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THE PRESIDENCY

No. 1098

2 November 2006

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 13 of 2006: Older Persons Act, 2006.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

(English text signed by the President.)
(Assented to 29 October 2006.)

ACT

To deal effectively with the plight of older persons by establishing a framework aimed at the empowerment and protection of older persons and at the promotion and maintenance of their status, rights, well-being, safety and security; and to provide for matters connected therewith.

PREAMBLE

WHEREAS the Constitution establishes a society based on democratic values, social justice and fundamental human rights and seeks to improve the quality of life of all citizens and to free the potential of each person;

AND WHEREAS, in terms of the Bill of Rights as set out in the Constitution, everyone has inherent dignity and the right to have their dignity respected and protected;

AND WHEREAS the **State** must create an enabling environment in which the rights in the Bill of Rights must be respected, protected and fulfilled

AND WHEREAS it is necessary to effect changes to existing laws relating to older persons in order to facilitate accessible, equitable and affordable services to older persons and to empower older persons to continue to live meaningfully and constructively in a society that recognises them as important sources of knowledge, wisdom and expertise,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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Definitions

1. In this Act, unless the context indicates otherwise—
 - “**abuse**” means abuse contemplated in section 30(2);
 - “**care**” means physical, psychological, social or material assistance to an older person, and includes services aimed at promoting the quality of life and general well-being of an older person; 5
 - “**caregiver**” means any person who provides care;
 - “**community-based care and support services**” means any programme contemplated in section 11;
 - “**Department**” means the Department of Social Development in the national sphere of government; 10
 - “**Director-General**” means the Director-General of the Department;
 - “**frail older person**” means an older person in need of 24-hour care due to a physical or mental condition which renders him or her incapable of caring for himself or herself; 15
 - “**health care provider**” means a health care provider defined in section 1 of the National Health Act, 2003 (Act No. 61 of 2003);
 - “**home-based care**” means care provided or services rendered at the place where a frail older person resides, excluding at a residential facility, by a caregiver in order to maintain such frail older person’s maximum level of comfort, including care towards a dignified death; 20
 - “**magistrate**” includes an additional and an assistant magistrate;
 - “**manager**” means the person responsible for the day-to-day management of a residential facility;
 - “**Minister**” means the Minister of Social Development; 25
 - “**older person**” means a person who, in the case of a male, is 65 years of age or older and, in the case of a female, is 60 years of age or older;
 - “**older person in need of care and protection**” means an older person contemplated in section 25(5);
 - “**operator**” means a person who operates a residential facility; 30
 - “**person**” includes a **trust**;
 - “**police official**” means a member as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995), or a member of a municipal police service established under section 64A of that Act;
 - “**prescribed**” means prescribed by regulation; 35
 - “**regulation**” means any regulation made under section 34;
 - “**rehabilitation**” means a process by which an older person is enabled to reach and maintain his or her optimal physical, sensory, intellectual, psychiatric or social functional levels, and includes measures to restore functions or compensate for the loss or absence of a function, but excludes medical care; 40
 - “**residential facility**” means a building or other structure used primarily for the purposes of providing accommodation and of providing a 24-hour service to older persons;
 - “**respite care**” means a service offered specifically to a frail older person and to a caregiver and which is aimed at the provision of temporary care and relief; 45
 - “**service**” means any activity or programme designed to meet the needs of an older person;
 - “**shelter**” means any building or premises maintained or used for the reception, protection and temporary care of an older person in need of care and protection;
 - “**social worker**” means a person registered as a social worker under section 17 of the Social Service Professions Act, 1978 (Act No. 110 of 1978), and in the employ or service of government or a registered welfare organisation; 50
 - “**this Act**” includes any regulation.

CHAPTER 1

OBJECTS, IMPLEMENTATION, APPLICATION AND GENERAL PRINCIPLES

Objects of Act

- 2.** The objects of the Act are to— **5**
- (a) maintain and promote the status, well-being, safety and security of older persons;
 - (h) maintain and protect the rights of older persons;
 - (c) shift the emphasis from institutional care to community-based care in order to ensure that an older person remains in his or her home within the community for as long as possible; **10**
 - (d) regulate the registration, establishment and management of services and the establishment and management of residential facilities for older persons; and
 - (e) combat the abuse of older persons.

Implementation of Act **15**

3. (1) Subject to this Act allocating roles and responsibilities, the Act must be implemented by all organs of state rendering services to older persons in the national, provincial and, where applicable, local sphere of government in an integrated, co-ordinated and uniform manner.

(2) Recognising that competing social and economic needs exist, such organs of state must take reasonable measures to the maximum extent of their available resources to achieve the realisation of the objects of this Act. **20**

(3) To achieve the implementation of this Act in the manner contemplated in subsections (1) and (2), all organs of state must co-operate in the development of a uniform approach aimed at co-ordinating and integrating the services delivered to older persons. **25**

Application of Act

4. (1) The rights that an older person has in terms of this Act supplement the rights that an older person has in terms of the Bill of Rights.

(2) All organs of state and all officials, employees and representatives of organs of state must respect, protect and promote the rights of older persons contained in this Act. **30**

(3) This Act binds both natural or juristic persons to the extent that it is applicable, taking into account the nature of the right and the nature of any duty imposed by the right.

General principles **35**

5. (1) The general principles set out in this section guide—

- (a) the implementation of all legislation applicable to older persons, including this Act; and
- (b) all proceedings, actions and decisions by any organ of state in any matter concerning an older person or older persons in general. **40**

(2) All proceedings, actions or decisions in a matter concerning an older person must—

- (a) respect, protect, promote and fulfil the older person's rights, the best interests of the older person and the rights and principles set out in this Act, subject to any lawful limitation; **45**
- (h) respect the older person's inherent dignity;
- (c) treat the older person fairly and equitably; and
- (d) protect the older person from unfair discrimination on any ground, including on the grounds of the health status or disability of the older person.

- (3) In any matter concerning an older person—
- (a) an approach which is conducive to conciliation and problem-solving should be followed and a confrontational approach should be avoided; and
 - (b) a delay in any action or decision to be taken must be avoided as far as possible.

CHAPTER 2

5

CREATING AN ENABLING AND SUPPORTIVE ENVIRONMENT FOR OLDER PERSONS

Development of and compliance with national norms and standards

6. (1) The Minister may, from time to time, by notice in the *Gazette*, prescribe national norms and standards in order to define the acceptable levels of services that may be provided to older persons and in terms of which services must be monitored and evaluated. 10

(2) Any person who provides a service to an older person must comply with the norms and standards contemplated in subsection (1).

Rights of older persons

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7. Older persons enjoy the rights contemplated in section 9 of the Constitution of the Republic of South Africa and in particular may not be unfairly denied the right to —

- (a) participate in community life in any position appropriate to his or her interests and capabilities;
- (b) participate in inter-generational programmes; 20
- (c) establish and participate in structures and associations for older persons;
- (d) participate in activities that enhance his or her income-generating capacity;
- (e) live in an environment catering for his or her changing capacities; and
- (f) access opportunities that promote his or her optimal level of social, physical, mental and emotional well being. 25

Support for services delivered by third parties

8. (1) The Minister—

- (a) may, in consultation with the Minister of Finance, provide financial awards to service providers that provide social services to older persons from funds appropriated by Parliament for that purpose; 30
- (b) may for the purposes of paragraph (a) prioritise needs and services for older persons;
- (c) may in the prescribed manner enter into contracts with service providers to ensure that the services contemplated in paragraph (b) are provided;
- (d) must prescribe conditions for the receiving of financial awards, including accounting measures, compliance measures and norms and standards; and 35
- (e) must prescribe remedies for failure to comply with the prescribed conditions contemplated in paragraph (d).

(2) The Minister must open and maintain a register of all assets bought with Government funds and prescribe conditions for the management of such assets. 40

Guiding principles for provision of services

9. Any service must be provided in an environment that—

- (a) recognises the social, cultural and economic contribution of older persons;
- (b) promotes participation of older persons in decision-making processes at all levels; 45
- (c) recognises the multi-dimensional needs of older persons and therefore promotes inter-sectoral collaboration;

- (d) ensures access to information by, education of and training of older persons;
- (e) promotes the development and basic care of older persons in rural and urban areas;
- (f) promotes the prevention of exploitation of older persons;
- (g) promotes the respect and dignity of older persons; 5
- (h) ensures that older persons receive priority in the provision of basic services;
- (i) ensures rehabilitation and the provisioning of assisted devices to older persons; and
- (j) ensures, as far as is practicable, that services and facilities are accessible to older persons. 10

CHAPTER 3

COMMUNITY-BASED CARE AND SUPPORT SERVICES FOR OLDER PERSONS

Rights of older persons receiving community-based care and support services

10. An older person receiving community-based care and support services has, in addition to the rights contemplated in section 7, the right to— 15

- (a) reside at home as long as possible;
- (b) pursue opportunities for the full development of his or her potential; and
- (c) benefit from family and community care and protection in accordance with society's system of cultural values. 20

Community-based programmes for older persons

11. (1) The Minister may, in collaboration with any relevant Minister or Member of the Executive Council in a province—

- (a) develop community-based programmes that fall into two broad categories, namely— 25
 - (i) prevention and promotion programmes, which ensure the independent living of an older person in the community in which the older person resides; and
 - (ii) home-based care, which ensures that a frail older person receives maximum care within the community through a comprehensive range of integrated services. 30
- (b) determine how any person who runs a programme contemplated in paragraph (a) may be supported, either financially or otherwise.

- (2) The programmes contemplated in subsection (1) are programmes aimed at— 35
- (a) economic empowerment of older persons;
 - (b) establishment of recreational opportunities for older persons;
 - (c) information, education and counselling services, including HIV and AIDS, care for orphans, Alzheimer's, dementia and basic emergency care;
 - (d) spiritual, cultural, medical, civic and social services;
 - (e) provision of nutritionally balanced meals to needy older persons; 40
 - (f) promotion of skills and capacity of older persons to sustain their livelihoods;
 - (g) professional services, including care and rehabilitation to ensure independent living of older persons;
 - (h) appropriate services contained in the indigent policy for vulnerable and qualifying older persons; 45
 - (i) the utilisation and management of existing facilities for older persons as multi-purpose community centres;
 - (j) integrated community care and development systems for older persons; and
 - (k) inter-generational programmes.

- (3) Home-based care programmes directed at frail older persons within the community may include—
- (a) provision of hygienic and physical care of older persons;
 - (b) provision of professional and lay support for the care of older persons within the home; 5
 - (c) rehabilitation programmes that include provision of assisted devices;
 - (d) provision of respite care;
 - (e) information, education and counselling for family members, caregivers and the community regarding ageing and associated conditions; and
 - (f) provision of free health care to frail older persons and to other older persons determined by the Minister. 10

Community-based care and support services to be registered

12. (1) No person may provide community-based care and support services unless the service is registered in terms of section 13.
- (2) A person who renders a community-based care and support service that has not been registered in terms of section 13 is guilty of an offence. 15

Registration of community-based care and support services

13. (1) Any person who wishes to provide a community-based care and support service must apply to the Director-General for the registration of such service.
- (2) The Minister must prescribe conditions for the registration of community-based care and support services, including application for registration, approval of registration, temporary registration, withdrawal and termination of registration, and any matter contemplated in subsection (4). 20
- (3) Registration granted in terms of this section is not transferable to another person.
- (4) If the provider of a service for any reason intends to stop providing the service, the provider must, prior to stopping the service in question— 25
- (a) notify the Director-General of the intention and the implications of such stoppage for the affected older persons;
 - (b) inform the older persons affected of the intended stoppage of the service; and
 - (c) take reasonable steps to ensure that the older persons benefiting from the service are not adversely affected or put at risk and, where appropriate, are referred to a person providing similar services. 30

Persons providing home-based care

14. (1) Any person who provides home-based care must ensure that caregivers receive the prescribed training. 35
- (2) All social workers and health care providers providing care to older persons contemplated in subsection (1) must be registered with the appropriate statutory council responsible for the relevant profession.
- (3) (a) The Minister must keep a register of all caregivers providing home-based care and must prescribe a code of conduct for such caregivers. 40
- (b) Paragraph (a) does not apply to social workers and health care providers referred to in subsection (2).
- (4) Any person who contravenes or fails to comply with any provision of this section is guilty of an offence.

Monitoring and evaluation of community-based care and support services

15. Section 22 applies with the necessary changes in respect of the monitoring and evaluation of community-based care and support services.,

CHAPTER 4

RESIDENTIAL FACILITIES

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Rights of older persons in residential facilities

16. An older person residing in a residential facility has, in addition to the rights he or she has in terms of the Bill of Rights or any other rights he or she may have, the right to—

- (a) appoint a representative to act on his or her behalf; 10
- (b) have reasonable access to assistance and visitation;
- (c) keep and use personal possessions;
- (d) have access to basic care;
- (e) be informed about the financial status of the residential facility and changes in management; 15
- (f) participate in social, religious and community activities of his or her choice;
- (g) privacy;
- (h) his or her own physician if he or she can afford it; and
- (i) be given at least 30 days' notice of a proposed transfer or discharge,

Services at residential facilities

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17. The following services may be provided at residential facilities, namely—

- (a) 24-hour care and support services to frail older persons and older persons who need special attention;
- (b) care and supervision services to older persons who are suffering from dementia and related diseases; 25
- (c) rehabilitation services;
- (d) public education on issues of ageing, including dementia;
- (e) counselling services to residents and family members who need these services;
- (f) implementation and monitoring of outreach programmes; 30
- (g) provision of beds for the temporary accommodation of older persons at risk;
- (h) respite care services;
- (i) training of volunteer caregivers to deal with frail older persons; and
- (j) sport and recreational activities.

