

Notifiable Events – Regulation 40 Walsall residential services local guidance

A guide to the completion and submission of regulation 40 notifications to Ofsted. [The Children's Homes Regulations 2015 and The Quality Standards 2015](#) offers the following requirements under regulation 40.

This chapter was added to the manual in February 2016.

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1. Notification of Serious Events

Regulation 40 requires 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 pursuant to section 35 of the [Safeguarding Vulnerable Groups Act 2006](#). In addition, the registered person should notify other relevant persons (or ensure that they are notified) – this may include other professionals, services, organisations, agencies or establishments who 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.

For all other serious events, it is for the home to judge whether the event is sufficiently serious to make formal notifications and, if it is, who they should notify. Examples of incidents that are likely to be considered a serious event affecting the welfare of a child include: a child going missing; sexual exploitation; a serious assault; a serious illness or accident; an allegation that a child has committed a serious offence; a serious incident where the police have been called to the home; a serious incident of self-harm; or a child protection referral to the local authority. This is not an exhaustive list and homes must assess each case individually.

Where the home judges that the event is sufficiently serious for formal notifications, the relevant persons who should be notified are likely to include Ofsted and the placing authority. They may also include the police, probation provider, health professionals and others involved with the care or protection of the child and the local authority for the area the home is located in (if this is not the child's placing authority). Homes should consider the frequency of events and judge whether their cumulative effect makes notification appropriate even if in isolation each event would not warrant this (see **Appendix 2: Regulation 40 - Serious Events**).

The registered person must have a system in place so that all serious events are notified, within 24 hours, to the appropriate people. The system must 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. (see appendix 1)

The home's record of the event (see **Appendix 3: Homes Record of Events**) must include a description of the action taken and the outcome of any resulting investigation. Following a notifiable event under regulation 42, the home should contact the placing authority to discuss the need for further action.

[The Children Act 1989 Guidance and Regulations Volume 5: Children's Homes](#) (as amended), refers at 2.76 to '....any 'notifiable event' takes place the registered person shall, without delay, notify the appropriate people listed in (Regulation 40).

Summary

The guidance and regulations that are available with regard to the notification of significant events tells us clearly:

1. What a significant event is;
2. Who we should inform about the occurrence of a significant event;
3. What we should tell them;
4. How long we have to tell them of the occurrence.

2. Walsall Children's Residential Guidance

Immediate actions

- If an event takes place, the safety of the children and staff on duty should be the paramount concern. Once this is achieved, there should be consideration given as to whether the event is significant enough to require notification under regulation 40. This determination can be made following discussion with member of the management team (i.e. Registered Manager, Care Manager, Service Manager or above). Consultation with the child's social worker should also be considered;

- If the event takes place at the weekend or during a public holiday, the same principles will always apply and the determination will be made through the manager on call, possibly in consultation with the emergency response service;
- The discussion with managers should identify who is responsible for making the notification to the appropriate body (within the 24 hour time limit if not sooner). This will usually be a manager. Consideration must also be given to the need for other people to be notified (e.g. parents where appropriate) Records of these discussions must be completed and made available upon request, to form part of the homes record of events;
- If not already aware, the Service Manager for Children's Residential Services must be informed of the event and the proposed actions;
- In some situations, particularly where there may be significant media interest, Ofsted may be contacted on 0300 123 1231. This will be a task undertaken by the on call officer, Residential management team or senior manager. This will not replace the formal notification.

Ongoing actions

- The event and actions may be notified to the Assistant Director, Specialist Children's Services. This will be completed by the Registered Manager after discussion with the Service Manager, to determine appropriateness;
- Records must accurately reflect the events, the decisions taken, the time that they were taken and those involved in making them, to form part of the homes record of events;
- The actions should have been reviewed to ensure we are still meeting the needs of the children and that the safety and welfare of all of the children is being maintained.

Within 24 hours of the original event:

- If the event happens outside core hours, the Registered Manager and Service Manager of the home must be notified by email marked as 'high priority' if not already involved;
- The child(ren)'s social worker or Emergency response service must be consulted with to determine whether a meeting is required and whether there is a need for urgent action to remedy an ongoing situation;
- Either an Electronic notification (completion of form on Ofsted website) to Ofsted must be made within the 24 hour timeframe. This will usually be completed by, or under the direction of, the residential management team or Service Manager, Or a written copy of the notification must be completed and sent to Ofsted by Registered Post only. Failure to use Registered Post may constitute a potential breach of confidential information;
- Prior to any notification being submitted every effort should be made to quality assure the information via Service Manager or a Registered Manager;

- Records to be completed including completion of: Regulation 40 monitoring form within the child file, manager's office and or staff office;
- Managers will be responsible for over viewing the notification and where necessary completing a closing notification or signing of the original notification as complete via the homes records of events.

Advisory Notes

- Managers must ensure when on call they have the means to access notifications and relevant documents;
- Quality Assurance would involve where possible an Service Manager or Registered Manager having second sight of the notification prior to submission. It is noted that this may not be feasible due to the 24 hour timescale being adhered to.

Appendices

[Appendix 1: Flow Chart for Notifications in the documents library](#)

[Appendix 2: Regulation 40 - Serious Events in the documents library](#)

[Appendix 3: Homes Record of Events in the documents library](#)