

## NEGOTIATING ADVICE FOR SCHOOL STAFF

# Managing medicines in schools and early years settings

## 1. Background

These guidelines are designed to give professional advice to staff with responsibility for working with children on the new guidance on managing medicines as well as changes that may arise due to changes that may arise from the Disability Discrimination Act (DDA).

It also provides negotiating advice including a checklist for branches having to negotiate revisions to existing policies due to either or both of these areas.

*Managing medicines in schools and early years settings* was published in March 2005 and updates and replaces previous guidance issued by the Dept for Education and Skills and the Dept of Health publication 'Supporting Pupils with Medical Needs in Schools.' They should be read alongside the existing detailed 'UNISON Guidance on Administration of Medicines.' The guidance sets out a clear framework within which local authorities, local health trusts, schools and early years settings can work together with the trade unions to develop policies to ensure that children requiring medicines receive appropriate support.

The guide explains the roles and responsibilities of employers, parents and carers, governing bodies and management groups, head teachers and heads of settings, teachers and other staff and of local health services. It considers staffing issues including employment of staff, insurance and training. Other issues covered include drawing up a health care plan for a pupil, confidentiality, record keeping, the storage, access and disposal of medicines, home to school transport and on-site and off-site activities. The document also contains a set of forms which can be photocopied by users.

It takes account of the recommendations from the National Service Framework on Medicines for Children (2004) to ensure safe practice in the management of medicines for children, the new duties on local education authorities, schools and early years settings under the Disability Discrimination Act and the latest medical advice.

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## 2. UNISON guidance on the administration of medicine

These guidance notes are an extension to the existing '*UNISON Guidance on the Administration of Medicine.*'

The overarching principle of these guidelines is to ensure that children with specific medical needs are not excluded from mainstream education or activities because of their condition and that any medication is administered safely by trained and professional staff. The pressure on non-medical staff to administer drugs has increased as:

- education has become more inclusive
- many more children suffer from allergies and other forms of illnesses which are not severe enough for them to remain away from schools
- the number of after schools clubs, extended schools and other short stay leisure activities has increased

The guidance highlights the fact that there is no legal duty on non-medical staff to administer medicines or to supervise children taking it. ***This is purely a voluntary role. Staff who volunteer to administer medicines should not agree to do so without first receiving the appropriate information and training.*** The guidance contains a useful checklist of control measures that should be in place.

## 3. The Disability Discrimination Act and staffing implications

The DDA provides protection for anyone who has a physical, sensory or mental impairment that has an adverse effect on his/her ability to carry out normal day-to-day activities. The effect must be substantial and long-term. It is clear, therefore, that anyone with a named condition that affects aspects of personal development must not be discriminated against.

Education providers have an obligation to meet the needs of children with delayed personal development in the same way as they would meet the individual needs of children with delayed language or any other kind of delayed development. For instance, children should not be excluded

from normal pre-school activities solely because of incontinence.

Any admission policy that sets a blanket standard of continence, or any other aspect of development, for all children is discriminatory and therefore unlawful under the Act. All such issues have to be dealt with on an individual basis and settings/schools are expected to make reasonable adjustments to meet the needs of each child.

### Resource and staffing implications

**The schools should monitor the number of pupils with special requirements and attention should be made to the impact this can have on staffing resources.**

LEA's and schools should not underestimate the staffing and resource implications that changes to the school intake in terms of the needs and requirements of the pupils could have.

Clearly, UNISON does not want to prevent access to education for children but we are aware that changes are taking place in some LEA's which are putting significant and unmanageable demands on early years and school support staff.

The other area of major concern is that LEA's and schools are underestimating the staffing, resource and equipment implications that changes to the requirements in the school intake will have.

At the same time we are aware that some schools are cutting school support staff posts such as nursery nurses, senior/early years practitioner posts and are replacing these with teaching staff to make up the legal staffing requirements.

Teachers' conditions of employment do not include giving or supervising a pupil taking medicines, so clearly, this is exacerbating the pressure already placed on the support staff. If any such changes to staffing ratios are being proposed these issues need to be factored in to challenge this.

## Role profiles and job descriptions

Many LEA's are introducing new policies relating to the administration of medicine and toileting arrangements. UNISON is concerned that within these new policies many LEA's are trying to introduce changes to contracts and role profiles because of the guidance referred to above and because of requirements within the Disability Discrimination Act.

Some local authorities are implying that school support staff contracts **MUST** change as a result of these new requirements. **This is not the case.** There should be no wholesale changes to either existing contracts or role profiles by a local authority. Any changes should be negotiated with the branch. Please contact head office if such changes are being proposed by your LEA.

The key points 'Managing Medicines' makes is that although the administration of medicine is not a mandatory responsibility of teaching staff, schools should ensure that they have sufficient members of staff who are employed and appropriately trained to manage medicines as part of their duties. The guidance is explicit in that this responsibility is voluntary and not mandatory (clause 90, page 17). The employer should seek volunteers and not impose this responsibility and this should be achieved through meetings which involve all the school staff. New contracts of employment for new staff could include a clause that specifies that the new post holder takes on this responsibility—but this must be with the commitment from the employer that training and guidance will be provided. This should be done on an individual basis rather than imposing changes to existing contracts and role profiles.

The guidance is very clear in that the employer will provide training and guidance. *"The school/setting will ensure that staff receive proper support and training where necessary, in line with the contractual duty on headteachers to ensure that their staff receive the training. The headteacher or teacher in charge of a setting will agree when and how such training takes place, in their capacity as a line manager. The head of the school or setting will make sure that all staff and parents are aware of the policy and procedures for dealing with medical needs."*

## 4. Infection control, toileting and nappy changing

The same principles apply to hygiene or infection control policies, procedures and administration. There is no legal duty for nursery nurses or school support staff to supervise or administer the nappy changing process or toileting of children. Again any changes to contracts should be negotiated on an individual basis, there should be no wholesale changes to role profiles and contracts.

Consideration needs to be given to the health and safety implications of pupils with special education needs (SEN). The HSE have published a series of guides (details in the reference section of this guide) that have been written in full consultation with the trade unions representing school staff.

These guides seek to assist employers in complying with their duties under the health and safety legislation. The guidance offers practical solutions to potential problems. The guiding principles to achieve the balance between fulfilling the duties and requirements of the Health and Safety at Work Act and the DDA are:

- There should be a balance between the health and safety considerations of employees and individual pupils' rights to dignity, autonomy and privacy
- Employees' health and safety should be maintained but this should not be used as an excuse for denying disabled students and students with SEN access to educational opportunities.

## The risks

Particular health and safety issues may include:

- manual handling of students with physical disabilities
- students unable to recognise everyday hazards, communicate distress or move around independently
- using mechanical aids and equipment
- using therapy and ball pools
- administering medical treatment and minimising the risk of infection
- management of difficult behaviour and the use of restraint
- lone working where an employee works on a one-to-one basis with a SEN student
- transport issues such as getting learning disabled or physically disabled students in and out of transport and making sure that access to the premises is appropriate.

Schools and all other settings registered to provide education will already have a hygiene and/or infection control statement as part of their health and safety policy. This is a necessary statement of the procedures the setting/school will follow if a child accidentally wets or soils him/herself or is sick while on the premises. The same precautions will apply for nappy changing. Risk assessment does need to be undertaken. This should include the provision of protective clothing, the means for the appropriate safe disposal of clinical waste and suitable facilities for the child's dignity and privacy. Additionally there also needs to be monitoring of any pertinent information, eg upset stomach. High levels of hygiene are therefore essential to minimise the risk of infection. It is important that systems are in place to communicate important information to the relevant individuals to maintain H&S, such as any behavioural difficulties. All hazards

should be properly risk assessed and exposure to them prevented where possible, or otherwise minimised.

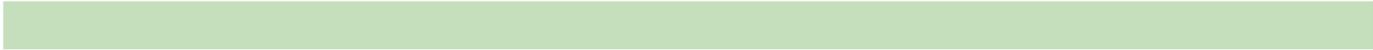
This is likely to include:

- Specific area in the school/setting for nappy changing to take place
- Staff to wear disposable gloves and aprons while dealing with the incident
- Soiled nappies to be double wrapped or placed in a hygienic disposal unit if the number produced each week exceeds that allowed by Health and Safety Executive's limit
- Changing area to be cleaned after use
- Hot water and liquid soap available to wash hands as soon as the task is completed
- Hot air dryer or paper towels available for drying hands.

## Child protection issues

The normal process of changing a nappy should not raise child protection concerns and there are no regulations that indicate that a second member of staff must be available to supervise the nappy changing process to ensure that abuse does not take place.