Prohibition on operation of unregistered residential facilities, and registration of such facilities 35

18. (1) (a) Subject to section 35, no person may operate a residential facility unless such facility has been registered under this section.

(b) Paragraph (a) does not apply to a private residence in which an older person is looked after by a family member. 40

(2) A person who wishes to operate a residential facility must, in the prescribed manner, apply to the Minister for registration thereof.

(3) After consideration of an application contemplated in subsection (2) the Minister may—

- (a) refuse the application or grant it subject to such conditions as he or she may determine, and if he or she grants it, direct that a registration certificate specifying those conditions be issued to the applicant in the prescribed form; or 45

- (b) subject to such conditions as he or she may determine, grant authority to the applicant to operate the residential facility for such period, not exceeding 12 months, as the Minister may determine, and direct that a temporary registration certificate specifying those conditions be issued to the applicant in the prescribed form for that period, and after expiration of the said period, or after notice by the applicant in the prescribed manner that the said conditions have been complied with, whichever occurs first, reconsider the application. 5
- (4) Temporary registration contemplated in subsection (3)(b) may not be extended for more than 12 months under the same conditions.
- (5) The Minister may at any time after one month's notice of his or her intention to do so, and after consideration of any representations received by him or her during such month, amend or cancel a registration certificate issued in terms of subsection (3)(a). 10
- (6)(a) The amendment or cancellation of such registration certificate must be effected by notice to the holder thereof, and takes effect on a date specified in the notice.
- (b) The date specified in the notice may not be earlier than three months for permanent registration and one month for temporary registration after the date of the notice, unless the Minister and the holder of the registration certificate have agreed otherwise. 15
- (7) A person to whom a registration certificate has been issued in terms of subsection (3) may not transfer it to any other person.
- (8) If the registration of a residential facility has been cancelled in terms of subsection (5), or if the operator of a residential facility wishes to close down such facility for any reason, he or she must take reasonable steps to ensure that on the closing down of such facility the older persons concerned are accommodated in another registered residential facility or with persons who, in the opinion of a social worker, are fit and proper persons for accommodating the older person or older persons. 20
- (9) Any person who contravenes or fails to comply with a provision of this section, or of a condition imposed thereunder, is guilty of an offence. 25

Compliance with conditions for registration of residential facilities

19. (1) If there is reason to believe that any of the conditions contemplated in section 18(3) have not been complied with, the Minister may order specific measures to be adopted to facilitate compliance with those conditions. 30
- (2) The operator of a registered residential facility must, at all reasonable times, report to the Minister any circumstances which may result in his or her inability to comply fully with any condition contemplated in section 18(3).
- (3) If the registration of a residential facility has been cancelled in terms of section 18(5), or if the operator of a residential facility wishes to close down that residential facility, the operator must— 35
- (a) prior to any decision to close down that residential facility, consult with the Minister on the matter;
- (b) furnish the Minister with a full report on the accommodation of the older persons concerned required in terms of section 18(7); and 40
- (c) hand over to the Department all assets bought with Government funds.
- (4) Any person who fails to comply with subsection (3) is guilty of an offence.

Establishment of residents' committees for residential facilities

20. (1) If more than 10 older persons reside in a residential facility, excluding a shelter, a residents' committee which represents the interests of the residents must be established by the residents. 45

- (2) The Minister must prescribe—
- (a) the composition of a residents' committee contemplated in subsection (1), which must be reflective of the profile of residents and must include representatives of the residents and members of staff of the relevant residential facility and may include members of the public; 5
 - (h) the election, appointment, qualifications, terms of office and grounds for removal from office of the members of a residents' committee and the filling of vacancies on such committee; and
 - (c) the number of, and procedure at, meetings of a residents' committee.
- (3) A residents' committee established in terms of subsection (1) must ensure that the 10 manager of the residential facility in question—
- (a) facilitates interaction between the residents of the residential facility and their families, the public in general and that committee;
 - (b) provides quality service to the residents of the residential facility;
 - (c) provides opportunities for the training of the staff of the residential facility; 15
 - (d) applies principles of sound financial management and submits quarterly financial reports to the residents and staff of the residential facility;
 - (e) monitors activities at the residential facility in order to deal speedily with any incidents of abuse of the residents of the residential facility and takes steps to report such incidents to the appropriate authority; 20
 - (f) consults the residents' committee in the appointment of the residential staff of the residential facility;
 - (g) establishes complaints procedures for the residents and staff of the residential facility and persons who wish to lodge a complaint on behalf of any such resident; and 25
 - (h) does everything necessary or expedient for the effective functioning of the residential facility.

Admission to residential facilities

21. (1) No person may unfairly discriminate directly or indirectly against an older person applying for admission to a residential facility on one or more grounds referred to in section 9(3) of the Constitution. 30

(2) If a person is refused admission to a residential facility, the manager of that residential facility must, on the request of that person, give reasons in writing for such refusal to the person.

(3)(a) An older person may not be admitted to a residential facility without his or her consent, unless his or her mental condition renders him or her incapable of giving such consent, in which case a person authorised to give such consent in terms of any law or in terms of a court order may give the required consent. 35

(b) In the absence of a person contemplated in—

(i) paragraph (a), the required consent may be given by the spouse or partner of the older person concerned or, in the absence of such spouse or partner, an adult child or sibling of the older person, in the specific order as listed; or 40

(ii) paragraph (a) or subparagraph (i), the required consent may be given by the Minister.

(c) The consent contemplated in paragraph (b)(i) or (ii) may only be given after a medical practitioner registered in terms of the Health Professions Act, 1974 (Act No. 56 of 1974), has certified that any delay in the admission of the older person might result in his or her death or irreversible damage to his or her health. 45

(4) The operator of a residential facility must take all reasonable steps to obtain the older person's consent. 50

(5) Notwithstanding subsection (3), an older person who is capable of understanding must be informed of the intended admission even if his or her mental condition renders him or her incapable of giving the required consent in terms of that subsection.

(6) The operator of a residential facility into which an older person is admitted as a result of consent given in terms of subsection (3)(b) must notify the Director General of the admission within 48 hours after such admission. 55

(7) On receipt of the notice referred to in subsection (6), the Director-General may constitute such a multidisciplinary team as may be prescribed in order to assess and to confirm or reject the admission contemplated in that subsection.

(8) Any person who contravenes this section is guilty of an offence.

Monitoring of registered residential facilities

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22. (1) A social worker in the employ of the State may at any time, and any social worker or person designated by the Director-General must, if requested to do so by the Director-General—

- (a) visit and monitor a registered residential facility in order to ensure compliance with this Act; 10
- (b) interview any older person cared for or accommodated in such residential facility;
- (c) either with or without the assistance of a health care provider enquire into the well-being of any such older person;
- (d) direct any person who has in his or her possession or custody any book or document relating to such residential facility, to submit such book or document to him or her for inspection; 15
- (e) submit a report to the Director-General on the outcome of the inspection; and
- (f) provide the operator of the residential facility with a report on the findings of the inspection. 20

(2) A social worker or designated person exercising any power in terms of subsection (1) must, at the request of the manager of the residential facility in question or the person who has control over the place in question, as the case may be, produce a certificate issued by the Director-General stating that he or she is such a social worker or designated person. 25

(3) A social worker or designated person may issue a compliance notice to the operator concerned if a provision of this Act has not been complied with.

(4) A compliance notice remains in force until the relevant provision of this Act has been complied with and the social worker or designated person has issued a compliance certificate in respect of that notice. 30

(5) A person is guilty of an offence if that person—

- (a) obstructs or hinders a social worker or designated person in the performance of his or her functions in terms of subsection (1);
- (b) refuses to give a social worker or designated person access to an older person cared for or accommodated in a residential facility referred to in subsection (1); or 35
- (c) refuses or fails to comply with a direction in terms of subsection (1)(d).

Report to Minister by operators of residential facilities

23. (1) The operator of a registered residential facility must within 60 days after the end of the financial year of that residential facility submit to the Minister a report covering that financial year in respect of— 40

- (a) compliance with—
 - (i) the prescribed service standards; and
 - (ii) the prescribed measures to prevent and combat abuse of older persons; and 45
- (b) the provisions of the prescribed service level agreements concluded during that financial year.

(2) If the operator of a registered residential facility fails to submit a report in terms of subsection (1), the Minister may—

- (a) give notice to that operator that if such report is not submitted within 90 days after the date of that notice, the registration may be withdrawn; and 50
- (b) if such report is not submitted within 90 days after the date of the notice given in terms of paragraph (a), withdraw such registration after giving one month's notice of the intention to do so.

CHAPTER 5

PROTECTION FOR OLDER PERSONS

Effect of Act on Domestic Violence Act, 1998

24. The provisions of this Act must not be construed as limiting, amending, repealing or otherwise altering any provision of the Domestic Violence Act, 1998 (Act No. 116 of 1998), or as exempting any person from any duty or obligation imposed by that Act or prohibiting any person from complying with any provision of that Act. 5

Older person in need of care and protection

25. (1) Any person who is involved with an older person in a professional capacity and who on personal observation concludes that the older person is in need of care and protection must report such conclusion to the Director-General. 10

(2) Any person other than a person in subsection (1) who is of the opinion that an older person is in need of care and protection may report such opinion to a social worker.

(3) The Director-General or the social worker to whom a report has been made must investigate the matter. 15

(4) If the report is substantiated by the investigation, the Director-General or the social worker concerned may take any one or more of the following actions, namely to—

- (a) facilitate the removal of the older person concerned to a hospital, in case of injury, or to a shelter; 20
- (b) make a report to a police official requesting the latter to act in terms of section 27;
- (c) take such other steps as may be prescribed to ensure adequate provision for the basic needs and protection of the older person concerned; or
- (d) if the older person concerned is the victim of an offence or crime, assist the older person to see a police official in order to lay a complaint. 25

(5) An older person who is in need of care and protection is one who—

- (a) has his or her income, assets or old age grant taken against his or her wishes or who suffers any other economic abuse;
- (b) has been removed from his or her property against his or her wishes or who has been unlawfully evicted from any property occupied by him or her; 30
- (c) has been neglected or abandoned without any visible means of support;
- (d) lives or works on the streets or begs for a living;
- (e) abuses or is addicted to a substance and without any support or treatment for such substance abuse or addiction; 35
- (f) lives in circumstances likely to cause or to be conducive to seduction, abduction or sexual exploitation;
- (g) lives in or is exposed to circumstances which may harm that older person physically or mentally; or
- (h) is in a state of physical, mental or social neglect. 40

Notification of abuse of older persons

26. (1) Any person who suspects that an older person has been abused or suffers from an abuse-related injury must immediately notify the Director-General or a police official of his or her suspicion.

(2) A person is not liable in respect of any notification given in good faith in terms of subsection (1). 45

(3) A person who fails to comply with subsection (1) is guilty of an offence.

(4) On receipt of a notification in terms of subsection (1)—

- (a) the Director-General must investigate the matter and if the suspicion is substantiated by the investigation, section 25(4) applies; and
- (b) the police official must inform the Director-General of the alleged abuse or, if he or she is satisfied that it will be in the best interests of the older person if the alleged offender is removed from the home or place where the older person resides, act in terms of section 27.

(5) Subsection (4)(a) applies with the necessary changes if the Director-General receives information contemplated in subsection (4)(b).

Written notice to alleged offender

27. (1) A police official to whom a report contemplated in section 25(4)(b) has been made or who is satisfied that it will be in the best interests of the older person if the alleged offender is removed from the home or place where the older person resides, must issue a written notice which—

- (a) specifies the names, surname, residential address, occupation and status of the alleged offender;
- (b) calls upon the alleged offender to leave the home or place where the older person resides and refrain from entering such home or place or having contact with the older person until the court hearing specified in paragraph (c);
- (c) calls upon the alleged offender to appear at a magistrates' court having jurisdiction on a date and at a time specified in the written notice to advance reasons why he or she should not be permanently prohibited from entering the home or place where the older person resides: Provided that the date so specified must be the first court day after the day upon which the notice is issued; and
- (d) contains a certificate under the hand of the police official that he or she has handed the original of such written notice to the alleged offender and that he or she has explained to the alleged offender the importance thereof.

(2) The police official must forthwith forward a duplicate original of the written notice to the clerk of the magistrates' court concerned.

(3) The mere production to the magistrates' court of the duplicate original referred to in subsection (2) is *prima facie* proof of the issue of the original thereof to the alleged offender and that such original was handed to the offender.

(4) Section 55 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) apply, with the necessary changes, to a written notice handed to an alleged offender in terms of subsection (1).

(5) A magistrates' court before which an alleged offender to whom a written notice in terms of subsection (1) has been issued, appears, may summarily inquire into the circumstances which gave rise to the issuing of the notice.

