

# Supporting children and young people with healthcare needs in school

This factsheet explains:

- your child's rights to extra support in school
- how schools, local authorities and NHS Boards should meet your child's healthcare needs
- what you can do if you think your child's healthcare needs are not being met.

## Children's rights to support in school

Under the United Nations Convention on the Rights of the Child (UNCRC)<sup>1</sup>, all children have the right to an education and to have an opinion and for that opinion to be listened to and taken into account.

Under Scottish law<sup>2</sup>, every child of school age has the right to school education.

To get the most from their education, a child may need extra additional support with their learning. A child is said to have "additional support needs" if they are unable to benefit from their school education without help beyond what is normally given to children of the same age.

Children with healthcare needs have the same rights as other children to get additional support with their learning if they need it.

### The Additional Support for Learning Act<sup>3</sup>

Under the ASL Act, the education of a child with additional support needs should "be directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential".

Children identified as having additional support needs have the right to receive "adequate and efficient" support to meet these needs. Additional support may include help with learning but also help to attend and get the most from school.

All children have the right to have their views listened to and be involved in decisions about their support. If your child is aged 12 or over, they have additional rights including the right to ask the school to assess their needs and receive information about those needs. They should also be actively involved in decisions about their support.

You can find more information in **Enquire factsheet: Children's rights to education and additional support**.

<sup>1</sup>United Nations Convention on the Rights of the Child

<sup>2</sup>Standards in Scotland's Schools etc. Act 2000

<sup>3</sup>Education (Additional Support for Learning) (Scotland) Act 2004 as amended

## The Equality Act<sup>4</sup>

Under this Act, it is unlawful for schools or local authorities to discriminate against a pupil for a reason related to a disability. (Ill-health that affects a person's day-to-day functioning may count as a disability under the Equality Act.)

Disabled children are entitled to have an assessment and receive support that is designed to “minimise the effect of the child's disability” and “give those children the opportunity to lead lives which are as normal as possible”.

Schools and local authorities must make “reasonable adjustments” and provide “auxiliary aids and service” to make sure pupils can get the most from school. They must not treat pupils with disabilities less favourably than other pupils. This applies when the child is attending school but also to school activities and trips.

You can find more information in **Enquire factsheet: Additional support for learning and disability rights**.

## Getting it right for every child (GIRFEC)

GIRFEC sets out the principles that all staff supporting children should work to. Under this approach all staff have responsibilities to work together to ensure children's wellbeing.

A standard definition of wellbeing has been developed – that children and young people should be Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included. Staff working with your child should consider their wellbeing when making decisions about the support they need.

<sup>4</sup>The Equality Act 2010

The Children and Young People (Scotland) Act 2014<sup>5</sup> set in law some parts of Getting it right for every child (GIRFEC) including the Child's Plan and the Named Person. For more information about GIRFEC, visit the Scottish Government's website (weblink on page 9 of this factsheet).

## Rights of children missing school due to ill health

Your child has the right to their education even if they are too ill to attend school.

The right to continue learning applies to children with health conditions as well as those who may be too ill to attend school because of an accident, trauma or mental health issues.

You can find more information about this in **Enquire factsheet: When a child can't go to school**.

## Who is responsible for making sure my child has the support they need in school?

By law<sup>6</sup>, local authorities must identify the additional support needs of children whose education they are responsible for and to plan for and provide “adequate and efficient” support to make sure those needs are met.

Other “appropriate agencies” such as NHS Boards must by law help local authorities meet their duties under the ASL Act if they are asked to.

<sup>5</sup>The Children and Young People (Scotland) Act 2014

<sup>6</sup>Standards in Scotland's Schools etc. Act 2000

They must respond to a request for help unless the request conflicts with their own role or legal duties. But if a request for help is refused, it is up to the local authority to make arrangements for support to be put in place, either through negotiation with the NHS Board or by providing the support themselves.

The head teacher of your child's school, in partnership with the local authority and NHS Board, is responsible for making sure your child has the support they need in school. So you should raise any questions or concerns about your child's support with your child's head teacher in the first instance.

Your child's school should have a policy for meeting the healthcare needs of their pupils, which it should share with the family when a child first starts school. This policy should include details of:

- who has overall responsibility for supporting the healthcare needs of pupils
- who is responsible for training the staff responsible for supporting children with healthcare needs and other school staff
- emergency procedures that may be required
- any medicines or medical equipment stored at the school.

The day-to-day responsibility for supporting your child's healthcare needs is likely to lie with school support staff. Depending on your child's needs, this may sometimes include health staff.

