

EARLY YEARS AND CHILDCARE

Inclusion Support – Providing personal care in school and legislative duty

This guidance is provided to ensure schools are compliant with legislation and follow recommended best practice for children in their care that require personal care.

Are schools obliged to admit children who are not toilet trained?

A delay in achieving continence can be considered a disability.

Schools must not discriminate against or disadvantage disabled children or those with special educational needs who are not toilet trained on entry to school. This is in line with the **Equality Act 2010** which states that a person has a disability if they have a physical or mental impairment, which has a substantial and long term adverse effect on that person's ability to carry out day to day activities.

It is therefore not acceptable to refuse admission to school to children who are not yet toilet trained.

The Children and Families Act, September 2014, places a statutory duty on schools to make arrangements to support pupils with medical conditions, in terms of both physical and mental health. Medical conditions include bladder and bowel problems.

If a continence issue has been identified and will not be resolved before the child starts school (whether related to toilet training or not), the child cannot be refused entry to the school.

Schools therefore can't turn away children that aren't continent, but must work to support children in the school environment so they can play an active role in school life, remain healthy and achieve their academic potential.

Should two adults to be present when changing a child's nappy?

There is no written legal requirement for two members of staff to be present when a child is being changed.

The normal process of assisting with personal care, such as changing a nappy should not raise child protection concerns. All schools have a duty to ensure staff are employed following safer recruitment processes including a clear enhance DBS check and upon the receipt of suitable written reference. Staff should never be allowed unsupervised access to children until such time all safeguarding checks are completed.

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Staff who are going to help a child with intimate care should make sure another member of staff is aware of their intentions and is in the vicinity and visible or audible (see page 14 of the '**Guidance for safer working practice for those working with children and young people in education settings**', 2015).

Should schools ask parents to come into school to change their child?

Although school staff should use their discretion and judge each case on its merits with reference to a child's individual healthcare plan, it is not generally acceptable practice to request parents to come into school in order to change their child after they have wet or soiled themselves on a regular basis. The school should put in place provision which includes an intimate care policy and a nappy changing routine to meet the child's needs, in line with the **Equality Act 2010**, without relying on parents to deliver this.

School governing bodies should ensure that school leaders consult health and social care professionals, pupils and parents to ensure the needs of children that aren't toilet trained are effectively supported.

Appropriate changing facilities must be made available:

The Convention on the Rights of Child states that all children are entitled to privacy (article 16), therefore to ensure the child's dignity is maintained appropriate facilities must be made available for nappy changing. Best practice would be a disabled toilet with changing mat, rather than pupil toilets and children should only be changed in a designated changing area. Schools must ensure any arrangements available for changing children in nappies are suitable and hygienic and that the area is clean, warm and safe. **The Convention on the Rights of Child** also states that all children are entitled to good quality health care (article 24) and that those children who have any kind of disability have the right to special care and support so that they can live full and independent lives (article 23). **The Equalities Act of 2010** states that children must not be discriminated against by not making reasonable adjustments or refusing to admit.