

# Giving medication to children in registered childcare

A childcare factsheet

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The Childcare Act 2006 says childcare is 'any form of care for a child including education or any other supervised activity'.

Most childcare providers caring for children under eight years old must register with Ofsted unless the law says they do not need to.

We register childcare providers on the following two registers.

- The Early Years Register
- The Childcare Register

Introductory reading is in *Registering childcare providers from September 2008*, which is on our website ([www.ofsted.gov.uk/publications/080043](http://www.ofsted.gov.uk/publications/080043)).

## Introduction

This factsheet explains our understanding of the legal requirements for giving medication to children in registered childcare.

## The requirements

### The Early Years Register

Providers on the Early Years Register must meet the legal requirements set out in the *Statutory Framework for the Early Years Foundation Stage* (EYFS) ([www.standards.dcsf.gov.uk/eyfs/site/resource/pdfs.htm](http://www.standards.dcsf.gov.uk/eyfs/site/resource/pdfs.htm)). There are three legal requirements that apply to all providers about giving medication to children. As a provider you must:

- have, and put into practice, an effective policy on giving medicines to children in your setting, which must include effective systems to support children with medical needs
- keep written records of all medicines you give to children, and tell parents about these records; and

- get written permission from parents for every medicine before you give any medication.

### **'Prescribe' and 'prescription'**

You must take account of the guidance set out in the *Statutory Framework...* This states that 'medicines must not usually be administered unless they have been prescribed for that child by a doctor, dentist, nurse or pharmacist'.

When we use the word 'prescribe' we mean medicine that is recommended.

When we use the word 'prescription' we mean written instructions from a doctor or dentist.

Most pharmacists cannot write prescriptions and can only prepare the medicine as instructed by a doctor or dentist. However, they can recommend (prescribe) over-the-counter medicines such as teething gels, when children are teething, or painkillers, when children have a temperature.

Recent changes in the law mean that qualified nurse independent prescribers, and pharmacist independent prescribers, can prescribe any licensed medicine for any medical condition they have been trained to specialise in. For nurses, this includes some controlled drugs.

So, you can give medication that is recommended by a pharmacist or nurse without a written prescription, as well as any medication prescribed by a doctor, dentist or an appropriately qualified pharmacist or nurse.

### **Over-the-counter medication**

The legal guidance allows you to give over-the-counter medication such as pain and fever relief or teething gel. However, you must get written permission beforehand from parents. And, you must follow the same recording procedures as those for prescribed medication.

You must only give medication when asked to do so by a parent and if there is an accepted health reason to do so.

The *Statutory Framework...* recommends that children under 16 should never be given medicines containing aspirin unless a doctor has prescribed that medicine for that child. You should make this clear to parents and take account of this when putting in place your medication policy.

If you already have written permission to give a particular over-the-counter medication to a child, and you need to, you do not have to get written permission every time you give it. However, you may consider it good practice to ask the parent to sign the written record, which you must complete, to confirm that you have told

them that you gave the agreed medication. This will allow you to prove you have let parents know that you gave the medication, as shown in the *Statutory Framework...*

## **The Childcare Register**

Providers on the Childcare Register, apart from home childcarers, must keep a written record of any medicine given to a child for whom childcare is provided. This includes:

- the details of the product and the date you gave it;
- the name of the person who gave the medicine and the circumstances; and
- a record of the parents' permission — or a carer, if the parent has identified another person.

There is no guidance relating to whether the medication is prescribed or not as long as you keep a written record.

## **Frequently asked questions**

### **What written policies on giving medication do I need to keep?**

If you are a childminder and only registered on the Early Years Register, you do not have to keep written policies and procedures. However, you must still have a policy and procedure in place, but not necessarily in writing, for giving medication. You must keep written records of any medication you do give. You must make sure that any assistants you have know about the policy and procedures for giving medication and that you can clearly explain these procedures to parents and others as and when asked.

All other types of childcare providers on the Early Years Register on domestic and non-domestic premises must have a written policy on giving medication, which parents can read if they ask.

If you are registered on the Childcare Register you must meet the requirements set out in the related regulations. You do not have to have a policy on giving medication, but you must keep a record of any medicine or product (such as creams) given to children for whom you provide care. If you care for children at home, you do not need to keep a written record of medicines given.

### **If I need a policy for giving medication, what should it include?**

You will need to decide what prescribed medication, if any, you will give and to make sure that parents understand your policy on giving medication. The Early Years Foundation Stage does not specifically say you have to give medicine to children.

When deciding what to include in your policy, you should make sure that you meet any legal requirement and consider if your policy promotes the good health of all the children you care for. You should also consider if your policy reflects procedures for:

- who will give any medication
- how you store medication
- recording how you give medication, and
- training staff if there is a specific medical need.

It should include the steps you will take if a child becomes ill or has a long-term medical condition.

### **What if I have a policy not to give medication?**

If you do not want to give medication, you will need to consider what other measures you would need to take when children are in pain, have a long-term medical condition or otherwise need medication. You will need to show that these other measures do not discriminate and promote the good health of children. You must also make sure you make your policies clear to parents.

### **Can I just get permission once from parents to cover giving any medication?**

If a parent or carer wants you to give their child medicine, you must get the parent's or carer's written permission and instructions showing the dose, how often it is given and so on.

This applies to each and every medicine a parent wants you to give.

It does not apply to every time you give the medication. For example, you will need permission at the start of a course of antibiotics, but not for every time you give each dose of the antibiotic during the course of the treatment. You should keep this information in a safe place.

### **What happens if I am on both registers?**

If you are registered on both registers and the requirements are different between the two, you must meet all requirements for both registers. One set of requirements is not more important than the other.

## More information from Ofsted

There is more information about registration on our website ([www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare](http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare)). If you are not sure whether you have to register for childcare on domestic premises, please contact us on 08456 404040.

There is more information on the requirements for registration on the Early Years Register in the *Guide to registration on the Early Years Register: childcare providers on non-domestic or domestic premises* ([www.ofsted.gov.uk/publications/080017](http://www.ofsted.gov.uk/publications/080017)) and on the Childcare Register in the *Guide to registration on the Childcare Register* ([www.ofsted.gov.uk/publications/080032](http://www.ofsted.gov.uk/publications/080032)).

Some childcare providers don't need to register their services and you can find out about the circumstances where providers do not have to register in our childcare factsheet: *Registration not required* ([www.ofsted.gov.uk/publications/080134](http://www.ofsted.gov.uk/publications/080134)). This is also part of the *Guide to registration on the Childcare Register* ([www.ofsted.gov.uk/publications/080032](http://www.ofsted.gov.uk/publications/080032)).

The law that sets out our responsibilities is the Childcare Act 2006 and linked regulations. The specific order setting out exemptions from compulsory registration is the Childcare (Exemptions from Registration) Order 2008 (2008 No. 979) ([www.opsi.gov.uk/si/si2008/uksi\\_20080979\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20080979_en_1)). The references to regulations and our policy on registration and inspection are included in our *Framework for the regulation of those on the Early Years and Childcare Registers* ([www.ofsted.gov.uk/publications/080024](http://www.ofsted.gov.uk/publications/080024)).

## Further information

Your local family information service (FIS) will help you. You can get their contact details from [www.familyinformationservices.org.uk/index.php?option=com\\_comprofiler&task=userslist&listid=7&Itemid=72](http://www.familyinformationservices.org.uk/index.php?option=com_comprofiler&task=userslist&listid=7&Itemid=72), or from your telephone directory.

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects registered childcare and children's social care, including adoption and fostering agencies, residential schools, family centres and homes for children. It also inspects all state-maintained schools, non-association independent schools, pupil referral units, further education, initial teacher education, and publicly funded adult skills and employment-based training, the Children and Family Court Advisory Support Service (Cafcass), and the overall level of services for children in local authority areas.

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Alexandra House  
33 Kingsway  
London WC2B 6SE

T: 08456 404040  
E: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
W: [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

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