

## Wrexham County Borough Council

### Education Department Healthcare Needs Policy

**Date of issue:** 15.11.17

**Review date:** December 2018

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#### 1. Key principles

Wrexham County Borough Council is committed to ensuring that appropriate support is in place for learners with healthcare needs which will ensure they experience minimal disruption to their education as a result of these needs. The Council recognises that healthcare issues can affect each learner individually and support from the education setting may have an impact on their quality of life and future chances.

We aim to ensure the following across all Wrexham schools and education settings<sup>1</sup>

- Learners with healthcare needs will be properly supported so that they have full access to education, including trips and physical education.
- Arrangements are in place to consider any wider safeguarding duties while seeking to ensure all learners can access and enjoy the same opportunities.
- All governing bodies and management groups will ensure that arrangements are in place to support their learners with healthcare needs.
- All governing bodies and management groups will ensure that education setting staff consult the relevant professionals, learners and parents to ensure the healthcare needs of their learners are properly understood and effectively supported.

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<sup>1</sup> In this document, the term 'education setting' refers to maintained nursery, primary, secondary and special schools, and pupil referral units (PRUs).

Wrexham County Borough Council is committed to all learners with healthcare needs having access to the full education to which they are entitled. The Council will also give full consideration as to whether learners are defined as disabled under the Equality Act 2010<sup>2</sup>. The Council will advise that governing bodies comply with the duties of this Act, including those within an education context. For example, reasonable adjustments for disabled learners must be made and disabled learners must not be discriminated against when making admission arrangements.

The Council recognises that some learners may have a short-term healthcare need at some point. With appropriate support they should be able to regularly attend and take part in most activities. However, other learners may have significant or long-term healthcare needs which affect their cognitive or physical abilities, their behaviour or their emotional state, and these may require additional and more sustained support.

The Council is committed to ensuring that learners and parents are actively involved in the planning of support and management of their healthcare needs and that they have confidence that the provision is suitable and effective. In doing so, the Council has regard to the principles in the United Nations Convention on the Rights of the Child (UNCRC)<sup>3</sup>.

The Council is fully committed to working in partnership with other relevant agencies to meet the healthcare needs of learners. We recognise that multi-agency arrangements between education settings, healthcare professionals, social care professionals, local authorities, parents and learners are of critical importance, and have consulted fully with relevant partners in the development of this Policy. In doing so, the Council has given regard to its duties as defined in the Wellbeing of Future Generations Act (Wales) 2016.

## **2. LA's legal requirements**

This Policy sets out to ensure that Wrexham County Borough Council meets all of its statutory responsibilities in supporting our schools and education settings to meet the healthcare needs of their learners. The following is the key information considered in the development and implementation of this Policy:

- Section 175 of the Education Act 2002 places a duty on local authorities and governing bodies to make arrangements to ensure their functions are exercised with a view to safeguarding and promoting the welfare of children in school or another place of learning. This includes supporting children with healthcare needs.
- The legal framework and principles of the United Nations Convention on the Rights of the Child (UNCRC).

- Section 19(1) of the Education Act 1996 states that local authorities must make arrangements for the provision of suitable education (at school or otherwise) for children of compulsory school age who may not otherwise receive it for any period due to illness, exclusion from school or otherwise. A local authority must make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting the welfare of children (i.e. those under 18 – see section 175(1) of the Education Act 2002).
- Local authorities in Wales have a duty under section 15 of the Social Services and Well-being (Wales) Act 2014 to provide services in their area with the purpose of preventing or delaying the development of people's needs for care and support and a range of related purposes.
- Local authorities must make arrangements to promote cooperation between various persons and bodies. This includes a health board and NHS trust within the local authority area. The arrangements are to be made with a view to:
  - improving the well-being of children within the area
  - improving the quality of care and support for children provided in the area
  - protecting children who are experiencing or at risk of abuse, neglect and other harm (see section 25 of the Children Act 2004).
- The Education (School Premises) Regulations 1999 S.I. 1999/2 set out requirements (LA responsibility) regarding facilities at maintained schools. These include requirements regarding accommodation for medical examination, treatment of learners and the care of sick or injured learners (regulation 5).
- Disability is a protected characteristic under the Equality Act 2010. Some learners with healthcare needs may be disabled for the purposes of that Act; others may not be. There are various duties under the Equality Act 2010 which are relevant in the context of learners with healthcare needs who are also disabled. Local authorities must prepare and implement an accessibility strategy in relation to schools for which they are the responsible body.
- Local authorities and the governing body of local authority-maintained educational establishments (e.g. maintained schools) are subject to the public sector equality duty. This requires them, in the exercise of their functions, to have due regard to particular matters related to equality (section 149). They are also under specific duties for the purpose of enabling better performance of the public sector equality duty (see the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 S.I.2011/1064).
- The Social Services and Well-being (Wales) Act 2014 ('the 2014 Act') is a single act that brings together local authorities' duties and functions in

relation to improving the well-being of people who need care and support, and carers who need support. The Act provides the statutory framework to deliver the Welsh Government's commitment to integrated social services departments with a strong family orientation.

