



# Regulation 40 Notifications

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# CHILDREN'S HOME REGULATIONS 2015



## **Notification of a serious event - Reg. 40**

**(1)** If a child dies, the registered person must without delay notify:

(a) HMCI; (b) the placing authority; (c) the Secretary of State (if the Secretary of State is not the placing authority); (d) the local authority in whose area the children's home is located (if that local authority is not the placing authority); (e) the clinical commissioning group (as defined in section 14D of the National Health Service Act 2006) for the area in which the home is located; (f) If the child was accommodated in a secure children's home, the Prisons and Probation Ombudsman for England and Wales ("the PPO"); and (g) each other relevant person.

**(2)** *Regards secure children's homes*

**(3)** If there is a referral of a person working in the home pursuant to section 35 (Regulated activity providers: duty to refer) of the Safeguarding Vulnerable Groups Act 2006(1), the registered person must without delay notify—

(a) HMCI;  
(b) the placing authority; and  
(c) each other relevant person.

(4) The registered person must notify HMCI and each other relevant person **without delay** if—

- (a) a child is involved in or subject to, or is suspected of being involved in or subject to, **sexual exploitation**;
- (b) an incident requiring **police involvement** occurs in relation to a child which the registered person **considers to be serious**;
- (c) there is an **allegation of abuse** against the home or a person working there;
- (d) a **child protection enquiry** involving a child —
  - (i) is instigated; or
  - (ii) concludes (in which case, the notification must include the outcome of the child protection enquiry); or
- (e) there is **any other incident** relating to a child which the registered person **considers to be serious**.

(5) A notification made under this regulation (a) must include details of—

- (i) the matter;
- (ii) the other persons, bodies or organisations (if any) who or which have been notified;

and

- (iii) any actions taken by the registered person as a result of the matter;

(b) must be made or confirmed in writing.

# GUIDE TO THE QUALITY STANDARDS 2015



## Notification of serious events (Guide to the Standards)

- 14.9 Regulation 40(1) and (3) require the registered person to notify a specified list of people in the event of the death of a child, or if there is a referral of an individual working in the home in accordance with section 35 of the Safeguarding Vulnerable Groups Act 2006. In addition, the registered person must notify other relevant persons— this may include other professionals, services, organisations, agencies or establishments who are or have been involved in the child's care. It is for the registered person to judge who else it is appropriate to notify depending on the individual circumstances of the incident.
- 14.10 Regulation 40(4) requires the registered person to notify Ofsted and other relevant persons if one of the situations specified in regulation 40(4)(a)-(d) occurs, or if there is an incident relating to the protection, safeguarding or welfare of a child living in the home ***which the registered person considers to be serious*** (40(4)(e)).
- 14.11 Examples of incidents that are likely to be considered serious affecting the welfare of a child include: a child being the victim or perpetrator of a **serious assault**; a **serious illness or accident**; a **serious incident of self-harm**, or **serious concerns over a child's missing behaviour**, particularly where the child is considered to be at grave risk due to age or vulnerability or where they have been missing for a **considerable period of time and their whereabouts is unknown**. This is not an exhaustive list and homes must assess each case individually taking into account any patterns of behaviour or unusual behaviour which may indicate an increased risk to the child. Homes should also **consider the frequency of incidents and judge whether their cumulative effect makes notification appropriate** even if in isolation each event would not warrant this.

14.12 It is for the **registered person to judge whether the incident is sufficiently serious** to make formal notifications and, if it is, which other relevant persons may be notified, for example, the police, probation service, health professionals, the local authority for the area the home is located in (if this is not the child's placing authority) and others involved with the care or protection of the child.

14.13 The registered person should have a system in place so that all serious events are notified, **within 24 hours**, to the appropriate people. The system should **cover the action that should be followed if the event arises at the weekend or on a public holiday**. Notification must include **details of the action taken by the home's staff in response** to the event.

14.14 The **home's record of the event must include a description of the action taken and the outcome** of any resulting investigation. Following a notifiable event under regulation 40 **the home should contact the placing authority** to discuss the need for further action.

