health services in co-operation with relevant stakeholders;

(ii) set standards and criteria and develop instruments to evaluate the quality of nursing care and nursing practice and regularly review these;

(iii) review the process of licensing of nurses and nursing agencies.

3. Functioning

(i) The committee works within the parameters of set goals and a time frame.

(ii) Sub-committees are appointed from within its own ranks as the need arises to prepare working documents.
(d) The Committee consults as broadly as required with relevant stakeholders.

(iii) Legislation and ethical rules are developed as follows -

(a) continual revision of all legislative and ethical rules

(b) consultation with stakeholders i.e.
- Nursing education institutions
- Members of communication network (N C C N)
- Organisations representing nurses
- Community members
- Other health Councils
- National Department of Health
- Provincial Departments of Health
- Organisations representing the private health sector

(c) Reviewing the draft legislation and ethical rules to accommodate stakeholder input

(d) submission of finalised drafts to the Executive, Finance and Staff Committee and thereafter to Council for approval

(e) Registrar submits approved Drafts to Legal Section of the Department of Health for finalisation, approved by the Minister of Health and publication in the Government Gazette to formally become legislation.

2.2.2.3 Committee of Preliminary Investigation

1. Every newly constituted Council appoints at its first meeting from among its members a Committee of Preliminary Investigation in terms of section 11(1) of the Act to serve for the term of office of the Council. This Committee is constituted as prescribed in the regulations for the investigation of alleged unprofessional conduct and the conduct of inquiries, published under Government Notice No. R 373 of 13 November 1970, and consists of six members registered or enrolled in terms of the Act. A member of this committee may not serve on the Professional; Conduct Committee.

The terms of reference of the committee are as follows:

(a) To consider all cases which arise from -
- court and inquest proceedings;
- complaints lodged with the Council;
- matters that come to the attention of the Council in any other manner.
(b) Following on a complaint lodged against a practitioner, the Committee must determine -

- whether there is prima facie proof of the conduct complained of; and
- whether the committee regards the conduct complained of as unprofessional conduct.

(c) The committee can then, depending on whether the circumstances as contemplated above are established, recommend that the case should -

- not be pursued; or
- be referred to the Professional Conduct Committee for an inquiry in terms of section 28 of the Nursing Act; or
- be referred to the Committee appointed in terms of section 36 of the Nursing Act for an inquiry in terms of that section; or
- be referred to the Professional Conduct Committee with the recommendation that the practitioner be afforded the opportunity of an admission of guilt and payment of a pre-determined fine;
- be referred to any other professional council or board where health practitioners other than nurses are involved.

(d) The judgement of the Committee of Preliminary Investigation will be based upon written reports and evidence, and the practitioner whose case is to be considered will not address the committee in person.

2.2.2.4 Professional Conduct Committee

1. COMPOSITION

The Professional Conduct Committee consists of 15 members elected by the Council from among its members, nine of whom shall be registered in terms of the Act.

2. A quorum of the Professional Conduct Committee in session shall be five members and shall include a lay member.

3. FUNCTIONING

(a) to hold inquiries at which it hears evidence under oath or affirmation and decides whether the facts alleged against a person whose name appears on the Council's registers or rolls are proven on a balance of probabilities;
(b) to consider proven facts in context and decide whether, in professional terms, they constitute unprofessional conduct;

(c) to hear information regarding the defendant's previous personal and professional history and any other submissions in mitigation or aggravation of penalty;

(d) to impose a suitable order or penalty in terms of section 29 of the Act.

This committee conducts professional conduct hearings on all matters referred to it by the Committee of Preliminary Investigation. A finding by the Professional Conduct Committee is final, but any sentence more severe than a caution and a reprimand imposed by the committee comes into force and effect only after it has been ratified by the full Council.

2.2.2.6 Transformation and Communication Committee

1. COMPOSITION

The Transformation and Communication Committee consists of 8 members who are elected by the Council from among its members. At least four of those members are registered in terms of the Act.

