

GUIDELINES FOR OPERATING A FACILITY FOR THE AGED

INTRODUCTION

It needs to be accepted by all those who wish to operate a programme for the aged that such a programme is subject to State legal requirements as well as the expectations on the part of the Church. To make this a workable guideline it is necessary to first examine the State legal requirements and then ensure that these are covered by the expectations of the Church.

STATE PERSPECTIVE

THE AGED PERSONS ACT AND REGULATIONS

By definition a male who is 65 years of age or older and a female who is 60 years of age and older is deemed an aged person. The State understanding of “care” as it relates to the aged persons includes the provision of any meals, nursing services or other domestic services. It must also be noted that in terms of State definition a “debilitated person” is one who is sixty years or older and by reason of old age or a physical or mental defect or illness, is unable to care properly for his person or interests, but does not require constant care by a medical practitioner or qualified nurse. A “home for the aged” means any institution or other place of residence maintained mainly for the accommodation and the care of aged or debilitated persons.

In relation to a home for the aged a “manager” means the person exercising control over such a home.

No person shall manage a home for the aged unless such home has been registered with the relevant Department of Social Development. Here it must be stated that this registration is regardless of whether there is going to be an application for a subsidy or not.

In terms of legislation a departmental social worker has the right to visit a home for the aged for inspection purposes, interview any aged person, as well as inspect any documents. Such a social worker has the right to lay a charge against any person who obstructs the social worker in the course of their duties.

The registration of a home for the aged must also comply with the local authority requirements as per the by laws of the local authority.

Management of Homes for the Aged

1. The manager of a home for the aged shall-
 - a. Allow the residents complete freedom of religion
 - b. Allow every resident to conduct his personal affairs in the manner he deems fit
 - c. Take proper measures to ensure the safety of residents at all times
 - d. Subject to such restriction as may be necessary for their safety, the preservation of their health or the maintenance of the good order of such home, allow residents complete freedom of movement
 - e. Allow residents to keep in touch with and to receive their relatives and friends in such home

- f. Encourage residents to keep themselves usefully occupied and shall provide the amenities for that purpose
 - g. Make suitable provision for the recreation of residents
 - h. Make every reasonable endeavour to make residents feel at home
 - i. Ensure that residents are always properly dressed
 - j. Provide residents with no less than three meals per day in accordance with a ration scale which, in the opinion of the Director- General, makes adequate provision for the proper nourishment of aged persons
 - k. Provide adequate facilities and take the necessary precautionary measures to ensure the hygienic preparation and preservation of food and refreshments
 - l. If a physician has prescribed a diet for any resident suffering from diabetes or any other disease, provide such resident with meals in accordance with the diet so prescribed
 - m. Make adequate provision for the medical examination and treatment of residents according to their individual requirements
 - n. Keep all medicines and drugs in a locked cupboard and shall keep or cause to be kept a proper record of all medicines or drugs received or dispensed
 - o. Keep or cause every room in such home to be kept in a clean neat and hygienic condition
 - p. Ensure that every bed in such home is constantly provided with adequate and clean bedding
 - q. Except in the case of debilitated residents accommodated in a ward or residents accommodated in a sick-bay not accommodate more than two residents in the same bedroom and shall accommodate single residents as far as possible in single bedrooms
 - r. Manage such home in a manner conducive to the welfare and interests of its residents
 - s. Ensure that sufficient staff shall at all times be available in such home to ensure the proper care of the residents thereof
2. No person shall exercise control over a home for the aged unless the person has been authorised thereto by the Minister or a person acting on the authority of the Minister
3. The manager of a home for the aged shall-
 - a. Keep a register in which shall be recorded in respect of every resident-
 - i. The date of his admission to such home
 - ii. His full names, race and sex
 - iii. The identity number assigned to him in terms of the Population Registration Act
 - iv. The amount and source of his weekly, monthly, or annual income
 - v. The names, addresses, and telephone numbers of his next of kin
 - vi. The date of his departure from such home and his destination or, in the case of his death, the date of his death and the cause thereof
 - vii. Any period exceeding one day during which he is absent from such home, whether by leave or otherwise
 - b. Maintain a separate file in respect of each resident in which shall be kept-
 - i. A record containing the name, address and telephone number of his personal physician, if any
 - ii. Any record relating to his medical history
 - iii. Any record of the arrangements, if any, made or to be made for his funeral in the event of his death
 - iv. A record of the name and address of the person having the custody of his will
 - v. A record of his personal effects kept in such home

