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**CONTENTS • INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
<b>PROCLAMATION</b>			
R. 11	Older Persons Act (13/2006): Commencement.....	3	33075
<b>GOVERNMENT NOTICE</b>			
<b>Social Development, Department of</b>			
<i>Government Notice</i>			
R. 260	Older Persons Act (13/2006): Regulations regarding older persons.....	5	33075

**PROCLAMATION***by the**President of the Republic of South Africa***No. R. 11, 2010****COMMENCEMENT OF THE OLDER PERSONS ACT, 2006 (ACT NO. 13 OF 2006)**


In terms of section 36 of the Older Persons Act, 2006 (Act No. 13 of 2006), I hereby determine 1 **April 2010** as the date on which the abovementioned Act comes into operation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria on this 26th day of March Two Thousand and Ten.



**PRESIDENT**

**By order of the President in Cabinet**



**MINISTER OF THE CABINET**

**TSEBISO**

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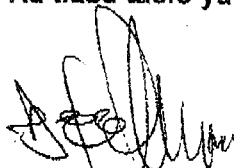
**MOPRESIDENTE WA REPHABOLIKI YA AFRIKA BORWA****No. R. 11, 2010****QALEHO YA MOLAO WA METSOFE, 2006 (MOLAO WA BO 13 2006)**

Ho ya ka karolo ya 36 ya Molao wa Metsofe, 2006 (Molao wa bo 13 2006), ke hlohlomisa letsatsi la 1 Mmesa 2010 jwalo ka letsatsi leo Molao ona o boletsweng ka hodimo o tlang ho kena tshebetsong ka lona.

Ho fanwe ka lona ka tlasa Letsoho la ka le Sekwalo sa Rephaboliki ya Afrika Borwa ha tswa Tshwane Ka letsatsi la 26 la Hlakubele Kete Pedi le leshome.



**MOPRESIDENTE**  
Ka tlasa taelo ya MoPresidente Kabineteng



**LETONA LA KABINETE**

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## GOVERNMENT NOTICE

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### DEPARTMENT OF SOCIAL DEVELOPMENT

No. R. 260

1 April 2010

#### OLDER PERSONS ACT, 2006

#### REGULATIONS REGARDING OLDER PERSONS

The Minister of Social Development has under section 34 of the Older Persons Act, 2006 (Act No. 13 of 2006), after consultation with the Minister for Safety and Security and with the concurrence of the Minister of Finance, made the regulations in the Schedule.

## **SCHEDULE OF CONTENTS**

### **1. Definitions**

#### **CHAPTER 1**

#### **CREATING AN ENABLING AND SUPPORTIVE ENVIRONMENT FOR OLDER PERSONS**

- 2. Application for financial award**
- 3. Contract with service provider**
- 4. Compliance with accounting procedures**
- 5. Conditions for management of assets**

#### **CHAPTER 2**

#### **COMMUNITY-BASED CARE AND SUPPORT SERVICES FOR OLDER PERSONS**

- 6. Application for and approval of registration of community-based care and support services**
- 7. Temporary registration**
- 8. Arrangements prior to termination of community-based care and support services**
- 9. Application for registration as caregiver**
- 10. Training of caregivers**

#### **CHAPTER 3**

#### **RESIDENTIAL FACILITIES**

- 11. Application for and approval of registration of residential facilities**

12. Temporary registration and refusal of an application for registration
13. Withdrawal of temporary registration certificate and deregistration of residential facility
14. Arrangements prior to closure of residential facility
15. Application for admission to residential facility
16. Records to be kept by person caring for or accommodating older person or frail person for remuneration in place other than residential facility
17. Establishment and composition of residents' committee
18. Term of office and vacation of office of members of residents' committee and grounds for removal from office
19. Meetings and minutes of residents' committee

#### CHAPTER 4

##### PROTECTION FOR OLDER PERSONS

20. Measures to promote rights of older persons
21. Measures to prevent and combat abuse of older persons
22. Measures to be taken to advance older persons disadvantaged by unfair discrimination
23. Register of persons convicted of abuse of older person
24. Access to register
25. Establishment of information in register
26. Removal of name from register

#### CHAPTER 5

##### GENERAL PROVISIONS

27. Penalties
28. Repeal of regulations
29. Short title

##### ANNEXURES

- ANNEXURE A: Consolidated Forms  
ANNEXURE B: National Norms and Standards

**ANNEXURE C: Code of Conduct for Community-based Caregivers****Definitions**

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—

**"applicant"** means a person or organization who is applying to provide a service or operate a residential facility in terms of the Act, and includes a person applying for registration as a caregiver;

**"basic needs"** means needs which must be met in order to ensure an older person's survival and includes, shelter, food, water, access to health care services and access to social security;

**"financial year"** means the period beginning on 1 April of one year and ending on 31 March of the following year;

**"Form"** means a form contained in Annexure A;

**"national norms and standards"** the national norms and standards contained in Annexure B;

**"residents' committee"** means the residents' committee of a residential facility contemplated in regulation 17(1);

**"resident"** means an older person residing in a residential facility;

**"service provider"** means any person who is providing a social service to older persons in terms of the Act, and includes an operator;

**"the Act"** means the Older Persons Act, 2006 (Act No. 13 of 2006).

**CHAPTER 1****CREATING AN ENABLING AND SUPPORTIVE ENVIRONMENT FOR OLDER PERSONS****Application for financial award**

2. (1) A service provider must apply to the Minister for a financial award contemplated in section 8(1)(a) of the Act in a form identical to **Form 1** in Annexure A.



(2) A financial award contemplated in subregulation (1) may be provided to a service provider who satisfies the Minister in writing that the service provider—

- (a) provides a service to older persons or operates a residential facility and will use the financial award for the benefit of older persons;
- (b) maintains a register of members and beneficiaries;
- (c) is registered in terms of the Act;
- (d) has the financial and management skills to provide the relevant service or operate the residential facility and will immediately report any financial irregularities or abuse to the South African Police Service, the Director-General or a social worker; and
- (e) will apply effective accounting measures and keep proper records with regard to the expenditure of the financial award received.

(3) If the Minister has approved or rejected an application for a financial award contemplated in subregulation (1), he or she must notify the successful applicant in writing of his or her decision, and with regard to the rejection of the application, must furnish the unsuccessful applicant with reasons for such rejection.

(4) If a service provider who has received a financial award contemplated in subregulation (1) ceases to comply with the provisions of subregulation (2), that service provider is liable for the repayment of any portion of or the total amount of the financial award.

#### **Contract with service provider**

3. A contract with a service provider as contemplated in section 8(c) of the Act must be in writing and must include the following:

- (a) The nature of the relationship between the Minister and the service provider;
- (b) the level of service to be provided by the service provider;
- (c) the amount of the financial award including capital and operational funding;
- (d) the obligations of the service provider which include, reporting and accounting;
- (e) the roles and responsibilities of the service provider and the Minister;
- (f) the procedures for monitoring and evaluation;

- (g) the duration of the contract;
- (h) termination of services;
- (i) the remedies for failure to comply with conditions for the management of assets prescribed in regulation 5; and
- (j) a dispute resolution mechanism.

#### **Compliance with accounting procedures**

4. (1) A service provider must, when preparing financial statements, comply with and adhere to generally accepted accounting principles, and must—

- (a) cause proper books, accounts and registers to be kept;
- (b) prepare an annual report on the activities of the residential facility or service, including audited financial statements in respect of each financial year;
- (c) in the case of a community-based care and support service, within six months of the end of each financial year submit the report and financial statements contemplated in paragraph (b) to the Minister; and
- (d) in the case of a residential facility, within 90 days of the end of the financial year, submit the report and financial statements contemplated in paragraph (b) to the Minister.

(2) A service provider must preserve the documents contemplated in subregulation (1), as well as all supporting vouchers and signed receipts, whether original or certified, for a period of five years.

