

ATL ADVICE



Personal Care of Pupils

This factsheet aims to clarify your rights and responsibilities related to toilet-related care of pupils.

Some education staff have the duty of administering personal care - such as helping pupils who are wet or who soil themselves in class to change their clothes - written into their job descriptions or employment contracts. Such staff may have been employed with the specific requirement that they administer personal care to a child with special needs; or they may work in an early years setting, where 'accidents' will happen, and the staff are expected to help a child clean up and change their clothes.

However, under no circumstances should staff be expected to potty-train children. ATL members are reporting an increasing number of four- and five-year-olds starting school without having been potty-trained. Where this occurs, members should report the matter to their line manager, and the school should then take appropriate action.

Members may find, because of a staffing change or the arrival of new children, that the school may try to force them to undertake personal care on a regular basis.

However, if there is nothing in your job description or contract of employment about administering personal care, then there must not be an assumption that you will undertake these duties. Indeed, like all changes to job descriptions and employment contracts, negotiation with, and the agreement of, the staff member is required to make such a change.

In 'one-off' circumstances, staff who assist pupils in changing should be treated as volunteers, and ATL members should make it clear to their manager that they are assisting pupils as volunteers, and that their actions should not be regarded as creating a contractual obligation. The same principle applies to those who administer medication to pupils. See our advice on this at www.atl.org.uk/medication.

Additionally, there are certain circumstances where the direction to change a child can become complicated. For example, there are particular challenges when changing a teenager, perhaps with specific medical and/or behavioural concerns. In these circumstances, we would expect the school to seek the services of someone with specific expertise and experience in this area.

A common misunderstanding in this and other situations at work is that the generalised clause which appears at the end of nearly all job descriptions (eg 'the post-holder is required to carry out any other reasonable request by management') entitles employers to instruct employees to carry out any duty deemed necessary, or to make permanent changes to a particular job. This is incorrect. Such a clause is meant to deal with occasions where it may be necessary to act outside of the terms of the job description, perhaps by undertaking work of a higher or lower grade. It does not give managers *carte blanche* to impose fundamental changes to someone's job description, such as administering personal care to pupils. Clearly, there is room here for differences of opinion between management and staff regarding what is a 'reasonable' direction. If you are at all uncertain, contact ATL for guidance.

Support from the school

If there is a contractual requirement or someone agrees to help a pupil change clothes voluntarily then there are several things that schools are required to do:

- Obtain written permission from all parents that they accept such a procedure.
- Have a clear policy, understood and accepted by staff, parents and pupils, that provides an agreed basis for ensuring pupils receive proper personal care and support when at school.

- Provide appropriate information and training for staff on issues such as personal hygiene, and provide clear written guidelines on how pupils should be assisted at such times.
- Ensure that when pupils are helped to change clothes, there is more than one adult present, who should preferably be of the same sex as the pupil.
- Be aware of, and comply with, appropriate health and safety procedures and risk assessment.
- Provide protective clothing, eg plastic gloves/aprons.
- Ensure that insurance policies provide appropriate cover.
- Consult with social services departments before changing pupils who are on the child protection register or whenever any social services children's teams are involved.
- Seek advice on potential health issues from NHS Trusts, which provide a school health service.

For pupils with special educational needs where more general development delay and learning difficulties maybe involved, schools should take into account the specific needs of individual pupils and ensure that staff are aware of these.

See also

- Administering medication to pupils (health and safety): www.atl.org.uk/medication.



Need advice?

Your first point of contact is the ATL rep in your school/college. Your local ATL branch/district is also available to help, or you can contact ATL's member advisers on 020 7930 6441, email info@atl.org.uk. Don't forget there's lots more advice on ATL's website at www.atl.org.uk.

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