(6) The magistrates' court may, after having considered the circumstances which gave rise to the issuing of the written notice and after having heard the alleged offender—

- (a) issue an order prohibiting the alleged offender from entering the home or place where the older person resides or from having any contact with the older person, or both from entering such home or place and having contact with the older person, for such period of time as the court deems fit;
- (b) order that the alleged offender may enter the home or the place where the older person resides or have contact with the older person upon such conditions as would ensure that the best interests of the older person are served;
- (c) order that the alleged offender will be responsible for the maintenance of his or her family during the period contemplated in paragraph (a); or
- (d) make such other order with regard to the matter as the court deems fit.

(7) Misuse of a power referred to in subsection (1) by a police official constitutes grounds for disciplinary proceedings contemplated in section 40 of the South African Police Service Act, 1995 (Act No. 68 of 1995), against such police official.

- (8) A person is guilty of an offence if that person—
- (a) has been issued with a written notice contemplated in subsection (1) and—
 - (i) refuses to leave the home or place where the older person resides; or
 - (ii) has contact with the older person in contravention of the written notice;
 - (b) contravenes or fails to comply with an order of the magistrates' court issued in terms of subsection 6 or with any condition contained in such order. 5

Procedure for bringing alleged abuser of older person before magistrate

28. (1) If a social worker or a health care provider submits or makes a written statement under oath or affirmation to a public prosecutor, and in such statement it is alleged that any person within the area of jurisdiction of the magistrate's court to which that public prosecutor is attached abuses an older person, that public prosecutor may, subject to subsection (2), request the clerk of that court to issue a summons informing such first-mentioned person of the allegations against him or her and calling upon him or her to appear, at a time and place specified therein, before a magistrate within that area. 10 15

(2) A public prosecutor may not in terms of subsection (1) request a clerk of the court to issue a summons unless he or she has obtained from the social worker or health care provider a report on the alleged abuse of the older person concerned.

(3) If on the grounds of a statement under oath or affirmation referred to in subsection (1) the magistrate has reason to suspect that a social worker or health care provider will be prevented or prohibited from going into or entering upon the place where the older person concerned resides to make the necessary investigation for the purposes of a report referred to in subsection (2), or if such social worker or health care provider has been prevented or prohibited from doing so, the magistrate concerned may on the application of the public prosecutor issue a warrant authorising the social worker or health care provider to go into or enter upon that place to make such investigation. 20 25

(4) A magistrate may in a warrant issued by him or her in terms of subsection (3) authorise the social worker or health care provider to take a police official with him or her for the purposes of an investigation referred to in the said subsection.

(5) The Criminal Procedure Act, 1977 (Act No. 51 of 1977), applies, with the necessary changes, in relation to the form and manner of service of summonses in criminal cases in lower courts, the time to be allowed to a person summoned to appear, and the manner in which persons who have been summoned to appear may be dealt with if they fail to appear or to remain in attendance, as required, in respect of summonses issued in terms of this section. 30 35

- (6) A person is guilty of an offence if that person—
- (a) obstructs or hinders a social worker or a health care provider in the performance of his or her functions in terms of this section; or
 - (b) refuses to furnish to a social worker or a health care provider any information in connection with the alleged abuse of an older person at his or her disposal which such officer requires for the purposes of an investigation referred to in subsection (3). 40

Enquiry into abuse of older person

29. (1) Subject to this section, a magistrate before whom any person is brought in terms of section 28 must enquire into the correctness or otherwise of the allegations contained in the summons in question. 45

(2) The public prosecutor or any other person designated by the magistrate for the purpose must appear at the enquiry and may call witnesses and cross-examine any other witnesses giving evidence at the enquiry.

(3) The person against whom the allegations in question were made, may give evidence and he or she, or his or her legal representative, may cross-examine any witnesses called in terms of subsection (2) and may call witnesses and must be given the opportunity to advance reasons why an order should not be issued under subsection (10).

(4) Subject to anything to the contrary contained in this Act, the law relating to criminal trials in magistrates' courts applies with the necessary changes in respect of subpoenas, the calling and examination of witnesses for the purposes of or at the enquiry, the taking of evidence and the production of documents and other articles thereat, and the payment of allowances to witnesses.

(5) The magistrate holding the enquiry may determine whether or not the proceedings must be conducted in an open court room or behind closed doors.

(6) Section 159(1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), in so far as it relates to the conduct of a criminal trial in the absence of an accused, applies with the necessary changes in respect of an enquiry held in terms of this section.

(7) Section 108 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), applies with the necessary changes in respect of any proceedings in connection with an enquiry held in terms of this section.

(8) The report referred to in section 28(2) must be submitted to the magistrate holding the enquiry, who may direct the district surgeon, a psychiatrist or a clinical psychologist to examine the older person concerned and to furnish the magistrate with a report on the findings of such examination.

(9) The contents of a report submitted or furnished in terms of subsection (8) must be disclosed to the person against whom the allegations were made, and if he or she so desires, he or she or his or her legal representative must be given an opportunity to cross-examine the person who made the report, in relation to any matter arising out of the report, and to disprove any allegation made therein.

(10) If after consideration of the evidence and of any report submitted or furnished in terms of subsection (8), it appears to the magistrate that any allegation in the summons is correct, the magistrate may—

- (a) authorise the person concerned to accommodate or care for the older person concerned under such conditions as the magistrate may impose; or
- (b) prohibit that person from accommodating or caring for any older person for such period, but not exceeding 10 years, as may be determined by the magistrate.

(11) Any person who contravenes or fails to comply with any condition imposed in terms of subsection (10)(a) or who contravenes or fails to comply with subsection (10)(b) is guilty of an offence.

Prohibition of abuse of older persons and special measure to combat abuse of older persons

30. (1) Any person who abuses an older person is guilty of an offence.

(2) Any conduct or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress or is likely to cause harm or distress to an older person constitutes abuse of an older person.

(3) For the purposes of subsection (2), "abuse" includes physical, sexual, psychological and economic abuse and—

- (a) "physical abuse" means any act or threat of physical violence towards an older person;
- (b) "sexual abuse" means any conduct that violates the sexual integrity of an older person;
- (c) "psychological abuse" means any pattern of degrading or humiliating conduct towards an older person, including—
 - (i) repeated insults, ridicule or name calling;
 - (ii) repeated threats to cause emotional pain; and
 - (iii) repeated invasion of an older person's privacy, liberty, integrity or security;

(d) “economic abuse” means—

- (i) the deprivation of economic and financial resources to which an older person is entitled under any law;
- (ii) the unreasonable deprivation of economic and financial resources which the older person requires out of necessity; or
- (iii) the disposal of household effects or other property that belongs to the older person without the older person’s consent.

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(4) If a court, after having convicted a person of any crime or offence, finds that the convicted person has abused an older person in the commission of such crime or offence, such finding must be regarded as an aggravating circumstance for sentencing purposes.

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Keeping of register of abuse of older persons

31. (1) The Minister must in the prescribed manner keep a register of persons convicted of the abuse of an older person or of any crime or offence contemplated in section 30(4).

(2) A person whose name appears in the register contemplated in subsection (1) may not in any way—

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- (a) operate or be employed at any residential facility;
- (b) provide any community-based care and support service to an older person.

CHAPTER 6

GENERAL AND SUPPLEMENTARY PROVISIONS

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Delegation

32. (1) The Minister may—

- (a) delegate to any officer of the Department any power conferred upon the Minister by this Act, except the power to make regulations; and
- (b) authorise any such officer to perform any duty imposed upon the Minister by this Act.

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(2) The Minister may, with the concurrence of the Premier of a province—

- (a) delegate to the Member of the Executive Council of that province responsible for social development any power conferred upon the Minister by this Act, except the power to make regulations; and
- (b) authorise that Member of the Executive Council to perform any duty imposed upon the Minister by this Act.

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(3) The Member of the Executive Council of a province responsible for social development may—

- (a) delegate to any officer of the provincial administration concerned any power delegated to that Member under subsection (2);
- (b) authorise any such officer to perform any duty which that Member is authorised to perform under subsection (2).

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(4) The Director-General may—

- (a) delegate to any other officer of the Department any power conferred upon the Director-General by this Act; and
- (b) authorise any such officer to perform any duty imposed upon the Director-General by this Act.

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(5) The Director-General may, with the concurrence of the relevant Director-General of a provincial administration—

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- (a) delegate to the Head of Department of that province responsible for social development any power conferred upon the Director-General by this Act; and
- (b) authorise that Head of Department to perform any duty imposed upon the Director-General by this Act.

- (6) A Head of Department may—
- (a) delegate to any other officer of the provincial administration concerned any power delegated to him or her under subsection (5); and
 - (b) authorise any such officer to perform any duty which he or she is authorised to perform under subsection (5). 5
- (7) Any person to whom any power has been delegated or who has been authorised to perform a duty under this section must exercise that power or perform that duty subject to such conditions as the person who effected the delegation or granted the authorisation considers necessary.
- (8) Any delegation of a power or authorisation to perform a duty under this section— 10
- (a) must be in writing;
 - (b) does not prevent the person who effected the delegation or granted the authorisation from exercising that power or performing that duty himself or herself; and
 - (c) may at any time be withdrawn in writing by that person. 15

Penalties

33. Any person convicted of an offence in terms of—
- (a) section 12(2), 14(4), 18(8), 19(4), 22(5)(a), (b) or (c) or 28(6)(a) or (b) is liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment; or 20
 - (b) section 21(8), 26(3), 27(8)(a) or (b), 29(11) or 30(1) is liable to a fine or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment.

Regulations

34. (1) The Minister may make regulations regarding— 25
- (a) any matter which may or must be prescribed in terms of this Act;
 - (b) the form of any application, authority, certificate, consent, notice, order, register, process or subpoena which is to or may be made, granted, given, issued or kept in terms of this Act, and any other form required in administering this Act; 30
 - (c) the procedure to be followed and the conditions which may be imposed in connection with the registration of residential facilities, and the minimum standards with which such residential facilities are to comply;
 - (d) the books, accounts and registers which are to be kept by the managers of residential facilities, the manner in which such books, accounts and registers are to be kept and dealt with, and the returns and reports to be furnished in connection with such facilities; 35
 - (e) the records to be kept by any person who cares for or accommodates for remuneration, whether by way of money or goods, any older or frail person in any place other than a residential facility; 40
 - (f) measures to—
 - (i) prevent, combat and deal with the abuse of older persons;
 - (ii) be taken to advance persons disadvantaged by unfair discrimination;
 - (iii) promote the rights of residents of residential facilities;
 - (iv) promote the rights of older persons that are not in residential facilities; 45
 - (g) the form and content of service level agreements between the residents and the residents' committee of a residential facility;
 - (h) the minimum norms and standards for admission of persons to residential facilities;
 - (i) service standards; 50
 - (j) the levels of community-based care and support services;
 - (k) the keeping of registers in terms of section 31; and
 - (l) generally, any other ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation of this Act.

(2) The regulations may provide that any person who contravenes or fails to comply with a regulation is guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding one year or to both a fine and such imprisonment.

(3) Any regulation made in terms of subsection (1) which affects the South African Police Service must be made after consultation with the Minister for Safety and Security. 5

(4) Any regulation made in terms of subsection (1) which deals with the size or value of services and subsidies and with the criteria for eligibility of services must be made with the concurrence of the Minister of Finance.

(5) Before the Minister makes any regulation under this section, he or she must publish a draft of the proposed regulation in the *Gazette* together with a notice calling on interested persons to comment, in writing, within a period stated in the notice of not less than 30 days from the date of publication of the notice 10

(6) The Minister must submit to Parliament the draft regulations contemplated in subsection (5) and comments received in terms of that subsection before final publication. 15

(7) The Minister may, if circumstances necessitate the immediate publication of a regulation, publish that regulation without consultation as contemplated in subsection (5).

Repeal of laws, and transitional provisions and saving 20

35. (1) The Aged Persons Act, 1967 (Act No. 81 of 1967), and the Aged Persons Amendment Act, 1998 (Act No. 100 of 1998), are hereby repealed.

(2) Any person managing a home for the aged which was registered in terms of the Aged Persons Act, 1967 (Act No. 81 of 1967), immediately before this Act took effect, must within 12 months of the date on which this Act took effect apply for registration in terms of section 18 of this Act. 25

(3) A home for the aged contemplated in subsection (2) remains registered in terms of the Aged Persons Act, 1967 (Act No. 81 of 1967), until the Minister grants or refuses the application as contemplated in section 18 of this Act.

(4) Any manager who received a subsidy under section 2 of the Aged Persons Act, 1967 (Act No. 81 of 1967), immediately before this Act took effect continues to receive such subsidy for 12 months after the date on which this Act took effect. 30

(5) Anything done or deemed to have been done under any provision of a law repealed by subsection (1) and which may or must be done in terms of this Act, must be regarded as having been done in terms of the corresponding provision of this Act. 35

Short title and commencement

36. This Act is called the Older Persons Act, 2006, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

GOVERNMENT NOTICE

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.

