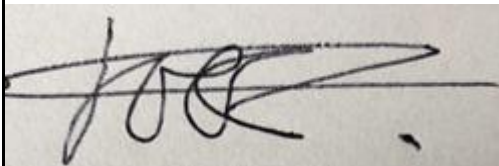





Darell Primary and Nursery School

Supporting Children at School with Medical Conditions Policy

Governors' Committee Responsible	Full governing Body
Status	Statutory
Review Cycle	Annually
Date written/last review	09/11/2023
Date of next review	09/11/2024
Approved By: Joe Porter Headteacher	
Approved By: Janet Deboo - Chair of Governors	

At Darell, our values drive everything that we do. As a school, we value:

Equality



Responsibility



Enjoyment



Aspiration



- Equality - we celebrate our differences and treat everyone equally and fairly.
- Responsibility - we take responsibility for our behaviour. We are kind and caring to ourselves and others.
- Enjoyment - we are passionate about learning and look for enjoyment in everything we do.
- Aspiration - we place no ceiling on what we can achieve. We challenge each other to be the best that we can be.

The Status of the policy: Statutory

Purpose:

The Children and Families Act 2014 places a duty on the governing body to make arrangements for supporting pupils in school with medical conditions. This policy explains those arrangements and provides further information about the procedures to be followed.

Links with other policies:

Health and Safety Policy

Monitoring and evaluation:

This policy is reviewed every two years and monitored by the Welcome Committee.

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The following paperwork must be completed and stored in the school office. Blank forms are available from the office:

- Healthcare Plan for Children with Medical Needs
- Record of Medication administered in school
- Consent Form: Child Medication Request

About this Policy

This Policy is governed by the statutory guidance and non-statutory advice set out in the document 'Supporting Pupils at School with Medical Conditions' (DFE, April 2014).

The policy also applies to activities taking place off-site as part of normal educational activities.

Statutory guidance is set out in bold text.

The Children and Families Act 2014 places a duty on the governing body to make arrangements for supporting pupils in school with medical conditions.

Key Points for Darell Primary and Nursery School

Every effort will be made to ensure that:

- Pupils at school with medical conditions are properly supported so that they have full access to education, including school trips and physical education.
- The governing body is legally responsible and accountable for ensuring that arrangements are in place in school to support pupils with medical conditions.
- The governing body ensures that school leaders consult health and social-care professionals, pupils and parents/carers to ensure that the needs of children with medical conditions are effectively supported.
- The needs of the children include educational effects, and social and emotional implications associated with medical conditions.
- The governing body ensures that it meets its duty under the Equality Act 2010.
- As our children have statements, or an Education Health and Care Plan (EHC), this policy operates in conjunction with the SEN Code of Practice.
- The school will work in partnership with Central London Community Healthcare NHS Trust (CLCH).;

The Role of the Governing Body

The governing body will seek assurances from the head teacher that arrangements are in place to support pupils with medical conditions. In doing so they will ensure that such children can access and enjoy the same opportunities at school as any other child. In some cases this will require flexibility and involve, for example, programmes of study that rely on part-time attendance at school in combination with alternative provision arranged by the local authority.

1. Consideration may also be given to how children will be reintegrated into school after periods of absence.

2. In making their arrangements the governing body will take into account that many of the medical conditions that require support at school will affect quality of life and may be life-threatening. Some will be more obvious than others. The governing body will therefore ensure that the focus is on the needs of each individual child and how their medical condition impacts on their school life.
3. The governing body will ensure that their arrangements give parents/carers and pupils confidence in the school's ability to provide effective support for medical conditions in school. The arrangements will show an understanding of how medical conditions impact on a child's ability to learn, as well as increase their confidence and promote self-care. They will ensure that staff members are properly trained to provide the support that pupils need.
4. Children and young people with medical conditions are entitled to a full education and have the same rights of admission to school as other children. This means 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. In line with their safeguarding duties, the governing body will ensure that pupils' health is not put at unnecessary risk from, for example infectious diseases. They therefore do not have to accept a child in school at times where it would be detrimental to the health of that child or others to do so.
5. The governing body will ensure that the arrangements they put in place are sufficient to meet their statutory responsibilities and should ensure that policies, plans, procedures and systems are properly and effectively implemented. This aligns with the body's wider safeguarding duties. The governing body will ensure that this policy is reviewed regularly and is readily accessible to parents/carers and school staff.