2. The terms of reference of the Transformation and Communication Committee are to:

2.1 Relating to transformation of Council's structures and processes -

(a) Recommend appropriate implementation, time frames and performance indicators in order to effectively assist Council to monitor its transformational changes;

(b) Promote effective and comprehensive internal and external communication and generally create and promote a positive and visible image of the Council;

(c) Develop a clear protocol and streamline interface between the Council its stakeholders and the media;
2.2 Relating to Communication -

(a) to establish a communication network and work effectively with:

(i) The community
(ii) then nursing community
(iii) other Health Councils
(iv) National bodies
(v) Council members and structures
(vi) other health professions
(vii) National bodies
(viii) International bodies
(ix) Other stakeholders
(x) Nursing Education Institutions
(xi) National and Provincial Departments of Health
(xii) Organisations representing the private health sector
(xiii) Organisations representing nurses
(xiv) Members of Communication Network (N C C N)

(b) to make use of:

(i) Mass media
(ii) pamphlets
(iii) teleconferencing
(iv) networking
(v) articles in appropriated journals/newspapers

(c) to create means of regular, transparent, accessible and effective communication with its stakeholders:

2.3 Consultation with interest groups

Before major decisions/policies are finalised, the Council consults with all relevant stakeholders i.e.

(i) The community
(ii) then nursing community
(iii) other Health Councils
(iv) National bodies
(v) Council members and structures
(vi) other health professions
(vii) National bodies
(viii) International bodies
(ix) Other stakeholders
(x) Nursing Education Institutions
(xi) National and Provincial Departments of Health
(xii) Organisations representing the private health sector
(xiii) Organisations representing nurses
(xiv) Members of Communication Network (N C C N)

Such consultation is regarded as vital because the Council's basic function is to serve the community.
2.4 Office Bearers

If any urgent matters arise between meetings of the Executive, Finance and Staff Committee or the Council, the Office Bearers act as a management committee, and exercise the powers of the Executive, Finance and Staff Committee in their discretion, subject to subsequent condonation by the Executive, Finance and Staff Committee or the Council.

2.5 President and Registrar

The position that the President holds in the Council is that of first among equals. The incumbent who holds the position serves as chairperson of 'the Council and the Executive, Finance and Staff Committee and is an ex officio member of every committee appointed or elected by Council except that he/she may not serve on both the Committee of Preliminary Investigation and the Professional Conduct Committee. The President or a member delegated by him/her is also the spokesperson for the Council at ministerial level or on such other occasions as deemed necessary. In all other matters the Registrar as Chief Executive Officer, represents the Council.

3. THE DECISION-MAKING PROCESS

The following are the main components in the Council's decision making process:

3.1 Non-Regulatory policy formulation

This encompasses all matters which do not have to culminate in regulations under the Nursing Act.

Once a need has been identified and conveyed by a health authority, Council member, a professional association or council, a member of the public or the Council's legal consultants, etc, it is referred to the Executive, Finance and Staff Committee.

The Committee then takes a policy decision, or makes a recommendation to the full Council or refers the matter to another committee for further investigation and report back. Such policy decisions are then communicated to health authorities, educational institutions, the nursing profession and such other stakeholders as the Council may determine.

3.2 Regulatory policy formulation

This refers to matters which culminate in regulations made under the Nursing Act and published in the Government Gazette.
An identified need is referred by the Council or Executive, Finance and Staff Committee to either the Laws and Practice Standards Committee or the Education Committee or both, depending on the nature of the item. These two committees have the function of formulating the principles on which the wording of the subsequent regulations will be based. The regulations are prepared by the Laws and Practice Standards Committee, assisted by the Senior Administrative Officer: Regulations.

As and when required, outside expertise is co-opted. In the case of regulations governing nursing education, once the regulations have been approved by the Executive, Finance and Staff Committee, the Education Committee has the further task of drawing up teaching guides for use by tutors or, alternatively, the teaching guides may form the basis for the formulation of the regulations. (See the process for development of regulations under paragraph 2.2.2.2)

The published regulations and, where applicable, accompanying teaching guides, are distributed to all concerned, including surrounding countries.

3.3 Decision-making in professional conduct matters

Professional conduct inquiries originate in complaints or records of court cases or inquests involving nurses, received by the Council. All such documentation is referred to the Committee of Preliminary Investigation for consideration. The committee can take one of three decisions -

* to refer the case to the Professional Conduct Committee for a formal hearing;

* that there is no prima facie case for a hearing;

* that further information be obtained for reconsideration by the committee.