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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**

FUNCTIONAL AREA	OUTCOME	STANDARD
<p>1.DELIVERY OF SERVICES</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>A. Basic Services – Luncheon / Service Clubs</p> <p>Informal/temporary accommodation (rural)</p> <ul style="list-style-type: none"> ▪ Informal kitchen (which could be a Lapa) ▪ Kitchen must have water supply (tank or drum) ▪ There should be a sheltered meeting place i.e. community hall ▪ Facility to wash hands ▪ Access to suitable toilet facilities for both genders <p>B. Basic Services (Formal)</p> <ul style="list-style-type: none"> ▪ Community Hall – at least 1,5 m² per person or suitable sheltered meeting place ▪ Office or secure place for documents, or suitable designated area ▪ Kitchen with running water ▪ Safe source of power / electricity ▪ Toilet facility 1:25 members of each gender

		<ul style="list-style-type: none"> ▪ Ramps and/or handrails provided to make the facilities wheelchair and tripod accessible and safe ▪ Hand wash facilities in each toilet block with water ▪ Bathroom facilities with a shower or wash-up facility with hot and cold water supply available <p>C. Intermediate Services – Service Centre</p> <ul style="list-style-type: none"> ▪ Community Hall – at least 1,5 m² per person ▪ Office ▪ Consulting room facility ▪ Kitchen with running water ▪ Safe source of power ▪ Toilet facility 1:25 separate for members of each gender <ul style="list-style-type: none"> ▪ Ramps and/or handrails provided to make the facilities wheelchair and tripod accessible and safe ▪ 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. <p>D. Tertiary Services – Comprehensive Service which could include Assisted Living / Respite Services</p> <ul style="list-style-type: none"> ▪ Community Hall – at least 1,5 m² per person ▪ Office space available ▪ Consulting room facility with a lock up facility for medicines ▪ Kitchen with running water ▪ Cooling facility for perishable food products
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		<ul style="list-style-type: none"> ▪ Kitchen utensils, cutlery and crockery ▪ Safe source of power /energy ▪ Toilet facility (1:25 people) for members of each gender ▪ Ramps and or handrails provided to make facility accessible and safe (wheel chairs, tripods, walking frames, etc) ▪ Hand wash facilities in each toilet block ▪ Access to bathroom facilities with a shower with hot and cold water supply ▪ Services rendered for a minimum of 5 days per week
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"> ▪ Apply for registration in terms of the Act before commencement of the service ▪ Registration certificate must be accessible and publicly displayed ▪ Completed standardised background report of service provider organisation and members of the organisation ▪ Information on the organisation and services rendered must be provided. ▪ Information accessible to all ▪ Membership registers to be available and updated for members and beneficiaries of services ▪ Standardised admission policy and

		<p>rules and admission form</p> <ul style="list-style-type: none"> ▪ Standardised membership policy and rules and membership form.
<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"> ▪ Income generating activities (All categories) ▪ Food and gardening projects (All categories) ▪ Arts and crafts projects (All categories) ▪ Poverty relief projects ▪ Employment and economic empowerment projects and programmes ▪ Awareness campaigns on the rights of older persons, on abuse, health and lifestyle aspects e.g. Dementia, Alzheimers, HIV and AIDS ▪ Information on basic and other professional services, how and where to access services ▪ Adult Basic Education Training (ABET) ▪ Life skills programmes (e.g. budgeting, grand parenting skills etc.) ▪ Computer training ▪ Skills training as identified in a community ▪ Religious activities ▪ Primary Health Care (PHC) services (e.g. immunisation, basic podiatry services, monitoring of Health status, etc) ▪ Cultural/traditional activities (e.g. indigenous games)

	<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"> ▪ Pension pay points/access social grants ▪ Advice and referral in order to access basic services ▪ Preventative and promotive health care programmes ▪ Meals on wheels (Provision of meals to older persons in the community on a regular basis) ▪ 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) ▪ Provision of a balanced meal to older persons at a designated facility ▪ Cultural activities ▪ Indoor and outdoor games ▪ Library services ▪ Social activities ▪ Sport activities ▪ Physical exercise activities ▪ Bereavement counseling ▪ Trauma counseling ▪ Pre and post retirement counseling ▪ Support groups ▪ Telephone helpline ▪ Counseling based on verbalized personal needs ▪ Sessional social work services ▪ Primary Health Care services by a primary health care nurse ▪ Community Based Rehabilitation workers (CBR workers)- Assistant physiotherapist & Assistant occupational therapist and other professional categories ▪ Support services
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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"> ▪ Programmes to enable and support families and spouses/partners to provide care and support ▪ 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) ▪ Referral systems in place to access services contained in the indigent policy ▪ Outreach programmes (taking services to the community and making the facility available for the community) ▪ Cooperation agreement with other stakeholders ▪ Directory of community care and support services available to all older persons ▪ Utilisation of skills of older persons in the community projects (e.g. skills of retired professionals) ▪ Reality orientation programmes available, accessible or developed and made accessible ▪ After school classes run by older persons ▪ Cultural story telling encouraged ▪ Operation dignity programmes developed and implemented ▪ Cultural games organised ▪ Grand parenting programmes ▪ Moral regeneration activities (preservation of values, adopt a school, adopt a granny)
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	1.3.13 Service requirements and specifications	<p>A Basic Services –Primary Support</p> <ul style="list-style-type: none"> ▪ Access and/or Provision of nutritional balanced meal ▪ Spiritual, cultural, health, civic and social services ▪ Intergenerational programmes ▪ Information and educational programmes ▪ Economic empowerment (one of the above mentioned services) ▪ Home Based care and Primary Health Care Services ▪ Physical exercises or active ageing programmes ▪ Basic administration system e.g. attendance register, membership register, asset register, receipt book <p>Minimum requirements</p> <ul style="list-style-type: none"> ▪ 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 <p>Membership</p> <ul style="list-style-type: none"> ▪ Minimum of 20 older persons <p>Staff</p> <ul style="list-style-type: none"> ▪ 1 coordinator ▪ 1 Volunteer for 20 older persons <p>B Intermediate Services</p> <p>Minimum requirements</p> <ul style="list-style-type: none"> ▪ At least three primary services of which meals are compulsory ▪ Functioning 5 days a week for a minimum of 30 hours per week and will progress to category C when they meet prescribed requirements ▪ Membership should be a minimum of 50 older persons
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		<p>Staff</p> <ul style="list-style-type: none"> ▪ 1 Coordinator/manager ▪ 1 Administration clerk ▪ 1 cook <p>Depending on capacity and type of service</p> <ul style="list-style-type: none"> ▪ 1 driver ▪ 2 General workers (gardener, maintenance officer) ▪ 1 Social worker/Auxiliary social worker (on sessional basis) ▪ 1 PHC (primary health care) nurse (sessional basis) ▪ 1 Community Based Rehabilitation worker ▪ 1 Dietician (sessional basis) ▪ 1 Volunteer for every active 20 older persons ▪ 1 Volunteer for every 5 frail older persons ▪ 1 Caregiver for every active 20 older persons ▪ 1 Caregiver for every 5 frail older persons <p>C Tertiary Services</p> <p>Minimum requirements</p> <ul style="list-style-type: none"> ▪ Render all six primary care services and as many secondary services as possible as may be determined by the level of care required i.e. Assisted Living, Respite care or Home Based care. Three meals have to be provided per day if respite care services and/or assisted living services are provided. ▪ Functioning five to seven days per week (40hrs or 168hrs per week) <p>Membership</p> <ul style="list-style-type: none"> ▪ Minimum of 75 members <p>Staff</p> <p>The staff compliment will depend on the services rendered. The following is the</p>
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		<p>minimum staff:</p> <ul style="list-style-type: none"> ▪ 1 Manager ▪ 1 Administration officer ▪ Cook ▪ PHC (primary health care nurse Depending on capacity and type of service) ▪ 1 social Worker/ Auxiliary Social Worker ▪ 2 Community Based Rehabilitation workers ▪ 2 General workers ▪ 1 Driver ▪ 1 Volunteer for every active 20 older persons ▪ 1 Volunteer for every 5 frail older persons ▪ 1 Caregiver for every active 20 older persons ▪ 1 Caregiver for every 5 frail older persons
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"> ▪ Organisation must have <ul style="list-style-type: none"> - a recruitment program - selection and appointment criteria - training program - a job description per category - register of volunteers <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"> ▪ An outreach program ▪ Information sharing ▪ Plan for promotion of community participation ▪ Involvement of community in special events, projects etc <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"> ▪ Information on accessibility to primary health care services

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"> ▪ Information on accessibility and affordable curative care, i.e. hospitals and day hospitals ▪ Information on accessibility to social welfare services ▪ Information on accessibility to multi-purpose services <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"> ▪ Lobbying for concessions for public transport ▪ Lobbying for older person-friendly and safe transport systems. <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"> ▪ Information on access to lending depots ▪ Information on access to assistive devices are available ▪ Assistive devices are properly maintained ▪ Training programmes in the correct use of assistive devices <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"> ▪ Programmes to promote preparation and provisioning for old age ▪ Poverty relief programmes to promote the financial sustainability of families ▪ Programmes for the development of life skills ▪ Enrichment programmes to acquire and transfer skills and culture ▪ Programmes to utilise older persons' skills and expertise ▪ Programmes for life-long training and education <p>Programmes to promote optimal self-actualisation.</p>
1.10 Volunteerism.	1.10.1 Active groups of volunteers.	<ul style="list-style-type: none"> ▪ Establish and maintain a volunteer program

	1.10.2 Active older volunteers.	<ul style="list-style-type: none"> ▪ Register for volunteers ▪ Volunteer policy ▪ Directory of individual and organisation volunteers with contact details ▪ Establish and maintain a senior volunteer program
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"> ▪ Suitable premises and facilities for the preparation and storage of food ▪ Sufficient and appropriate crockery and cutlery ▪ Eating facilities to be clean and odorless ▪ Separate hand washing and ablution facilities for staff ▪ Adequate functional storage of raw and prepared foods ▪ Separate facilities for the storage of cleaning materials and refuse ▪ Compliance with Local Authority Regulations ▪ 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) ▪ A pre-planned cycle of varied and balanced meals ▪ Special diets in accordance with the health needs of residents ▪ Accommodation of cultural and religious preferences where applicable ▪ Access to food parcels
2.MANAGEMENT SERVICES		

<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"> ▪ 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. ▪ Proof of training done when necessary to improve knowledge and/or skills. ▪ Service provider must keep a register of caregivers ▪ Job description for caregivers. <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"> ▪ The Older Persons Act, 2006 and the regulations made in terms thereof must at all times be available to older persons. ▪ Caregivers must have a working knowledge of the legislation. <p>Training programmes must be made available to caregivers.</p>
<p>3. OPERATIONAL MANAGEMENT</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"> ▪ Recognised and acceptable financial management practices must be adhered to ▪ Annual budget is approved in accordance with the organisation's constitution ▪ The budget and monthly financial statements are accessible for assessment ▪ The office bearer responsible for the financial management is adequately trained and qualified. ▪ The payment of accounts and receipt of income is done in accordance with

	<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"> ▪ Annual report and financial statements must be submitted to the Minister. ▪ Operational meetings / communications with staff ▪ Operational control of the service ▪ Hygiene management of all areas and pest control ▪ Accessibility of emergency services ▪ Telephone number of emergency services prominently displayed ▪ Proof of arrangements with emergency services with regard to management of emergencies ▪ Emergency plan, fire drills approved by relevant authorities (including fire and floods evacuations) ▪ Access control policy implemented ▪ Safety officers appointed ▪ Evaluation procedures in place ▪ All registers provided for in the Older Persons Ac, 2006 and Regulations must be kept. <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"> ▪ Asset Register available ▪ Assets and stock counted and reported on according to the policy of the organization. policy must be available ▪ Take measures to secure and protect assets <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"> ▪ Human resource policy. ▪ Staff recruitment policy. ▪ Relevant laws must be available and adhered to. ▪ Personal file must be kept for every staff member with job description and leave records. ▪ Training programmes for staff implemented ▪ Induction programmes in place ▪ Evaluation programmes in place ▪ Grievance procedure available <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"> ▪ 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 ▪ Manage the staff establishment and organization effectively and efficiently ▪ Appropriate deployment and utilization of staff, including adequate supervision ▪ Implement continuous professional development programmes (that include amongst others topics such as the prevention of abuse, HIV and Aids, Rights of Older Persons). ▪ Supervision and maintenance of registers and documentation required by legislation ▪ Implement regular client assessments to identify risk factors and to adjust the care and support service programs of each recipient of service ▪ Implement "prevention of falls" programs ▪ Keep and communicate the necessary statistics and reports required by applicable legislation

		<ul style="list-style-type: none"> ▪ Develop individual care and support programmes for all recipients of services ▪ Proof of management of infection control principles ▪ Proof of reducing risk factors to create a safe and healthy environment for the older person ▪ Develop and implement active ageing programs to ensure independent living of the older person for as long as possible ▪ Coordinate a multidisciplinary approach by all role players to ensure a comprehensive holistic care and support program for all recipients of care services <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"> ▪ Declaration on the Rights of Older Persons signed, explained and displayed ▪ Participation in the planning and management of services ▪ Programmes to promote and maintain the status of older persons ▪ Register on abuse (A, B & C categories) ▪ Protocol on abuse available (A, B & C categories) ▪ Protocols for the placement of people in safe environment ▪ Training programmes for carers to deal effectively with abuse (A, B & C categories) ▪ Training programmes for survivors to deal effectively with abuse (survivors

	<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 & C categories)</p> <ul style="list-style-type: none"> ▪ Personal safety and security awareness programmes ▪ Recipients / family respect the social, cultural and religious beliefs of their fellow recipients of service. ▪ Recipients and / or their family remain active and self-reliant as far as possible ▪ Recipients / family freely participate in all programmes ▪ Recipients/ family do not engage in practices that may endanger and / or disturb the lives, health and well-being of others ▪ The community should actively participate in the promotion and maintenance of the rights of older persons ▪ Promotion of awareness in national and provincial programmes of interest to older persons <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"> ▪ Directories of services & service providers ▪ Data on services delivered ▪ Data on progress on services delivered ▪ Policies and procedures in place to protect the privacy of the older person.

