

(Legislative Supplement No. 28)

LEGAL NOTICE NO. 72

THE NURSES ACT

(Cap. 257)

IN EXERCISE of the powers conferred by section 26 of the Nurses Act, the Nursing Council of Kenya, with the approval of the Minister for Medical Services, makes the following Regulations:-

THE NURSES (ACCREDITATION OF TRAINING COURSES)
REGULATIONS, 2013

1. These Regulations may be cited as the Nurses (Accreditation of Training Courses) Regulations, 2013.

Citation.

2. In these Regulations, unless the context otherwise requires —

Interpretation.

“Council” has the meaning assigned to it by the Act;

“course standards” means the standards prescribed under regulation 10;

“diploma” means a qualification based on a structured course in a given discipline attained after the full cycle of secondary institution education or its equivalent;

“inspection team” means the inspection team appointed under regulation 5;

“nurse training institution” means an institution registered or recognized under any law and which offers diploma or other courses for purposes of awarding a nursing qualification;

“training course” means a course of study offered by a nurse training institution for purposes of awarding a nursing qualification.

3. The Council shall undertake the accreditation of training courses so as to—

Purpose of accreditation of training courses.

- (a) establish accreditation standards with the aim of fostering continuing improvement within the training courses;
- (b) provide for an evaluation process that is efficient and cost-effective for institutions involved in the training of nurses;
- (c) regulate the training courses while at the same time acknowledging and respecting the autonomy of the nurse training institutions ;

- (d) require persons seeking registration or enrolment under the Act to undergo a professional examination prior to registration or enrolment;
- (e) provide for continuous evaluation as a means of assessing whether the training courses consistently fulfil their goals; and
- (f) ensure co-operation with other institutions involved in overseeing the training of nurses so as to minimize duplication of activities.

Application for accreditation of training course.

4. (1) Any nurse training institution offering a training course for the purpose of preparing persons to be awarded with certificates, diploma or degree in nursing may apply to the Council for accreditation of that training course in accordance with these Regulations.

(2) The application referred to in paragraph (1) shall be in Form A set out in the Schedule and shall be submitted together with-

- (a) a detailed statement in accordance with paragraph (3);
- (b) the relevant documentary evidence relating to the matters set out in paragraph (3);
- (c) such fees as the Council may from time to time specify.

(3) The statement referred to in paragraph (1) shall in detail outline the—

- (a) vision, mission, philosophy, aims and objects for which the institution is established;
- (b) particulars of incorporation or registration of the institution under any law;
- (c) form of governance through which the academic and administrative affairs of the institution shall be conducted;
- (d) curriculum of training courses offered by the institution including the—
 - (i) mechanism for curriculum design and development;
 - (ii) evaluation and assessment; and
 - (iii) quality assurance mechanism;
- (e) student support services including guidance and counselling, student records and feedback mechanism;
- (f) list and academic qualifications of all members of staff on or expected to be on full-time employment with the institution;
- (g) list of the total number of students enrolled in each training course offered at the institution which list shall also specify the number of residential students;
- (h) size and quality of the library, information communication technology and equipment which have been developed for each course offered at institution;

- (i) financial resources available for the exclusive use of the institution, including the primary sources of funding and the existing budget, certified by an accountant qualified to practise as such under the Accountants Act but who is not an employee or a sponsor of the applicant; and
- (j) type, number and size of the physical facilities including buildings and land available for the exclusive use of the institution.

5. (1) Upon receipt of the application referred to in regulation 4, the Council shall appoint an inspection team which shall—

Inspection team...

- (a) conduct a site visit to inquire into and ascertain the veracity of the particulars submitted under regulation 4;
- (b) inquire into the general academic, administrative and social affairs of the institution;
- (c) make such other investigations relevant to the accreditation process as it may deem necessary.

(2) The inspection team shall submit a factual and evaluative report of its findings under paragraph (1) to the Discipline, Standards and Ethics Committee within three months of the date of its appointment.

(3) Upon receipt of the report under paragraph (2), the Discipline, Standards and Ethics Committee shall consider the report, the application and all documentation relevant to the application and may suggest amendments to be made by the institution before the application is submitted to the Council for consideration.

6. (1) Where, after full deliberation on the merits for accreditation of a training course, the Council is satisfied that—

Accreditation of training course.

- (a) the training course meet the course standards; and
- (b) the training institution has adequate human, physical, financial and other resources to carry out the training course;

the Council shall issue a certificate of accreditation of the training course in Form B set out in the Schedule upon such terms and conditions as it may deem necessary.

(2) A certificate of accreditation issued under paragraph (1) shall be valid for a period of five years from the date of issue.

(3) Where the Council declines to issue a certificate of accreditation, it shall inform the institution of the conditions the institution needs to fulfil in order to qualify for issuance of the certificate and may grant a provisional accreditation to the nurse

training institution for a period not exceeding two years so as to allow for correction of deficiencies identified.