The NHS Board area you live in may have a health team that will support your child to be in school (including in a mainstream school).

This team may include health staff such as doctors, nurses, clinical psychologists, speech and language therapists, and occupational therapists or community nurses. The health team should work in partnership with schools to support pupils with healthcare needs, and provide advice and guidance to staff who are supporting them. They should work in line with GIRFEC. The way this service is provided will vary between different NHS and local authority areas.

As a parent, you are responsible for making sure your child attends school if they are well enough to do so. You should provide relevant information to the school about your child's healthcare needs, including any conditions they have and medication they need to take.

## How should my child's school support their healthcare needs?

Children with healthcare needs may need a package of additional support to help them get the most from school. Depending on your child's health issues, the support they need in school might include:

- help to take medication
- help to manage a chronic condition
- a quiet space to rest during the school day
- extra time to finish tasks
- help to use the toilet or perform a medical procedure.

Support may also be needed to avoid emergencies (such as an allergic reaction) or to react quickly and suitably if one occurs.

The law does not say what type or level of support children should receive but sets in place the framework to make sure their individual support needs are met.

Guidance<sup>7</sup> to help schools, local authorities and NHS health boards to support children with healthcare needs states that “the rights, wellbeing, needs and circumstances of the individual child should, at all times, be at the heart of decision-making”.

By law<sup>8</sup>, schools must involve you and your child in decisions about their support.

## **My child is about to start school and already has a health condition. What should happen before they start?**

Children with additional support needs may benefit from additional activities when they are starting or moving pre-school or school. This preparation may include:

- settling-in days
- “meet your teachers” or “care assistant” sessions
- joint meetings between parents, the child, the school and medical staff
- starting with shorter hours to help them settle in.

This can help children and families feel more confident about their new school and about their needs being met.

### **Pre-school**

It may be that your child has already been receiving additional support from the local authority or other suitable agency such as the NHS board. If so, your local authority must gather information and views from professionals working with them at least six months before they are due to start pre-school. At least three months before your child starts pre-school, this information must be shared with you and any other professionals who will be supporting your child. You should be asked if you are happy for this information to be shared.

The pre-school should get in touch with you to discuss the arrangements to support your child. They may suggest holding a meeting to discuss your child’s needs in more detail. Depending on your child’s needs, it can be helpful to have health staff involved in this meeting.

The pre-school may already have considered your child’s needs based on the health information they hold (including your child’s health plan if they have one). They may have started planning for suitable support to be in place.

If this hasn’t happened, get in touch with your health visitor or the pre-school your child is due to attend and ask to discuss your child’s health needs.

### **Primary and secondary school**

If your child is about to start primary or secondary school, the local authority should collect information from all relevant professionals in previous pre-schools or schools and from other services at least 12 months before your child is due to start primary or secondary school.

<sup>7</sup>Supporting children and young people with healthcare needs in schools 2017

<sup>8</sup>Education (Additional Support for Learning) (Scotland) Act 2004 as amended

With your permission, this information should be shared with relevant professionals at least 6 months before school starts.

If this hasn't happened, contact the head teacher at the school your child is planning to attend.

### **Moving on**

If your child is moving to a different school, your child's current school should, with your permission, share information about your child's needs and current support with the school they will be attending.

If your child's new school has not received any information from their previous school, the head teacher should ask for it to be sent as soon as possible.

## **My child is already attending school and has recently been diagnosed with a health condition. What should I do?**

You should ask for a meeting with your child's school as soon as possible to discuss the support your child will need at school.

Depending on your child's needs, it may be helpful to ask the health professionals supporting your child to attend.

When you attend the meeting, take along any information you have that will help the school understand your child's needs. This may include assessment letters, your child's health plan if they have one or leaflets about your child's condition if this is appropriate.

During discussions with your child's school it's important to agree:

- how your child's needs will be met on a day-to-day basis

- procedures if an emergency arises or your child becomes unwell at school, including arrangements for notifying you and any other relevant health professionals
- how all school staff can be made aware of your child's needs and how they should respond in an emergency
- the support your child may need to catch up with their schoolwork or help them back to school if they have missed, or may miss, a lot of school.

It's also important that your child's school thinks about the planning needed to make sure your child can attend school outings and activities. School staff should take account of your child's healthcare needs when planning outings or activities. Risk assessments should be done in advance to make sure adequate support is in place. School staff should also consider what is required if an emergency occurs while your child is taking part in a school activity or on a school outing.