	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"> • Programmes to promote preparation and provisioning for old age • Poverty relief programmes to promote the financial sustainability of families • Programmes for the development of life skills • Enrichment programmes to acquire and transfer skills and culture • Programmes to utilise older persons' skills and expertise • Programmes for life-long training and education • Programmes to promote optimal self-actualisation • Community-based directories of job creation programmes • Programmes to promote continuous learning and development • Skills transfer programmes • Reality orientation programmes • Promotion of independent living by means of active ageing, healthy ageing and self-actualisation • Promotion of participation of older persons in sport, recreation, leisure and arts and cultural activities • Life skills development • Health promotion
3.8 Home-based care programmes	3.8.1 Older Persons maintain their independence through the provisioning of Home-based care programmes.	<p>Basket of Home-based care programmes</p> <ul style="list-style-type: none"> • Visits to older persons / frail older persons • Meals on wheels / meals on foot delivery • Referrals to category B and C service

		<p>centres or other resources</p> <ul style="list-style-type: none"> • Education and training to family, care givers and beneficiaries • Laundry services • Making of bed • Transport services • Home cleaning services • Bathing, washing, feeding, dressing and grooming • Companionship / socialisation • Cooking service • Day care service delivery • Social work services • Health monitoring • Referral to comprehensive care services • Physical Exercise programmes • Home cleaning services • Social and mental stimulation-communication • Advice and training of informal care givers • Accompany member to clinic, pension pay point if required • Vital signs monitoring (Temperature, Blood pressure and Pulse, • Monitoring of Blood sugar level • Monitoring and administration of meals including feeding • Risk management/ Prevention of injury, disability and illness • Interaction with family and friends • Maintain acceptable level of hygiene • Socialisation (e.g. reading, usage of telephones, etc.) <p>Informal Service Level</p> <p>Must render a minimum of two of the Basket of Home-based care services</p>
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		<p>Intermediate Services</p> <p>Must render a minimum of at least six of the Basket of Home-based care services</p> <p>Comprehensive Service</p> <p>All services contained in the Basket of Home-based care services must be rendered</p> <p>Administrative tasks</p> <ul style="list-style-type: none"> • Recruit volunteers • Deployment of caregivers to provide full range of home-based care • Nursing professionals to manage and supervise the caregivers, ratio 1 nursing professional: 15 caregivers • Caregiver is trained and registered on the caregivers register. • Basic care giving equipment provision that consist of <ul style="list-style-type: none"> ▪ Uniform ▪ Cleaning material ▪ First aid kit ▪ Vital signs monitoring equipment • Written reports to supervisor and referral to applicable professional • Report incidents i.e. abuse • Keep all registers as prescribed by the Act and Regulations • Accounting reports and claim forms • Register of recipients of service <p>Register of service providers.</p>
3.9 Support to caregivers.	3.9.1 Enabled and motivated caregivers.	<ul style="list-style-type: none"> • Programmes to train, develop and support caregivers (debriefing programmes) • Design and impliment respite care programmes • Information and referral systems to caregivers • Training programmes in the correct use

		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"> • Register the service in terms of the Older Person's Act • Appointment of registered and trained caregivers in accordance with Older Persons Act 13 of 2006 <ul style="list-style-type: none"> • Compliance with supervision requirements • Proof of registration of caregiver with the Minister • Adherence to the Code of Conduct for Community-based Caregivers • Keep the prescribed register of the caregivers • Submit the register of caregivers to the Minister • Adhere to the National Elder Abuse Protocol • Have disciplinary procedures in dealing with caregivers abusing older persons <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**

FUNCTIONAL AREA	NORM	STANDARD
Identification of types of residential facilities	<p>Category A Facility – Independent Living</p> <p>Category B Facility- Assisted Living</p> <p>Category C Facility – Frail Care</p>	<ul style="list-style-type: none"> ▪ Interim Homes ▪ Boarding Houses ▪ Housing Schemes or Sheltered Housing ▪ Retirement Villages ▪ Shelters ▪ Residential facilities
<p>1. DELIVERY OF SERVICES</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>Accommodation category A (independent living) & B (assisted living) residents:</p> <p>Single room floor space at least 9m² or according to minimum Local Government By-Laws requirement.</p> <p>Double room floor space at least 16m². or according to minimum Local Government By-Laws requirement.</p> <p>Ward type accommodation at least 7,5m² 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>Accommodation category C (frail care) Residents.</p> <p>Maximum of 4 beds per room.</p> <p>Floor area not less than 7,5m² 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"> ▪ Doors sufficiently wide enough to accommodate wheelchairs, beds, trolleys and tri-pods ▪ No stairs / ramps at unreasonable steepness ▪ Lifts in multi story buildings must be bed size lifts to accommodate beds and trolleys. ▪ Toilets, baths and showers to be wheelchair/ tri-pod accessible ▪ Non-slippery flooring ▪ Emergency routes appropriate clearly identified, visible during night time and all emergency exits accessible by wheelchair, trolleys and tri-pods. ▪ 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 <ul style="list-style-type: none"> ▪ One work station per floor in a multi level building / central and accessible to all residents ▪ Provision of a Nurse Call System with 2-way communication feature ▪ Counter and work surfaces ▪ Telephone for internal and external communication ▪ Wash hand basin with taps ▪ Lock-up facility for all medication and scheduled drugs with separate areas for medicines and bandages, dressings etc. <ul style="list-style-type: none"> ▪ Lockers for all staff ▪ Hand wash basin for the prevention of cross infection. <ul style="list-style-type: none"> ▪ Screened-off cubicle for privacy ▪ Well-ventilated, heated area ▪ Electrical plug point for emergency
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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"> ▪ Enough shelving and cupboards for various stock items ▪ Wash hand basin with hot and cold running water and an elbow regulating tap ▪ Non-slip and non-shining floor ▪ Painted in light coloured, washable paint. ▪ Equipped for first aid and emergency situations <ul style="list-style-type: none"> ▪ Outside passages covered for protection against elements ▪ Corridors a least 1,8m wide and provided with hand railing along the length of at least one wall ▪ All corridors, staircases, flight of steps and ramps must have a non-slip floor surface and adequately lit and fitted with effective hand rails ▪ All steps must not be higher than 130mm or narrower than 355mm <ul style="list-style-type: none"> ▪ Bathroom facilities must be provided in the ratio of one [1] bath or shower to at least every eight [8] residents ▪ In the case of open plan facilities, bathroom facilities for residents to be designed for use by more than one person at a time ▪ Constant supply of hot and cold water to all baths and showers ▪ Bath positioned in such a way that residents have adequate access and effective handgrips installed ▪ Emergency bells or communication systems to be in place ▪ At least one [1] hand wash basin with constant hot and cold water supply must be provided in each bathroom complex ▪ Walls and ceiling of the bathroom complex must be painted with light coloured durable,
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	1.1.9 Sluice Rooms.	<ul style="list-style-type: none"> ▪ A sluice room must have a minimum floor area of 7,5m² and a minimum width of 2,5m ▪ Must be well ventilated ▪ To be equipped with impervious shelves ▪ To be provided with a constant supply of hot and cold water ▪ To be equipped with a combination slop hopper sink with a wash facility for bedpans / urinals ▪ To be equipped with an impervious receptacle of adequate capacity with a close-fitting lid for soiled dressings to be removed by recognised medical waste service provider ▪ Sluice rooms must be reasonably accessible from bedrooms and frail care rooms ▪ To be equipped with a hand wash basin for staff hand washing ▪ Wall area behind slop hopper sink and hand wash basin must be supplied with a back splash plate or area must be tiled ▪ Painted in a washable, durable light coloured paint ▪ Floors must be washable ▪ Storage space for cleaning materials ▪ Separate storage space for urinalysis testing
	1.1.10 Toilet facilities for visitors.	<ul style="list-style-type: none"> ▪ Separate toilet facilities for male and female visitors ▪ Hand wash basin supplied with constant hot and cold water.
	1.1.11 Kitchen.	<ul style="list-style-type: none"> ▪ Kitchen must have a minimum floor area of 16m² for at least 32 residents. The floor area must be calculated at 0,5m² per resident or according to Local Government By-Laws minimum requirements to a maximum size of 90m² ▪ Washing-up area separate from the food preparation area.

	<p>1.1.14 Dining Room.</p> <p>1.1.15 Recreation area, lounges and sun porches.</p> <p>1.1.16 Storage facilities.</p> <p>1.1.17 Administrative office.</p> <p>1.1.18 Proper and adequate ventilation, heating, cooling and lighting.</p>	<p>durable, washable and light-coloured paint</p> <ul style="list-style-type: none"> ▪ If an outside contractor is used for laundry purposes it must be done in an approved laundry by a qualified or registered service provider ▪ A dining area with a minimum floor area of 1,5m² per resident with adequate passages and aisles in the dining area according to the Local Government By-Laws ▪ Approved, suitable and safe artificial heating system in the dining areas ▪ Non-slip, non-shinig floors ▪ Well ventilated area ▪ Floor area of not less than 1,5m² per resident as per the Local Government By-Laws. ▪ This area must be designed and situated in such a way that it can also be used for occupational therapy ▪ Adequate (separate) storage facilities for linen, furniture, suitcases, household cleaning agents, tools, medicines, and corrosive and other harmful substances ▪ Must have a suitable, furnished administrative office on the premises ▪ Cross ventilation ▪ Lighting, not glazing ▪ Safe heating and cooling system in the frail care, rooms, wards and the dining areas. (heating system position in such a way not to jeopardize the safety of the resident and not damaging any of the structures of the building) ▪ Absence of offensive odours, through the effective management of physical
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	<p>1.1.19 Secure and safe environment.</p>	<p>environment, soiled linen, bedding and personal effects</p> <ul style="list-style-type: none"> ▪ Security in accordance with local conditions ▪ Windows must be adequately protected or guarded to ensure the safety of residents. ▪ Emergency exits and routes practical and clearly identified and visible at night ▪ Controlled access to facility ▪ Support railings both sides of corridors ▪ Non-slip and non-shining flooring surfaces. All carpets suitably and safely secured to the floor ▪ Loose coverings must be removed ▪ Security of personal effects of staff and residents ▪ Security and control over medication ▪ Existence of emergency and disaster plan ▪ Fire-fighting equipment in accordance with Occupation, Health and Safety Act 85 of 1993 – Fire protection certificate issued by Fire Department ▪ Appropriate 24-hour communication system (internal and external) ▪ Individual lockers for staff personal items ▪ Individual lockable cupboards for each resident ▪ Smoke detectors
	<p>1.1.20 Therapeutic environment.</p>	<ul style="list-style-type: none"> ▪ Programmes for prevention of injuries and infections ▪ Access to an area to undertake private discussions and interviews
	<p>1.1.21 Functional and sufficient furniture and equipment.</p>	<ul style="list-style-type: none"> ▪ A bed with mattress, chair and private, safe and lockable cupboard for each resident ▪ Care equipment, e.g. crutches, wheel chairs, bedpans etc. ▪ Adequate clean bed linen, blankets, pillows and towelings per bed

	<p>1.1.22 Physical layout of grounds and buildings promotes mobility, social interaction and areas of service delivery.</p>	<ul style="list-style-type: none"> ▪ Catering equipment available ▪ Laundry equipment available ▪ Maintenance equipment ▪ Furniture and equipment for staff requirements ▪ Staff Rest room ▪ Appropriate first aid emergency equipment ▪ Office facilities <p>Surroundings should be suitable from a health point of view:</p> <ul style="list-style-type: none"> -Avoid low-lying cold areas. -Avoid presence of factories / trains -Smoke free area. <p>Slope of terrain:</p> <p>The terrain should be as level as possible.</p> <p>Sloping grounds</p> <ul style="list-style-type: none"> ▪ Sanitation ▪ Clean drinkable water ▪ Cooking and catering facilities ▪ Laundry facilities /washing facilities ▪ Nursing facilities ▪ Recreational facilities / areas ▪ Fencing ▪ Areas for care of persons with mental incapacity where necessary <p>Secure environment appropriate for the needs of the individual, particularly those with mental incapacity.</p> <ul style="list-style-type: none"> ▪ Store facilities ▪ Grounds are wheelchair / tri-pod accessible ▪ Supply of electricity or alternate power source <p>(Designated smoking area)</p>
<p>1.2 Legal status for service facility development and delivery of services.</p>	<p>1.2.1 Service delivery facility developers register planned facilities.</p>	<ul style="list-style-type: none"> ▪ Apply for registration to develop a residential facility before commencement of the development of such a facility