In the case of a professional conduct hearing, the matter is heard by a Professional Conduct Committee constituted and functioning in terms of regulations made under the Nursing Act. Provision exists in the Act for appointment of legal experts on a committee. The decisions of the Professional Conduct Committee involve both a finding of guilty of unprofessional conduct and in the case of the former the imposition of a suitable penalty. No penalty more severe than a caution and reprimand is of force and effect until ratified by the full Council. Although there is as yet no provision in the Nursing Act for a right of appeal to the courts, any nurse disciplined by the Council has a common law right of review by the High Court. The right of appeal is currently being written into the Nursing Act.
Post Structure:
S A Interim Nursing Council

Registrar and Chief Executive

Deputy Registrar:
Administration and Finance

Senior Manager:
Finances

Senior Manager: Administration and Human Resource Development
(Personnel Officer)

Manager:
Administration

AO: Accounts (x2)

SAO: Bookkeeping

AO: Human Resource Development

Senior Clerk (x2)

Typist/Clerk (x11)

Cell Clerk, Typist/Clerk (Dispatch)

Security Officer (x2)

Printing Operator (x6)

General Worker/Driver (x5)

General Worker/Messenger (x3)

SAO: Records

AO: Registration

Cliff Typist

Senior Typist/Clerk (x2)

Senior Typist (x3)

Typist (x3)

Typist/ Clerk (x14)

Typist/ Clerk (x17)

Typist/ Clerk (x4)

Senior Typist/Clerk (x3)

Senior Typist/Clerk (x3)

Typist/ Clerk (x2)

Typist/ Clerk (x2)

Catering/General Worker (x5)

AO: Exams

Senior Manager:
Professional Development

Manager:
Professional Development

Senior Manager: Information Technology

Manager:
Corporate Communications

Senior Corporate Communications Officer

Network Administrator

Committee Officer

Senior Manager:
Professional Conduct

Manager:
Professional Conduct

SAO: Regulations

AO: Committee Section

AO: Computer Operator

AO: Committee Section

AO: Professional Section (x3)

AO: Exams

AO: Professional Section (x3)

AO: Professional Section (x3)

AO: Professional Section (x3)
3.4 Accreditation of nursing schools and programmes of nursing education

Applications for accreditation of nursing schools and their programmes are evaluated by the professional advisers on the staff of the Council, who prepare the necessary documentation with recommendations for consideration by the Executive, Finance and Staff Committee. The decision making process then follows the route explained above under paragraphs 3.1 and 3.2.

4. ADMINISTRATIVE SYSTEM

Figure 2 contains an organogram of the post structure of the Council.

4.1 Top management

The top management of the Council is vested in the following posts:

- Registrar/Chief Executive Officer
- Deputy Registrar: Professional Affairs
- Deputy Registrar: Finance and Administration
- Senior Manager: Administration and Human Resource Development
- Senior Manager: Finance
- Senior Manager: Information Technology
- Senior Manager: Professional Conduct
- Senior Manager: Professional Development
- Manager: Corporate Communications

4.1.1 Registrar

The Registrar is the chief executive officer of the Council and is responsible for carrying out the functions and duties imposed upon him/her under the Act as well as functions and duties imposed upon him/her by the Council. The Registrar represents the Council under certain circumstances.

Apart from his/her management function as head of the administration the Registrar is also directly responsible for the following functions:

- functioning as secretary of the Council, the Executive, Finance and Staff Committee, the Laws and Practice Standards Committee and the Transformation and Communication Committee,
- chairperson of the management committee and the information technology users forum
- interpretation of the Nursing Act and its regulations.

The Registrar has the services of a personal assistant.
4.1.2 Deputy Registrars:

The deputy registrars are of equal status deputise alternately for the Registrar in his/her absence. Apart from that function, these officers also have the following duties:

4.1.2.1 Deputy Registrar: Professional Affairs -

This officer -

* is a registered nurse who is in charge of the following sections: Professional Development, Professional Conduct, Committee, Corporate Communication, Examinations, Information Technology and Foreign registration.

* Deals with inquiries relating to professional nursing ethics and practice.

* Services as secretary for the Laws and Practice Standards Committee

* Secretary for the meeting with Professional Organisations and Unions representing Nurses.

4.1.2.2 Deputy Registrar: Finance and Administration:

This person -

* Is in charge of the Human Resources Management, Registration, Bookkeeping, Personnel, Records, Despatch, Printing, Typing and Maintenance, Stores and Transport Sections and the Call Centre.

* Acts as the Council's accountant and jointly responsible with the Treasurer for producing the financial reports and the annual budget.

* Serves as Secretary of the IT Users Forum.

* Serves as Secretary of the Management Committee.

The Deputy Registrars are assisted by a secretary.

4.1.3 Senior Managers

4.1.3.1 Senior Manager: Professional Development

This officer must be an experienced registered nurse and midwife as well as an experienced nurse educator and administrator holding the appropriate qualifications. The Professional Development Section, Examination Sections, and the section dealing with foreign registrations are controlled by this officer. He/she also acts as secretary the Education Committee.

The officer is directly accountable to the Deputy Registrar: Professional Affairs.
4.1.3.2 Senior Manager: Professional Conduct

This officer controls the Professional Conduct Section and is required to hold a qualification in Law and extensive experience in Court proceedings and prosecution. He/she is involved in the process of preliminary investigation as well as professional conduct inquiries as pro forma complainant and is directly accountable to the Deputy Registrar: Professional Affairs.

This person acts as secretary of Preliminary Investigation and Professional Conduct Committee meetings.

4.1.3.3 Senior Manager: Information Technology

This officer controls the Information Technology section and is also the Council’s programmer and data manager. The post requirements for this position focuses on expertise and experience in the management of information technology. The officer is therefore a member of the IT Users Forum. He/she is directly accountable to the Deputy Registrar: Professional Affairs.

4.1.3.4 Senior Manager: Administration and Human Resource Development

This officer is responsible for the overall management of the registration, records and support service sections as well as human resource management. A qualification and experience in administration and Human Resource Management is required for this position. He/she acts as the Council’s personnel officer and is directly accountable to the Deputy Registrar: Finance and Administration.

4.1.3.5 Senior Manager: Finances

This officer controls the Bookkeeping and Accounts Sections and is directly accountable to the Deputy Registrar: Finance and Administration. A qualification and extensive experience in financial management are required for this position.

4.1.4 Managers

4.1.4.1 Manager: Professional Development (2 posts)

These officers are experienced registered nurses and midwives who hold nursing education and other specialist qualifications. They are charged with the implementation of the education policy of the Council, which includes the accreditation process, evaluation of curricula and supervision of the Council’s foreign registration and examination process. They also assist the Senior Manager with staff development and other management functions. These officers are directly accountable to the Senior Manager: Professional Development.
4.1.4.2 Manager: Professional Conduct

This officer must hold a qualification in Law and have extensive experience in Court proceedings and prosecution and is involved with the process of preliminary investigation as well as professional conduct inquiries as pro forma complainant. He/she is directly accountable to the Senior Manager: Professional Conduct.

4.1.4.3 Manager: Corporate Communications

This officer controls the Corporate Communications Section and is responsible for developing and maintaining communication and public relation strategies for the Council to effect optimal liaison with stakeholders, media and the public. The qualifications and experience of this officer must be appropriate to accommodate these functions.

He/she acts as secretary to the Transformation and Communication Committee and is directly accountable to the Deputy Registrar: Professional Affairs.

4.1.4.4 Manager: Administration

The incumbent of this post controls the Call Centre as well as the Printing, Typing, Maintenance, Transport and Stores and Despatch Sections. He/she deals with applications for the registration of additional qualifications. He/she also handles all matters relating to nursing agencies. The officer must be an experienced manager and is directly accountable to the Senior Manager: Administration and Human Resource Development.

4.1.4.5 Committee Officer

This officer is in charge of the section dealing with secretarial and committee duties and is thus responsible for all arrangements and documentation related to the meetings of full Council and the standing committees. He/she oversees catering of refreshments and meals for meetings and functions. Extensive experience in committee work is required for this position. The officer is directly accountable to the Deputy Registrar: Professional Affairs.

4.2 Sections of the Council

Apart from the top management, the Council’s administrative functions and policies are carried out by the following sections

4.2.1 Records Section

This is the section which receives all post, places it on files and despatches it to the various sections for attention. The section has a personnel complement of 25 posts and is controlled by a senior administrative officer.
4.2.2 Examinations Section

This section falls under the control of the Senior Manager: Professional Development and deals with the management of all Council examinations for which the Council issues qualifications. A senior administrative officer is in charge of the section, which has a staff complement of 7 posts.

4.2.3 Committee Section

This section falls under the control of the committee officer and is responsible for the preparation of agendas and minutes for all Council and committee meetings, including the preparation of all documentation for such meetings, the convening of ad hoc committees, and the provision of refreshments for Council and committee meetings. There is a total of 12 posts in this section.

4.2.4 Registration Section

All registrations and enrolments of persons and registration or listing of qualifications are dealt with by this section. The staff establishment of this section is 15 posts with a senior administrative officer at the head.

4.2.5 Accounts and Bookkeeping Sections

The Council's bookkeeper, who functions at senior administrative officer level, is directly accountable to the Senior Manager: Finance for the management of the Council's accounting system and liaises with the Accounts Section and the external auditors of the Council. He/she is assisted by a senior clerk.

The Accounts Section has a staff of 15 and the Bookkeeping Section has a staff of 2 - both section functions under the control of a senior administrative officer. This section receives all monies accruing to the Council and issues receipts.

The section also receives and fills orders for prescribed distinguishing devices received from members of the nursing profession.

4.2.6 Professional Development Section

This section has a staff of 22 under the control of the Senior Manager: Professional Development. Eight of the posts are held by registered nurses in the capacity of Manager (2) and professional advisers (6). The professional component is supported by an administrative officer and three senior typist/clerks.
The main functions performed by this section are accreditations visits and inspections of nursing schools, evaluations of curricula for consideration by the Council, preparation of working documents on a variety of subjects, preparation of draft regulations and teaching guides, consultation and counselling on Council policy, representing the Council at symposia, workshops and conferences and maintaining the Council library. This section is also responsible for the control of the Council’s examination system and the Examination Section as well as registration of foreigners.

4.2.7 Information Technology Section

This section is under the control of the Senior Manager: Information Technology and has a staff complement of 3. The section is responsible for the Council’s computer system. The main functions of the system, which undergoes regular upgrading, is the keeping of registers and rolls and summaries of the personal files of all persons on such registers and rolls, keeping the details of accredited nursing schools and the conditions for accreditation, the administrative processing of all Council examinations, statistical analysis of the results of each examination and the printing of diplomas, certificates and annual receipts.

All programmes for information technology of Council is the responsibility of the Senior Manager.

4.2.8 Corporate Communications Section

This section is under the control of the Manager: Corporate Communications and has a staff complement of 4. The function of the section is to implement and maintain the Council’s communication and public relations policies and to effect liaison with the relevant stakeholders. The maintenance and updating of as well as the management of visits to the Charlotte Searle Museum is the responsibility of this section.

4.2.9 Professional Conduct Section

The section, which has a staff complement of 6, is controlled by the Senior Manager: Professional Conduct. The responsibility of the section is to deal with professional conduct matters i.e. preliminary investigation of all complaints and the arranging and conducting of professional conduct inquiries.

4.2.10 Personnel Section

This section is controlled by the Senior Manager: Administration and Human Resource Development and has a staff complement of 3. The section is responsible for human resource development, all staff matters such as leave records, advertising of posts, personnel problems, etc.
4.2.11 Despatch Section

With a staff complement of 4, this section handles the despatch of all postal items.

4.2.12 Typing Section

This section does the typing for all personnel and sections which do not have their own typists. The staff establishment is 5, under the control of a chief typist.

4.2.13 Printing Section

This section is responsible for the printing and reproduction of Council documents, letterheads and certain forms. It has a staff establishment of 9.

4.2.14 Maintenance, Transport and Stores Section

This section is responsible for maintenance of the Council's premises, purchasing and issuing of stationery and other consumables, the delivery of hand-delivered items and the fetching and delivering of post to and from the post office. It has a staff establishment of 6.

4.2.15 Security Section

The security of the Council's buildings and grounds is handled by two full-time security officers on the staff establishment, assisted by others hired from a security firm. The security officers report to the Manager: Administration.

4.2.16 Call Centre

This section handles all incoming telephone calls with a staff complement of five operators and a supervisor who reports to the Manager: Administration.

5. COUNCIL MEMBERS: ACTIVITIES, RESPONSIBILITIES AND CODE OF CONDUCT

5.1 The Office Bearers

The Office Bearers are elected by the Council members at the first meeting of a new Council, and hold office for the five-year lifetime of the Council.