## **How will my child's healthcare support be planned?**

### **Healthcare plan**

Your child may have specialist healthcare plans setting out their treatment and medication. But if their healthcare needs affect their ability to attend school or learn, they should have a school healthcare plan drawn up in partnership with health staff. Whether or not a school healthcare plan is needed should be assessed by a health professional.

This could be a member of the health team, a community paediatrician or children's nurse. You and your child should be involved in drawing up their healthcare plan.

A school healthcare plan should include details of:

- your child's healthcare needs and their impact on your child
- the type and dosage of any medication your child has to take, and storage information
- any side effects your child might experience and how to deal with them
- any healthcare procedures your child requires
- learning support needs resulting from their condition
- who is providing support to your child
- emergency procedures and contacts
- consent to share information
- how often and when the plan should be reviewed.

The plan should also include the name of the person responsible for updating it.

If your child does not have a healthcare plan and you think they should, then speak to the head teacher or a member of the health team about preparing one.

## Learning plans

If the school thinks your child needs additional support with their learning as a result of their health needs, they may suggest preparing an individual educational programme or IEP (in some local authority areas it's called an additional support plan).

The IEP is a detailed plan for your child's learning. It should contain details of your child needs and the support the school will provide. It should also include short-term or long-term targets for your child's learning and how these will be met.

If your child's needs are complex, are likely to last more than a year and require input from staff other than education staff, then the school may suggest opening a co-ordinated support plan (CSP).

A CSP is a detailed plan of how your child's support will be provided. It aims to make sure that all the professionals who are helping your child work together and review your child's progress regularly. A CSP is a legal document. You and your child should be involved in drawing up the CSP.

You have the right to ask the local authority to find out whether your child needs a CSP. If your child is aged 12 or over and has capacity, they can also make this request. Any dispute about the CSP (including whether to open one or the support in it) can be referred to the Additional Support Needs Tribunal.

If your child has a healthcare plan, it should be updated to include details of the support they are receiving in school.

You can find out more about learning plans in the **Enquire factsheet: Planning children's and young people's learning.**

## Child's Plan

In some local authority areas if a child needs extra support or there are concerns about their wellbeing, they may have a Child's Plan. The Child's Plan should include information about services to be provided to meet the care, education and health needs of the child and the responsibilities of professionals involved with the child.

In some cases, a child may have a Child's Plan, a CSP and/or a healthcare plan. If so, the CSP and healthcare plan should form part of the Child's Plan.

## What should happen if my child needs to take medication?

Your school should have a policy outlining the arrangements for supporting children who need to take medication.

The school should discuss with you the best arrangements for them to receive, store and administer medicine for your child. They should ask you for written consent to give your child medicine.

The school must have a named member of staff responsible for making sure your child takes their medication and overseeing its storage. Two adults should be present to check the correct medicine and dosage is given.

It's good practice to encourage children to manage their own health needs, including taking medication. If this is appropriate, your child's capacity to do this should be assessed. If your child is able to take their own medication, the school may carry out a risk assessment to make sure there is no risk to other children if your child keeps their own medicine rather than storing it at school.

If medication is stored at school, all school staff should know how to access it for your child.

You should keep the school up to date with any changes to your child's medication, dosage etc.

It's helpful to tell your child's school about any side-effects your child may experience so they can provide support if needed.

If your child refuses to take medication, the school should contact you immediately. If you cannot be reached, the school should seek advice from the child's GP.

School staff should always contact you or a suitable health professional if they have any doubts about giving medication to your child.

## My child needs specialist support

In Scotland it's assumed that children will be educated in mainstream school unless certain criteria apply<sup>9</sup>. This means children with complex health conditions that require specialist support will often be educated in mainstream settings.

Some children's health needs may require specialist knowledge and skills such as support for any children who may need tube feeding, have a catheter, or who have a tracheostomy tube in place.

Wherever possible, local authorities and NHS boards must plan in advance and work together to make sure arrangements are in place to meet the healthcare needs of the children they are responsible for.

Depending on your child's needs, if they need specialist support in school a member of staff with suitable skills may be employed to support your child, or an existing member of school staff may offer to do this. It's important that **all** staff who may be required to support your child receive suitable training, which may be provided by specialist staff from the health board.

<sup>9</sup>Standards in Scotland's Schools etc. Act 2000

The school should consider arrangements for supporting your child if trained support staff are unavailable or off sick.

Parents or other family members should not be expected to provide healthcare support to their child in school. Sometimes this may be unavoidable, but it should only happen in exceptional circumstances.

Parents may be asked to get involved in giving information or training to staff to help them support a child's healthcare needs.

If no member of school staff is willing or able to support your child, the NHS board and the local authority are responsible for working together to resolve the issue.

