



## Notifiable Events Guidelines – