

Toileting issues (intimate care) in schools and nurseries

What is intimate care?

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Intimate care is any care which involves washing, touching or carrying out a procedure to private parts of the body. It might include helping with washing, toileting and dressing or continence care or menstrual management.

To meet their responsibilities under Disability Discrimination legislation, schools and nurseries must make 'reasonable adjustments' to avoid disabled learners being put at a substantial disadvantage to their non-disabled peers. Providing intimate care **counts as a reasonable adjustment** for children and young people who are not toilet trained, not able to use a toilet independently, or need other help with intimate tasks. This is because failing to do so would infringe upon those learners' rights to access education due to a disability, under the [Equality Act 2010](#).

Headteachers and managers should refer to this guidance to ensure that intimate care needs are managed appropriately and sensitively.



The following are key points from the statutory guidance and suggested best practice

- ▶ Asking the parents of a disabled child to attend school to change them is likely to be in breach of the Equality Act 2010.
- ▶ Staff should not knowingly leave a child in wet or soiled clothing as this is neglectful and could be seen as abuse.
- ▶ It is not acceptable for school to suggest that a learner goes back into disposable continence containment products (nappies or disposable pants) as a means of managing any incontinence episodes.
- ▶ There are no regulations requiring more than one person, employed by a school, to be present to support a child with changing, or to assist them with toileting. The exception would be for moving and handling purposes or other sound reasons which should be documented.
- ▶ It is advisable that a written care plan is drawn up to identify the child's individual needs, information and example provided.

Download our Intimate Care Plan:

[Paper Version](#)

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- ▶ Staff should keep a written record of drinks, toilet visits and any accidents as this will help monitor progress and inform any adjustments to the toileting programme that may be required.

What is the legal framework?

Policies need to have due regard to statutory legislation, including, but not limited to, the following:

- ▶ Equality Act 2010
www.gov.uk/guidance/equality-act-2010-guidance
- ▶ Safeguarding Vulnerable Groups Act 2006
www.legislation.gov.uk/ukpga/2006/47/contents
- ▶ Childcare Act 2006
www.legislation.gov.uk/ukpga/2006/21/pdfs/ukpga_20060021_en.pdf
- ▶ Education Act 2011
www.legislation.gov.uk/ukpga/2011/21/contents/enacted/data.htm

Relevant Guidance

- ▶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf
- ▶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803956/supporting-pupils-at-school-with-medical-conditions.pdf
- ▶ <https://theeducationalliance.org.uk/wp-content/uploads/Intimate-Care-Policy.pdf>
- ▶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

Guidance specific for devolved nations

- ▶ Scotland
www.glenurquhartprimary.org.uk/wp-content/uploads/2016/11/IntimateCarePolicy-GUPS-Updated-Nov-2017.pdf
www.gov.scot/policies/girfec/
- ▶ Northern Ireland
www.health-ni.gov.uk/publications/intimate-care-policy-and-guidelines-regrading-children
www.niassembly.gov.uk/globalassets/documents/raise/publications/2017-2022/2021/education/1121.pdf
- ▶ Wales
www.gov.wales/supporting-learners-healthcare-needs-1

Further reading

- ▶ www.bbuk.org.uk/wp-content/uploads/2021/01/Managing-Continence-Problems-in-Schools-2019-.pdf



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