#### **Conditions for management of assets**

5. (1) Any asset bought by a service provider with Government funds must be managed and used only for the benefit of older persons.

(2) A service provider who bought assets with Government funds—

- (a) must within 30 days of buying, selling or disposing of such assets, forward to the Minister the description details and a certified copy of proof of the transaction relating to the buying, selling or disposal of the said assets for purposes of entry into the register opened and maintained by the Minister; and

- (b) bears full responsibility for the said assets and must ensure that mechanisms are in place to prevent theft, losses, wastage and misuse of the said assets.
- (3) If a residential facility closes or a service is discontinued, the assets contemplated in subregulation (1) must be handed over to another residential facility or service with similar objectives, as directed by the Minister.

## CHAPTER 2

### COMMUNITY-BASED CARE AND SUPPORT SERVICES FOR OLDER PERSONS

#### Application for and approval of registration of community-based care and support services

6. (1) A service provider who wishes to provide a community-based care and support service to older persons must apply to the Director General in a form identical to **Form 2** in Annexure A for the registration of such service.
- (2) The Director-General may, subject to subregulation (3)—
- (a) after consideration of an application contemplated in subregulation (1), the report referred to in subregulation (3) and any other information that he or she may require; and
  - (b) if he or she is satisfied that the community-based care and support service is or will be managed and conducted in such a way that—
    - (i) the service provided or to be provided may be entrusted to or conferred on the said service provider; and
    - (ii) the service complies or will comply with Part 1 of the national norms and standards,

grant full registration to the service provider and issue a registration certificate in a form identical to **Form 3** in Annexure A.

- (3) Before granting registration for a community-based care and support service, such a service, if in existence, must be visited by a social worker or person designated by the Director-General to ensure compliance with the applicable national norms and standards and must submit a report to the Director-General on the outcome of the visit.

(4) The Director-General must ensure that all registered community-based care and support services are monitored and evaluated at least once annually as provided for in section 15 of the Act to ensure continuous compliance with Part 1 of the national norms and standards.

(5) If a service provider fails to comply with a condition for registration or the applicable national norms and standards for a community-based care and support service, the Director-General may, at any time after one month's notice to the service provider and the recipients of services of his or her intention to terminate and deregister a community-based care and support service, and after consideration of any representations received by him or her during such month, terminate and deregister that service.

(6) Where the Director-General has terminated and deregistered a community-based care and support service, the Director-General must consult with service providers in the same area or near the area where the terminated service was provided with a view to the admission of the affected older persons into another community-based care and support service.

### **Temporary registration**

7. (1) The Director-General may grant a temporary registration for a community-based care and support service for a period no longer than six months if the applicant does not comply with some of the conditions for registration and may issue a temporary registration certificate in a form identical to **Form 4** in Annexure A.

(2) A temporary registration certificate contemplated in subregulation (1) must stipulate the conditions to be met by the applicant within the six month period.

(3) The Director-General may at any time, after one month's notice to a service provider of his or her intention to withdraw a temporary registration, and after consideration of any representations received by him or her during such month, withdraw the temporary registration of a community-based care and support service, if—

- (a) he or she reasonably believes that it is necessary to eliminate a risk of harm, abuse or a health hazard to older persons receiving the service; or
- (b) the service provider has failed to comply with the conditions for registration and Part 1 of the national norms and standards, despite being given a reasonable opportunity to do so.

### **Arrangements prior to termination of community-based care and support services**

8. (1) Any service provider who intends to terminate a community-based care and support service, must notify the Director-General in writing of his or her intention in a form identical to **Form 5** in Annexure A.

(2) A notification contemplated in subregulation (1) must be made at least three months prior to the termination of the community-based care and support service.

(3) A service provider must, prior to the termination of a service, furnish the Director-General with a report detailing the steps that have been taken for the continuation of services to older persons and must forthwith return the registration certificate to the Director-General.

(4) The Director-General must upon receipt of a notice contemplated in subregulation (1) and a report contemplated in subregulation (3), acknowledge receipt in a form identical to **Form 6** in Annexure A, and, if necessary, consult with service providers in the same area where the service is rendered, with a view to arrangements for the transfer of the service to another service provider.

### **Application for registration as caregiver**

9. (1) An application for registration as a caregiver must be made to the Minister in a form identical to **Form 7** in Annexure A.

(2) The application contemplated in subregulation (1) must be accompanied by a certified copy of the applicant's identity document or residence permit, as well as a

certified copy of proof issued by a training institution that the applicant received training as a caregiver.

(3) If the Minister is satisfied that the applicant is fit to be registered as a caregiver, the Minister must issue a registration certificate in a form identical to **Form 8** in Annexure A to that applicant.

(4) If the Minister is satisfied that a registration certificate has been destroyed or lost, he or she may, upon application by the holder thereof, issue a duplicate of the registration certificate.

### **Training of caregivers**

10.(1) A service provider providing home-based care must ensure—

- (a) that a caregiver in his or her employment undergoes a training programme accredited by the South African Qualifications Authority; and
- (b) that the caregiver is registered as such with the Minister, before that caregiver is allowed to render the service.

(2) Any service provider providing home-based care immediately before the Act took effect, must within two years of the date on which the Act took effect, ensure that a caregiver in his or her employment undergoes a training programme accredited by the South African Qualifications Authority and is registered as a caregiver with the Minister, before that caregiver is allowed to continue rendering the service after the said two years.

(3) The training programme for home-based caregivers must include the following key performance areas:

- (a) The rights of older persons;
- (b) active ageing;
- (c) understanding how a community views the older person;
- (d) specific knowledge of the needs of older persons, which includes physical needs, psychological needs and social, cultural, spiritual and material needs;
- (e) the Code of Conduct for Community-based Caregivers determined in Annexure C;

- (f) applicable legislation and policies affecting older persons;
- (g) knowledge of community resources, including the availability of emergency services, education and training and counseling services;
- (h) ability to identify the abuse and neglect of older persons;
- (i) communication skills;
- (j) customer care; and
- (k) self- and career development.

### CHAPTER 3

#### RESIDENTIAL FACILITIES

##### **Application for and approval of registration of residential facilities**

11. (1) A person or organization that wishes to operate a residential facility must apply to the Minister for registration of that facility in a form identical to **Form 9** in Annexure A.
- (2) The Minister may, subject to subregulation (3)—
- (a) after consideration of the application contemplated in subregulation (1), the report contemplated in subregulation (3) and other information that he or she may request; and
  - (b) if he or she is satisfied that the residential facility is or will be managed and conducted in such a way that—
    - (i) the reception, admission, care and support of older persons may be entrusted to or conferred on the residential facility;
    - (ii) the residential facility complies with national and local building regulations and has submitted a certificate issued by the relevant authority to that effect;
    - (iii) the residential facility and the facilities therein are accessible in accordance with Part 2 of the national norms and standards;
    - (iv) the nursing care and support and recreational facilities in the residential facility meet the requirements of Part 2 of the national norms and standards;
    - (v) services referred to in section 17 of the Act are provided in a safe and secure environment;
    - (vi) the rights and safety of the older person are protected; and

(vii) the residential facility complies with Part 2 of the national norms and standards,  
grant full registration and issue a registration certificate in a form identical to **Form 10** in Annexure A.

(3) A social worker or a person designated by the Minister must visit a residential facility prior to registration in order to ensure compliance with Part 2 of the national norms and standards and submit a report on the outcome of the visit to the Minister.

(4) The Director-General must ensure that a registered residential facility is monitored and evaluated at least once annually as provided for in section 22 of the Act to ensure continuous compliance with Part 2 of the national norms and standards.

(5) If an operator fails to comply with a condition for registration or the applicable national norms and standards for a residential facility, the Minister may, at any time after one month's notice to the operator of his or her intention to terminate and deregister the registration of a residential facility, and after consideration of any representations received by him or her during such month, terminate and deregister the registration of that residential facility.

