

Curzon Crescent & Fawood Children's Centres Partnership



Working Together to Achieve More

Supporting Children with Medical Conditions Policy

Reviewed: Spring 2019

Next Review Due: Spring 2020

Policy Lead – Premises Manager

Approving Committee - Resources

Definition

Children's medical needs may be broadly summarised as being of two types:

- (a) Short-term: affecting their participation in School activities for which they are on a course of medication
- (b) Long-term: potentially limiting their access to education and requiring extra care and support

Rationale

LAs and schools have a responsibility for the health and safety of children in their care.

The **Health and Safety at Work Act 1974** makes employers responsible for the health and safety of employees and anyone else on the premises.

In the case of children with special medical needs, the responsibility of the employer is to make sure that safety measures cover the needs of all children at the school.

This may mean making special arrangements for particular children who may be more at risk than their classmates and individual procedures may be required.

Short term and frequent absences, including those for appointments connected with a pupil's medical condition also need to be effectively managed and appropriate support put in place to limit the impact on the child's educational attainment and emotional and general wellbeing. The employer is responsible for making sure that relevant staff know about, and are, if necessary, trained to provide any additional support these children may need.

From September 2014, the **Children and Families Act 2014, Section 100 – 'Supporting Children at School with Medical Conditions'**, placed a duty on schools to make arrangements for children with medical conditions.

The aim of this Policy is to ensure that all children with medical conditions, in terms of both physical and mental health, are properly supported in school so that they can play a full and active role in school life, remain healthy and achieve their academic potential.

Children with special medical needs have the same right of admission to school as other children and cannot be refused admission or excluded from school on medical grounds alone.

However, teachers and other school staff in charge of children have a common law duty to act in loco parentis and may need to take swift action in an emergency. This duty also extends to teachers leading activities taking place off the school site. This could extend to a need to administer medicine.

The prime responsibility for a child's health lies with the parent who is responsible for the child's medication and should supply the school with as much information as possible in relation to the child's condition.

Some children with medical conditions may be disabled. Where this is the case the school will comply with their duties under the **Equality Act 2010**. Some children may also have special educational needs (SEN) and may have a statement, or Education, Health and Care (EHC) plan which brings together health and social care needs, as well as their special educational provision. For children with SEN, this guidance should be read in conjunction with the **SEND Code of Practice: 0-25 Years**.

Aims

The school aims to:

- assist parents in providing medical care for their children, and ensure that parents feel confident that the school will provide effective support for their child's medical condition;
- educate staff and children in respect of special medical needs;
- ensure that the Administering of Medications Policy is reviewed at least annually;
- arrange training for volunteer staff to support individual children;
- liaise as necessary with medical services in support of the individual pupil;
- ensure access to full education if possible;
- monitor and keep appropriate records.

Entitlement of the Child

The school accepts that children with medical needs should be assisted if at all possible and that they have a right to as full an education as other children.

The school believes that children with medical needs should be enabled to have full attendance and receive necessary proper care and support.

Children with medical conditions are entitled to a full education and have the same rights of admission to school as other children.

Staff Responsibility

The school accepts all employees have rights in relation to supporting children with medical needs as follows:

- choose whether or not they are prepared to be involved;
- receive appropriate training;
- work to clear guidelines;
- have concerns about legal liability;
- bring to the attention of management any concern or matter relating to supporting children with medical needs.

Expectations

It is expected that:

- no child with a medical condition will be denied admission or prevented from taking up a place in school because arrangements for their medical condition have not been made. However, in line with safeguarding duties, managers and governing bodies will ensure that children' health is not put at unnecessary risk from, for example infectious diseases. They therefore will not accept a child in school at times where it would be detrimental to the health of that child or others to do so;
- children with medical conditions will not be sent home frequently or prevented from staying for normal school activities, including lunch, unless this is specified in their Educational Healthcare (EHC) Plan;
- staff will not require parents, or otherwise make them feel obliged, to attend school to administer medication or provide medical support to their child, including with toileting issues;
- children will not be penalised for their attendance record if their absences are related to their medical condition eg hospital appointments;

- staff will listen to and value the views of Parents in relation to their child's medical condition, and follow medical evidence or opinion (although this may be challenged);
- staff will not prevent children from participating, or create unnecessary barriers to children participating in any aspect of school life, including school trips, eg by requiring parents to accompany the child;
- where parents have asked the school to administer medication for their child, they will follow the procedures as detailed in the **Administering of Medications Policy** and complete a **Parental Consent to Administer Medications** form;
- staff will consider carefully their response to requests to assist with the giving of medication;
- the school will liaise with the appropriate bodies for advice about a child's special medical needs, and will seek support from the relevant practitioners where necessary and in the interests of the child.