	<p>1.2.2 Service providers are registered.</p> <p>1.2.3 Admission policy in accordance with statutory requirements.</p>	<ul style="list-style-type: none"> ▪ Registration certificate of residential facility and service providers to be publicly displayed ▪ Implementation of departmentally approved assessment instrument (DQ 98) ▪ Completed standardised background report from a referring social worker or social auxilliary worker is a requirement ▪ Social worker/social auxillary worker report for all applications ▪ Admission policy and code of conduct to be in line with older persons policy, principles and the South African Declaration on the Rights and Responsibilities of Older persons ▪ Information provided on the organisation and services rendered ▪ Information accessible to all ▪ Standardised Admission Policy and Procedure ▪ Standardised Admission Form
<p>1.3 Capacity building.</p>	<p>1.3.1 Support for caregivers, including family.</p> <p>1.3.2 Effective and accessible volunteer programmes.</p> <p>1.3.3 An informed and supportive community.</p>	<ul style="list-style-type: none"> • An outreach program • Measure the response e.g. donations, visits, volunteers • Volunteer projects developed, costed with time-lines and roles and responsibilities • Information sharing • Special events and projects developed etc.
<p>1.4 Residential care.</p>	<p>1.4.1 Comfortable clean, healthy, and satisfied residents.</p>	<ul style="list-style-type: none"> • Individualised care management plan • Adherence to approved health, nursing and pharmaceutical laws, policies and procedures • Nutrition and hydration according to dietary requirement

	1.4.2 Optimal mobility of residents during active hours.	<ul style="list-style-type: none"> • Socialisation through social and functional activities • Residents should be out of bed (where possible) <p>Residents are appropriately dressed, presentable and clean.</p>
1.5 Independent and Assisted Living Programme.	<p>1.5.1 Provisioning in the basic nutritional needs to promote healthy ageing.</p> <p>1.5.2 Facilitate provisioning of affordable, safe and accessible accommodation, housing & assisted living</p> <p>1.5.3 Older persons maintain their independence through the provisioning of: day-care services, home-care services, short term residential placement and care services</p>	<ul style="list-style-type: none"> • Retard the onset of frailty and illness through providing in the basic nutritional needs. • Prevention of malnutrition through information regarding balanced diets and needs • Provisioning of daily nutritional needs through food security programmes • Clean drinking water available <ul style="list-style-type: none"> • Programmes to promote optimal independent living • Affordable accommodation by means of rates' concessions • Housing that is older person and culture sensitive • Strategy on welfare housing that will secure and increase housing stock of older persons • Accessibility of community care and support services • Programmes to enable and support families and spouses/partners to provide care and support • Directory of community care and support service <ul style="list-style-type: none"> • Home-care services to address the needs of older persons living at home • The availability of (subsidized) beds and services to address the needs of persons requiring short term residential placement and care • Health and social monitoring system to promote efficient family care giving

	Emergency-Care Services	<ul style="list-style-type: none"> • Register of accredited caregivers per community • Contract between service providers and caregivers <p>Social relief programmes.</p>
1.6 Information on access to Health and Social Welfare Services.	1.6.1 Optimal healthy ageing and self-actualisation through the information on provisioning of affordable accessible and appropriate health and social welfare services.	<ul style="list-style-type: none"> • Dissemination of Information on: <ul style="list-style-type: none"> - accessibility to primary health care services - affordable curative care, i.e. hospitals - accessibility to social welfare services - accessibility to multi-purpose services - accessibility to psycho-geriatric services
1.7 Information on access to transport.	1.7.1 The accessibility of services and the optimal independent functioning of older persons.	<ul style="list-style-type: none"> ▪ Lobbying for concessions to promote the accessibility of public transport ▪ Lobbying for older person-friendly and safe transport system/programmes <p>Transport available to access support services.</p>
1.8 Support to caregivers.	1.8.1 Enabled and motivated caregivers.	<ul style="list-style-type: none"> ▪ Programmes to train, develop and support caregivers ▪ Respite care programmes ▪ Information and referral systems to support caregivers <p>Dissemination of information on health and social welfare services for caregivers.</p>
1.9 Provisioning of assistive devices.	1.9.1 Facilitate access to assistive devices.	<ul style="list-style-type: none"> ▪ Information on access to lending depots ▪ Information on access to assistive devices are available ▪ Assistive devices are properly maintained ▪ Training programmes in the correct use of assistive devices ▪ Directory / data bank of lending depots
1.10 Volunteerism.	1.10.1 Active corps of volunteers. 1.10.2 Active corps of older volunteers.	<ul style="list-style-type: none"> ▪ Establish and maintain a volunteer program ▪ Register for volunteers ▪ Training program for volunteers to have a working knowledge of relevant legislation and policy ▪ Establish and maintain a senior volunteer

		program
1.11 Provision of food.	1.11.1 Hygienic food preparation and serving facilities. 1.11.2 Nutritious food.	<ul style="list-style-type: none"> ▪ Suitable premises and facilities for the preparation and storage of foodstuffs ▪ Sufficient and appropriate crockery and cutlery ▪ Eating facilities to be clean and free of offensive smells ▪ Separate hand wash basin / bowl for staff with hot and cold water, soap and disposable hand towels ▪ Adequate functional storage of raw and prepared foods ▪ Adequate appropriate cold room and freezer for food storage at 10 degrees or less ▪ Separate facilities for the storage of cleaning materials and refuse <ul style="list-style-type: none"> ▪ Providing 3 nutritional meals per day, and an additional 1.5 lt fluids during the day plus 0.5 liters at night, and including at least 1 snack in the evening for special diets e.g. Diabetics ▪ A pre-planned cycle of varied and balanced meals ▪ Special diets in accordance with the medical needs of residents <p>Accommodation of cultural and religious preferences where feasible.</p>
2. MANAGEMENT SERVICES 2.1 Residents committee.	2.1.1 Effective residents committee 2.1.2 Members of the residents committee are well equipped for the task	<ul style="list-style-type: none"> ▪ Elected and appointed members ▪ Regular monthly meetings with proper agendas and minutes ▪ Regular reports to the residents <ul style="list-style-type: none"> ▪ Training program ▪ Clear functions in line with the Older Persons Act No. 13 of 2006
2.2 Statutory requirements.	2.2.1 Adherence to statutory requirements.	<ul style="list-style-type: none"> ▪ Registration in accordance with the Act ▪ Registration certificate publically displayed ▪ All applicable laws available and updated ▪ Training program to ensure working

	<p>2.2.2 Protection and promotion of the rights of older persons as the recipients of service.</p>	<p>knowledge</p> <ul style="list-style-type: none"> ▪ All professional persons should be registered with their applicable registration bodies ▪ Keeping of all legislative registers in terms of the Older persons Act and Regulations (e.g. Complaints register Restraints Register, Convicted Person register, Medication Registers, Code of Conduct of Caregivers) ▪ Contracts between the service provider/organization and the Minister to ensure that the services are provided should include the following: <ul style="list-style-type: none"> ○ Date of occupation ○ Type of accommodation ○ Services to be provided which include boarding & lodging which includes at least three nutritionally balanced meals per day taking into account health status of the resident ○ Nursing and ensuring medical attention ○ Bed & bath linen ○ Laundry services ○ Cleaning services ○ Security services ○ Payment of services rendered ○ Details of resident's assets, liabilities, income & expenditure ○ The amount which may be deducted from the social assistance grant which deductions must not exceed 90% of the social assistance grant ○ Financial details of the resident must be made available to management board on request ○ Rules regulating the running of the residential facility ○ Procedure during termination of the agreement including the responsibility of the resident and his/her family
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		<ul style="list-style-type: none"> ○ Procedure when a resident dies ○ Confidentiality ○ Cost of damage to assets of the facility by a resident ○ Grounds for discharged alternative care and probation period of the resident in the facility
2.3 Financial management.	2.3.1 Accountability of management .	<ul style="list-style-type: none"> ▪ Meet requirements as stipulated in the Regulations in terms of the Older Persons Act ▪ Recognised and acceptable financial practices are adhered to ▪ Annual budget is approved in accordance with the organisation's constitution ▪ Financial statements are submitted at meetings of the service provider, at least every two months ▪ The official responsible for the financial management is adequately trained and qualified ▪ Financial policy and delegation are approved by the service provider ▪ The payment of accounts and receipt of income is done in accordance with financial policy ▪ All external and internal audit reports must be submitted to the service provider and must be reflected in the minutes of the meetings of the service provider ▪ Monthly minuted operational meetings / communications with staff <p>Annual report and financial statements to be submitted to Minister.</p>
2.4 Asset management.	2.4.1 Effective utilisation and maintenance of assets.	<ul style="list-style-type: none"> ▪ Adhere to prescriptions for assets management in the Older Persons Act and regulations ▪ Preventative maintenance program approved by service provider ▪ Updated Asset Register available ▪ Asset register to differentiate between

	<p>2.5.3 Nursing and other care and support staff.</p>	<p>To calculate the number of nursing and caregiver staff required for the number of residents, the following formula must be used and is based on the following principles:</p> <ul style="list-style-type: none"> • Number of hours staff work per week i.e. 40 hours • Number of days the service will be offered • The number of residents in the category • Number of hours of care required per week per resident <ul style="list-style-type: none"> ○ Category 2 persons require a minimum of 9 hours of care per week ○ Category 3 persons require a minimum of 18 hours of care per week ○ A combination of category 2 and 3 residents require a minimum of 13 hours care per week • A decimal fraction of 0.6 and higher must be calculated as one unit <p>Examples:</p> <p>30 Frail care Residents: $\frac{30 \times 18}{40} = 13.5$ staff units 33% nursing sister = 4 (50% can be replaced with staff nurses)</p> <p>66% nursing assistants = 9 (50% can be replaced with care givers)</p> <p>30 Assisted Living Residents: $\frac{30 \times 9}{40} = 6.75$ staff units 16% nursing sister = 1</p> <p>84% nursing assistants = 5 (50% can be replaced with care givers)</p> <p>30 Frail and 30 Assisted Living Residents: $\frac{60 \times 13}{40} = 19.5$ staff units 25% nursing sister = 5 (50% can be replaced with staff nurses)</p>
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		<p style="text-align: right;">40</p> <p>1 75% nursing assistants = 14 (50% can be replaced with care givers)</p>
<p>2.6 Rights and responsibilities of older persons.</p>	<p>2.6.1 Older persons are treated with dignity and respect.</p> <p>2.6.2 Protection against abuse, neglect, ill-treatment and exploitation.</p> <p>2.6.3 Older persons and /or their family are active participants in the delivery of</p>	<ul style="list-style-type: none"> ▪ Declaration on the Rights of Older Persons signed, explained and displayed ▪ Programmes to promote and maintain the status of older persons ▪ Register on abuse ▪ A national toll free help line 0800 60 10 11 ▪ National Elder Abuse Protocol ▪ Train staff and implement the protocol on abuse ▪ Training programmes for caregivers ▪ Training programmes for survivors to deal effectively with abuse (survivors empowerment program) ▪ Community "Care Ring" or visiting program ▪ Personal safety and security awareness programmes ▪ Places of safety / halfway houses for the protection and temporary accommodation of older persons at risk ▪ Recipients / family adhere to the spirit and letter of the admission contract ▪ Recipients / family respect the social, cultural and religious beliefs of their fellow recipients of service / residents ▪ Recipients and / or their family remain active and self-reliant as far as possible ▪ Recipients / family freely participate in all programmes ▪ Recipients/ family do not engage in practices that may endanger and / or disturb the lives, health and well-being of others ▪ Active participation in the promotion and maintenance of the rights of older persons ▪ Promotion of awareness in national and

	services. 2.6.4 A caring community.	provincial programmes of interest to older persons All programmes are older person sensitive and specific.
2.7 Data Information System.	2.7.1 Reliable and valid data and an informed public system	<ul style="list-style-type: none"> • Directory of services • Directory of service providers • Situation analysis • Demographic profiles • Reliable baseline information
2.8 Nursing care administration	2.8.1 Provision of acceptable standards for continuous care	<ul style="list-style-type: none"> • Provide mission, vision, goals and objectives to staff • Deploy and utilize staff appropriately • Continuous professional supervision • Maintain registers • Comply with legislation • Manage risks • Assess clinical skills of staff • Set goals for geriatric care plans • Implement individual care plans • Develop therapeutic geriatric learning environment
2.9 Individual care plans for home based care and residential care.	2.9.1 Individual care plan for each older person for whom direct care is provided.	<ul style="list-style-type: none"> • A personal record of each older person available • A record of the name and details of the immediate family member or responsible person to be consulted in cases of emergency or health care decision making • An assessment document completed within 48 hours of admission to the service, to be reviewed monthly or more frequently, if indicated. • A care plan to be updated in conjunction with regular assessments and identification of lifestyle risks • Relevant records and documentation in accordance with legislative requirement. ▪ Reality Orientation Programs