Policy Implementation

Named Person: Joe Porter, head teacher, is responsible for ensuring that:

- A sufficient proportion of members of staff is suitably trained, including in the case of staff absence or staff turnover.
- All relevant staff members, including supply staff, are aware of children's conditions.
- Risk assessments for school visits, holidays and other school activities outside of the normal timetable include reference to children's medical needs.
- Individual healthcare plans are kept up-to-date.

Procedures to be followed when notification is received that a pupil has a medical condition.

- A school leader will consult with the relevant health and social care professionals, the pupil and parent/carers as soon as notification is received. This may include occupational therapist, physiotherapist and nursing services. Where a child is changing schools, the health and social care professionals linked to the previous setting will be consulted.
- Relevant health and social care professionals, the pupil, parent/carers will contribute guidance as appropriate where a pupil is re-joining school or where their needs have changed. This may include decisions about the rate of return, timetable adaptations and changes, and arrangements for any staff training and support. For children new to school, arrangements should be in place in time for the start of the relevant school term. In other cases, such as a new diagnosis or children moving to Darell mid-term, every effort will be made to ensure that arrangements are put in place within two weeks.
- In some cases Darell may not wait for a formal diagnosis before providing support to pupils. In cases where a pupil's medical condition is unclear, or where there is a difference of opinion, judgements will be needed about what support to provide based on the available medical evidence and in consultation with parent/carers. Where evidence conflicts, some degree of challenge may be necessary to ensure that the right support can be put in place, in the best interests of the child.

Individual Healthcare Plans

The model process in Appendix A will be followed for developing Individual Healthcare Plans.

Named person: Laura Gavin, is responsible for ensuring the compiling of Individual Health Care Plans. Darell Primary and Nursery School, healthcare professionals and parent/carers should agree, based on evidence, when a healthcare plan would be inappropriate or disproportionate. If consensus cannot be reached, the head teacher will take a final view in partnership with CLCH. Individual Healthcare Plans will be easily accessible to all who need to refer to them, while preserving confidentiality, and copies will be kept in the medical room and the school office.

Individual Healthcare Plans, (and their review), may be initiated, in consultation with the parent/carer, by a member of school staff or a healthcare professional involved in providing care to the child. Plans will be drawn up in partnership between the school, parents/carers, and a relevant healthcare professional, who can best advise on the particular needs of the child. For example, school nursing services may contribute sections on feeding needs – gastrostomy, naso-gastric, alongside specialist nurses for children with a tracheostomy. Plans for children with asthma and

epilepsy will be overseen by the school nurse. Pupils will also be involved whenever appropriate. The aim will be to capture the steps which Darell Primary and Nursery School will take to help the child manage their condition and overcome any potential barriers to getting the most from their education.

Plans will be reviewed at least annually, or earlier if evidence is presented that the child's needs have changed. The plans will be developed with the child's best interests in mind and ensure that Darell Primary and Nursery School assesses and manages risks to the child's education, health and social well-being and minimises disruption. The Individual Healthcare Plan will be linked to or become part of each child's Statement or Education Health Care Plan.

Where a child is returning to school following a period of hospital education or alternative provision (including home tuition), Darell Primary and Nursery School will work with the local authority and education provider to ensure that the Individual Healthcare Plan identifies the support the child will need to reintegrate effectively.

