

Administering Medicines in School Policy

Introduction

The Local Authority recognises that many pupils will at some time need to take medication at school. This Policy and associated Guidance for specific treatments and medications have been produced to support and protect employees who undertake the administration of medicine and to enable staff to act in an emergency.

The aim of this policy is to ensure that all children with medical conditions, in terms of both physical and mental health, are supported in schools. This will enable children to have regular attendance so that they can play a full and active role in school life, whilst remain healthy and achieve their academic potential.

This document has been produced for use in schools within Derby City Local Authority. However it has been produced in association with health professionals whose role covers all maintained schools in Derby.

The systems which will be put into place, in respect of administering medicines, have been developed in accordance with the DfE document 'Supporting pupils at school with medical conditions' (2014) and the Statutory framework for the early years foundation stage.

Document control

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Legal duties

1. Section 100 of the Children and Families Act 2014 places a duty on Governing Bodies of maintained schools, proprietors of academies and management committees of Pupil Referral Units (PRUs) to make arrangements for supporting pupils at their school with medical conditions.
2. In meeting this duty, the Governing Body, proprietor or management committee must have regard to the statutory guidance document '**Supporting Pupils in Schools with Medical Conditions**' (DfE, 2014) issued by the Secretary of State.
3. Governing bodies must make arrangements to support pupils at school with medical conditions. The statutory guidance document '**Supporting Pupils in School With Medical Conditions**' (DfE, 2014), is intended to help school Governing Bodies meet their legal responsibilities and sets out the arrangements they will be expected to make, based on good practice.
4. School/setting employees may be asked to perform the task of giving medication to children but they may not, however, be directed to do so. **The administering of medicines in schools/settings is entirely voluntary and not a contractual duty unless expressly stipulated within an individual's job description.**
5. In practice, many school/setting staff volunteers to administer medicines. If a decision is made that medication is not going to be administered, the school/setting will need to consider what other measures are to be taken when children have long term health conditions or otherwise need medication. These measures must not discriminate and must promote the good health of children. Policies must be made clear to parents. Further advice can be sought from your Trade Union or Professional Association.
6. **The Health and Safety at Work etc Act 1974** requires employers to do all that is reasonably practicable to ensure the health, safety and welfare at work of employees and non-employees who are affected by their undertaking. This includes managing medication.
7. **The Management of Health and Safety at Work Regulations 1999** places a duty on the school to carry out a suitable and sufficient risk assessment of the activities undertaken.
8. School Health and Safety policies must incorporate arrangements for managing the administration of medicines and supporting children with complex health needs. Appropriate risks assessments will need to be undertaken and should be included in the school's health and safety audit process.

Insurance Cover

9. We would expect to cover liability arising from the provision of medical treatment arising out of the following activities:
 - nursing care
 - first aid
 - administration of prescribed and non-prescribed drugs or medicines
10. Cover would not apply to any surgeon, physician, doctor, dentist or midwife operating in their professional capacity in respect of:
 - any medical advice or opinion given
 - the administration of prescribed drugs or treatment
 - breach of professional duty
 - liability more specifically covered under any policy covering medical malpractice, professional errors, omissions or negligence.
11. Some examples of the treatments that would be covered under your policy would be:
 - Use of EpiPens
 - Use of defibrillators
 - Injections
 - Dispensing prescribed and non prescribed medicines
 - Application of appliances such as splints etc.
 - Oral and topical medication

Access to education and associated services

12. Some children with medical needs are protected from discrimination under the Equality Act 2010. Disability is a protected characteristic under section 6 of the Equality Act.
13. The public sector Equality Duty, as set out in section 149 of the Equality Act, came into force on 5 April 2011. The public sector Equality Duty requires public bodies to have due regard in the exercise of their functions to the need to:
 - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - advance equality of opportunity between people who share a protected characteristic and those who do not
 - foster good relations between people who share a protected characteristic and those who do not.
14. Responsible bodies for schools must not discriminate against pupils in relation to their access to education and associated services. This covers all aspects of school life including, school trips, school clubs, and activities.
15. Schools must make reasonable adjustments for disabled pupil including those with medical needs at different levels of school life, in their practices, procedures and school policies.