From a Welsh policy and delivery perspective, the 2014 Act seeks to ensure that care and support provided to young people is delivered in accordance with the principles outlined in the UNCRC.

### **3. Roles and responsibilities**

#### **3.1 The Local Authority:**

The Local Authority will ensure that every education setting has an individual Healthcare Needs Policy in accordance with Welsh Government Guidance <http://learning.gov.wales/resources/browse-all/supporting-learners-with-healthcare-needs/?lang=en>

#### **3.2 The Head of Education:**

Will ensure that all Education staff through the Education's Extended Department Management Team (EDMT) are aware of this policy and its contents, and their associated roles and responsibilities and have easy access to it.

Will ensure through the Inclusion Manager that relevant personnel in Health and Social Care are aware and have easy access to this Policy and contribute to its review.

Will ensure that the Regional School Improvement Service (GwE) is aware of this policy and its content and have easy access to it.

#### **3.3 EDMT:**

Will ensure that key personnel implement the parts of this policy relevant to their roles and responsibilities.

Will ensure that schools make reasonable adjustments to ensure disabled children and young people are not at a substantial disadvantage compared with their peers. Learners will not be disadvantaged when leaving primary school and beginning secondary school. Adjustments will be planned and implemented in advance to prevent any disadvantage. Discussions around the responsibility for provision will not impact on the delivery of service, as delays could be detrimental to the education and well-being of the learner.

Will ensure that all schools are adhering to arrangements in place to promote cooperation between various bodies or persons, with a view to improving, among other things, the well-being of children in relation to their physical and mental health, their education, training and recreation.

Will ensure that all schools involve parents/carers and children and young people as an integral part of this cooperation.

Will ensure schools have appropriate agreements in place for data sharing; for example through multi-agency meetings, collaborative writing of the IHPs led by the relevant Health professional, or sharing of written information through agreed secure portals.

### **3.4 Health and Wellbeing Lead**

Will make reasonable provision of counselling services for young people aged 11–18 and learners in Year 6 of primary school. Within schools, this provision should complement the different approaches already in place to support the health, emotional and social needs of learners

### **3.5 Education Prevention Services Lead**

Will work with education settings to ensure learners with healthcare needs receive a suitable education if their attendance is affected by ill health. Where a learner of compulsory school age cannot receive a suitable education for any period because of their health, the local authority will make arrangements to provide suitable education.

If a learner is over compulsory school age, but under 18, the local authority will consider appropriate arrangements to provide suitable education.

### **3.6 Inclusion Officers**

Will ensure that the provision for those pupils with SEN including health care needs is reviewed regularly as according to the SEN Code of Practice for Wales (2002). [www.wales.gov.uk](http://www.wales.gov.uk). Where the learner has a statement of SEN, the local authority remains responsible for that learner until they are 19 and therefore, this will be implemented through statutory procedures..

### **3.7 Governor Support Officer:**

Will ensure that all Governing Bodies are aware of this Policy and their responsibility to ensure their setting has its own relevant and individual Policy.

Will provide support, advice and guidance, so that governing bodies can ensure the support specified within the individual healthcare plan (IHP) (see 'Section 3: Individual healthcare plans (IHPs)' on page 23) can be delivered effectively by the education setting staff.

Will ensure that Governing bodies make certain that healthcare needs arrangements, both wider education settings' policies and IHPs, are supported by clear communication implemented by the Headteacher with staff, parents and other key stakeholders to ensure full implementation.

Will advise that Governing Bodies ensure that teachers, supply teachers and support staff (this may include catering staff and relevant contractors) should have access to the relevant information, particularly if there is a possibility of

an emergency situation arising. The Local Authority will advise that how this will be done is detailed clearly in the school's own individual Healthcare Needs Policy.

#### **4. Creating Accessible Environments**

Local Authorities and Governing Bodies should ensure their education settings are inclusive and accessible in the fullest sense to learners with healthcare needs. This includes the following:

##### **4.1 Physical access to education setting buildings**

The Local Authority will have a written accessibility strategy for all schools they are responsible for under the Equality Act 2010. The strategy will address:

'improving the physical environments of schools for the purpose of increasing the extent to which disabled learners are able to take advantage of education and benefits, facilities or services provided or offered by the schools' (Schedule 10, Equality Act 2010).

The strategy will be reviewed as appropriate and publicly available. The Local Authority will ensure that each school has its own individual accessibility strategy/plan and this reviewed annually. Any actions following the reviews will need to be raised with the Assets Department (Housing and Economy).

#### **5. Procedures and record keeping for the management of learners' healthcare needs**

The Local Authority will ensure that Governing Bodies will have appropriate procedures and record keeping for the management of learners' healthcare needs, in accordance with the Guidance.

#### **6. Storage, access and administration of medication and devices**

The Local Authority will ensure that Governing Bodies will have appropriate storage, access and administration arrangements, in accordance with the Guidance.

#### **7. Emergency procedures**

The Local Authority will ensure that schools and their Governing Bodies have a policy in place for handling emergency situations. Staff should know who is responsible for the policy, nominated first aiders and how to deal with common healthcare needs.

## **8. Training**

The Local Authority will ensure that Governing Bodies make certain that staff who volunteer or who are contracted to support those with healthcare needs are provided with/access appropriate training delivered by the health professionals. The Local Authority will advise Governing Bodies that their policies clearly set out how many staff will be identified and supported.

## **9. Qualification Examinations and National Curriculum Assessments**

The Local Authority will ensure that schools and Governing Bodies are aware of their responsibilities around examination arrangements in accordance with the Statutory Guidance. <http://learning.gov.wales/resources/browse-all/supporting-learners-with-healthcare-needs/?lang=en>

## **10. Education other than at school (EOTAS)**

This section describes the support available to learners of compulsory school age who, due to their healthcare needs, may not for any period attend a mainstream education setting.

The support learners receive during an episode of illness could be in hospital, a PRU or at home. The Local Authority will adhere to the duty (sections 19(1) and 19(4) of the Education Act 1996) to make arrangements for the provision of suitable education for all children and young people of compulsory school age.

Any learner who is unable to attend their education setting because of their healthcare needs will have their educational needs identified, and receive educational support quickly so they continue to be provided with suitable education. This means education suitable to the age, ability, aptitude of the learner and any special educational needs/additional learning needs (SEN/ALN) they may have.

For learners who are ill for very short periods of time, their education setting will provide appropriate support. However, the Local Authority will take into account the way in which the absence is likely to affect the learner on their return to education. The Local Authority will make arrangements for learners in cases where it is clear that the learner is likely to be absent from school for a significant period of time.

Where absences are anticipated or known in advance, the Local Authority will liaise closely with the school, young person and their family to enable the EOTAS service to be provided from the start of absence.

The Local Authority will take into account any period of education provided in hospital when considering whether it needs to provide EOTAS for a learner and what to provide. The local authority will provide appropriate access to the curriculum, taking into account what is suitable for the learner. It will give particular consideration to learners who are on a course leading to qualifications. Details regarding how this is coordinated will be included within the Authority's EOTAS Policy.

## **11. School transport**

The Local Authority will adhere to its statutory responsibilities in relation to learners travelling to the place where they receive their education or training. For example, depending upon the circumstances, the Local Authority may need to arrange home-to-school transport for a learner, or provide appropriately trained escorts for such journeys to facilitate the attendance of a learner. Information and guidance on this is set out in the *Learner Travel: Statutory Provision and Operational Guidance* (2014) document. Details of how arrangements are included within the Local Authority's Transport Policy. [www.wrexham.gov.uk/english/education/Transport\\_Policy.htm](http://www.wrexham.gov.uk/english/education/Transport_Policy.htm)

## **12. Reviewing policies, arrangements and procedures**

The Local Authority will ensure that both this Policy is reviewed regularly by the Education Management Team, and that the Governing Bodies make certain that all individual policies, arrangements and procedures are reviewed regularly by the education setting.

## **13. Insurance arrangements**

The Local Authority will ensure that Governing bodies of maintained education settings have an appropriate level of insurance in place to reflect the level of risk to cover the setting's activities in supporting learners with healthcare needs. Additional cover may need to be arranged for some activities, e.g. off-site activities for learners with particular needs.