Contents of Individual Health Care Plans

These will include, as appropriate:

- The medical condition, its triggers, signs, symptoms and treatments;
- The pupil's resulting needs, including medication (dose, side-effects and storage) and other treatments, time, facilities, equipment, testing, access to food and drink where this is used to manage their condition, dietary requirements and environmental issues e.g., crowded corridors, travel time between lessons;
- Specific support for the pupil's educational, social and emotional needs – for example, how absences will be managed, requirements for extra time to complete exams, use of rest periods or additional support in catching up with lessons, counselling sessions;
- The level of support needed, (some children will be able to take responsibility for their own health needs), including in emergencies. If a child is self-managing their medication, this should be clearly stated with appropriate arrangements for monitoring;
- Who will provide this support, their training needs, expectations of their role and confirmation of proficiency to provide support for the child's medical condition from a healthcare professional; and cover arrangements for when they are unavailable;
- Who in the school needs to be aware of the child's condition and the support required;
- Arrangements for written permission from parent/carers and the head teacher for medication to be administered by a member of staff, or self-administered by the pupil during school hours;
- Separate arrangements or procedures required for school trips or other school activities outside of the normal school timetable that will ensure the child can participate, e.g. risk assessments;

- Where confidentiality issues are raised by the parent/child, the designated individuals to be entrusted with information about the child's condition;
- What to do in an emergency, including whom to contact, and contingency arrangements. Where children have an emergency healthcare plan prepared by their lead clinician, this will be used to inform development of their Individual Healthcare Plan.

Roles and Responsibilities

Partnership working between school staff, healthcare professionals (and where appropriate, social-care professionals), local authorities, parent/carers and pupils is critical in providing effective support, to ensure that the needs of pupils with medical conditions are met effectively. Collaborative working arrangements between all those involved, showing how they will work in partnership is set out below.

- The governing body - will make sure that this policy for supporting pupils with medical conditions in school is developed and implemented. They will seek assurance from the head teacher that a pupil with medical conditions is supported to enable the fullest participation possible in all aspects of school life. Where medical confidentiality can be maintained, examples or details of how they are enabled will be shared with governors. The governing body will seek assurance from the head teacher that a sufficient proportion of members of staff has received suitable training and are competent before they take on responsibility to support children with medical conditions. They will also seek assurance that any members of school staff who provide support to pupils with medical conditions are able to access information and other teaching support materials as needed.
- The head teacher – will ensure that this policy is developed and effectively implemented with partners. This includes ensuring that all staff are aware of

the policy for supporting pupils with medical conditions and understand their role in its implementation. The head teacher will ensure that all staff who need to know are aware of the child's condition. They should also ensure that sufficient trained numbers of staff are available to implement the policy and deliver against all individual healthcare plans, including in contingency and emergency situations. This may involve recruiting a member of staff for this purpose. The head teacher has overall responsibility for the development of Individual Healthcare Plans. The head teacher will also make sure that school staff are appropriately insured and are aware that they are insured to support pupils in this way. The head teacher will be responsible for contacting the school nursing service in the case of any child who has a medical condition that may require support at school, but who has not yet been brought to the attention of the school nurse.

- School staff - any member of school staff may be asked to provide support to

pupils with medical conditions, including the administering of medicines. Although administering medicines is not part of teachers' professional duties, they should take into account the needs of pupils with medical conditions that they teach. School staff will receive sufficient and suitable training and achieve the necessary level of competency before they take on responsibility to support children with medical conditions. Any member of school staff should know what to do and respond accordingly when they become aware that a pupil with a medical condition needs help. Painkillers are only administered if they have been prescribed.

- School nurses - are responsible for notifying the school when a child has been identified as having a medical condition which will require support. Wherever possible, they will do this before the child starts at the school. They may support staff on implementing a child's Individual Healthcare Plan and provide advice and liaison, for example on training. School nurses may liaise with lead clinicians locally on appropriate support for the child and associated staff training needs. Community nursing teams will also be a valuable potential resource when Darell is seeking advice and support in relation to children with a medical condition.
- Other healthcare professionals, including GPs and paediatricians - should notify the school nurse when a child has been identified as having a medical condition that will require support at school. They may provide advice on developing healthcare plans. Specialist local health teams will be asked to provide support for children with particular conditions (e.g. asthma, diabetes and epilepsy).
- Pupils – with medical conditions may be best placed to provide information about how their condition affects them. They will be as involved as possible in discussions about their medical support needs and contribute as much as the policy for supporting pupils with medical conditions and understand their role in its implementation. The head teacher will ensure that all staff who need to know are aware of the child's condition. They should also ensure that sufficient trained numbers of staff are available to implement the policy and deliver against all individual healthcare plans, including in contingency and emergency situations. This may involve recruiting a member of staff for this purpose. The head teacher has overall responsibility for the development of Individual Healthcare Plans. The head teacher will also make sure that school staff are appropriately insured and are aware that they are insured to support pupils in this way. The head teacher will be responsible for contacting the school nursing service in the case of any child who has a medical condition that may require support at school, but who has not yet been brought to the attention of the school nurse.
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Pupils – with medical conditions may be best placed to provide information about how their condition affects them. They will be as involved as possible in discussions about their medical support needs and contribute as much possible to the development of, and comply with, their individual healthcare plan. Other pupils will be encouraged to be sensitive to the needs of those with medical conditions.