(6) Where the Minister has terminated and deregistered a residential facility, the Minister must consult with operators in the same area or near the area where the terminated residential facility was situated with a view to the admission of the affected older persons into another residential facility.

#### **Temporary registration and refusal of an application for registration**

**12.** (1) The Minister may, after consideration of an application contemplated in regulation 11(2)(a)—

- (a) if he or she is not satisfied that a person or organization contemplated in regulation 11(1) has complied with the provisions of regulation 11(2)(b), refuse an application for registration; or
- (b) where the person or organization does not comply with all the conditions for registration, issue a temporary registration certificate for a period not longer than 12 months in a form identical to **Form 11** in Annexure A.



(2) A temporary registration certificate must stipulate the conditions that must be complied with by the applicant within the 12 month period.

(3) An applicant may at any time during the 12 month period referred to in subregulation (2) notify the Minister in writing of his or her compliance with the conditions for registration.

(4) The Minister may, after consideration of a notice contemplated in subregulation (3), and if he or she is satisfied that the applicant has complied with the required conditions, substitute a temporary registration certificate with a registration certificate as contemplated in regulation 11(2).

#### **Withdrawal of temporary registration certificate and deregistration of residential facility**

13. The Minister may at any time, after one month's notice to the operator of a residential facility of his or her intention to withdraw a temporary registration, and after consideration of any representations received by him or her during such month, withdraw the temporary registration certificate of a residential facility and deregister such facility, if—

- (a) he or she reasonably believes that it is necessary to eliminate a risk of harm, abuse or a health hazard to residents; or
- (b) the operator has failed to comply with the conditions for registration and Part 2 of the national norms and standards, despite being given a reasonable opportunity to do so.

#### **Arrangements prior to closure of residential facility**

14. (1) Any operator, who intends to close a residential facility, must notify the Minister in writing of his or her intention in a form identical to **Form 12** in Annexure A.

(2) A notification contemplated in subregulation (1) must be made at least three months before the closure of the residential facility.

(3) An operator must prior to the closure of a residential facility furnish the Minister with a report of the steps that have been taken for the continued

accommodation of the older persons in another residential facility and must forthwith return the registration certificate to the Minister.

(4) The Minister must upon receipt of a notice contemplated in subregulation (1), acknowledge receipt in a form identical to **Form 13** in Annexure A and, if necessary, consult with operators in the same area or near the area where the residential facility is situated, with a view to arrangements for the continued accommodation of the older persons involved by another operator.

### **Application for admission to residential facility**

**15.** (1) An older person who wishes to be admitted to a residential facility must apply in writing to the manager of that residential facility.

(2) The manager or employee of a residential facility or a family member or representative of an older person may assist the older person with the application contemplated in subregulation (1).

(3) The following documents must be provided to an older person and to a family member or representative of the older person by the manager contemplated in subregulation (1):

- (a) The admission policy and fee structure of the residential facility;
- (b) a copy of the house rules and registration certificate of that residential facility;
- (c) information about the residential facility, levels of services provided and the services rendered by that facility; and
- (d) a copy of the facility's complaints procedure.

(4) A multidisciplinary team contemplated in section 21(7) of the Act consists of the manager of the residential facility, the matron at the residential facility, a social worker, a psychiatrist and one or more health care providers.

### **Records to be kept by person caring for or accommodating older person or frail person for remuneration in place other than residential facility**

16. A person who, for remuneration, cares for or accommodates an older person or a frail person in a place other than a residential facility must keep a comprehensive record of each older person or frail person, which must annually be submitted to the Director-General and which must contain the following information:

- (a) The names and identity number of the person;
- (b) the residential address and contact numbers of the person before being accommodated;
- (c) the medical condition of the person;
- (d) names, addresses and contact numbers of next of kin of the person;
- (e) particulars of services provided to the person;
- (f) details of the person's medical aid;
- (g) details of hospitals, clinics and medical practitioners attending to the person;
- (h) details of the person's funeral policy; and
- (i) details of the person who has the person's will.

#### **Establishment and composition of residents committee**

17. (1) Subject to subregulation (2), a residents' committee must consist of not less than five and not more than 12 members, as determined by the operator of the residential facility.

(2) A residents committee must consist of—

- (a) not less than two and not more than seven members representing the residents of the residential facility, elected by the majority of the residents from nominations by the residents;
- (b) not less than one and not more than three members representing the staff members of the residential facility, elected by staff members from nominations by staff members;
- (c) one member representing the local community and nominated and elected in terms of the provisions of sub regulations (4) and (5); and
- (d) the manager of the residential facility.

(3) The manager of a residential facility must at least 30 days before a residents' committee is to be constituted, through the local radio and in the languages most

used in that area or in a newspaper circulating and most read in the area where the residential facility is situated, or via any other means of communication acceptable to the community, invite members of the community to nominate a person to serve on the residents' committee.

(4) The manager and residents of a residential facility must consider the nominations contemplated in subregulation (4) and appoint a suitable person from the list of nominations to the residents' committee.

**Term of office and vacation of office of members of residents' committee and grounds for removal from office**

**18.** (1) A member of a residents' committee, except the manager who holds his or her position *ex officio*, holds office for the period determined by the operator of the residential facility, but not exceeding three years, and may be re-elected or reappointed upon expiry of that term of office.

(2) The manager of a residential facility must inform an elected or appointed member of a residents' committee in writing of that members' election or appointment and the applicable term of office.

(3) If a member of a residents' committee dies or vacates office, the manager of the residential facility may, with the concurrence of the members of the residents' committee, appoint another resident, staff member or member of the community, as the case may be, as a member and that person serves for the remaining portion of the predecessor's term of office.

(4) No member of a residents' committee may use any of the assets, resources or staff of that residential facility for personal purposes.

(5) Before a person is elected or appointed to a residents' committee, that person must indicate in writing whether he or she has, directly or indirectly, any financial or other interest in the relevant residential facility.

(6) A person is disqualified from being a member of a residents' committee if he or she is—

(a) declared insolvent;

- (b) convicted of an offence and sentenced to imprisonment without the option of a fine; or
  - (c) a relative of the manager or a member of the staff of the residential facility.
  
- (7) A residents' committee may at any time, by resolution of a majority of its members, remove a member of the residents' committee from such committee—
  - (a) if the member has repeatedly failed to perform his or her functions efficiently;
  - (b) for misconduct;
  - (c) if he or she is of unsound mind;
  - (d) if he or she becomes insolvent; or
  - (e) if he or she is convicted of an offence which involves dishonesty or the abuse of older persons.
  
- (8) A member of a residents' committee vacates office when he or she—
  - (a) resigns by notice in writing to the residents' committee;
  - (b) is discharged in terms of subregulation (7);
  - (c) was absent from three consecutive meetings of the residents' committee without the chairperson's permission, unless the residents' committee has condoned the absence on good reasons advanced by the member; or
  - (d) dies.

### **Meetings and minutes of residents' committee**

19. (1) The first meeting of a residents' committee must be held at the residential facility within 30 days of the election of the committee members, at which meeting a chairperson and vice chairperson must be appointed by all the members present, and thereafter meetings will be held monthly at the residential facility and at such times as the residents' committee determines.
- (2) The chairperson may at any time call a special meeting of the residents' committee or on a request in writing from at least three members of the committee.
- (3) All members must be notified in writing at least 10 days before every meeting of a residents' committee.

- (4) A quorum at any meeting of a residents' committee is formed by 50% plus one of all the members of the resident's committee.
- (5) Subject to subregulation (4), a decision of the majority of the members present at a meeting of the residents' committee constitutes a decision of the residents' committee and, in the event of an equality of votes in any matter, the person chairing the relevant meeting has a casting vote in addition to a deliberative vote.
- (6) No decision taken by a residents' committee or any act performed under its authority, is invalid merely by reason of a vacancy on the committee.
- (7) If the chairperson and vice chairperson are for any reason unable to attend a meeting of the residents' committee, the members of the committee must elect any other member present to act as a chairperson for the meeting.
- (8) A residents' committee must keep minutes of its meetings and circulate copies of the minutes to its members and to the operator.
- (9) The minutes of a meeting, when signed at the next meeting by the person who chairs that meeting, are, in the absence of proof of error therein, regarded as a true and correct record of the proceedings.