If any urgent matters arise between meetings of the Council or Executive, Finance and Staff Committee the Office Bearers act as a management committee, and exercise the powers of the Executive, Finance and Staff Committee in their discretion, subject to subsequent condonation by the Executive, Finance and Staff Committee.
5.1.1 The President

The position the President holds in the Council is that of first among equals. In accordance with the Nursing Act this person is always a registered (professional) nurse. The incumbent who holds the position serves as chairperson of the Council and the Executive, Finance and Staff Committee and is an ex officio member of every committee appointed or elected by the Council with the exception that he/she may not serve on both the Committee of Preliminary Investigation and the Professional Conduct Committee. The President or a member delegated by him/her is also the spokesperson for the Council at ministerial level, or on such other occasions as deemed necessary. In all other matters the Registrar, as chief executive officer, represents the Council.

5.1.2 The Vice-Presidents

The Vice-President and Deputy Vice-President, (both of whom are registered (professional) nurses) deputise for the President when necessary, share the joint responsibilities set out above and serve on such standing committees as designated by the Council.

5.1.3 The Treasurer shares the joint responsibilities of the Office Bearers, is specifically responsible for the on-going monitoring of the financial status and activities of the Council and makes recommendations to the Council concerning budget amendments which arise in the course of the financial year.

5.2 Council members

5.2.1 General

Council members are the visible and tangible symbols of a statutory organisation which enjoys a recognised status in the eyes of policy makers. There is an obligation on Council members to ensure that they are well informed concerning the Council, its policies and its activities. This will enable them to strengthen the positive image which the Council has endeavoured to build and maintain since its inception.

It is also essential for Council members to take cognizance of criticisms and misconceptions concerning the Council, to address these where possible, and to provide the necessary feedback to the Council where remedial action is indicated.

Another aspect which is specifically brought to the attention of Council members is the need for adequate preparation for attendance at meetings. The agendas and annexures are posted to members at least two weeks in advance of the various meetings. This is in order to give each member an opportunity to familiarise him/herself with the content, and to gather any additional information which might help in the discussions and decisions.
Of particular importance in this regard, is the careful study of the professional conduct cases presented to the Council for ratification of sentence - the careers and livelihood of those involved rest upon the decision of the Council in each case.

In meeting their obligations, every Council member has the right to ask for additional information from the Office Bearers, Council colleagues and Council staff. This may be done informally outside the meetings, or during meetings according to the rules for the conduct of business.

5.2.2 Committee membership

Any Council member may be elected to the standing committees or appointed to an ad hoc committee unless he/she indicates that he/she is not prepared or available to serve.

A Council member may also be approached to serve on a Professional Conduct Committee. This excludes the six members serving on the Committee of Preliminary Investigation.

5.2.3 Inspection of nursing schools

Council members are required to participate in the accreditation visits to and inspections of nursing schools from time to time. In the case of Office Bearers this is applicable in exceptional cases only.

5.2.4 Administrative matters related to Council members

Council members are not remunerated for their serving on Council. Cost incurred for attendance of meetings are covered by the Council. Details of travelling and subsistence and other matters concerning Council members may be found in Section E.

5.3 CODE OF CONDUCT FOR MEMBERS OF THE SOUTH AFRICAN NURSING COUNCIL

Every Council member, upon election/appointment shall commit him/herself to the following principles

* commitment to the promotion of health care delivery

* the facilitation of sufficient, competent, safe and ethically based nursing to the community

* the maintenance of approachability, amenability, and availability for Council duties

* the maintenance of accessibility to the community and nursing profession
the observance of professional confidentiality where indicated

* the adherence to conduct which is ethically commensurate with the dignity, honour and standards of the nursing profession

* the adherence to conduct which promotes the standards and integrity of Council as a statutory institution. Such conduct shall include -

  - regular and punctual attendance of meetings
  - observance of universally accepted rules of order during meetings
  - timeous notification of non-attendance of meetings
  - thorough preparation for meetings to facilitate meaningful and constructive participation
  - prompt submission of comments and contributions when required

6. COUNCIL DOCUMENTATION SYSTEM

Matters discussed at all Council meetings are supported by documentation which is posted to the members two or three weeks in advance of the meeting whenever possible. All Council documents carry an identifying number to facilitate reference during the meeting and subsequently.