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16. Some pupils 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.
17. For pupils with SEN, this Policy should be read in conjunction with the Special educational needs and disability (SEND) code of practice. For pupils who have medical conditions that require EHC plans, compliance with the SEND code of practice will ensure compliance with the statutory elements of this Policy with respect to those pupils.
18. Schools are reminded, in accordance with DfE advice '**Health and Safety: DfE Advice on legal duties and powers for local authorities, Head teachers, staff and governing bodies**' (February 2012) that:

"Where the local authority is the employer (including Community, voluntary controlled, community special schools and maintained nursery schools) it may give a direction concerning the health and safety of persons (including pupils) on the school's premises or taking part in any school activities elsewhere. Under section 29(5) of the Education Act 2002, governing bodies of such schools must comply with any such direction from the local authority"
19. The DfE advice further states that:

"For community schools, community special schools, voluntary controlled schools, maintained nursery schools, pupil referral units, youth groups etc. the employer is The Council. These establishments MUST adhere to the requirements contained in this document."
20. For foundation schools, foundation special schools, voluntary aided schools, academies, free schools and independent schools, the employer is usually the governing body or proprietor.
21. Those establishments that enter into a specific 'health and safety' Service Level Agreement (SLA) with The Council are welcome to use this Policy and associated Guidance, but are not obliged to do so. If not, they should ensure that the systems in place are equally as robust.

Safeguarding

22. Children and young people with medical conditions are entitled to a full-time education and they have the same rights of admission to school as other children. In effect, this means that no child with a medical condition should be denied admission, or be prevented from taking up a place in school due to circumstances in relation to arrangements for their condition that have not been made.
23. Schools therefore must 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 to align with their wider safeguarding duties.

Accommodation

24. 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.
25. Paragraph 23B of Schedule 1 to the Independent School Standards (England) Regulations 2010 replicates this provision for independent schools, including academy schools and alternative provision academies.

Complaints

26. Governing bodies should ensure that the school's policy sets out the complaints procedure concerning the support provided to pupils with medical conditions.
27. Should parents or pupils be dissatisfied with the support provided they should discuss their concerns directly with the school. If for whatever reason this does not resolve the issue, they should make a formal complaint via the school's complaints procedure.
28. Making a formal complaint to the DfE should only occur if it comes within the scope of section 496/497 of the Education Act 1996 and after other attempts at resolution have been exhausted.
29. In the case of academies, it will be relevant to consider whether the academy has breached the terms of its Funding Agreement, or failed to comply with any other legal obligation placed on it.
30. Ultimately, parents (and pupils) will be able to take independent legal advice and bring formal proceedings if they consider they have legitimate grounds to do so.

Actions

31. The governing board should ensure that its arrangements give parents and pupils confidence in the schools ability to provide effective support for medical conditions in school. The arrangements should show an understanding of how medical conditions impact on a child's ability to learn, as well as increase confidence and promote self-care.
32. Governors should ensure that employees are properly trained to provide the support pupils need.
33. Governing bodies should ensure that the schools policy covers the role of individual healthcare plans, and who is responsible for the plans development

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in supporting pupils at the school with medical conditions.

34. Schools should develop a policy that shows how the establishment is managing medications for the pupils. Some areas to consider are:
- Use of EpiPens
 - Use of defibrillators
 - Injections
 - Dispensing prescribed and non prescribed medicines
 - Application of appliances such as splints etc
 - Oral and topical medication,

Support and information

35. The [Health and Safety Team](#) (HST) provides advice on Administration of Medicines. Contact HST by:
- calling 01332 **640748**, or
 - emailing employee.healthandsafety@derby.gov.uk
36. The Team has also developed a suite of guidance documents to help managers and employees. These include:
- Guidance - Responsibilities and Requirements
 - Guidance - Gastroenteritis on Managing an outbreak in schools
 - Supporting Pupils at School with Medicines
 - School Managing Medication Policy Template
 - Supporting pupils with Medical Conditions Templates
 - Giving Medication to Children in Registered Childcare

Copies can be found on the Occupational Health and Safety pages on [iDerby](#) and the [Schools' Information Portal](#), or by contacting the HST.

37. [Occupational Health](#) (OH) gives advice and support to managers and employees on health and wellbeing. Contact OH by:
- calling 01332 **640543**, or
 - emailing occupational.healthservice@derby.gov.uk.