## CHAPTER 4

### PROTECTION FOR OLDER PERSONS

#### Measures to promote rights of older persons

20. (1) Every service provider providing a community-based care and support service and every operator of a residential facility must have measures in place to promote the rights of older persons, which includes—

- (a) access awareness and educational programmes in the residential facility, and other services that will facilitate understanding of ageing issues and create awareness that ageing is a natural process;
- (b) protection of older persons from any form of abuse such as neglect, ill-treatment and financial exploitation;
- (c) access to care and support services;
- (d) training of older persons, their family, the public and staff on the rights of older persons; and
- (e) access to information pertaining to matters that affect older persons such as financial management, the provision of services and the management of services.

(2) Every operator must display the following documentation in a prominent place so that all residents, family members and visitors to the residential facility can see them:

- (a) Registration certificate;
- (b) complaints procedure for the residential facility;
- (c) contact details of the operator;
- (d) contact details of the national and relevant provincial Departments of Social Development and Health;
- (e) telephone numbers of toll-free help-lines and emergency services;
- (f) the Act and these Regulations;
- (g) the Charter on the Rights of Older Persons; and
- (h) the operator's Business or Management Plan.

(3) No person may in any manner prevent or attempt to prevent an older person from exercising any of his or her rights under section 7 of the Act.

(4) An older person must be encouraged by all relevant structures to report any violation of his or her rights to them, which includes a service provider, an operator, a manager, a residents' committee, the South African Human Rights Commission and local authorities.

### **Measures to prevent and combat abuse of older persons**

**21.** (1) Every service provider providing a community-based care and support service and every operator of a residential facility must have measures in place to

prevent abuse of older persons, including the promotion of cooperation with service providers, operators and stakeholders such as the South African Police Service, hospitals, clinics, local government, courts, faith-based organisations and traditional leaders.

(2) Every service provider and operator contemplated in subregulation (1) must provide education and training to older persons on services—

- (a) to assist older persons to prevent and combat the abuse of older persons; and
- (b) available to abused older persons.

(3) The national norms and standards with which any person who provides a service to an older person must comply are reflected in Annexure B.

#### **Measures to be taken to advance older persons disadvantaged by unfair discrimination**

22. (1) When a service provider who provides a service to older persons who have been disadvantaged by unfair discrimination has successfully applied for a financial award, the value of the subsidy to that service may be higher than the value of the subsidy awarded to a service provider who are not providing a service to older persons disadvantaged by unfair discrimination.

(2) The manager of a residential facility to which older persons have been admitted who have been disadvantaged by unfair discrimination, must ensure that specific programmes are instituted in the residential facility for the benefit of such older persons.

#### **Register of persons convicted of abuse of older person**

23. (1) The register contemplated in section 31(1) of the Act must be in a form identical to **Form 14** in Annexure A and must reflect the full names, surname, last known physical address and identification number of the convicted person, particulars of the offence for which he or she has been convicted, the date of conviction, the sentence imposed and a photograph of the convicted person (if available).



(2) The purpose of the register referred to in subregulation (1) is to have a record of persons who have been convicted of the abuse of an older person and to use the information in the register in order to protect older persons against abuse from these persons.

(3) A service provider must for the purposes of section 31(1) of the Act inform the Minister in writing of any conviction for the abuse of an older person or of any crime or offence contemplated in section 30(4) of the Act.

### **Access to register**

**24.** Only the following persons have access to the register as contemplated in Regulation 23(1):

- (a) the Minister;
- (b) officials in the Department designated by the Minister;
- (c) a Member of the Executive Council of a province responsible for social development; and
- (d) officials in the provincial department of social development designated by the Member of the Executive Council responsible for social development in that province.

### **Establishment of information in register**

**25.** (1) Before a person is allowed to work with or have access to older persons at a residential facility or to be registered as a caregiver, the service provider or operator must establish whether or not the person's name appears in the register contemplated in Regulation 23(1).

(2) Within 12 months of the commencement of the Act the service provider or operator must establish whether the name of any person in his or her employment appears in the register contemplated in Regulation 23(1).

(3) Anyone has, upon presentation of sufficient proof of his or her identity, the right to establish whether or not his or her name appears in the register as contemplated in Regulation 23(1) and if so, the reasons why his or her name was entered in such register.

- (4) Inquiries in terms of subregulation (1), (2) or (3) must be directed in writing to the Minister on a confidential basis.
- (5) In the event of an inquiry made to the Minister in terms of –
- (a) subregulation (1), the Minister must respond in writing within 30 working days by indicating whether the person's name appears in such register or not;
  - (b) subregulation (2), the Minister must respond in writing within six months by indicating whether the person's name appears in the register or not; and
  - (c) subregulation (3), the Minister must respond in writing within 30 days by indicating whether the person's name appears in the register, and if so, the reasons why his or her name was entered in the register.

#### **Removal of name from register**

- 26.** (1) A person whose name appears in the register contemplated in Regulation 23(1) may in terms of subregulation (2) apply for the removal of his or her name and any information relating to that person from the said register.
- (2) Application for the removal of a name and particulars from the register may be made to –
- (a) the Minister, if the entry was made in error; or
  - (b) the High Court if the Minister refuses an application in terms of paragraph (a).
- (3) An application in terms of subregulation (2)(a) to remove a person's name and particulars from the register must be accompanied by an affidavit setting out the reasons why the Minister must remove such a person's name from the register.
- (4) The Minister must notify the applicant of the outcome of the application referred to in subregulation (2)(a) within 30 working days of receipt of the application.

## CHAPTER 5

### GENERAL PROVISIONS

#### Penalties

27. Any person who does not adhere to a direction in terms of a provision of these regulations is guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding one year or to both such fine and such imprisonment.

#### Repeal of regulations

28. The regulations promulgated by—
- (a) Government Notice No. R. 3759 of 21 November 1969, as amended by Government Notices No's R. 1235 of 31 July 1970 and R. 1625 of 3 September 1976; and
  - (b) Government Notice No. R. 1361 of 15 December 2000
- are hereby repealed.

#### Short title

29. These regulations are called the Regulations regarding Older Persons, 2010.

**ANNEXURE B****PART 1**

**NATIONAL NORMS AND STANDARDS REGARDING THE ACCEPTABLE  
LEVELS OF SERVICES TO OLDER PERSONS AND SERVICE STANDARDS FOR  
COMMUNITY-BASED CARE AND SUPPORT SERVICES**

<b>FUNCTIONAL AREA</b>	<b>OUTCOME</b>	<b>STANDARD</b>
<p><b>1.DELIVERY OF SERVICES</b></p> <p>1.1 Physical environment determined by the category of services delivered.</p>	<p>1.1.1 Building and facilities are accessible and safe to older persons in the community.</p> <p>1.1.2 Minimum requirements for the construction of a building or facility to address the needs and support systems for older persons.</p>	<p><b>A. Basic Services – Luncheon / Service Clubs</b></p> <p><b>Informal/temporary accommodation (rural)</b></p> <ul style="list-style-type: none"> <li>▪ Informal kitchen (which could be a Lapa)</li> <li>▪ Kitchen must have water supply (tank or drum)</li> <li>▪ There should be a sheltered meeting place i.e. community hall</li> <li>▪ Facility to wash hands</li> <li>▪ Access to suitable toilet facilities for both genders</li> </ul> <p><b>B. Basic Services (Formal)</b></p> <ul style="list-style-type: none"> <li>▪ Community Hall – at least 1,5 m<sup>2</sup> per person or suitable sheltered meeting place</li> <li>▪ Office or secure place for documents, or suitable designated area</li> <li>▪ Kitchen with running water</li> <li>▪ Safe source of power / electricity</li> <li>▪ Toilet facility 1:25 members of each gender</li> </ul>