Few settings/schools will have the staffing resources to provide two members of staff for nappy changing and CRB checks are carried out to ensure the safety of children with staff employed in childcare and education settings. If there is known risk of false allegation by a child then a single practitioner should not undertake nappy changing. A student on placement should not change a nappy unsupervised.



## **Negotiating checklist for branches and representatives**

1. Check the existing local authority guidance. If it needs to be updated staff and union reps should be fully consulted on any proposed changes.
2. There must be a clear written policy and procedures that should be sent to all schools and union representatives.
3. Changes to the responsibilities of staff is not compulsory.
4. If staff volunteer to take on new responsibilities you will need to ensure that training is offered to staff who administer medicines or deal with SEN pupils and that a risk assessment takes place.
5. Consideration should be given to the staffing and resource implications. The time taken to undertake the new responsibilities must be factored in. An assessment of the equipment required should also take place.
6. The policy should be clear, consistent and the details should be shared with all staff, parents, carers and school governors.
7. There should be clear protection arrangements made by the local authority on insurance cover arrangements for the staff taking on these new responsibilities.

Cross reference to the checklist in the UNISON health and safety guide — administration of medicine and the HSE guidance — links to both these documents are on the following page.

## Further information

### **Managing medicines in schools and early years settings**

—this can be downloaded at  
[publications.teachernet.gov.uk/eOrderingDownload/1448-2005DCL-ENv3final.pdf](http://publications.teachernet.gov.uk/eOrderingDownload/1448-2005DCL-ENv3final.pdf)

Or to order copies contact:

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Quote reference 1448-2005DCL-EN

### **Administration Of Medicine - UNISON guide for health and safety representatives**

— stock number 1852. This is available in downloadable format at

[www.unison.org.uk/acrobat/13797.pdf](http://www.unison.org.uk/acrobat/13797.pdf)

Available from UNISON Communications Department on 020 7551 1455 or [www.unison.org.uk/catalogue](http://www.unison.org.uk/catalogue)

### **UNISON guide to DDA for schools**

can be downloaded from the schools web pages at

[www.unison.org.uk/education/schools/pages\\_view.asp?did=4105](http://www.unison.org.uk/education/schools/pages_view.asp?did=4105)

**Enureris resource and information centre** (ERIC), 34 Old School House, Britannia Road, Kinswood, Bristol, BS15 8BD.

Telephone: 0117 960 3060

Website [www.eric.org.uk](http://www.eric.org.uk)

### **DfES health and safety guidance for schools**

[www.teachernet.gov.uk/docbank/index.cfm?id=6817](http://www.teachernet.gov.uk/docbank/index.cfm?id=6817)

**Good practice in continence services**, 2000. Available free from Department of health, PO Box 777, London SE1 6XH or [www.doh.gov.uk/continenceservices.htm](http://www.doh.gov.uk/continenceservices.htm)

### **Teachernet**

[www.teachernet.gov.uk/wholeschool/healthandsafety/medical/](http://www.teachernet.gov.uk/wholeschool/healthandsafety/medical/)

The Health and Safety section on **Teachernet** contains information on Risk Assessments.

[www.teachernet.gov.uk/growingschools/support/detail.cfm?id=3](http://www.teachernet.gov.uk/growingschools/support/detail.cfm?id=3)

### **Health and Safety Matters for Special Educational Needs: Legal Issues including Risk Assessment**

[www.hse.gov.uk/pubns/edis3.pdf](http://www.hse.gov.uk/pubns/edis3.pdf)

### **DfES guidance on Child Protection**

[www.teachernet.gov.uk/docbank/index.cfm?id=6817](http://www.teachernet.gov.uk/docbank/index.cfm?id=6817)

The following UNISON health and safety publications may also be useful. Please state clearly the relevant stock number and quantity required with full destination address.

### **The Health and Safety Six Pack: UNISON's Guide to Health and Safety Law**

— stock number 1660

**Risk Assessment Guide** — stock number 1351

**UNISON Health and Safety Representatives Guide** — stock number 1684

### **Your comments**

UNISON welcomes comments on this guidance from branch safety officers, safety reps and education convenors. Either write to 1 Mabledon Place, London WC1H 9AJ or email to [education@unison.co.uk](mailto:education@unison.co.uk)