The identifying number is quoted under the title of the relevant item in the agenda or report and is referred to as "circulated herewith" if it accompanies the agenda or report, or as "previously circulated" if it has been dealt with during the course of a previous meeting. It is essential, therefore, that Council members retain all annexures in a particular series at least until they have received the minutes and accompanying annexures of that Council meeting.

It is, however, advisable to keep the complete set of documents for a particular Council meeting for at least a year. It frequently happens that reference is made to previously circulated annexures dating back a year or even longer. Where reference is made to annexures that date further back than a year, copies are circulated anew by the office. Such annexures are then referred to as "circulated herewith" in the agenda or minutes concerned.

The information set out below is intended to assist Council members to familiarise themselves with the system used by the Council.
6.1 Title page of documents presented at meetings

Figures 2, 3 and 4 are examples of the title pages of documents presented at a meeting of the Council or one of its committees.

6.1.1 Figure 2 - Title page of a document presented at a meeting of the full Council

Legend:

* "CONFIDENTIAL"

This reminder appears on all Council documents until such time as they are finally approved for general use. Council members are advised to use their discretion in interpreting the confidentiality of all documents, as it may be essential for them to consult with colleagues in preparation for meetings or in making Council policy known.

Meetings of the full Council are held in public, except when the Council goes into committee to deal with confidential matters such as the ratification of Professional Conduct Committee findings and other matters which appear in the document entitled "Continuation of the report of the Executive, Finance and Staff Committee". The implication is thus that any document handled in open meeting may be discussed outside the Council meeting unless a specific request is made not to do so.

* "C1/893"

This is the reference number of the document. Reference numbers of the Council documents always appear in the right upper quadrant of the title page. The number in this case is interpreted as follows:

C = Council
1 = a sequence number allocated for the documents submitted to a particular Council meeting
/S = September
93 = 1993

* The TITLE of the document appears in the centre of the page.

6.1.2 Figure 3 - Title page of a document presented at a meeting of the Executive, Finance and Staff Committee

Documents are prepared for the Executive, Finance and Staff Committee in the form of annexures, of which the document with the abovementioned title page is an example.
Legend:

* The aspect of CONFIDENTIALITY is addressed under section 6.1.1

* "13/S93"

This is the reference number of the annexure and is interpreted as follows:

13 = a sequence number
/S93 = the serial number for September Council 1993

Documents presented at the meetings of the Executive, Finance and Staff Committee held in April, June and July are referred to the September meeting of the Council and thus have a serial letter "S" followed by the year, while those documents presented at the Executive, Finance and Staff Committee meetings held in October, November and January have the serial letter "M".

* The TITLE of the document appears in the centre of the page.

* The SIGNATURE signifies the Council official who has placed the item on the agenda.

* The NAME and MONTH of the meeting appear in the lower left-hand quadrant of the title page.

* "1993-04-26" - signifies the date on which the annexure was processed by the committee section.

* "S_1432" is the relevant Council file number.

6.1.3 Figure 4 - Title page of a document presented at a meeting of the education committee

Documents prepared for the Education Committee are in the form of working documents, of which the document with the abovementioned title page is an example.

Legend:

Apart from the reference number, the content of the title page of a working document is the same as that of an annexure.

* "WD5/93"

WD = working document
5 = sequence number
/93 = serial number for the 1993 calendar year.
Once such working documents have been approved by the Education Committee they are submitted as annexures to the Executive, Finance and Staff Committee and referenced accordingly.

6.1.4 Documents submitted to the professional conduct committee

The title page of documents for the cases referred to the Professional Conduct Committee by the Committee of Preliminary Investigation is similar to that of the other Council documents, but the reference number is specific to this type of document - for example "IN68/M92" in which

IN = Committee of Preliminary Investigation document
68 = sequence number
/M92 = serial number for the March 1992 Council.

Following a professional conduct hearing, the record of the proceedings, together with the court case record where applicable are presented to the following meeting of the full Council in the form of an annexure identified in the same manner as the annexures of the Executive, Finance and Staff Committee. These annexures are circulated with the agenda of the relevant Council meeting.

6.2 Documents furnished for the March meeting of the full Council

Notice of the meeting, circulated with the following documents:

* Agenda for the meeting -

* Minutes of the previous Council meeting (already circulated)

* Financial report and statements for the year ended 31 August of the previous year together with the budget for the year commencing 1 September. C1/M..

* Statistical returns for the year ended 31 December of the previous year to C20/M..

* Registrar's report on registrations, enrolments and examinations (This report is circulated as an ordinary annexure) ..M..

* Election of members - executive committee

Annexure A
* Report of the Executive, Finance and Staff Committee of the Council which consists of -

The principal report of the executive committee C21/M..

The continuation of the report of the Executive, Finance and Staff Committee C22/M..

The supplementary report of the Executive, Finance and Staff Committee C23/M..

6.3 Documents circulated for the September meeting of the full Council

Notice of the meeting circulated with the following documents:

<table>
<thead>
<tr>
<th>Document number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agenda for the meeting</td>
</tr>
<tr>
<td>Minutes of the meeting held in March of that year (already circulated)</td>
</tr>
<tr>
<td>Report of the Executive, Finance and Staff Committee of the Council which consists of -</td>
</tr>
<tr>
<td>The principal report of the executive committee C1/S..</td>
</tr>
<tr>
<td>The continuation of the report of the Executive, Finance and Staff Committee C2/S..</td>
</tr>
<tr>
<td>The supplementary report of the Executive, Finance and Staff Committee C3/S..</td>
</tr>
</tbody>
</table>

6.4 Handling the report of the Executive, Finance and Staff Committee during Council meetings

6.4.1 Principal report of the Executive, Finance and Staff Committee

The Council deals with the items contained in this report in open meeting. An exception to this, is the handling of the item concerning professional conduct enquiries, which is dealt with in committee.

6.4.2 Continuation of the report of the Executive, Finance and Staff Committee

The items contained in this portion of the report are dealt with in committee. Applications for readmission to the register or roll are usually dealt with by the Council at 09:00 on the second day of the meeting, when an applicant may elect
to appear in person, with or without legal representation, or

* not to appear but be represented by a legal advisor, or

* to simply let the application stand on its own merits as a written submission.

6.4.3 Supplementary report of the Executive, Finance and Staff Committee

The items contained in the supplementary report are not discussed in the normal course, but are represented merely for information and noting. Members have the right to give notice at the onset of the meeting that they wish any item or items in this report to be discussed.

7. THE SOUTH AFRICAN NURSING COUNCIL BUILDING

The South African Nursing Council Building, situated at 602 Pretorius Street in Arcadia, Pretoria. This five storey building belongs to the nurses of South Africa and was inaugurated on the ..........

7.1.1 Ground floor

The ground floor contains the information kiosk reception area, with the accounts counter where daily business with the public and nurses is handled the printing section, as well as the dining room and the kitchen is also accommodated on this floor. The dining room is utilised for meals during meetings and for the entertainment of national and international guests.

It is official policy of Council that NO SMOKING is permitted on this floor.

The remainder of the building is utilised as follows:

7.1.2 First floor

Information Technology Section
Data processing Section
Typing pool
Registration Section
Examination Section
Call centre
Despatch Section

7.1.3 Second floor

Records Section
Committee Section
Professional Development Section
Library
7.1.4 Third floor

The Willem J van Schalkwyk Committee Room. (No smoking is permitted in this committee room)
Staff tea room
Stores and maintenance office
Accounts Section
Distinguishing Devices office
Professional Conduct Section
Corporate Communication Section

7.1.5 Fourth floor

This floor accommodates the Charlotte Searle Museum which portrays the history of the Council since 1891. Visits to this museum are encouraged can be arranged with the Manager: Corporate Communications at telephone (012) 420-1070.

The remainder of this floor is utilised as follows:

President’s office
Registrar’s office
Deputy Registrars’ offices
Senior Manager: Finance’s office
Senior Manager (Administration and Human Resource Development) office
Manager (Administration) office
Personnel office
Bookkeeping section (including Auditor’s office)
Secretaries to the Registrar and Deputy Registrars

7.1.6 Fifth floor

The fifth floor accommodates a reception area, two committee rooms and the Constance Northard Council Chamber

Meetings of the Council and the Executive, Finance and Staff Committee are held the Constance Northard Council Chamber, which is also used for sittings of the Professional Conduct Committee. NO SMOKING is permitted on this floor.