		<ul style="list-style-type: none"> <li>▪ Ramps and/or handrails provided to make the facilities wheelchair and tripod accessible and safe</li> <li>▪ Hand wash facilities in each toilet block with water</li> <li>▪ Bathroom facilities with a shower or wash-up facility with hot and cold water supply available</li> </ul> <p><b>C. Intermediate Services – Service Centre</b></p> <ul style="list-style-type: none"> <li>▪ Community Hall – at least 1,5 m<sup>2</sup> per person</li> <li>▪ Office</li> <li>▪ Consulting room facility</li> <li>▪ Kitchen with running water</li> <li>▪ Safe source of power</li> <li>▪ Toilet facility 1:25 separate for members of each gender</li> </ul> <ul style="list-style-type: none"> <li>▪ Ramps and/or handrails provided to make the facilities wheelchair and tripod accessible and safe</li> <li>▪ Bathroom facilities with a shower (or wash up facility) with hot and cold water supply available and hand wash facilities in each toilet block with running water.</li> </ul> <p><b>D. Tertiary Services – Comprehensive Service which could include Assisted Living / Respite Services</b></p> <ul style="list-style-type: none"> <li>▪ Community Hall – at least 1,5 m<sup>2</sup> per person</li> <li>▪ Office space available</li> <li>▪ Consulting room facility with a lock up facility for medicines</li> <li>▪ Kitchen with running water</li> <li>▪ Cooling facility for perishable food products</li> </ul>
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		<ul style="list-style-type: none"> <li>▪ Kitchen utensils, cutlery and crockery</li> <li>▪ Safe source of power /energy</li> <li>▪ Toilet facility (1:25 people) for members of each gender</li> <li>▪ Ramps and or handrails provided to make facility accessible and safe (wheel chairs, tripods, walking frames, etc)</li> <li>▪ Hand wash facilities in each toilet block</li> <li>▪ Access to bathroom facilities with a shower with hot and cold water supply</li> <li>▪ Services rendered for a minimum of 5 days per week</li> </ul>
1.2 Statutory requirements	<p>1.2.1 The Community-based care and support service must be registered in terms of the Older Persons Act (Act No. 13 of 2006).</p> <p>1.2.2 Assessment of all category A, B and C recipients needs to be done to determine the individual support and care service needs, and to determine any possible risks that need to be managed.</p> <p>1.2.3 Membership policy of the service must be in accordance with statutory requirements.</p>	<ul style="list-style-type: none"> <li>▪ Apply for registration in terms of the Act before commencement of the service</li> <li>▪ Registration certificate must be accessible and publicly displayed</li> <li>▪ Completed standardised background report of service provider organisation and members of the organisation</li> <li>▪ Information on the organisation and services rendered must be provided.</li> <li>▪ Information accessible to all</li> <li>▪ Membership registers to be available and updated for members and beneficiaries of services</li> <li>▪ Standardised admission policy and</li> </ul>

		<p>rules and admission form</p> <ul style="list-style-type: none"> <li>▪ Standardised membership policy and rules and membership form.</li> </ul>
<p>1.3 Provision of Community Based Care and Support programmes.</p>	<p>1.3.1 Economic empowerment programmes must be developed and implemented.</p> <p>1.3.2 Information awareness campaigns must be organised and documented.</p> <p>1.3.3 Education and skills development programmes must be structured and made accessible to older persons where educational needs has been identified to help older persons to sustain their livelihood.</p> <p>1.3.4 Spiritual, cultural, health, civic and social service needs must be identified in a community and these existing services made accessible as well as</p>	<ul style="list-style-type: none"> <li>▪ Income generating activities (All categories)</li> <li>▪ Food and gardening projects (All categories)</li> <li>▪ Arts and crafts projects (All categories)</li> <li>▪ Poverty relief projects</li> <li>▪ Employment and economic empowerment projects and programmes</li> <li>▪ Awareness campaigns on the rights of older persons, on abuse, health and lifestyle aspects e.g. Dementia, Alzheimers, HIV and AIDS</li> <li>▪ Information on basic and other professional services, how and where to access services</li> <li>▪ Adult Basic Education Training (ABET)</li> <li>▪ Life skills programmes (e.g. budgeting, grand parenting skills etc.)</li> <li>▪ Computer training</li> <li>▪ Skills training as identified in a community</li> <li>▪ Religious activities</li> <li>▪ Primary Health Care (PHC) services (e.g. immunisation, basic podiatry services, monitoring of Health status, etc)</li> <li>▪ Cultural/traditional activities (e.g. indigenous games)</li> </ul>