- vi. A written agreement between him or someone acting on his behalf and the management of such home in which the conditions regulating his residence in such home are fully set out
 - c. Keep a proper account of all moneys received and administered by him or any member of the staff of such home on behalf or for the benefit of any resident
 - d. Keep proper accounts of the financial transactions of such home
4. The manager of a home for the aged shall, at the request of the Director-General furnish the Director-General as soon as possible with-
- a. Audited statements of account, including a balance sheet and a statement of receipts and expenditure, in respect of such home for any financial year specified by the Director-General
 - b. Such statistics relating to such home or the residents or staff thereof as may be specified by the Director-General from time to time
 - c. Such particulars relating to such home or the residents or staff thereof as may be specified by the Director-General from time to time.

N.P.O. ACT

It is a prerequisite that anybody wishing to engage in social development work must be registered as a legitimate organisation in compliance with State requirements. In the case of the Church there is one umbrella number that serves all projects operating in the name of the Church.

There is a need to take note of what is required in terms of this Act as all projects must comply or be closed down.

(SECTION 16(3) TO END OF SECTION 18 RELATE TO US AS SEEN BELOW IN THE ACT.)

THE UMBERELA BODY OF THE CHURCH CAN NOT MEET THE REQUIREMENTS UNLESS THE INFORMATION IS FORWARDED FOR INCLUSION IN THE REPORT THAT NEEDS TO GO FROM THE NATIONAL OFFICE TO THE N.P.O. DIRECTORATE.

- (a) issue a certificate of registration in the applicant's name on the prescribed form which must include a registration number;
 - (b) send the certificate and a certified copy of the registered constitution to the applicant; and
 - (c) advise the applicant of the date on which its name was entered in the register. 5
- (2) A nonprofit organisation that has been registered remains registered until—
- (a) its registration is cancelled in terms of this Act;
 - (b) the organisation is voluntarily deregistered; or
 - (c) the organisation is wound up or dissolved.

Effect of registration 10

16. (1) The certificate of registration of a nonprofit organisation, or a duly certified copy of the certificate, is sufficient proof that the organisation—

- (a) has met all the requirements for registration;
- (b) has been registered in terms of this Act; and
- (c) is a body corporate. 15

(2) For the purposes of this Act, service of any document directed to a registered nonprofit organisation at the physical address most recently provided to the director must be regarded as service of that document on that organisation.

(3) A registered nonprofit organisation must reflect its registered status and registration number on all of its documents. 20

Accounting records and reports

17. (1) Every registered nonprofit organisation must, to the standards of generally accepted accounting practice—

- (a) keep accounting records of its income, expenditure, assets and liabilities; and
- (b) within six months after the end of its financial year, draw up financial statements, which must include at least— 25
 - (i) a statement of income and expenditure for that financial year; and
 - (ii) a balance sheet showing its assets, liabilities and financial position as at the end of that financial year.

(2) Within two months after drawing up its financial statements, every registered nonprofit organisation must arrange for a written report to be compiled by an accounting officer and submitted to the organisation stating whether or not— 30

- (a) the financial statements of the organisation are consistent with its accounting records;
- (b) the accounting policies of the organisation are appropriate and have been appropriately applied in the preparation of the financial statements; and 35
- (c) the organisation has complied with the provisions of this Act and of its constitution which relate to financial matters.