- Parent/Carers – should provide the school with sufficient and up-to-date information about their child's medical needs. They may in some cases be the first to notify the school that their child has a medical condition. Parents/carers are key partners and will be involved in the development and review of their child's individual healthcare plan, and may be involved in its drafting. They should carry out any action they have agreed to as part of its implementation, e.g. provide medicines and equipment and ensure they or another nominated adult are contactable at all times.
- Local authorities – are commissioners of school nurses for maintained schools and academies. Under Section 10 of the Children Act 2004, they have a duty to promote co-operation between relevant partners such as governing bodies of maintained schools, proprietors of academies, clinical commissioning groups and NHS England, with a view to improving the well-being of children so far as relating to their physical and mental health, and

their education, training and recreation. Local authorities should provide support, advice and guidance, including suitable training for school staff, to ensure that the support specified within individual healthcare plans can be delivered effectively. Local authorities should work with schools to support pupils with medical conditions to attend full time. Where pupils would not receive a suitable education at Darell Primary and Nursery School because of their health needs, the local authority will be contacted to fulfil its duty to make other arrangements. Statutory guidance for local authorities sets out that they should be ready to make arrangements under this duty when it is clear that a child will be away from schools for 15 days or more because of health needs (whether consecutive or cumulative across the school year).

- Providers of health services - should co-operate with Darell Primary and Nursery School in the support of children with a medical condition, including appropriate communication, liaison with school nurses and other healthcare professionals such as specialist and children's community nurses, as well as participation in locally developed outreach and training. Good relationships with health services will be fostered and developed as they can provide valuable support, information, advice and guidance to school, to support children with medical conditions at school.

Darell Primary and Nursery School will work with:

- Clinical commissioning groups (CCGs) – these commission other healthcare professionals such as specialist nurses. They should ensure that commissioning is responsive to children's needs, and that health services are able to co-operate with schools supporting children with medical conditions. They have a reciprocal duty to co-operate under Section 10 of the Children Act 2004 (as described above for local authorities). Clinical commissioning groups should be responsive to local authorities and schools seeking to strengthen links between health services and schools, and consider how to encourage health services in providing support and advice, (and can help with any potential issues or obstacles in relation to this).
- Ofsted - Its inspection framework places a clear emphasis on meeting the needs of disabled children and pupils with SEN, and considering the quality of teaching and the progress made by these pupils. Inspectors are already briefed to consider the needs of pupils with chronic or long-term medical conditions alongside these groups and to report on how well their needs are being met. Darell Primary and Nursery School will make this policy available and be able to demonstrate that this is implemented effectively.

Staff Training and Support

Any member of school staff providing support to a pupil with medical needs will have received suitable training. This will have been identified during the development or review of Individual Healthcare Plans. Where staff already have some knowledge of the specific support needed by a child with a medical condition, extensive training may not be required. Staff who provides support to pupils with medical conditions will be included in meetings where this is discussed. The relevant healthcare professional will normally lead on identifying and agreeing with Darell the type and level of training required, and how this can be obtained. Darell may choose to arrange the training itself and will ensure this remains up-to-date.

Training will be sufficient to ensure that staff members are competent and have confidence in their ability to support pupils with medical conditions, and to fulfil the requirements as set out in individual healthcare plans. This will include an understanding of the specific medical conditions they are being asked to deal with, their implications and preventative measures.

Agency and temporary staff will be provided with relevant information regarding pupil health-care and medical conditions and will only be required to engage in providing medical support subject to having received suitable training. Ideally, such staff will be accompanied by a teaching assistant familiar with the pupil's needs.

Staff must not give prescription medicines or undertake health-care procedures without appropriate training (updated to reflect any individual healthcare plans).

A first-aid certificate does not constitute appropriate training in supporting children with medical conditions. Healthcare professionals, including the school nurse, will provide confirmation of the proficiency of staff, in a medical procedure, or in providing medication.

All staff will be made aware of the school's policy for supporting pupils with medical conditions and their role in implementing that policy during an annual inset day and via whole school email, with the policy available for reference on the Staff Shared Area and the school website. Induction arrangements for new staff will include reference to this policy. The advice of the relevant healthcare professionals will be taken on training that will help ensure that all medical conditions affecting pupils in the school are understood fully. This will include preventative and emergency measures so that staff can recognise and act quickly when a problem occurs.

The family of a child will often be key in providing relevant information to school staff about how their child's needs can be met. Parent/carers will be asked for their views and may provide specific advice, but should not be the sole trainer.

The details of continuing professional development provision opportunities will be provided to staff as appropriate.

The Child's Role in Managing Their Own Medical Needs

After discussion with parent/carers, children who are competent will be encouraged to take responsibility for managing their own medicines and procedures. This will be reflected within individual healthcare plans. Wherever possible, guided by safety considerations, children will be able to access their medicines or relevant devices for self-medication quickly and easily. Children who can take their medicines themselves or manage procedures will have an appropriate level of supervision. If it is not appropriate for a child to self-manage, then relevant staff will help to administer medicines and manage procedures for them.

If a child refuses to take medicine or carry out a necessary procedure, staff will not force them to do so, but follow the procedure agreed in the Individual Healthcare Plan.

Parent/carers should be informed so that alternative options can be considered.

Managing Medicines on School Premises

- Medicines will only be administered at school when it would be detrimental to a child's health or school attendance not to do so.
- No child under 16 should be given medicines without their parent's/carer's written consent. Non-prescription medicines may not be administered in accordance with CLCH policy and guidelines.
- Where clinically possible, Darell Primary and Nursery School will ask for medicines to be prescribed in dose frequencies which enable them to be taken outside school hours.
- Darell Primary and Nursery School will only accept prescribed medicines that are in-date, labelled, provided in the original container as dispensed by a pharmacist and include instructions for administration, dosage and storage. The exception to this is insulin which must still be in date, but will generally be available to school inside an insulin pen or a pump, rather than in its original container. Antibiotics will only be administered in school if the prescription is for four daily doses.
- All medicines must be stored safely. Medicines and devices such as asthma inhalers, blood glucose testing meters and adrenaline pens will be always readily available to children and not locked away. This is particularly important to consider when outside of school premises e.g. on school trips.
- Darell Primary and Nursery School will keep controlled drugs that have been prescribed for a pupil securely stored in a non-portable container and only

staff will have access. Controlled drugs will be easily accessible in an emergency. A record will be kept of any doses used and the amount of the controlled drug held in school.

- School staff may administer a controlled drug to the child for whom it has

been prescribed. Staff administering medicines will do so in accordance with the prescriber's instructions. Darell Primary and Nursery School will keep a record of all medicines administered to individual children, stating what, how and how much was administered, when and by whom. Any side effects of the medication to be administered at school will be noted.

- When no longer required, medicines will be returned to the parent/carer to arrange for safe disposal hand to hand. Sharps boxes will always be used for the disposal of needles and other sharps.

Record Keeping

The governing body is responsible for ensuring that written records are kept of all medicines administered to children. On a day-to-day basis, staff administering medication will keep written records of all medicines given, and sign to confirm the details. Parent/carers will be informed if their child has been unwell at school, either by home-school book, phone call or in person as appropriate.

Emergency Procedures

Darell Primary and Nursery School's Health & Safety Policy sets out what should happen in an emergency.

Where a child has an Individual Healthcare Plan, this will clearly define what constitutes an emergency and explain what to do, including ensuring that all relevant staff is aware of emergency symptoms and procedures. Where appropriate, other pupils in school will be briefed on what to do in general terms, such as informing a member of staff immediately if they think help is needed.

