

## **The Educational Institute of Scotland**

# **Additional Support Needs: Advice on the Roles and Responsibilities of Class Teachers**

### **Introduction**

- 1.1 The 2010 Annual General Meeting approved the following resolution:

*"This AGM instructs Council to provide clear and detailed advice to all members in relation to the roles and responsibilities expected of class teachers in relation to additional support needs".*

- 1.2 The term "additional support needs" has a broad application and can apply to any pupil or student where, for whatever reason, that person requires additional support on a temporary or permanent basis.
- 1.3 The Scottish Government's Code of Practice sets out examples of factors which may give rise to additional support needs and this Code extends to learning environment, family circumstances, disability or health needs and social and emotional factors.
- 1.4 The needs may be set out in a Coordinated Support Plan or an individual education plan.
- 1.5 In addition to the issues arising from the ASN Act there are requirements placed on teachers arising from Getting it Right for Every Child (GIRFEC) which requires coordination across a number of agencies involved with individual children.
- 1.6 In this paper the roles and responsibilities expected of class teachers in relation to pupils with ASN are defined as follows: (i) delivering the curriculum, (ii) the administration of medicines and (iii) managing disruptive behaviour.

### **Delivering the Curriculum**

- 2.1 The main duties of teachers are set out in the SNCT Handbook, Part 2, Section 2 and is appended.
- 2.2 Any requirements of teachers in relation to ASN must be circumscribed by teachers' duties and working hours as set out in the SNCT Handbook.
- 2.3 It is recognised that providing education programmes for individual pupils will bring additional workload pressure but such pressures require to be provided for within a school's Working Time Agreement.

## Administration of Medicines

3.1 Where pupils with ASN require medicine to be administered members are reminded of extant EIS policy. The following is extracted from EIS policy.

"A significant number of pupils are now attending schools with a range of conditions eg diabetes, allergic anaphylaxis, asthma and epilepsy which may, under certain circumstances, require the emergency administration of drugs in order to avoid any danger to life. The EIS, therefore, offers the following advice to all members in schools regarding the administration of drugs and medicines to pupils.

- (a) That the prime responsibility for ensuring that medication is administered to school pupils lies with the parents and appropriate health authority services. It is the case, however, that it is a duty of an education authority to co-operate with health authorities in the provision of health treatment.
- (b) The administration of drugs to pupils is not a teacher's duty and should not be undertaken other than on a voluntary basis.
- (c) It is the advice of the Institute that teachers should not volunteer to administer drugs to pupils except in the following circumstances:
  - (i) to provide cover for the emergency administration of a drug in a potentially life-threatening situation. In addition teachers should not supervise the routine taking of any medicine by the pupil without the express consent of both the parent and the education authority which should be included in a formal document or formal agreement;
  - (ii) a teacher who agrees to volunteer to administer drugs in an emergency situation must be given full training by the relevant health authority and that this training must be updated on at least an annual basis. It is also recommended that the health authority provides formal certification for all staff concerned to include all basic training and refresher/update courses and the date(s) of completion;
  - (iii) the education authority must provide every volunteer teacher with a formal statement of indemnification signed both by the teacher and a representative of the education authority. The following wording would constitute an acceptable formal statement of indemnification:

"The Council fully indemnifies its staff against claims for alleged negligence, providing they are acting within the scope of their employment, have been provided with adequate training, and are following the education authority's guidelines. For the purposes of indemnity, the

administration of medicines falls within this definition and hence the staff can be reassured about the protection their employer provides. The indemnity would cover the consequences that might arise where an incorrect dose is inadvertently given or where the administration is overlooked. In practice indemnity means the Council and not the employee will meet the cost of damages should a claim for alleged negligence be successful. It is very rare for school staff to be sued for negligence and instead the action will usually be between the parent and employer.”

## **Managing Disruptive Behaviour**

- 4.1 Institute policy relating to challenging behaviour, violence and physical restraint has been set out in a number of policy papers and a summary document has been issued to Local Association Secretaries and has been placed on our website.
- 4.2 The right to exclude a pupil from school derives from Regulation 4 of the Schools General (Scotland) Regulations 1975 as amended. The right to exclude is devolved to Headteachers by Councils.
- 4.3 School exclusion of a pupil with ASN may involve consultation with other professionals. Under the Equality Act 2010 a school may discriminate against a pupil if that pupil is excluded by reason of a protected act. It may be a reasonable adjustment not to exclude.
- 4.4 However, in every circumstance, teachers are entitled to a safe place of work and risk assessments should be considered to assess the risk from any pupil who is violent or abusive. Additionally, EIS Policy advises members who are subject to violence to report such violent incidents to the police. In the final resort the EIS reserves its position on advising members not to teach a child who is violent or abusive.

## **Conclusion**

- 5.1 This paper should be forwarded to Local Association Secretaries.