(3) Every registered nonprofit organisation must preserve each of its books of account, supporting vouchers, records of subscriptions or levies paid by its members, income and expenditure statements, balance sheets and accounting officer's reports, in an original or reproduced form, for the prescribed period. 40

Duty to provide reports and information

18. (1) Every registered nonprofit organisation must, in writing, provide the director with— 45

- (a) a narrative report of its activities in the prescribed manner together with its financial statements and the accounting officer's report as contemplated in section 17(1) and (2), within nine months after the end of its financial year;
- (b) the names and physical, business and residential addresses of its office-bearers within one month after any appointment or election of its office-bearers even 50

- if their appointment or election did not result in any changes to its office-bearers;
- (c) a physical address in the Republic for the service of documents as contemplated in section 16(2);
 - (d) notice of any change of address within one month before a new address for service of documents will take effect; and
 - (e) such other information as may be prescribed.
- (2) The director may cause any document or a narrative, financial or other report that is submitted to the director to be scrutinised, or, by means of a notice, require a registered nonprofit organisation to submit any information or document reasonably required in order to enable the director to determine whether the organisation is complying with—
- (a) the material provisions of its constitution;
 - (b) any condition or term of any benefit or allowance conferred on the organisation in terms of section 11; or
 - (c) its obligations in terms of this section, section 17 and any other provision of this Act.
- (3) A registered nonprofit organisation must submit the information or document contemplated in subsection (2) within one month after receipt of the notice.
- (4) If the accounting officer of a registered nonprofit organisation becomes aware of any instance in which the organisation has failed to comply with the financial provisions of this Act or its constitution, the accounting officer must notify the director of the occurrence—
- (a) within one month after becoming aware of it; and
 - (b) in writing with sufficient detail to describe the nature of the noncompliance.
- (5) The duty imposed on an accounting officer in terms of subsection (4) supersedes the duty of confidentiality owed to the organisation by the accounting officer.

Changing constitution or name of registered nonprofit organisation

19. (1) A registered nonprofit organisation may change its constitution and its name.
- (2) A registered nonprofit organisation that has resolved to change its constitution or its name must send the director—
- (a) a copy of the resolution and a certificate signed by a duly authorised office-bearer stating that the resolution complies with its constitution and all relevant laws; and
 - (b) if the organisation has resolved to change its name, the original of its current certificate of registration.
- (3) Upon receiving the documents contemplated in subsection (2), from an organisation that has resolved to change its constitution, the director must—
- (a) register the changed or new constitution if it meets the requirements for registration;
 - (b) endorse a copy of the resolution, certifying that the change or replacement of the constitution has been registered; and
 - (c) send the endorsed copy of the resolution to the organisation.
- (4) Upon receiving the documents contemplated in subsection (2) from an organisation that has resolved to change its name, the director must—
- (a) enter the new name in the register and issue a certificate of registration in the new name of the organisation;
 - (b) remove the old name from the register and cancel the earlier certificate of registration; and
 - (c) send the new certificate to the organisation.

INCOME TAX ACT

As is the case with all employers the home for the aged must be registered with the S.A. Revenue Services seeing that it employs staff. Deductions such as P.A.Y.E. and U.I.F. together with Workman's Compensation must be paid to the State in the stipulated manner.

For tax exemption purposes all projects sort under the P.B.O. tax exemption number of the National Health and Welfare Council of the Full Gospel Church of God in S.A. As all moneys given to a home for the aged may be deducted from income tax returns it must be noted that receipts are drawn up in a different way to meet the requirements of Section 18 of the Income Tax Act which caters for such deductions.

CHURCH APPROACH

Governance

The National Health and Welfare Council of the Full Gospel Church of God in S.A. is the responsible body for all social development and health projects initiated by all structures of the church. It is however accepted that it is possible for projects to be operated at a local, regional, provincial and national level. Therefore a project such as the care for the aged will invariably operate at a regional level as in most cases such a project will be beyond the scope and ability of a local welfare society.

At no time is a local welfare society precluded from operating such a project and in such instances references to the regional welfare board can be replaced by the local welfare society.

CONSTITUTION OF MANAGEMENT COMMITTEE

All old age homes will have a management committee preferably consisting of members of the Full Gospel Church of God in S.A. and residing in the vicinity of the old age home. Members of the committee do not have to be from the ministry order. Members of the laity with professional skills that will be an advantage to the old age home should be considered for membership of the committee.