If a child needs to be taken to hospital, staff will stay with the child until the parent/carer arrives, or accompany a child taken to hospital by ambulance.

Day Trips, Residential Visits and Sporting Activities

Pupils with medical conditions will be actively supported to participate in school trips and visits, or in sporting activities, so that their condition does not prevent them from doing so. Teachers will be aware of how a child's medical condition will affect his or her participation, but be flexible enough to enable all children to participate according to their own abilities and with any reasonable adjustments. Darell Primary and Nursery School will make arrangements for the inclusion of pupils in such activities with any adjustments as required unless evidence from a clinician such as a GP states that this is not possible.

Darell staff will consider what reasonable adjustments they might make to enable children with medical needs to participate fully and safely on visits. The lead member of staff will carry out a risk assessment so that planning arrangements take account of any steps needed to ensure that pupils with medical conditions are

included. This may require consultation with parents/carers and pupils and advice from the relevant healthcare professional to ensure that pupils can participate safely.

Other Issues

- Defibrillators – in the event of sudden cardiac arrest, which can happen to people at any age and without warning, quick action (in the form of early CPR and defibrillation) can help save lives. The nearest defibrillators to the school are at Richmond Fire Station and in North Sheen Recreation Ground. When the school buys its own defibrillator, it will notify the local NHS ambulance service of its location. Staff members appointed as first aiders are already trained in the use of CPR and may wish to promote these techniques more widely in the school, amongst both teachers and pupils alike.
- Asthma – Darell Primary and Nursery School will be guided by the protocol to be produced by the Department of Health on the voluntary holding of asthma inhalers for emergency use (see separate guidelines).

Unacceptable Practice

School staff will use their discretion and judge each case on its merits with reference to each child's Individual Healthcare Plan. It is not generally acceptable practice to:

- Prevent children from easily accessing their inhalers and medication.
- Where a child is able, to prevent them administering their medication themselves under adult supervision and in line with safety;
- Assume that every child with the same condition requires the same treatment;
- Ignore the views of the child or their parents; or ignore medical evidence or opinion (although this may be challenged);
- Ignore the personal dignity of the pupil receiving medical intervention;
- Send children with medical conditions home frequently or prevent them from staying for normal school activities, including lunch, unless this is specified in their individual healthcare plans;

activities with any adjustments as required unless evidence from a clinician such as a GP states that this is not possible.

Darell staff will consider what reasonable adjustments they might make to enable children with medical needs to participate fully and safely on visits. The lead member of staff will carry out a risk assessment so that planning arrangements take account of any steps needed to ensure that pupils with medical conditions are included. This may require consultation with parents/carers and pupils and advice from the relevant healthcare professional to ensure that pupils can participate safely.

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Liability and Indemnity

Governing bodies must ensure that the appropriate level of insurance is in place and appropriately reflects the level of risk. The school's insurance arrangements cover staff providing support to pupils with medical conditions. These insurance policies are accessible to staff providing such support. Insurance policies will provide liability cover relating to the administration of medication, and individual cover is arranged for particular health care procedures. e.g. tracheostomy care and suction, gastrostomy and nasogastric feeding. The level and ambit of cover required will be ascertained directly from the relevant insurers. Any requirements of the insurance, such as the need for staff to be trained, will be made clear and complied with.

It is noted that in the event of a claim alleging negligence by a member of staff, civil actions are likely to be brought against the employer.

Complaints

The procedure for making a complaint is set out in the Darell Primary and Nursery School Complaints Policy available to parent/carers/pupils on the school website. Darell Primary and Nursery School hope that should parents/carers or pupils be dissatisfied with the support provided, they will discuss their concerns directly with school first. If for whatever reason this does not resolve the issue, they may make a formal complaint via the school's complaints procedure. Making a formal complaint to the Department for Education should only occur if it comes within scope of section 496/497 of the Education Act 1996 and after other attempts at resolution have been exhausted. Ultimately, parent/carers (and pupils) will be able to take independent legal advice and bring formal proceedings if they consider they have legitimate grounds to do so.

