



## **Regulation 40**

### **Recording and Reporting**

Children's homes have a duty to notify Ofsted about serious incidents that may occur within the setting. The regulation that governs this in the Children's Homes Regulations is Regulation 40.

Ofsted set out what they expect to be notified about and what they don't need to be notified about. The list is not exhaustive.

These include:

- a child being the victim or perpetrator of a serious assault
- a serious illness or accident
- a serious incident of self-harm
- serious concerns over a child's missing behaviour
- about the death of a child
- if you have reported someone under the Safeguarding Vulnerable Groups Act 2006
- if you know or suspect that a child has been involved in or subject to sexual exploitation (you should be able to provide evidence)
- about a serious incident with a child that required police involvement
- about an abuse allegation against the home or someone working there if a child protection enquiry has begun or finished

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.

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.

The [Guide to the Children's Homes Regulations, including the quality standards](#) provides examples of incidents that are likely to be considered serious.



## **Reporting and Recording:**

The Registered Manager of the home is responsible for making Regulation 40 notifications to Ofsted. In their absence a Deputy Manager or Responsible Individual can complete these. All completed Regulation 40 notifications must be sent to the Responsible Individual.

When completing a notification please ensure the following:

- Time-These forms need to be completed within 48 hours of the incident happening. As soon as practicable is recommended to ensure the information is accurate. You can add to the form later to add information.
- Accurate-The information needs to be detailed, accurate and factual. Check dates and names of staff/roles and ensure there is a clear breakdown of how the incident began and finished.
- Review-Ofsted will ask for the actions that we have taken. These need to be detailed and specific to the incident.
- Do I need to complete a notification- Please follow the guidance around what Ofsted need to be notified about.
- Communication-Liaise with the Ofsted inspector about the incident (keep them informed about progress, etc)
- Reflection-All Registered Managers should keep a spreadsheet of Regulation 40 notifications. Registered Managers should reflect and identify patterns/themes that may becoming apparent. This will help to inform practice and to consider different ways of working.

## **References:**

[What Ofsted means by a serious incident - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Tell Ofsted about an incident: children's social care notification - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[The Children's Homes \(England\) Regulations 2015 \(legislation.gov.uk\)](http://legislation.gov.uk)