Insurance, Liability and Indemnity

All employees are covered by the Local Authority's Public Liability Policy (please see **Appendix 1**)

Complaints

Any parent that is dissatisfied with the support provided should be given a copy of the school **Complaints Policy**.

Policy Implementation and Responsibilities

The Executive Head is responsible for ensuring that this policy is implemented.

The Curriculum Committee of the Governing Board is responsible for reviewing and amending as necessary, the content and guidance within this policy.

The Deputy Heads are responsible for ensuring that:

- the Special Educational Needs & Disabilities Co-Ordinator (SENDCO) is informed of the child's medical needs, to ensure that an EHC Plan is formulated as soon as it is known that a child with a medical condition is to be admitted to the school;
- sufficient staff are suitably trained;
- all relevant staff are made aware of the child's condition;
- arrangements in case of staff absence or staff turnover are in place to ensure that someone suitable is always available to cover;
- supply teachers and cover staff receive a full briefing regarding any children with medical conditions;
- a Personal Emergency Evacuation Plan (PEEP) is completed for each child that needs one, and that all staff are aware of the steps within them.
- risk assessments for school visits, and other school activities have been carried out prior to the activity taking place.

The SENDCO is responsible for:

- requesting EHC Plans from the LA where necessary;
- the monitoring and review of EHC Plans.

The Health & Safety Lead is responsible for:

- appropriate adaptations (including those of a temporary nature) are made to the building as necessary.

Related Policies and Documentation

- The Health and Safety at Work Act 1974
- Children and Families Act 2014, Section 100 – ‘Supporting Children at School with Medical Conditions’
- Equality Act 2010
- SEND Code of Practice: 0-25 Years
- SEND Policy
- Toileting and Intimate Care Policy
- Administering of Medications Policy (Partnership Document)
- Parental Consent to Administer Medications (Partnership Document)
- Complaints Policy (Partnership Document)
- Accessibility Plan

Appendices

Appendix 1– Insurance: Liability and Indemnity

Appendix 2 - Model process for developing Educational Healthcare Plans

This Policy and its appendices were approved by Governors on

Next Review Date: Spring 2020

Insurance: Liability and Indemnity for the Administering of Medication

The administration of medicine is covered under the Local Authority's Public Liability Insurance.

Malpractice or maladministration in this area would be considered an injury to the recipient and our public liability insurance covers injuries to third parties:

"Section 2 – Cover

The insurer will indemnify the insured in respect of all sums which the insured may become legally liable to pay as damages in respect of:

- a) accidental Injury to any person other than an Employee"

If properly trained staff improperly administer medicine then this would be covered.

If staff with no training administer medication at the behest of their management then this would also be covered but the employee and manager could face criminal and civil charges which we would not cover for them.

If staff administer without authorisation then this would be covered but the employee could also face criminal and civil charges personally which we would not cover for them.

All claims or potential claims should be reported to the insurance section promptly; Someone wishing to make a claim should be given our form which is available at

www.brent.gov.uk/insurance

If in doubt please call us on 020 8937 6219.

Developing Educational Healthcare Plans

Parent or Healthcare Professional informs school that child has been newly diagnosed, or is due to return to school after a long-term absence, or that needs have changed.

Meeting to discuss and agree on need for EHC Plan. To include key school staff, parent, and SENDCO.
SENDCO writes to SENAS on behalf of the Parent/Carer to trigger an assessment, who then contact the SENDCO to gather information about the child's levels of development and needs
SENAS will then take this evidence to Panel.

Apply for EHC Plan in partnership using evidence collected – agree who will take the lead on writing it.
Input from relevant healthcare professionals and other medical/health clinician must be provided.

School staff training needs identified and arrangements made for providing this, where appropriate.

Healthcare professional commissions/delivers training and staff signed-off as competent – agree review date.

EHC Plan is either agreed or not. Parents and School are informed, and there is an opportunity to challenge the decision

Guidance from the EHC Plan is implemented, then reviewed bi-annually or when the condition changes – Parent, SENDCO or Healthcare professional to initiate - all to contribute.
2 weeks notice of the bi-annual review must be given to other professionals who are expected to attend.