- If the child becomes ill, send them to the school office or medical room unaccompanied or with someone unsuitable;
- Penalise children for their attendance record if their absences are related to their medical condition e.g. hospital appointments;
- Prevent pupils from drinking, eating or taking toilet or other breaks whenever they need to in order to manage their medical condition effectively;
- Require parents/carers, or otherwise make them feel obliged, to attend school to administer medication or provide medical support to their child, including with toileting issues. No parent should have to give up working because the school is failing to support their child's medical needs; or
- Prevent children from participating, or create unnecessary barriers to children participating in any aspect of school life, including school trips, e.g. by requiring parents/carers to accompany the child.

Liability and Indemnity

Further Sources of Information

Other Safeguarding Legislation

Section 21 of the Education Act 2002 provides that governing bodies of maintained schools must in discharging their functions in relation to the conduct of the school promote the well-being of pupils at the school.

Section 175 of the Education Act 2002 provides that governing bodies of maintained schools must make arrangements for ensuring that their functions relating to the conduct of the school are exercised with a view to safeguarding and promoting the welfare of children who are pupils at the school.

Section 3 of the Children Act 1989 provides a duty on a person with the care of a child (who does not have parental responsibility for the child) to do all that is reasonable in all the circumstances for the purposes of safeguarding or promoting the welfare of the child.

Section 17 of the Children Act 1989 gives local authorities a general duty to safeguard and promote the welfare of children in need in their area.

Section 10 of the Children Act 2004 provides that the local authority must make arrangements to promote co-operation between the authority and relevant partners (including the governing body of a maintained school, the proprietor of an academy, clinical commissioning groups and the NHS Commissioning Board) with a view to improving the well-being of children, including their physical and mental health, protection from harm and neglect, and education. Relevant partners are under a duty to cooperate in the making of these arrangements.

The NHS Act 2006: Section 3 gives Clinical Commissioning Groups a duty to arrange for the provision of health services to the extent the CCG considers it necessary to meet the reasonable needs of the persons for whom it's responsible. **Section 3A** provides for a CCG to arrange such services as it considers appropriate to secure

improvements in physical and mental health of, and in the prevention, diagnosis and treatment of illness, in the persons for whom it's responsible. **Section 2A** provides for local authorities to secure improvements to public health, and in doing so, to commission school nurses.

Governing Bodies' duties towards disabled children and adults are included in the **Equality Act 2010**, and the key elements are as follows:

- They **must not** discriminate against, harass or victimise disabled children and young people.

They must make reasonable adjustments to ensure that disabled children and young people are not at a substantial disadvantage compared with their peers. This duty is anticipatory: adjustments must be planned and put in place in advance, to prevent that disadvantage Other Relevant Legislation

Section 2 of the **Health and Safety at Work Act 1974**, and the associated regulations, provides that it is the duty of the employer (the local authority, governing body or academy trust) to take reasonable steps to ensure that staff and pupils are not exposed to risks to their health and safety.

Under the **Misuse of Drugs Act 1971** and associated Regulations the supply, administration, possession and storage of certain drugs are controlled. Schools may have a child that has been prescribed a controlled drug.

The **Medicines Act 1968** specifies the way that medicines are prescribed, supplied and administered within the UK and places restrictions on dealings with medicinal products, including their administration.

Regulation 5 of the School Premises (England) Regulations 2012 (as amended)

provide that maintained schools must have accommodation appropriate and readily available for use for medical examination and treatment and for the caring of sick or injured pupils. It **must** contain a washing facility and be reasonably near to a toilet. It **must not** be teaching accommodation.

The Special Educational Needs Code of Practice

Section 19 of the Education Act 1996 (as amended by Section 3 of the Children Schools and Families Act 2010) provides a duty on local authorities of maintained schools to arrange suitable education for those who would not receive such education unless such arrangements are made for them. This education must be full time, or such part time education as is in a child's best interests because of their health needs.

Associated Resources

Links to other information and associated advice, guidance and resources eg templates and to organisations providing advice and support on specific medical conditions will be provided on the relevant web-pages at [GOV.UK](https://www.gov.uk).

Annexe A: Model process for developing individual healthcare plans