# THE SOCIAL CARE COMMON INSPECTION FRAMEWORK



# The SCCIF – Regulation 40

- Registered persons (providers and managers) must notify Ofsted without delay about specific events and incidents as set out in regulation 40.
- Online forms and further guidance about notifications are available. Providers should always seek advice from their link inspector about individual cases if they are uncertain how to proceed. If a provider is notifying where regulation 40 does not require it, inspectors should discuss this with the provider at the inspection.
- When the inspector determines that the provider has taken effective action, they should record this on the inspection database. If the inspector identifies issues that give them cause for concern about the welfare of children, they should ask for evidence that shows what has been done to help and protect the child. If notifications are incomplete, the inspector should always contact the home to ask for more information.
- Whenever there are concerns about the safety or welfare of a child, the inspector must contact the home's manager so that Ofsted is fully aware of the actions being taken by the home, the placing authority and other relevant parties (such as the host authority and police) to promote and safeguard the welfare of the child. Managers and staff should take into account the appropriate parts of the statutory guidance outlined in *Working together to safeguard children* (2018).
- If the inspector has any concern about the practice of either the placing or host local authority, this is managed in line with Ofsted's safeguarding policy. The DCS must be notified immediately of the concerns so that they can review the situation. This information also informs planning for any forthcoming local authority inspection.
- Providers are required to notify Ofsted of the outcome of any child protection enquiry in line with regulations and statutory guidance. If the inspector requires an update on the progress of an investigation, the provider must send it via email and not via the notification system.
- For multi-building children's homes, providers should make it clear on the notification form which building the incident took place in, or which building the child lives in if the incident relates to a specific child..

WHAT DO WE  
CONSIDER TO BE  
SERIOUS?



# What do Ofsted consider serious...?

The Oxford English Dictionary defines 'serious' as: '**significant or worrying because of possible danger or risk; not slight or negligible**'.

The line between what is serious, and what is not, can be blurred and is always a matter of judgement. It depends on many **factors, including age of the child, frequency of the incident, injuries sustained, any additional needs the child has, the context of the home** and so on.

In some instances, **the cumulative effect of frequent incidents** may make a notification appropriate even if in isolation we would not normally consider them significant.



**Serious illness or accident would include matters such as broken bones, when a child loses consciousness or situations that require admittance to hospital for more than 24 hours and medication errors knife/weapon**

They receive the highest volume of notifications when:

- an incident requiring police involvement occurs in relation to a child which the registered person considers to be serious
- there is any other incident relating to a child which the registered person considers to be serious

Police involvement does not mean police have been informed of an incident.

Involvement implies that they are **actively doing something** concerning the incident, for example making an arrest or taking witness statements. We do not need to be notified, for example, that police have been informed that a child has gone missing, even if the police are helping staff look for the child.

<https://www.gov.uk/guidance/what-ofsted-means-by-a-serious-incident>

# WHAT MAKES FOR A GOOD ACCOUNT?



# Case recording standards

- Use of initials for children and young people
- Objective
- Short and concise
- Views of young people included in “speechmarks”
- Language that cares
- No assumptions
- Factual
- Non-judgemental
- Question & answer
- Relational and child-centred
- Safeguarding is paramount



**“TELL US ANY ACTIONS YOU  
WILL TAKE TO HELP PREVENT  
THIS TYPE OF INCIDENT  
HAPPENING AGAIN”**



# Annual Notification data from Ofsted - 1.04.23 – 31.03.24

Notification reason	Notification group	Number of notifications	Percentage of notifications	Number of providers
Incident requiring police involvement	Police called	9,337	27%	2,284
Allegation of abuse against the home or a person working there	Allegation/complaint	4,698	14%	1,784
Child protection enquiry instigated	Child protection enquiry	754	2%	498
Involvement or suspected involvement in sexual exploitation	Sexual exploitation	535	1%	356
Serious concerns over a missing child	Missing	500	1%	276
Child protection enquiry outcome	Child protection enquiry	241	1%	169
Serious incident of self-harm by a child	Self-harm	112	<1%	81
Serious illness or accident	Accident/illness	108	<1%	82
Section 35 referral of an adult or provision of information to DBS	Section 35 referral of an adult or provision of information to DBS	100	<1%	87
Child has been a perpetrator/victim of serious assault	Assault	26	<1%	26
Death of a child	Death	19	<1%	12
Other incident relating to a child which the registered person considers to be serious	Other	18,051	52%	2,982
<b>Total</b>		<b>34,481</b>	<b>100%</b>	<b>3,277</b>