## **14. Complaints procedure**

The Local Authority will ensure that all staff and members of the public have easy access to the policy which is available through the WCBC website. [www.wrexham.gov.uk/complaints](http://www.wrexham.gov.uk/complaints)

The Local Authority will ensure that Governing Bodies publicise their formal complaints procedure<sup>2</sup>, including how complaints can be escalated from

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<sup>2</sup> Section 29 of the Education Act 2002 at [www.legislation.gov.uk/ukpga/2002/32/section/29](http://www.legislation.gov.uk/ukpga/2002/32/section/29)



teacher to headteacher, then to the governing body, and then to the local authority.

If the complaint is Equality Act 2010-/disability related, then consideration of an appeal to the Special Education Needs Tribunal for Wales (SENTW) can be made. Details of this are found on the website [www.sentw.gov.wales](http://www.sentw.gov.wales) .

## **15. Individual healthcare plans (IHPs)**

The Local Authority will ensure that Governing bodies make certain that their healthcare needs policy includes information on who has overall responsibility for the creation, development and review of the IHPs as according to the guidance. The individual educational setting's policy will need state the arrangements for the coordination of information with healthcare professionals, the learner and parents/carers as according to the guidance. <http://learning.gov.wales/resources/browse-all/supporting-learners-with-healthcare-needs/?lang=en>

The Local Authority will ensure that the Governing Bodies make certain that sharing and storing of information complies with the Data Protection Act 1998 and does not breach the privacy rights of or duty of confidence owed to the individuals.

The Local Authority will ensure that Governing Bodies through their individual Healthcare Policies encourage learners when appropriate to take responsibility for managing their own medicines and procedures. This should be reflected within the learner's IHP.

The Local Authority will ensure that Governing Bodies through their individual Healthcare Policies record the administration of medication appropriately as according to the guidance. The operation of such systems will comply with the Data Protection Act 1998.

The Local Authority will ensure that where a learner has an SEN the relevant education, social and healthcare staff are aware that the IHP should be linked or attached to any individual education plan, Statement of SEN, or learning and skills plan.

## **16. Unacceptable practice**

The Local Authority will ensure that all Education staff through Extended Department Management Team (EDMT), Health and Social Care colleagues and the Regional School Improvement Service (GwE) are aware of what unacceptable practice is through access to this policy and the Statutory Guidance. <http://learning.gov.wales/resources/browse-all/supporting-learners-with-healthcare-needs/?lang=en>

The Local Authority deems unacceptable practice to be

- preventing learners from attending an education setting due to their healthcare needs, unless their attending the setting would be likely to cause harm to the learner or others
- preventing learners from easily accessing their inhalers or other medication, and prevent them from taking their medication when and where necessary
- assuming every learner with the same condition requires the same treatment
- ignoring the views of the learner or their parents, or ignore healthcare evidence or opinion (although these views may be queried with additional opinions sought promptly)
- sending learners with healthcare needs home frequently or prevent them from staying for normal activities, including lunch, unless this is suitably specified in their IHP
- sending a learner who becomes ill or needs assistance to a medical room or main office unaccompanied or with someone unable to properly monitor them
- penalising a learner for their attendance record if the absence is related to their healthcare needs. 'Authorised absences' including healthcare appointments, time to travel to hospital or appointment, and recovery time from treatment or illness should not be used to penalise a learner in any way. This includes, but is not limited to, participation in activities, trips or awards which are incentivised around attendance records
- requesting adjustments or additional time for a learner at a late stage. They should be applied for in good time. Consideration should also be given to adjustments or additional time needed in mock examinations or other tests
- preventing learners from drinking, eating or taking toilet or other breaks whenever needed in order to manage their healthcare needs effectively
- requiring parents, or otherwise make them feel obliged, to attend the education setting, trip or other off-site activity to administer medication or provide healthcare support to the learner, including for toileting issues
- expecting or cause a parent to give up work or other commitments because the education setting is failing to support a learner's healthcare needs
- asking a learner to leave the classroom or activity if they need to administer non-personal medication or consume food in line with their health needs
- preventing or create unnecessary barriers to a learner's participation in any aspect of their education, including trips, e.g. by requiring a parent to accompany the learner.

as stated in page 27 of the statutory guidance:

<http://learning.gov.wales/resources/browse-all/supporting-learners-with-healthcare-needs/?lang=en>

The Local Authority will ensure that measures are put in place to prevent unacceptable practice through making all staff aware of the content of this policy and through a range of monitoring and evaluation of the procedures in place.