	<p>2.9.2 Active-ageing in residential facility.</p> <p>2.9.3 Specific care and support programmes.</p> <p>2.9.4. Socialisation.</p>	<ul style="list-style-type: none"> ▪ Regular opportunities for socialisation through social and functional activities ▪ Regular programmes appropriate for the needs and limitations for the persons being cared for • All persons to be out of bed at least twice per day and appropriately dressed for part of each day where possible • Participation in organised activities, including but not limited to reading, radio and TV, religious and cultural activities. • Programmes to promote active and meaningful participation with family and community life and peer group activities • Available basic care plan for each client/resident including information relating to: <ul style="list-style-type: none"> - Personal hygiene needs - Nutritional and fluid requirements and assistance - Mobility and transfers - Night time special requirements (e.g. Applying cot sides at night to prevent falls) - Bathing - Excretory needs - Medication management, administration and regular review - Prevention of pressure sores, including mobilisation, turning, pressure care - Access to immunisations according to recommended guidelines - Safety needs • Recreation and orientation programmes stimulation orientation programmes.
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<p>2.10. Provision of specific additional care</p>	<p>2.10.1 Access to supplementary health care .</p> <p>2.10.2. 24HourCareServices to frail older persons.</p> <p>2.10.3. Care and Supervision services to older persons suffering from dementia and related diseases</p> <p>2.10.4. Rehabilitation Services</p>	<ul style="list-style-type: none"> ▪ Available plans and information relating to: ▪ Chronic disease management ▪ Incontinence management, including appropriate aids and appliances, including commodes, incontinence pads and catheters ▪ Wound care management ▪ Pain Management ▪ Attention to sensory defects e.g. vision, hearing speech ▪ Palliative care, recognising the need for respect of the choices and dignity of the terminally ill person ▪ Access to additional services where appropriate and available ▪ Protocol in place when planning frail care services ▪ Protocol in place when transferring an older person to a facility for frail care services ▪ Basic care protocols and programmes ▪ Intake and output monitoring ▪ Bathing Dressing services ▪ Grooming service ▪ Excretory needs assistance ▪ Physical exercise programmes ▪ Mental stimulation programmes ▪ Create safe environment ▪ Orientation program ▪ Separate facility (room) for rehabilitation ▪ Supervision continuous and observation ▪ Conducive friendly environment ▪ Create safe environment ▪ Free movement within specific secured area ▪ Specific medication monitoring ▪ Adjusted recreation activities e.g. Coloring books ▪ Provision of assistive devices
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	<p>2.10.5. Public Education on issues of ageing, including dementia</p> <p>2.10.6. Have a program for Counseling services to residents and family members who need these services</p> <p>2.10.7 Implementation and monitoring of outreach programmes</p> <p>2.10.8. Provision of beds for the temporary accommodation of older persons at risk.</p>	<ul style="list-style-type: none"> ▪ Physiotherapy and occupational services when applicable ▪ Educating staff ▪ Awareness and Education programmes targeting communities and family members ▪ When applicable and if suitable skilled resources are available ▪ At least one outreach program per facility ▪ Meet the requirements for registration as a service for community based services according to the Act. ▪ One bed per registered facility to be subsidised on the unit cost of the facility
<p>2.11. Health and safety</p>	<p>2.11.1 Respite Care services.</p> <p>2.11.2 Sport and recreational activities.</p> <p>2.11.3 Cleaning Services.</p>	<ul style="list-style-type: none"> ▪ Respite care available as per the need for such service ▪ Regular programmes appropriate for the needs and limitations for the persons being cared for. ▪ All persons to be out of bed at least twice a day and appropriately dressed. ▪ Participation in organised activities, including but not limited to reading, radio and TV, religious and cultural activities. ▪ Program for normal and deep cleaning to be in place ▪ All contracted service providers to be registered with the Department as a service provider to older persons ▪ Cleaning schedule for the cleaning of all areas of the facility must be in place

	<p>2.11.4 Infection Control.</p> <p>2.11.5 Medical Waste Management</p>	<ul style="list-style-type: none"> ▪ Adhere to applicable regulations, Policies and Procedures regarding Infection Control. ▪ Policies and Procedures regarding infection control to be in place and available to all staff ▪ Keep statistical data on all infections ▪ Pest control policies and programmes must be in place ▪ Management of medical waste according to local government regulations ▪ Operational control of the service ▪ Policies in place regarding the storage of waste material until collection as well as the collection protocol ▪ Hygiene management of all areas and pest control
<p>2.12 Emergency services.</p>	<p>2.12.1. Protocol and required policies in place to secure emergency services.</p>	<ul style="list-style-type: none"> ▪ Accessibility of emergency services - Telephone number of emergency services prominently displayed ▪ Proof of arrangements with emergency services with regard to management of emergencies ▪ Emergency plan approved by relevant authorities ▪ Access control protocol in place ▪ Safety officers appointed ▪ Evaluation procedures for OH&S (Occupation Health and Safety) in place ▪ Proof of arrangement with doctors on call, local hospital, ambulance service, contact numbers for support services South African Police Service and nearest family member ▪ Fire fighting equipment available, optimally placed and annually serviced, inspected and reported on. ▪ Fire drills must be done and documented at least twice a year with residents <p>Staff trained in the effective use of fire fighting equipment.</p>

ANNEXURE C**CODE OF CONDUCT FOR COMMUNITY-BASED CAREGIVERS**

1. A caregiver must at all times—
 - (a) treat older persons with respect and dignity and honour their right to appropriate care, privacy, cultural and religious beliefs, confidentiality and habits;
 - (b) act with integrity and conscientiously in the performance of his or her duties;
 - (c) discharge his or her duties with efficiency, competency, due care and diligence;
 - (d) maintain effective inter-personal skills recognizing the importance of personal and courteous communication;
 - (e) not engage in any act of dishonesty, corruption or bribery;
 - (f) protect older persons against any form of danger;
 - (g) take the necessary action to prevent and combat any form of abuse, exploitation or victimization of older persons;
 - (h) be accountable for the quality of care given and strive to advance knowledge and skills through ongoing training;
 - (i) provide older persons and their families with clear information on the execution of care-giving tasks;
 - (j) refer questions concerning the older persons health status to family members of the older person; and
 - (k) report any allegation or suspicion of abuse to the relevant authorities.

2. A caregiver, must at all times, execute his or her duties in accordance with the instructions of the employer and the applicable job description and endeavour to maintain the highest possible standard of service. This includes:
 - (a) Adherence to specified duty hours;
 - (b) willingness to work outside duty hours in times of an emergency;
 - (c) dress appropriately to the task;
 - (d) respect for the dignity of the older person;

- (e) recognizing the importance of supervision and in-service training provided by the employer;
- (f) adhering to the human resource guidelines and requirements of the employer;
- (g) maintaining confidentiality at all times; and
- (h) that information regarding the client and care-giving is regularly communicated to the employer by way of written or oral reports.

3. A caregiver is required to—

- (a) furnish the employer with the necessary contact information in the event of an emergency;
- (b) report any changes in the contact information timeously;
- (c) ensure that he or she has a job description, caregiver registration certificate and the code of conduct available when on duty;
- (d) ensure that his or her name appears on the register for caregivers kept by the Minister in terms of section 14(3)(a) of the Older Persons Act, 2006.

ANNEXURE A

CONSOLIDATED FORMS

FORM 1
APPLICATION FOR FINANCIAL AWARD

DEPARTMENT OF SOCIAL DEVELOPMENT
OLDER PERSONS ACT, 2006 (ACT NO. 13 OF 2006)

I, _____ (full names and surname) on behalf of(organisation's name and NPO number, hereby applies for a financial award referred to in section 8(1) of the Older Persons Act, 2006 (Act No. 13 of 2006).

I provide the following services to (number) _____ older persons (see attached list) at the place known as _____ situated _____ at _____ (physical _____ address)

Service provided			
Registration number:			
Date of establishment of service:			
Number of staff delivering service (Attach register of names)			
Number of beneficiaries (Attach register of names)			
Physical address			
Postal address			
Telephone No		Fax	
e-mail			
Cell No			

I declare that the above information is true and correct. I understand that any misrepresentation or omission of pertinent information may be considered as sufficient grounds for rejecting the application.

Signature of applicant

Place

Date

Documents to be attached to the form

- Business plan of organization and a list of services rendered by organization
- Names and certified copies of ID of members of the organization
- Constitution of the organization
- NPO registration certificate, if registered as an NPO
- Any other registration certificates or documents that can support the application
- Audited financial statements for at least six months
- Names and contact details of Auditors
- Background information on receiving previous financial awards
- Provide reference and contact details of persons / organizations supporting the application
- Disclose all sources of funding / income
- Register of list of beneficiaries
- Register of names of staff members rendering the services

FORM 2
APPLICATION FOR REGISTRATION
OF COMMUNITY-BASED CARE AND SUPPORT SERVICE

DEPARTMENT OF SOCIAL DEVELOPMENT
OLDER PERSONS ACT, 2006 (ACT NO. 13 OF 2006)

(For an applicant that is an organization)

_____ (full name of organization) herein
 represented by _____ (full names and identity number),

in his or her capacity as _____ duly
 authorized in terms of resolution no _____ dated _____ (attach a
 certified copy of the resolution)

OR

(For an applicant that is an individual)

_____ (full names and identity number
 of individual applicant),

apply for registration of the services listed in section B hereof.

Section A: Basic details of the Service Provider (Organization or individual)

1. Name of Organization/ Individual
2. Registration number (if applicable)
 - 2.1 Non Profit Organizations number (if any):
 - 2.2 Company or trust registration number (if any):
 - 2.3 Any other registration details (specify):

2.4 Has your registration ever been suspended or cancelled:

YES/NO

If yes, please provide details:

3. Address details

3.1 Physical and postal address of Administration Office:

3.2 Physical addresses and telephone numbers of service locations (identify facility)

- (i) _____ postal code _____
- (ii) _____ postal code _____
- (iii) _____ postal code _____
- (iv) _____ postal code _____

(If there are more service locations please attach a list)

4. Financial details

4.1 Do you have a bank account?

YES/NO

If yes, provide following details

- (i) Bank: _____
- Account name: _____
- Type Account: _____
- Account no: _____
- Branch Code: _____

4.2 Do you have an auditor?

YES/NO

If yes, provide details

- (i) Name: _____
- (ii) Address : _____
- (iii) Telephone number: _____

4.3 Audited Financial Statements

Please attach a copy of your Audited Financial Statements for the past six months. If you do not have Audited Financial Statements please give the reasons therefore and attach financial reports.

5. Governance Details

5.1 Constitution : Please attach a certified copy.

5.2 Details of Governing Body:

Please attach a list of senior members of your organization with names and identity numbers.

Please disclose and provide details of family interests or relationships pertaining to the organisation and staff:

5.3 Do you hold General Members Meetings

YES/ NO

If yes, attach a copy of the minutes of the last meeting

6. Beneficiaries

How many older persons benefit from the services provided?

Declaration

I declare that the above information is true and correct. I understand that any misrepresentation or omission of pertinent information may be considered as sufficient grounds for withdrawal of registration.

Signature	Place	Date

Full Name: _____

Capacity: _____

Copy of ID to be attached

Section B: Community-based care and support services

1. Name of applicant (as in section A)

(i) Organisation or Company:

(ii) Individual :

2. Description of Community -based care and support services

When was the services first established : (date)

What services are rendered (please tick) (Attach copy of your services plan

- Meals
- Meals-on-wheels,
- Transport
- Primary Health Care
- Home-based care
- Assisted Living Services
- Respite Care Services
- Palliative Care Services
- Full Frail Care Services
- Emergency Care Services
- Physical Exercises
- Recreation
- Income Generation
- Socialisation
- Culture and Spiritual
- Home visits
- Advice
- Respite care
- Group Support
- Education and Training
- Counseling (social work)
- Temporary accommodation
- Other, Please specify

On how many days or hours per week do you operate? Tick

1	2	3	4	5	6	7
---	---	---	---	---	---	---

Does the service operate over weekends and public holidays?

3. Beneficiaries

Please give a breakdown of older persons who benefit from the services on a weekly basis

(i) Total Number of older persons:

(ii) Frail, disabled (please specify):

4. Funding of the Services

Do you receive a grant/ subsidy from the Department of Social Development

YES / NO

If yes, what amount do you receive on a monthly basis:

R _____

Do you receive a grant from the local authority

YES / NO

If yes, what amount do you receive per month or per annum:

R _____

Have you applied for funding from the Department of Social Development which was turned down?

YES / NO

If yes give details:

Do beneficiaries pay for the services

YES / NO

If yes what do beneficiaries pay for the services per month/per day/per hour R _____ per individual?

If no, please give your reasons:

5. Human Resources

Do you have paid staff members YES /NO

Do you have volunteers.

If so, how many.

Do you pay transport costs of volunteers.

If yes, give breakdown of employed staff and volunteers:

POSITION	NO	TASKS

If you do not use paid staff members, how do you render the services?:

(a) Volunteers YES/NO

(b) Partnership workers, provided by other organizations YES/NO

How many volunteers on a monthly basis render services _____ and the estimated total hours of volunteer work _____

6. Service Locations

Provide a list of places and areas where services are rendered.

AREA	PLACE
(i)	
(ii)	
(iii)	
(iv)	
(v)	

If you render services at more locations please attach a list.