	<p>coordinating such programmes where applicable.</p> <p>1.3.5 Provision of or access to nutritionally balanced meals to needy older persons.</p> <p>1.3.6 Recreational opportunities must be identified, developed and implemented.</p> <p>1.3.7 Counselling services made accessible to older persons.</p> <p>1.3.8 Provision of and /or accessibility to professional services, including care and rehabilitation to ensure independent living of the older person.</p>	<ul style="list-style-type: none"> <li>▪ Pension pay points/access social grants</li> <li>▪ Advice and referral in order to access basic services</li> <li>▪ Preventative and promotive health care programmes</li>   <li>▪ Meals on wheels (Provision of meals to older persons in the community on a regular basis)</li> <li>▪ Food on foot (When members from the service centre deliver meals to other members of the community who due to ill health are unable to collect meals )</li> <li>▪ Provision of a balanced meal to older persons at a designated facility</li>   <li>▪ Cultural activities</li> <li>▪ Indoor and outdoor games</li> <li>▪ Library services</li> <li>▪ Social activities</li> <li>▪ Sport activities</li> <li>▪ Physical exercise activities</li>   <li>▪ Bereavement counseling</li> <li>▪ Trauma counseling</li> <li>▪ Pre and post retirement counseling</li> <li>▪ Support groups</li> <li>▪ Telephone helpline</li> <li>▪ Counseling based on verbalized personal needs</li>   <li>▪ Sessional social work services</li> <li>▪ Primary Health Care services by a primary health care nurse</li> <li>▪ Community Based Rehabilitation workers (CBR workers)- Assistant physiotherapist &amp; Assistant occupational therapist and other professional categories</li> <li>▪ Support services</li> </ul>
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	<p>1.3.9 Services contained in the indigent policy for vulnerable and qualifying older persons.</p> <p>1.3.10 Utilisation and management of existing facilities for older persons as multi-purpose community centres.</p> <p>1.3.11 Integrated community care and development systems for older persons.</p> <p>1.3.12 Provision of intergenerational programmes.</p>	<ul style="list-style-type: none"> <li>▪ Programmes to enable and support families and spouses/partners to provide care and support</li> <li>▪ Awareness on the content of the indigent policy of local government and rebates or rates concession for qualifying older persons (e.g. subsidised transport, rates and taxes)</li> <li>▪ Referral systems in place to access services contained in the indigent policy</li> <li>▪ Outreach programmes (taking services to the community and making the facility available for the community)</li> <li>▪ Cooperation agreement with other stakeholders</li> <li>▪ Directory of community care and support services available to all older persons</li> <li>▪ Utilisation of skills of older persons in the community projects (e.g. skills of retired professionals)</li> <li>▪ Reality orientation programmes available, accessible or developed and made accessible</li> <li>▪ After school classes run by older persons</li> <li>▪ Cultural story telling encouraged</li> <li>▪ Operation dignity programmes developed and implemented</li> <li>▪ Cultural games organised</li> <li>▪ Grand parenting programmes</li> <li>▪ Moral regeneration activities (preservation of values, adopt a school, adopt a granny)</li> </ul>
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	<p>1.3.13 Service requirements and specifications</p>	<p><b>A Basic Services –Primary Support</b></p> <ul style="list-style-type: none"> <li>▪ Access and/or Provision of nutritional balanced meal</li> <li>▪ Spiritual, cultural, health, civic and social services</li> <li>▪ Intergenerational programmes</li> <li>▪ Information and educational programmes</li> <li>▪ Economic empowerment (one of the above mentioned services)</li> <li>▪ Home Based care and Primary Health Care Services</li> <li>▪ Physical exercises or active ageing programmes</li> <li>▪ Basic administration system e.g. attendance register, membership register, asset register, receipt book</li> </ul> <p><b>Minimum requirements</b></p> <ul style="list-style-type: none"> <li>▪ Must render two of the primary services of which meals are compulsory, will progress to category B Functioning three days a week, 18 hours per week</li> </ul> <p><b>Membership</b></p> <ul style="list-style-type: none"> <li>▪ Minimum of 20 older persons</li> </ul> <p><b>Staff</b></p> <ul style="list-style-type: none"> <li>▪ 1 coordinator</li> <li>▪ 1 Volunteer for 20 older persons</li> </ul> <p><b>B Intermediate Services</b></p> <p><b>Minimum requirements</b></p> <ul style="list-style-type: none"> <li>▪ At least three primary services of which meals are compulsory</li> <li>▪ Functioning 5 days a week for a minimum of 30 hours per week and will progress to category C when they meet prescribed requirements</li> <li>▪ Membership should be a minimum of 50 older persons</li> </ul>
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		<p>minimum staff:</p> <ul style="list-style-type: none"> <li>▪ 1 Manager</li> <li>▪ 1 Administration officer</li> <li>▪ Cook</li> <li>▪ PHC (primary health care nurse Depending on capacity and type of service)</li> <li>▪ 1 social Worker/ Auxiliary Social Worker</li> <li>▪ 2 Community Based Rehabilitation workers</li> <li>▪ 2 General workers</li> <li>▪ 1 Driver</li> <li>▪ 1 Volunteer for every active 20 older persons</li> <li>▪ 1 Volunteer for every 5 frail older persons</li> <li>▪ 1 Caregiver for every active 20 older persons</li> <li>▪ 1 Caregiver for every 5 frail older persons</li> </ul>
1.4 Capacity building.	1.4.1 Effective and efficient staff and volunteers to be able to address the needs of older persons.	<ul style="list-style-type: none"> <li>▪ Organisation must have <ul style="list-style-type: none"> <li>- a recruitment program</li> <li>- selection and appointment criteria</li> <li>- training program</li> <li>- a job description per category</li> <li>- register of volunteers</li> </ul> </li> </ul> <p>Adherence to Labour Relations Act and Basic Conditions of Employment Act</p>
1.5 Community participation.	1.5.1 An informed and supportive community.	<ul style="list-style-type: none"> <li>▪ An outreach program</li> <li>▪ Information sharing</li> <li>▪ Plan for promotion of community participation</li> <li>▪ Involvement of community in special events, projects etc</li> </ul> <p>Measure the response e.g. donations, visits, volunteers etc.</p>
1.6 Information on Access to Health and Social Welfare	1.6.1 Optimal healthy ageing and self-actualisation	<ul style="list-style-type: none"> <li>▪ Information on accessibility to primary health care services</li> </ul>

Services.	through information, access and availability of affordable, accessible and appropriate health and social welfare and other support services.	<ul style="list-style-type: none"> <li>▪ Information on accessibility and affordable curative care, i.e. hospitals and day hospitals</li> <li>▪ Information on accessibility to social welfare services</li> <li>▪ Information on accessibility to multi-purpose services</li> </ul> <p>Information on accessibility to psycho-geriatric services.</p>
1.7 Information to access Transport.	1.7.1 The accessibility of services and the optimal independent functioning of older persons.	<ul style="list-style-type: none"> <li>▪ Lobbying for concessions for public transport</li> <li>▪ Lobbying for older person-friendly and safe transport systems.</li> </ul> <p>Transport available to access support services.</p>
1.8 Provision of assistive devices.	1.8.1 Facilitate access to assistive devices.	<ul style="list-style-type: none"> <li>▪ Information on access to lending depots</li> <li>▪ Information on access to assistive devices are available</li> <li>▪ Assistive devices are properly maintained</li> <li>▪ Training programmes in the correct use of assistive devices</li> </ul> <p>Directory / data bank of lending depots.</p>
1.9 Social and economic independence.	1.9.1. Optimal independent functioning and self fulfillment / actualization.	<ul style="list-style-type: none"> <li>▪ Programmes to promote preparation and provisioning for old age</li> <li>▪ Poverty relief programmes to promote the financial sustainability of families</li> <li>▪ Programmes for the development of life skills</li> <li>▪ Enrichment programmes to acquire and transfer skills and culture</li> <li>▪ Programmes to utilise older persons' skills and expertise</li> <li>▪ Programmes for life-long training and education</li> </ul> <p>Programmes to promote optimal self-actualisation.</p>
1.10 Volunteerism.	1.10.1 Active groups of volunteers.	<ul style="list-style-type: none"> <li>▪ Establish and maintain a volunteer program</li> </ul>

	1.10.2 Active older volunteers.	<ul style="list-style-type: none"> <li>▪ Register for volunteers</li> <li>▪ Volunteer policy</li> <li>▪ Directory of individual and organisation volunteers with contact details</li> <li>▪ Establish and maintain a senior volunteer program</li> </ul>
1.11 Provision of food.	<p>1.11.1 Hygienic food preparation and serving facilities.</p> <p>1.11.2 Nutritious food.</p>	<ul style="list-style-type: none"> <li>▪ Suitable premises and facilities for the preparation and storage of food</li> <li>▪ Sufficient and appropriate crockery and cutlery</li> <li>▪ Eating facilities to be clean and odorless</li> <li>▪ Separate hand washing and ablution facilities for staff</li> <li>▪ Adequate functional storage of raw and prepared foods</li> <li>▪ Separate facilities for the storage of cleaning materials and refuse</li> <li>▪ Compliance with Local Authority Regulations</li> <li>▪ Nutritious meals according to the service being provided, at least one meal per day with a tertiary service providing up to 3 meals per day, and additional fluids at least 3 times per day. (The third meal could be a snack except in a case where respite care is overnight)</li> <li>▪ A pre-planned cycle of varied and balanced meals</li> <li>▪ Special diets in accordance with the health needs of residents</li> <li>▪ Accommodation of cultural and religious preferences where applicable</li> <li>▪ Access to food parcels</li> </ul>
<b>2.MANAGEMENT SERVICES</b>		

<p>2.1 Service providers.</p>	<p>2.1.1 Effective service providers.</p> <p>2.1.2 Caregivers in the employ of the service provider are well equipped for their tasks.</p>	<p>Regular meetings to be held between employer and employees and regular reports to recipients of services.</p> <ul style="list-style-type: none"> <li>▪ Caregivers in the employ of the service provider must receive training to equip them with the required knowledge and skills to effectively deliver the required services to older persons.</li> <li>▪ Proof of training done when necessary to improve knowledge and/or skills.</li> <li>▪ Service provider must keep a register of caregivers</li> <li>▪ Job description for caregivers.</li> </ul> <p>Caregivers must adhere to the Code of Conduct for Community-based Caregivers.</p>
<p>2.2 Statutory requirements.</p>	<p>2.2.1 Adherence to statutory requirements.</p>	<ul style="list-style-type: none"> <li>▪ The Older Persons Act, 2006 and the regulations made in terms thereof must at all times be available to older persons.</li> <li>▪ Caregivers must have a working knowledge of the legislation.</li> </ul> <p>Training programmes must be made available to caregivers.</p>
<p><b>3. OPERATIONAL MANAGEMENT</b></p> <p>Financial management practices applicable to the category of service rendered.</p>	<p>3.1.1 Accountability of management.</p>	<ul style="list-style-type: none"> <li>▪ Recognised and acceptable financial management practices must be adhered to</li> <li>▪ Annual budget is approved in accordance with the organisation's constitution</li> <li>▪ The budget and monthly financial statements are accessible for assessment</li> <li>▪ The office bearer responsible for the financial management is adequately trained and qualified.</li> <li>▪ The payment of accounts and receipt of income is done in accordance with</li> </ul>

	<p>3.1.2 Efficient and effective service delivery.</p>	<p>financial policy of the organization and in the case of Government funding according to the Treasury Regulations.</p> <ul style="list-style-type: none"> <li>▪ Annual report and financial statements must be submitted to the Minister.</li> <li>▪ Operational meetings / communications with staff</li> <li>▪ Operational control of the service</li> <li>▪ Hygiene management of all areas and pest control</li> <li>▪ Accessibility of emergency services</li> <li>▪ Telephone number of emergency services prominently displayed</li> <li>▪ Proof of arrangements with emergency services with regard to management of emergencies</li> <li>▪ Emergency plan, fire drills approved by relevant authorities ( including fire and floods evacuations)</li> <li>▪ Access control policy implemented</li> <li>▪ Safety officers appointed</li> <li>▪ Evaluation procedures in place</li> <li>▪ All registers provided for in the Older Persons Ac, 2006 and Regulations must be kept.</li> </ul> <p>Proof of arrangement with doctors on call and public display of doctors on call, local hospital, ambulance service, contact numbers for support services, South African Police Services and nearest family member.</p>
<p>3.2 Asset management.</p>	<p>3.2.1 Effective organization and maintenance of assets.</p>	<ul style="list-style-type: none"> <li>▪ Asset Register available</li> <li>▪ Assets and stock counted and reported on according to the policy of the organization. policy must be available</li> <li>▪ Take measures to secure and protect assets</li> </ul> <p>Where affordable to insure, fixed assets must be comprehensively insured.</p>



<p>3.3 Human resource management.</p>	<p>3.3.1 Well trained, motivated and dedicated staff.</p>	<ul style="list-style-type: none"> <li>▪ Human resource policy.</li> <li>▪ Staff recruitment policy.</li> <li>▪ Relevant laws must be available and adhered to.</li> <li>▪ Personal file must be kept for every staff member with job description and leave records.</li> <li>▪ Training programmes for staff implemented</li> <li>▪ Induction programmes in place</li> <li>▪ Evaluation programmes in place</li> <li>▪ Grievance procedure available</li> </ul> <p>Disciplinary code available.</p>
<p>3.4 Nursing service and care administration.</p>	<p>3.4.1 Provision of acceptable standards for continuous care and support of older persons including the reduction of all possible risk factors to promote independent living for as long as possible.</p>	<ul style="list-style-type: none"> <li>▪ Develop and implement policies and procedures known to and accessible by all members of nursing staff, including indications of quality of care to be maintained</li> <li>▪ Manage the staff establishment and organization effectively and efficiently</li> <li>▪ Appropriate deployment and utilization of staff, including adequate supervision</li> <li>▪ Implement continuous professional development programmes (that include amongst others topics such as the prevention of abuse, HIV and Aids, Rights of Older Persons).</li> <li>▪ Supervision and maintenance of registers and documentation required by legislation</li> <li>▪ Implement regular client assessments to identify risk factors and to adjust the care and support service programs of each recipient of service</li> <li>▪ Implement "prevention of falls" programs</li> <li>▪ Keep and communicate the necessary statistics and reports required by applicable legislation</li> </ul>

		<ul style="list-style-type: none"> <li>▪ Develop individual care and support programmes for all recipients of services</li> <li>▪ Proof of management of infection control principles</li> <li>▪ Proof of reducing risk factors to create a safe and healthy environment for the older person</li> <li>▪ Develop and implement active ageing programs to ensure independent living of the older person for as long as possible</li> <li>▪ Coordinate a multidisciplinary approach by all role players to ensure a comprehensive holistic care and support program for all recipients of care services</li> </ul> <p>Actively participate in the clinical care and support of older persons with the implementation and execution of care and support programs.</p>
3.5 Rights and responsibilities of older persons.	<p>3.5.1 Older persons are treated with dignity and respect.</p> <p>3.5.2 Older persons are protected against abuse, neglect, ill-treatment and exploitation.</p>	<ul style="list-style-type: none"> <li>▪ Declaration on the Rights of Older Persons signed, explained and displayed</li> <li>▪ Participation in the planning and management of services</li> <li>▪ Programmes to promote and maintain the status of older persons</li> <li>▪ Register on abuse (A, B &amp; C categories)</li> <li>▪ Protocol on abuse available (A, B &amp; C categories)</li> <li>▪ Protocols for the placement of people in safe environment</li> <li>▪ Training programmes for carers to deal effectively with abuse (A, B &amp; C categories)</li> <li>▪ Training programmes for survivors to deal effectively with abuse (survivors)</li> </ul>

	<p>3.5.3 Older persons and /or their families are active participants in the delivery of services.</p> <p>3.5.4 A caring community.</p>	<p>empowerment program) (A, B &amp; C categories)</p> <ul style="list-style-type: none"> <li>▪ Personal safety and security awareness programmes</li> <li>▪ Recipients / family respect the social, cultural and religious beliefs of their fellow recipients of service.</li> <li>▪ Recipients and / or their family remain active and self-reliant as far as possible</li> <li>▪ Recipients / family freely participate in all programmes</li> <li>▪ Recipients/ family do not engage in practices that may endanger and / or disturb the lives, health and well-being of others</li> <li>▪ The community should actively participate in the promotion and maintenance of the rights of older persons</li> <li>▪ Promotion of awareness in national and provincial programmes of interest to older persons</li> </ul> <p>All programmes are sensitive to the needs of older persons.</p>
<p>3.6 Data Information System.</p>	<p>3.6.1 Reliable and valid data to be able to monitor the health status of the individual and to adjust care and support service programmes according to needs and possible risks.</p> <p>3.6.2 Protect the older persons right to privacy by not</p>	<ul style="list-style-type: none"> <li>▪ Directories of services &amp; service providers</li> <li>▪ Data on services delivered</li> <li>▪ Data on progress on services delivered</li> <li>▪ Policies and procedures in place to protect the privacy of the older person.</li> </ul>

	disclosing any personal data to third parties.	
3.7 Social and economic independence.	<p>3.7.1 Optimal independent functioning and self fulfillment / actualisation (Also applicable where assisted living is attached to a residential facility).</p> <p>3.7.2 Healthy and active ageing.</p>	<ul style="list-style-type: none"> <li>• Programmes to promote preparation and provisioning for old age</li> <li>• Poverty relief programmes to promote the financial sustainability of families</li> <li>• Programmes for the development of life skills</li> <li>• Enrichment programmes to acquire and transfer skills and culture</li> <li>• Programmes to utilise older persons' skills and expertise</li> <li>• Programmes for life-long training and education</li> <li>• Programmes to promote optimal self-actualisation</li> <li>• Community-based directories of job creation programmes</li> <li>• Programmes to promote continuous learning and development</li> <li>• Skills transfer programmes</li> <li>• Reality orientation programmes</li> <li>• Promotion of independent living by means of active ageing, healthy ageing and self-actualisation</li> <li>• Promotion of participation of older persons in sport, recreation, leisure and arts and cultural activities</li> <li>• Life skills development</li> <li>• Health promotion</li> </ul>
3.8 Home-based care programmes	3.8.1 Older Persons maintain their independence through the provisioning of Home-based care programmes.	<p><b>Basket of Home-based care programmes</b></p> <ul style="list-style-type: none"> <li>• Visits to older persons / frail older persons</li> <li>• Meals on wheels / meals on foot delivery</li> <li>• Referrals to category B and C service</li> </ul>