The method of electing a management board shall be through nominations from the existing committee at a duly constituted A.G.M.

The management committee shall consist of at least six persons and in the event of any member being absent for three consecutive meetings without a valid apology such a person shall automatically be removed from the committee and replaced by a suitable person at the next committee meeting.

The management committee may choose its office bearers from amongst themselves or the Regional Welfare Board may exercise the right to appoint a chairperson from names nominated by the management committee, and the said chairperson will then preside over the election of the other office bearers.

To comply with the fiduciary requirements of the Income Tax Law relating to tax exemption, blood, or relatives by marriage, will not be able to serve together as office bearers. This in no way will preclude them from being members of the management committee.

Elections of members to the committee shall take place within six months after the end of the financial year at a duly called A.G.M. Such an A.G.M. must be held no later than September in order that the documentation as required by the State to effect a subsidy for the following financial year will reflect the details of the new committee.

Whilst it is compulsory to hold an A.G.M. it is up to the committee to decide on the term of office for a committee which can also function in the same way as the General Conference regarding elections.

In the event of the home for the aged not employing its own social worker it is recommended that observer status be afforded to the State Social worker responsible for the home who will also be in a position to assist the committee regarding State policies and procedures.

The Manager shall be a member of the management committee without voting rights and the committee may appoint the manager as the committee secretary.

The head of the medical unit of the home may also be present at committee meetings and assist the committee without voting rights.

FUNCTION OF MANAGEMENT COMMITTEE

The committee shall be responsible for the implementation of all aspects of the Care of the Aged Act and ensure that the manager as appointed by the committee fulfils all the functions as prescribed by the Act relating to the manager.

Regular meetings of the committee will be held at which time issues such as budgets, fundraising, reports in terms of the N.P.O. Act and P.B.O. tax exemption will be tabled and considered. Once narrative and financial reports have been approved they will be sent to the Director of the Full Gospel Church National Health and Welfare Council and to the relevant regional welfare board of the church.

Committee members will be expected to assist the management and staff of the home in activities requiring their personal professional expertise over and above their attendance of committee meetings.

A.G.M.

Members of the public, relatives of residents, the responsible State Social Worker, and donors shall be invited to attend an A.G.M. An advertisement in a local newspaper shall serve as sufficient notice to the community of a proposed A.G.M. however in the case of the other groupings mentioned in the preceding sentence, it is advised that notice in writing 21 days prior to the meeting should be implemented.

Other than elections the A.G.M. shall serve as the opportunity of presenting the chairperson's narrative report together with the audited statements of the home. Furthermore the A.G.M. will also be required to appoint the auditors and address any issue from the public that might have a direct impact on the effective operation of the home.

Operation of Facility

The manager of the facility will be responsible for the proper running of the home and will ensure that the facility and all its programmes shall be in line with State Minimum Standards. The hiring and firing of staff will be the final responsibility of the manager with the understanding that at no time may the

manager or a member of the management committee serve as the chairperson of any disciplinary action in terms of the Labour Relations Act.

For the proper operation of the home, the manager should have a weekly meeting with heads of department, such as nursing / medical, catering, and maintenance to deal with any relevant matter. Furthermore, each department should be encouraged to have its own regular meeting. It is strongly recommended that a general staff meeting be held at least once a month, and where possible a meeting of the residents with the manager, and departmental heads should occur at regular intervals.

Fundraising shall be the responsibility of the manager, who is at liberty to approach the corporate world, embassies, trusts and foundations as well as organisations such as Rotary, Round Table and Lions for donations in cash and in kind. It might also be of advantage to employ a fundraiser, who can also consider the possibility of bequests for the future sustainability of the home. Such an appointment may be subject to a commission based reimbursement.

It is strongly recommended that signatories on the cheque account should consist of the chairperson and treasurer of the committee, the manager and one other staff member, with one committee and one staff member as signatories on all cheques.

The manager shall provide a written report at each meeting of the management committee detailing matters relating to residents and the facility, staff and programmes.