(4) Where the training course sought to be approved is new in the market, the Council shall, in addition to the requirements of paragraph (1), be satisfied that the nurse training institution has-

- (a) provided to the Council sufficient statistical data to support the need for the new training course in Kenya;
- (b) identified the faculty to be employed at least three months prior to admission of the students;
- (c) identified clinical resources for the training course including a main teaching hospital and any other health facilities affiliated to the training institution which shall be used for provision of additional clinical or practical experiences if need arises;
- (d) provided a joint master rotation plan in areas where there are shared clinical resources between training institutions;
- (e) prepared a curriculum in line with the prescribed Nursing Council of Kenya syllabus based on sound educational concepts and detailed course description, identification of theoretical and clinical or practical hours, clinical objectives and placements.

(5) Where the applicant for accreditation is a new training institution, the Council may, upon compliance with regulations 5 and 6 (1), grant initial accreditation for a period necessary to evaluate the ability of the institution to attain and maintain all the standards and regulations set for the training course.

Register of
accredited training
courses.

7. (1) The Council shall maintain a register of the institutions whose training courses have been accredited under these Regulations.

(2) The register maintained under paragraph (1) shall contain the—

- (a) name, postal, website and physical address of the institution;
- (b) type and terms and conditions upon which a certificate of accreditation was granted; and
- (c) such other information that the Council may deem necessary.

(3) The name of the institution whose training courses have been accredited shall be entered in the register maintained under paragraph (2) and such institution shall be deemed registered with the Council as an institution offering accredited training courses.

8. The Council shall, once in a year, cause the particulars of the training courses and institutions accredited under this Regulations to be published in the Gazette and at least two newspapers of nationwide circulation.

Publication of register.

9. (1) The Council may, on application by an institution or of its own motion revoke or vary the terms of a certificate of accreditation granted under these Regulations if it is of the opinion that—

Revocation or variation of certificate.

- (a) the institution has failed to comply with directions for variation of terms;
- (b) the institution is in breach of the terms and conditions upon which the certificate of accreditation was issued;
- (c) the institution is no longer offering the accredited training courses for which the certificate was issued;
- (d) the institution has ceased being a nursing training institution;
- (e) such changes have occurred which if they were in existence at the time of application for the certificate of accreditation, the certificate would not have been granted; or
- (f) the revocation or variation is in the interest of nursing education in Kenya.

(2) The Council shall not revoke a certificate of accreditation unless it has issued a notice to the institution and the institution has, within twelve months from the date of the notice, failed to comply with the conditions set out in the notice.

(3) Where the Council revokes a certificate of accreditation, it shall issue a notice of the revocation to the affected institution and shall cause the notice to be published in the Gazette.

(4) A certificate of accreditation issued under these Regulations shall be deemed revoked on the date of publication of the notice under paragraph (3) but such revocation shall not—

- (a) affect the validity of training courses and academic awards granted by the institution before the date of revocation; or
- (b) affect the study of students admitted to the training courses before the date of revocation.

10. (1) Every nurse training institution issued with a certificate of accreditation shall prepare and submit to the Council—

Evaluation of reports.

- (a) an annual report of its activities during the year; and
- (b) a detailed self-evaluation report every three years of the steps it has taken towards the achievement of the aims and objects for which it was established.

(2) The Council may conduct periodic investigations and evaluations of training courses accredited under these Regulations so as to ascertain their continued compliance with the accredited standards.

(3) The Council shall deliberate on the reports submitted under paragraph (1) or the results of the investigations carried out under paragraph (2) and make any comments or give any instructions for action to be taken by the nurse training institution and such comments or instructions shall specify whether or not the course standards are being complied with.

Offences.

11. (1) A person or nurse training institution which advertises or in any other manner passes off the institution as an institution offering accredited training courses if a certificate of accreditation has not been granted to such an institution, or after such certificate has been revoked in accordance with these Regulations, commits an offence and is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years.

(2) A person who, without the written consent of the Council, uses the name of the Council in furtherance of or in connection with any advertisement for any trade, business, calling or profession, commits an offence and is liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

SCHEDULE

FORM A

(r. 4)

APPLICATION FOR ACCREDITATION OF A TRAINING COURSE

1. Name of institution
2. Postal and Physical Address
3. Telephone Móbile.....
4. (a) Date of incorporation or registration
(attach copy of certificate of incorporation)
- (b) Name and designation of chief administrator
- (c) Governing body
- (d) Principle or proposed academic focus or discipline
- (e) Principle research focus
5. Number and type of training courses (i.e. certificates, diplomas, degrees)
- (a)
- (b)
- (c)

6. Training course to be considered for purposes of accreditation —

- (a) name of the training course
- (b) minimum admission qualification
- (c) number of students enrolled in the training course.....
- (d) the period of time that the training course has been offered by the institution since incorporation

7. Envisaged benefits of accreditation of training course for education in Kenya generally.....

I hereby apply for accreditation of the training course here in before mentioned

Dated at..... this day of

Name

Designation

Signature

Full postal address.....

FORM B

(r. 6)

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(Cap. 257)

CERTIFICATE OF ACCREDITATION OF A TRAINING COURSE

This is to certify that the training course referred to as.....
 offered by

situated at

of Postal Address

is a training course that has met the academic excellence set by the Nursing Council of Kenya.

Dated the 18th February, 2013.

ELIZABETH OYWER,
Registrar,
Nursing Council of Kenya.