		<p>centres or other resources</p> <ul style="list-style-type: none"> <li>• Education and training to family, care givers and beneficiaries</li> <li>• Laundry services</li> <li>• Making of bed</li> <li>• Transport services</li> <li>• Home cleaning services</li> <li>• Bathing, washing, feeding, dressing and grooming</li> <li>• Companionship / socialisation</li> <li>• Cooking service</li> <li>• Day care service delivery</li> <li>• Social work services</li> <li>• Health monitoring</li> <li>• Referral to comprehensive care services</li> <li>• Physical Exercise programmes</li> <li>• Home cleaning services</li> <li>• Social and mental stimulation-communication</li> <li>• Advice and training of informal care givers</li> <li>• Accompany member to clinic, pension pay point if required</li> <li>• Vital signs monitoring ( Temperature, Blood pressure and Pulse,</li> <li>• Monitoring of Blood sugar level</li> <li>• Monitoring and administration of meals including feeding</li> <li>• Risk management/ Prevention of injury, disability and illness</li> <li>• Interaction with family and friends</li> <li>• Maintain acceptable level of hygiene</li> <li>• Socialisation (e.g. reading, usage of telephones, etc.)</li> </ul> <p><b>Informal Service Level</b></p> <p>Must render a minimum of two of the Basket of Home-based care services</p>
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3.9 Support to caregivers.	3.9.1 Enabled and motivated caregivers.	<ul style="list-style-type: none"> <li>• Programmes to train, develop and support caregivers (debriefing programmes)</li> <li>• Design and impliment respite care programmes</li> <li>• Information and referral systems to caregivers</li> <li>• Training programmes in the correct use</li> </ul>

		of assistive devices Directory / data bank of lending depots.
3.10 Statutory requirements.	<p>3.10.1 Protection of older persons as recipients of home-based care services.</p> <p>3.10.2 Compliance with the requirements of the Older Person's Act No. 13 of 2006.</p>	<ul style="list-style-type: none"> <li>• Register the service in terms of the Older Person's Act</li> <li>• Appointment of registered and trained caregivers in accordance with Older Persons Act 13 of 2006</li> <li>• Compliance with supervision requirements</li> <li>• Proof of registration of caregiver with the Minister</li> <li>• Adherence to the Code of Conduct for Community-based Caregivers</li> <li>• Keep the prescribed register of the caregivers</li> <li>• Submit the register of caregivers to the Minister</li> <li>• Adhere to the National Elder Abuse Protocol</li> <li>• Have disciplinary procedures in dealing with caregivers abusing older persons</li> </ul> <p>Provide ongoing in-service training for caregivers.</p>

## PART 2

**NATIONAL NORMS AND STANDARDS REGARDING THE ACCEPTABLE  
LEVELS OF SERVICES TO OLDER PERSONS AND SERVICE STANDARDS FOR  
RESIDENTIAL FACILITIES**

<b>FUNCTIONAL AREA</b>	<b>NORM</b>	<b>STANDARD</b>
Identification of types of residential facilities	<p><b>Category A Facility –</b> Independent Living</p> <p><b>Category B Facility-</b> Assisted Living</p> <p><b>Category C Facility –</b> Frail Care</p>	<ul style="list-style-type: none"> <li>▪ Interim Homes</li> <li>▪ Boarding Houses</li> <li>▪ Housing Schemes or Sheltered Housing</li> <li>▪ Retirement Villages</li> <li>▪ Shelters</li> <li>▪ Residential facilities</li> </ul>
<p><b>1. DELIVERY OF SERVICES</b></p> <p>1.1 Physical environment determined by the type of service delivered.</p>	<p>1.1.1 Building and facilities are accessible to the residents</p>	<p><b>Accommodation category A (independent living) &amp; B (assisted living) residents:</b></p> <p>Single room floor space at least 9m<sup>2</sup> or according to minimum Local Government By-Laws requirement.</p> <p>Double room floor space at least 16m<sup>2</sup>. or according to minimum Local Government By-Laws requirement.</p> <p>Ward type accommodation at least 7,5m<sup>2</sup> per resident except head of bed all sides 0,6m from walls and unobstructed space between beds of 1,2m. or according to minimum Local Government By-Laws requirement.</p> <p><b>Accommodation category C (frail care) Residents.</b></p> <p>Maximum of 4 beds per room.</p> <p>Floor area not less than 7,5m<sup>2</sup> per bed or</p>



	<p>1.1.2 Work Station.</p> <p>1.1.3 Staff rest room and toilets.</p> <p>1.1.4 Examination room/Treatment room.</p>	<p>according to minimum Local Government By-Laws requirement .</p> <ul style="list-style-type: none"> <li>▪ Doors sufficiently wide enough to accommodate wheelchairs, beds, trolleys and tri-pods</li> <li>▪ No stairs / ramps at unreasonable steepness</li> <li>▪ Lifts in multi story buildings must be bed size lifts to accommodate beds and trolleys.</li> <li>▪ Toilets, baths and showers to be wheelchair/ tri-pod accessible</li> <li>▪ Non-slippery flooring</li> <li>▪ Emergency routes appropriate clearly identified, visible during night time and all emergency exists accessible by wheelchair, trolleys and tri-pods.</li> <li>▪ Closed Circuit TV cameras for frail care section is recommended but cameras must be positioned in such a way as not to violate the privacy of the older person</li> </ul> <ul style="list-style-type: none"> <li>▪ One work station per floor in a multi level building / central and accessible to all residents</li> <li>▪ Provision of a Nurse Call System with 2-way communication feature</li> <li>▪ Counter and work surfaces</li> <li>▪ Telephone for internal and external communication</li> <li>▪ Wash hand basin with taps</li> <li>▪ Lock-up facility for all medication and scheduled drugs with separate areas for medicines and bandages, dressings etc.</li> </ul> <ul style="list-style-type: none"> <li>▪ Lockers for all staff</li> <li>▪ Hand wash basin for the prevention of cross infection.</li> </ul> <ul style="list-style-type: none"> <li>▪ Screened-off cubicle for privacy</li> <li>▪ Well-ventilated, heated area</li> <li>▪ Electrical plug point for emergency</li> </ul>
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	<p>1.1.5 Passages, steps, staircases and ramps. .</p> <p>1.1.6 Bathroom facilities.</p>	<p>equipment</p> <ul style="list-style-type: none"> <li>▪ Enough shelving and cupboards for various stock items</li> <li>▪ Wash hand basin with hot and cold running water and an elbow regulating tap</li> <li>▪ Non-slip and non-shining floor</li> <li>▪ Painted in light coloured, washable paint.</li> <li>▪ Equipped for first aid and emergency situations</li> </ul> <ul style="list-style-type: none"> <li>▪ Outside passages covered for protection against elements</li> <li>▪ Corridors a least 1,8m wide and provided with hand railing along the length of at least one wall</li> <li>▪ All corridors, staircases, flight of steps and ramps must have a non-slip floor surface and adequately lit and fitted with effective hand rails</li> <li>▪ All steps must not be higher than 130mm or narrower than 355mm</li> </ul> <ul style="list-style-type: none"> <li>▪ Bathroom facilities must be provided in the ratio of one [1] bath or shower to at least every eight [8] residents</li> <li>▪ In the case of open plan facilities, bathroom facilities for residents to be designed for use by more than one person at a time</li> <li>▪ Constant supply of hot and cold water to all baths and showers</li> <li>▪ Bath positioned in such a way that residents have adequate access and effective handgrips installed</li> <li>▪ Emergency bells or communication systems to be in place</li> <li>▪ At least one [1] hand wash basin with constant hot and cold water supply must be provided in each bathroom complex</li> <li>▪ Walls and ceiling of the bathroom complex must be painted with light coloured durable,</li> </ul>
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