There's more detailed information about the use of specific medication in the "Supporting children and young people with healthcare needs in schools" guidance<sup>10</sup>.

## Who should support my child if they need intimate care?

Some children may need help to carry out medical procedures or use the toilet. If so, it should form part of your child's individual healthcare plan. If your child needs help from an adult, it should be someone your child knows and trusts.

Suitable training must be given to any staff who may be asked to provide intimate care.

## What if I think my child's healthcare needs are not being met?

If you are worried that your child has additional support needs, including health needs, that have not been identified, then you can ask for your child to be assessed. You (or your child if they are aged 12 or over) can ask your local authority for a specific assessment including a health assessment. You can do this by putting your request in writing to the local authority.

You can find out more about how to ask for an assessment in the **Enquire factsheet: Assessment**.

If you have concerns about the support your child is receiving, talk to the person responsible for additional support needs in the school. This could be the head of pupil support, the head teacher or deputy head.

If you are keeping your child off school because of your concerns, contact the head teacher as soon as possible and explain why. If your concerns are not urgent, you can raise them at your child's next planning meeting.

If you are not satisfied with the way the school has dealt with your concerns, you can make a formal complaint in writing to the head teacher.

If you have raised your complaint with the head teacher and still have concerns, contact the additional support for learning or quality improvement officer in your local authority. You can find the person to speak to in your local authority on the Enquire website [www.enquire.org.uk/local-authorities](http://www.enquire.org.uk/local-authorities)

<sup>10</sup>Supporting children and young people with healthcare needs in schools 2017



# Are there other ways to resolve disagreements?

## Mediation

Mediation is a voluntary process where an independent mediator helps you and the school or local authority resolve a disagreement or dispute. The mediator helps all those involved work towards an agreement that is acceptable to everyone.

## Independent adjudication

Normally, disagreements will be resolved with the school or the local authority or through mediation. However, if this has failed, you can consider independent adjudication. An adjudicator will formally review all the circumstances surrounding the dispute and will recommend how it should be resolved.

## Additional Support Needs Tribunal (First-tier tribunal)

The Additional Support Needs Tribunal can be used for:

- appeals about children who have or may require a co-ordinated support plan (CSP)
- failure to provide the support in a CSP
- certain placing request refusals
- failure to carry out planning duties for leaving school
- some decisions about children's capacity to use their rights
- cases related to disability discrimination of pupils.

You can find more information about all of the above in **Enquire factsheet: Resolving disagreements**.

# Legislation and guidance

United Nations Convention on the Rights of the Child

Standards in Scotland's Schools etc. Act 2000

Education (Additional Support for Learning) (Scotland) Act 2004 as amended

The Children and Young People (Scotland) Act 2014

The Equality Act 2010

Supporting children and young people with healthcare needs in schools 2017

Guidance on the education of children unable to attend school due to ill health 2015

## Other useful information

Enquire's Parents' guide to additional support for learning

<http://enquire.org.uk/publications/>

Scottish Government website – Getting it right for every child

[www.gov.scot/Topics/People/Young-People/gettingitright](http://www.gov.scot/Topics/People/Young-People/gettingitright)

## Useful organisation

Children's Health Scotland helps families access the best possible healthcare by providing information and resources, support and advice.

[www.childrenshealthscotland.org](http://www.childrenshealthscotland.org)

# ENQUIRE

Helping you understand additional support for learning

Enquire is the Scottish advice service for additional support for learning. We provide independent and impartial advice to parents and carers, to practitioners in education, social work and health services, and to children and young people themselves.

[www.reach.scot](http://www.reach.scot) offers advice to young people struggling at school. With practical tips on what can help and young people sharing their views and experiences on all sorts of life issues, Reach offers the 'go-to' source of advice to help pupils make the most of their education.

## Contact details

Enquire, Children in Scotland, Level 1, Rosebery House,  
9 Haymarket Terrace, Edinburgh EH12 5EZ

Helpline: **0345 123 2303**  
(Access to interpreters through Language Line)

Office: 0131 313 8800

Email: [info@enquire.org.uk](mailto:info@enquire.org.uk)

[www.enquire.org.uk](http://www.enquire.org.uk)

Enquire factsheet: Supporting children and young people with healthcare needs in school © Enquire June 2018

This factsheet was written in partnership with **Children's Health Scotland**.



With thanks to staff at NHS Forth Valley for their advice and input in compiling this factsheet.

This factsheet has been awarded the Clear English Standard.



Enquire is managed by Children in Scotland and funded by the Scottish Government