Provide sketch plans of the above facilities

Facilities in service delivery (please tick):

- Hall
- Offices
- Kitchen
- Store Room
- Dining Room
- Clinic
- Library
- Bathrooms/Showers
- Toilets
- Wash Basins
- Other (specify)

If you do not have the above facilities at your disposal, how do you render the services? Give details:

Basic amenities and equipment to render services. Please tick below:

- Kettle or urns
- Stove
- Fire
- Fridge
- Water supply
- Power supply
- Catering utensils
- Plates, cups etc
- Tables and chairs
- Recreation equipment
- Primary Health Care equipment
- Assistive devices (wheel chairs, tripods, commodes, walking sticks)
- Other, provide list:

Please attach a list of the equipment used in the facility

7. Business Plan

Do you render your services according to a business plan? YES/NO

If yes, please attach your business plan to section B

If no, please indicate the reasons below:

- A new service
- An outreach service from residential care facilities
- Other, please specify:

If your services are linked to other services, please give details:

**FORM 3
REGISTRATION CERTIFICATE
OF COMMUNITY-BASED CARE AND SUPPORT SERVICE**

**DEPARTMENT OF SOCIAL DEVELOPMENT
OLDER PERSONS ACT, 2006 (ACT NO. 13 OF 2006)**

Registration Certificate No. _____

Issued to (name Of Community Based Care And Support Service)

It is hereby certified that the above-mentioned Community-Based Care And Support Service for older persons situated at (physical address and beneficiaries)

has been registered in terms of section 13 of the Older Persons Act, 2006 (Act No. 13 of 2006) to deliver services tobeneficiaries.

This certificate is valid with effect from _____
(dd/mm/yyyy) until.....

This certificate is issued in terms of section 13(3) of the Older Persons Act, 2006 and is not transferable.

(OFFICIAL STAMP)

DIRECTOR-GENERAL
DATE:
PLACE:.....

FORM 4
TEMPORARY REGISTRATION CERTIFICATE
OF COMMUNITY-BASED CARE AND SUPPORT SERVICE

DEPARTMENT OF SOCIAL DEVELOPMENT
OLDER PERSONS ACT, 2006 (ACT NO. 13 OF 2006)

Temporary Registration Certificate No. _____

Issued to (name of Community-Based Care And Support Service)

It is hereby certified that the abovementioned Community-Based Care And Support Service for older persons situated at (physical address and capacity)

has been registered in terms of section 13 of the Older Persons Act, 2006 (Act No. 13 of 2006), subject to the following conditions:

Conditions:

This certificate is valid for a period of six months with effect from _____ (dd/mm/yyyy) to _____ (dd/mm/yyyy).

NB. This certificate is issued in terms of section 13 of the Older Persons Act, 2006 and is not transferable.

DIRECTOR-GENERAL

DATE:

PLACE:.....

(OFFICIAL STAMP)

FORM 5
NOTICE OF INTENTION TO TERMINATE COMMUNITY-BASED
CARE AND SUPPORT SERVICE

DEPARTMENT OF SOCIAL DEVELOPMENT
OLDER PERSONS ACT, 2006 (ACT NO. 13 OF 2006)

To: The Director-General
Department of Social Development

Notice is hereby given, in terms of section 13(4)(a) of the Act, of the intention to terminate the following community-based care and support service. The said termination will take effect as from.....

Service to be terminated: _____

The reasons for the termination are—

Take further notice that as required in terms of section 13(4)(b) and (c) of the Act, the following arrangements are being made to inform the older person(s) in my/our care of the intended termination of the service. _____

It is our intention to refer the older person(s) currently benefiting from our services to another person or organisation who provides similar services in the following area. _____

The details of the said person or organisation will be forwarded to you 30 days before the termination date mentioned above.

Details of organization/individual:

Name:

ID No.

Registration certificate No: _____

Physical
address: _____

Postal address:

Tel. No. _____ Fax No. _____
Cell No. _____ E-mail address _____

List of beneficiaries, names, addresses and ID numbers

I undertake to fulfill any obligations in terms of the Act before the date of termination.

**COMMUNITY-BASED CARE AND
SUPPORT SERVICE PROVIDER**
Name:
Capacity:
Date:

FORM 6
ACKNOWLEDGEMENT OF RECEIPT

DEPARTMENT OF SOCIAL DEVELOPMENT
OLDER PERSONS ACT, 2006 (ACT NO. 13 OF 2006)

To: _____

**RE: ACKNOWLEDGEMENT OF NOTICE OF INTENTION TO TERMINATE
COMMUNITY-BASED CARE AND SUPPORT SERVICE**

I hereby acknowledge receipt of your notice of intention to terminate community-based care and support services to older persons.

The contents have been noted, and I anticipate your compliance with the provisions of section 13(4)(b) and (c) of the Act.

Your co-operation is highly appreciated.

DIRECTOR- GENERAL

DATE:

FORM 7
APPLICATION FOR REGISTRATION
AS A CAREGIVER

DEPARTMENT OF SOCIAL DEVELOPMENT
OLDER PERSONS ACT, 2006 (ACT NO. 13 OF 2006)

In terms of section 14 of the Older Persons Act, 2006, I,
 _____ (full names and surname),
 hereby apply for registration as a caregiver.

SECTION A

(Details of applicant)

Name and Surname					
Preferred Name					
ID No			Date of birth		
Age		Nationality		Gender	

Physical address					
Postal address					
Telephone No			Fax	Cell	
E-mail address					

EDUCATION (Attach copies of relevant certificates)

School, College or University	Standard / Qualifications	Date

Other training (Attach copies of relevant certificates)

Course / Qualification	Institution	Date

CONVICTED OF CRIMINAL OFFENCE	Y	N	Details

(SECTION B

(Declaration and attachments)

Declaration

I declare that the above information is true and correct. I understand that any misrepresentation or omission of pertinent information may be considered as sufficient grounds for withdrawal of registration.

Signature of applicant_____
Place_____
Date**Certified copies submitted**

- ID
 Certificate of qualifications

Other (please specify) _____

SECTION D

(For office use)

Application Number	Registration details			Signature
	Full registration	Y	N	<hr/> DIRECTOR-GENERAL DATE:
	Or			
	Temporary registration	Y	N	

Registration Certificate No.	
-------------------------------------	--

**FORM 8
REGISTRATION CERTIFICATE
OF CAREGIVER**

**DEPARTMENT OF SOCIAL DEVELOPMENT
OLDER PERSONS ACT, 2006 (ACT NO. 13 OF 2006)**

This is to certify that

Name

ID

has been registered as a caregiver in terms of section 14 of the Older
Persons Act, 2006.

Registration No

**MINISTER OF SOCIAL DEVELOPMENT
DATE**

OFFICIAL STAMP

FORM 9**APPLICATION FOR REGISTRATION AS A
RESIDENTIAL FACILITY****DEPARTMENT OF SOCIAL DEVELOPMENT
OLDER PERSONS ACT, 2006 (ACT NO. 13 OF 2006)****(where applicant is an organisation)**

A. _____ (full name of facility)
 run under the auspices of _____ (name of organisation)
 herein represented by _____ (full names and
 surname),
 in _____ his _____ or _____ her _____ capacity
 as _____ duly authorised in
 terms of resolution no _____ dated _____ (attach a certified
 copy of the resolution)

OR

(where the applicant is an individual)

B. _____ (full name of individual
 applicant)

hereby applies for registration of the abovementioned residential facility in terms of
 section 18(1) of the Older Persons Act, 2006 (Act No. 13 of 2006).

SECTION A (Details of Organisation and Residential facility)

Name of Organisation:	
Organisation Registration No:	
Date of Registration:	

NPO No or other registration No:			
Name of residential facility:			
Previous Registration no. of residential facility:	(only if applicable)		
Capacity of residential facility			
Levels of service offered			
Date of establishment			
Number of residents of residential facility			
No of staff of residential facility: (Attach list)			
Physical address of residential facility:			
Postal address of residential facility:			
Telephone No		Fax	
Email address of residential facility			

SECTION B

(Details of individual applicant)

Name and Surname					
Preferred Name					
ID No			Date of birth		
Age		Nationality		Sex	

Physical address					
Postal address					
E-mail address:					
Telephone No		Fax		Cell	

EDUCATION (Attach copies of relevant certificates)

School, College or University	Standard / Qualifications	Date

Other training (Attach copies of relevant certificates)

Course / Qualification	Institution	Date

CONVICTED OF CRIMINAL OFFENCE	Y	N	Details

CRIMINAL RECORD OF OWNER/OPERATOR/ STAFF MEMBERS	
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SECTION C

(Declaration and attachments)

Declaration

I declare that the above information is true and correct. I understand that any misrepresentation or omission of pertinent information may be considered as sufficient grounds for withdrawal of registration.

Signature of applicant **Place** **Date**

Full Name: _____

Capacity: _____

Copies submitted:

- ID (individual applicants only)
- Certificate of qualifications (individual applicants only)
- List of older persons under my/our care
- Levels of care offered
- Certificate of Health Inspector
- Copy of building plans (where facility is new and not previously registered)
- Report from the Department of Social Development
- House rules
- Business
- Proof that the residential facility complies with national or local building regulations

Other (please specify) _____

SECTION D

(For office use)

Application Number	Registration details			Signature
	Full registration	Y	N	<hr/> MINISTER DATE:
	Or			
	Temporary registration	Y	N	

Registration Certificate No.	
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**FORM 10
REGISTRATION CERTIFICATE
OF RESIDENTIAL FACILITY**

**DEPARTMENT OF SOCIAL DEVELOPMENT
OLDER PERSONS ACT, 2006 (ACT NO. 13 OF 2006)**

Registration Certificate No. _____

Issued to (name of residential facility)

It is hereby certified that the abovementioned residential facility for older persons situated at (physical address)

has been registered in terms of section 18 of the Older Persons Act, 2006 (Act No. 13 of 2006) to accommodate _____ older persons.

Levels of care provided _____

This certificate is valid with effect from _____
(dd/mm/yyyy) until

NB. This certificate is issued in terms of section 18(3) of the Older Persons Act, 2006 and is not transferable.

NB: This certificate must be displayed at the entrance/ reception area of the residential facility where it can be seen by the residents of the residential facility and by members of the public.

(OFFICIAL STAMP)

MINISTER
DATE:

**FORM 11
TEMPORARY REGISTRATION CERTIFICATE
OF RESIDENTIAL FACILITY**

**DEPARTMENT OF SOCIAL DEVELOPMENT
OLDER PERSONS ACT, 2006 (ACT NO. 13 OF 2006)**

Registration Certificate No. _____

Issued to (name of residential facility)

It is hereby certified that the abovementioned residential facility for older persons situated at (physical address)

has been temporarily registered in terms of section 18 of the Older Persons Act, 2006 (Act No. 13 of 2006), subject to the following conditions:

Conditions:

This certificate is valid for a period of _____ with effect from _____ (dd/mm/yyyy) to _____ (dd/mm/yyyy).

NB. This certificate is issued in terms of section 18(3)(b) of the Older Persons Act, 2006 and is not transferable.

NB: This certificate must be displayed in the entrance/ reception area of the residential facility where it can be seen by the residents and members of the public.

MINISTER

DATE:

(OFFICIAL STAMP)

**FORM 12
NOTICE OF INTENTION TO CLOSE RESIDENTIAL FACILITY**

**DEPARTMENT OF SOCIAL DEVELOPMENT
OLDER PERSONS ACT, 2006 (ACT NO. 13 OF 2006)**

To: The Minister of Social Development

Notice is hereby given, in terms of section 19 of the Act, of the intention to close the residential facility. The said closure will take effect as from.....

The reasons for the closure are—

Take further notice that as required in terms of section 19(3)(b) of the Act, the following arrangements are being made to accommodate the older person(s) in my/our care: _____

I undertake to fulfill any obligations in terms of the Act before the date of closure.

**OPERATOR OF RESIDENTIAL
FACILITY**
Name:
Capacity:
Date:

**FORM 13
ACKNOWLEDGEMENT OF RECEIPT**

**DEPARTMENT OF SOCIAL DEVELOPMENT
OLDER PERSONS ACT, 2006 (ACT NO. 13 OF 2006)**

To: _____

**RE: ACKNOWLEDGEMENT OF NOTICE OF INTENTION TO CLOSE
RESIDENTIAL FACILITY**

I hereby acknowledge receipt of your notice of intention to close the residential facility.

The contents have been noted, and I anticipate your compliance with the provisions of section 19 of the Act.

Your co-operation is highly appreciated.

MINISTER

DATE:

FORM 14

REGISTER OF PERSONS CONVICTED OF ABUSE OF OLDER PERSONS

DEPARTMENT OF SOCIAL DEVELOPMENT
OLDER PERSONS ACT, 2006 (ACT NO. 13 of 2006)

PART A: DETAILS OF PERPETRATOR

Case no.	Name of convicted person	Gender	Physical address	Identity number	Offence	Penalty	Area where offence was committed	Date
		M F						
		AGE						

PART B: DETAILS OF VICTIM

Cas e no	Name of victim	Identity Number	Gender	Physic al address	Place /address s where abuse occurred	Type of abus e	Who reported	Date
			M F				Name	Relationship to victim
			AGE				e	

PART C: RELATIONSHIP BETWEEN PERPETRATOR AND VICTIM:
