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THE SIERRA LEONE NURSING AND MIDWIFERY COUNCIL ACT, 2020

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PART I - PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires-

"accreditation" means a process of review and approval by which an institution or programme is granted time-limited recognition of having met certain established standards;

"Council" means the Sierra Leone Nursing and Midwifery Council established under section 2;

"midwife" means a person who is registered as a midwife under section 24;

"midwifery" means the care of women during pregnancy, labour and the postpartum period, as well as care of the newborn;

"Minister" means the Minister responsible for health and sanitation and "Ministry" shall be construed accordingly;

"nurse" means a person who is registered as a nurse under section 24;

"nursing" means the autonomous and collaborative care of individuals of all ages, families, groups and communities, sick or well and in all settings, including the promotion of health, the prevention of illness, and the care of ill, disabled and dying people;

"Register" means the Register of Nurses, Register of Midwives and Register of Maternal and Child Health Assistants kept by the Registrar under section 24; and

"Registrar" means a person appointed as Registrar under section 17.

PART II- ESTABLISHMENT OF THE NURSING AND MIDWIFERY COUNCIL

2. (1) There is hereby established a body to be known as the Sierra Leone Nursing and Midwifery Council .

Establishment
of Nursing
and Mid-
wifery
Council.

(2) The Council shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of property, whether movable or immovable, and of suing and being sued in its corporate name and subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Council shall have a common seal, the use of which shall be authenticated by the signatures of -

- (a) the Chairman or other member of the Council authorised either generally or specially by the Council for that purpose; or
- (b) the Registrar or some other person authorised by the Council in that behalf.

(4) A document purporting to be an instrument executed or issued by or on behalf of the Council and to be sealed with the common seal of the Council, authenticated in the manner stated in subsection (3), shall be deemed to be executed or issued by the Council without further proof unless the contrary is proven.

(5) In appropriate cases the seal may be affixed to documents outside Sierra Leone.

3. (1) The Council shall consist of the Chairman and the following other members-

Composition
of Council.

- (a) the Chief Nursing and Midwifery Officer;
- (b) the President, Sierra Leone Nurses Association;

- (c) the President, Sierra Leone Midwives Association;
- (d) the Chairman, West African College of Nursing, Sierra Leone Chapter;
- (e) the Solicitor General;
- (f) the President, Association of Nursing and Midwifery Training Institutions;
- (g) the President, Inter-Religious Council of Sierra Leone;
- (h) the Matron In-Charge at the central tertiary hospital;
- (i) the Principal Public Health Sister;
- (j) the head of a non-governmental organisation advocating women's rights; and
- (k) the Registrar of the Council.

(2) The Chairman shall be appointed by the President on the advice of the Minister subject to the approval of Parliament.

(3) A person shall not be appointed Chairman under subsection (2), unless he is -

- (a) a citizen of Sierra Leone;
- (b) a senior registered nurse or midwife;
- (c) holder of a postgraduate degree in nursing, midwifery or other allied medical profession from a recognised university; and

- (d) a Fellow of the West African College of Nursing.

4. (1) The Chairman shall hold office for a term of 3 years and shall be eligible for re-appointment for one additional term only. Tenure of members of Council.

(2) A person shall cease to be a member of the Council on any of the following grounds -

- (a) inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted of an offence involving fraud or dishonesty;
- (e) if he fails to attend 3 consecutive meetings of the Council without reasonable excuse; or
- (f) if he resigns his office by written notice to the Council; or
- (g) if he ceases to be an employee of the organisation of which he is a representative.

5. (1) Where a member of the Council dies, resigns, is removed from office or is absent for a continuous period of 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 3 months, in the case of - Filling of vacancies.

- (a) the Chairman, the members of the Council shall elect one of their number to act as Chairman; or
- (b) any other member, the Council shall arrange, subject to this Act, to have another person appointed to the Council.

(2) Where a person is appointed as Chairman or as a member to fill a vacancy under subsection (1), he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

Meetings of Council.

6. (1) The Council shall meet for the dispatch of its business at least 3 times a year or at such time as the Chairman may determine.

(2) The Chairman shall preside at every meeting of the Council and in his absence, the members present shall appoint a member from among themselves to preside at that meeting.

(3) A minimum of 3 members of the Council may, by notice in writing signed by them request the Chairman to summon a special meeting of Council for such purposes as may be stated in the notice.

(4) The quorum at any meeting of the Board shall be 5.

(5) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(6) A proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Council and shall be incorporated in the minutes of the next succeeding meeting of the Council:

Provided that, if a member requires that such proposal be placed before a meeting of the Council, this subsection shall not apply to such proposal.

(7) The Council may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision of the Council.

(8) The Council shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(9) Subject to this Act, the Council shall regulate its own procedure.

7. (1) A member of the Council who has any interest, whether direct or indirect in any matter being considered or to be considered by the Council, shall disclose the nature of his interest to the Council and the disclosure shall be recorded in the minutes of the Council and such member shall not take part in any deliberation or decision of the Council relating to that matter. Disclosure of Interest.

(2) A member of the Council who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the Council.

8. (1) An action or other proceedings shall not lie or be instituted against any member of the Council or member of a committee of the Council appointed under section 9, for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act. Immunity of members of Council.

(2) A member of the Council shall not be personally liable for any debt or obligation of the Council.

9. (1) The Council may, for the discharge of its functions, appoint one or more committees to perform such functions as the Council may determine. Committees of Council.

(2) Without prejudice to the generality of subsection (1), the Council shall appoint the following committees -

- (a) disciplinary, professional practice, standards and ethics committee;
- (b) registration and licensing committee;
- (c) education, research and examination committee; and
- (d) staffing, finance and audit committee.

(3) A committee appointed by the Council under subsection (1), shall consist of members of the Council or non-members or both as the Council may decide.

Remuneration
of members.

10. The Chairman and other members of the Council and any person co-opted or appointed by the Council under this Act shall be paid remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Council for expenses incurred in connection with the discharge of their functions as the Council may, with the approval of the Minister, determine.

PART III - FUNCTIONS OF COUNCIL

Functions
of Council.

11. (1) The object for which the Council is established is to provide for the licensing and registration of nursing and midwifery institutions, the regulation of the practice of nursing and midwifery including certification, registration, licensing and discipline of nurses, midwives and midwife or maternal and child health assistants throughout Sierra Leone.

(2) Without prejudice to the generality of subsection (1), the Council shall -

- (a) be responsible for the licensing and registration of nursing and midwifery institutions;
- (b) conduct licensing examination for registration of nurses, midwives and maternal and child health assistants;
- (c) prescribe standards for nursing and midwifery education, ethics and scope of practice;
- (d) prescribe and enforce standards for the accreditation of nursing and midwifery educational institutions;

- (e) establish and maintain a register of basic and specialties in nursing and midwifery;
- (f) prescribe and enforce standards of discipline for nurses and midwives and other specialties;
- (g) in collaboration with appropriate government agencies ensure that nursing and midwifery institutions are accredited;
- (h) monitor and inspect training institutions and health facilities in collaboration with other related agencies for quality practice;
- (i) advise the Minister on matters relating to-
 - (i) education, training, discipline and welfare of nurses and midwives;
 - (ii) operation, funding and development of nursing and midwifery institutions; and
- (j) do all other things that may be necessary for the purpose of achieving the objective of the Council under this Act.

PART IV - FUNDS AND ACCOUNTS OF COUNCIL

12. (1) The activities of the Council shall be financed by funds consisting of- Funds of Council.

- (a) monies appropriated from time to time by Parliament for the purposes of the Council;
- (b) monies given to the Council by way of gifts, bequests, grants or other contributions by persons and organisations for the purposes of the Council; and

(c) all other monies which may, from time to time, accrue to the Council.

(2) The funds of the Council shall be applied only for the purposes of the approved budget of the Council.

Accounts and audit of Council.

13. (1) The Council shall keep proper books of account and other records in relation to the activities, property and finances of the Council in a form approved by the Auditor-General and shall prepare in respect of each financial year of the Council a financial statement which shall include-

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Council kept under subsection (1) shall, not later than 2 months after the end of each financial year, be audited by the Auditor- General or an Auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all the books of account, vouchers and other financial records of the Council and to require such information and explanation thereon as he may think fit.

(4) The Council shall provide the Auditor-General or the auditor appointed by him with all the necessary and appropriate facilities for the examination of the accounts and records of the Council.

(5) The Auditor-General or auditor appointed by him shall submit to the Council a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to any-

- (a) irregularities in the accounts;
- (b) matters that are likely to adversely affect the operations of the Council; or

(c) other matter which, in his opinion, ought to be brought to the notice of the Council.

14. (1) There shall be an internal auditor appointed by the Council who shall be responsible for the internal audit of the Council. Internal auditor.

(2) The Internal Auditor shall submit quarterly reports of the audit carried out by him to the Council.

15. The financial year of the Council shall be the same as the financial year of the Government. Financial year of Council.

16. (1) The Council shall, within 3 months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policies and programmes. Annual report.

(2) The annual report shall include the accounts and annual financial statement prepared under section 13 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within 2 months after he has received the report.

(4) The Council shall make copies of the report available to all stakeholders once it has been laid before Parliament.

PART V - ADMINISTRATIVE PROVISIONS

17. (1) There shall be a Registrar of Council who shall be appointed by the Council upon such terms and conditions as the Council shall, after consultation with the Minister, determine. Registrar of Council.

(2) A person shall not be appointed Registrar unless he has proven managerial experience in the health sector and is -

- (a) a senior nurse or midwife; and
- (b) a Fellow of the West African College of Nursing or Midwifery.

(3) The Registrar appointed under subsection (1) shall be secretary to the Council and shall be responsible to the Council for the keeping of the Register of Nurses, Midwives, maternal and child health assistant and for the proper discharge of the functions of the Council under this Act.

Other staff. 18. (1) The Registrar shall be assisted by such other officers and staff as may be necessary for the proper discharge of his functions under this Act.

(2) Officers and staff under subsection (1) shall be appointed by the Council upon such terms and conditions of service as the Council may determine.

PART VI- ACCREDITATION OF NURSING AND MIDWIFERY EDUCATIONAL INSTITUTIONS.

Obligation to obtain accreditation. 19. (1) Subject to this Act, a person or body shall not engage in the operation of a nursing or midwifery educational institution unless he has been accredited by the Council for that purpose.

(2) A person who wishes to obtain accreditation under subsection (1), shall apply to the Council for that purpose.

(3) An application for accreditation under this section shall be in the form as may be prescribed by the Council.

Conditions of accreditation. 20. The Council shall, subject to this Act, accredit a nursing or midwifery educational institution based on its assessment of the ability of the institution to -

- (a) meet the standards of human resource requirements of the nursing and midwifery professional education system prescribed by the Council;
- (b) implement policies and procedures that demonstrate -

(i) continuous progress towards achieving competencies in nursing or midwifery;

(ii) adequate selection, admission and support capabilities;

(c) maintain appropriate staff size and composition sufficient to provide the requisite knowledge in nursing or midwifery as may be prescribed by the Council;

(d) provide physical facilities, clinical training resources, information technology, research facilities, educational expertise for the staff and students;

(e) establish a mechanism for monitoring and evaluation of programmes, curriculum and student progress and to take appropriate action to address deficiencies;

21. Subject to this Act, where the Council is satisfied with an application, it shall grant accreditation to an applicant either unconditionally or subject to such conditions as the Council may specify, regarding the operation of a nursing and midwifery educational institution. Grant of accreditation.

22. The Council may suspend or cancel an accreditation on any of the following grounds - Suspension or cancellation of accreditation.

- (a) serious and repeated breaches of this Act;
- (b) fraud or misrepresentation in an application for accreditation.

PART VII - CERTIFICATION AND REGISTRATION OF NURSES, MIDWIVES, ETC.

Certification
for
registration.

23. (1) A person qualified to be registered as a nurse, midwife or maternal and child health assistant under subsection (4) of section 24, shall apply to the Council to be certified to be registered in the Register of Nurses, Register of Midwives or Register of Maternal and Child Health Assistants.

(2) An application for certification under subsection (1) shall be made in the prescribed form, accompanied by documentary proof of the qualification of the applicant and the prescribed fee.

(3) A person shall not be eligible to apply to the Council for certification under subsection (1) if he -

- (a) fails to meet the criteria for registration specified in subsection (4) of section 24; or
- (b) is convicted of an offence which, in the opinion of the Council, renders him unfit to be registered.

Registration
of nurses,
midwives,
etc.

24. (1) The Registrar shall register nurses, midwives and maternal and child health assistants certified by the Council under section 23.

(2) A person shall not be registered as a nurse, midwife or maternal and child health assistant under subsection (1) unless that person-

- (a) has successfully completed a training programme approved by the Council;
- (b) has passed such examination as may be prescribed by the Council; and
- (c) possesses other qualifications which are acceptable to and recognised by the Council.

(3) The Council shall establish and maintain the following categories of registers -

- (a) permanent register for the registration of nurses, midwives and maternal and child health assistants who intend to practice permanently in Sierra Leone;
- (b) temporary register for the registration of nurses, midwives and maternal and child health assistants who intend to practice for a period of not more than 3 months; and
- (c) provisional register for newly qualified and foreign trained nurses, midwives and maternal and child health assistants who have passed the prescribed examination.

(4) The Registrar shall keep the registers established under subsection (2) in such form as may be approved by the Council and shall contain the names of nurses, midwives and maternal and child health assistants registered under subsection (2).

(5) The Council shall strike off the register, the name of a person convicted of an offence which, in the opinion of the Council, renders him unfit to be registered.

25. Where a person has been registered under subsection (1) of section 24, the Council shall issue a certificate of registration to that person in such form as may be approved by the Council. Certificate of registration.

26. A person who has been issued a certificate of registration under section 23 shall complete internship at a health institution and for such period as may be approved by the Council. Internship.

PART VIII - LICENCES

Practicing
licence.

27. (1) The Council shall, on application of a person who has been issued a certificate of registration under section 23, issue a practicing licence, subject to such conditions as may be prescribed.

(2) A practicing licence issued under subsection (1), shall-

- (a) allow a person registered under subsection (1) of section 24 to practise as a nurse, midwife or maternal and child health assistant in Sierra Leone;
- (b) be valid for a period of 2 years and may be renewed subject to such conditions as may be prescribed.

Supervision
of nurses,
midwives, etc.

28. (1) A nurse, midwife or maternal and child health assistant registered under subsection (1) of section 24 shall not practise as a nurse, midwife or maternal and child health assistant unless he has completed an internship under the supervision of a person or body designated by the Council for that purpose.

(2) A person or body designated by the Council for the supervision of nurses, midwives or maternal and child health assistants under subsection (1), shall -

- (a) exercise general supervision in accordance with any instruction issued by the Council;
- (b) investigate allegations of malpractice, negligence, misconduct or disobedience to regulations and make a full report to the Council of the facts and circumstances of any such charges;
- (c) report to the Council the name of any registered nurse, midwife or maternal and child health assistant convicted of an offence; and

- (d) coordinate and manage continuing professional development activities for nurses, midwives and maternal and child health assistants.

(3) A person or body designated by the Council under subsection (1) shall, within 7 days of the engagement of a nurse, midwife or maternal and child health assistant give notice in writing to the Council of such engagement.

(4) Where a nurse, midwife or maternal and child health assistant ceases to be engaged under subsection (3), the designated person or body shall notify the Council in writing, within 7 days of such cessation of engagement.

29. (1) The Council may, on the application of a nurse or midwife registered under this Act, authorise the Registrar to issue a practising licence to that nurse or midwife to be engaged in private practice or to be employed, either full-time or part-time, by a private practitioner. Private practice.

(2) A licence issued under subsection (1) shall-

- (a) be subject to such conditions as the Council may determine;
- (b) be issued upon payment of the prescribed fee;
- (c) be valid for one year; and
- (d) state whether the person so licensed may practice as a private practitioner on his own behalf or may be employed by a private practitioner.

(3) The Council may, for good cause, refuse to issue a practising licence under subsection (1), suspend or cancel such licence upon such condition as the Council may prescribe.

(4) A person aggrieved by a decision of the Council under this section may appeal to the High Court.

PART IX - DISCIPLINE OF NURSES, MIDWIVES, ETC.

Discipline of
nurses,
midwives,
etc.

30. (1) Where a complaint is made to the Registrar in writing against a nurse, midwife or maternal and child health assistant, the Registrar shall, if satisfied that the complaint is made in good faith, request the nurse, midwife or maternal and child health assistant against whom the complaint is made to respond to the complaint in writing.

(2) For the purpose of inquiry into a complaint against a nurse, midwife or maternal and child health assistant under subsection (1), the Council may constitute a Professional Practice Standards and Ethics Committee to investigate the complaint.

(3) An investigation under subsection (2) may include summoning any person related to the complaint including the nurse, midwife or maternal and child health assistant to attend an inquiry at a time and place specified in the summons to give evidence or produce documents in respect of the complaint inquired into.

(4) The Council may, where it is satisfied, on a consideration of the findings of the investigation, that a case against a nurse midwife or maternal and child health assistant has been established, take such disciplinary measures against the nurse, midwife or maternal and child health assistant as may be appropriate.

Appeal.

31. (1) A nurse, midwife or maternal and child health assistant against whom disciplinary measures are taken under subsection (4) of section 30, may appeal to the High Court within 30 days from the date on which the decision of the Council was communicated to him.

(2) The Council shall not execute any punishment in accordance with its decision until the appeal under subsection (1) has been heard.

(3) The High Court may confirm, revoke or vary the decision appealed against upon such terms and conditions as it may think fit.

PART X- MISCELLANEOUS PROVISIONS

32. (1) A person who -

Offences.

(a) engages in practice as a nurse, midwife or maternal and child health assistant without licence;

(b) practices as a nurse, midwife or maternal and child health assistant but is not registered under this Act;

(c) not registered as a nurse, midwife maternal and child health assistant -

(i) takes or uses the name or title of a registered nurse, midwife or maternal and child health assistant either alone or in combination with any other words or letters;

(ii) uses any name, title, addition, description, uniform or badge implying that he is a registered nurse, midwife maternal and child health assistant; or

(d) with intent to deceive makes use of any certificate of registration issued under this Act to him or any other person, commit an offence and is liable on conviction to a fine not less than Le 10 million Leones or to a term of imprisonment not less than 1 year or to both such fine and imprisonment.

Employment of unregistered nurse, midwife, etc.

33. A person who employs an unregistered nurse, midwife or maternal and child health assistant, commits an offence and is liable on conviction to a fine of not less than 20 million Leones or to a term of imprisonment of not less than 2 years or to both such fine and imprisonment.

Falsification of register or record.

34. A person who makes a false entry in any register under this Act commits an offence and is liable on conviction to a fine of not less than 10 million Leones or to a term of imprisonment of not less than 2 years or to both such fine and imprisonment.

Unaccredited nursing or midwifery educational program, etc.

35. A person who operates an unaccredited -

- (a) nursing or midwifery educational program;
- (b) nursing or midwifery institution; or
- (c) nursing or maternity home, commits an offence and is liable on conviction to a fine of not less than 25 million Leones or to a term of imprisonment of not less than 2 years or to both such fine and imprisonment.

Regulations.

36. The Council may by statutory instrument after consultation with the Minister make regulations as it considers necessary or expedient for giving effect to this Act.

Repeal.

37. (1) The following enactments are repealed-

- (a) the Nursing Act (Cap 152); and
- (b) the Midwives Act (Cap 153).

(2) Notwithstanding subsection (1), any rules, regulations, orders, notices and other instruments or directives issued under the repealed Acts and in existence immediately before the commencement of this Act, shall continue in operation until their expiration, repeal or revocation.

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Act is to establish the Nursing and Midwifery Council of Sierra Leone.

The Bill is divided into 10 parts-

Part I - deals with interpretation by defining words used throughout the Bill.

Part II - deals with the establishment of the Nursing and Midwifery Council which shall comprise the following members-

- (a) the Chief Nursing and Midwifery Officer;
- (b) the President, Sierra Leone Nurses Association;
- (c) the President, Sierra Leone Midwives Association;
- (d) the Chairman, West African College of Nursing, Sierra Leone Chapter;
- (e) the Solicitor General;
- (f) the President, Association of Nursing and Midwifery Training Institutions;
- (g) the President, Inter-Religious Council of Sierra Leone;
- (h) the Matron In-Charge, the main tertiary hospital;
- (i) the Principal Public Health Sister;
- (j) the head of a non-governmental organisation advocating women's rights; and
- (k) the Registrar of the Council.

Part III - deals with the functions of the Council, it stipulates that the object for which the Council is established is to promote, protect and maintain the health and safety of the public, by setting standards for efficient registration, licensing, and regulation of health workers.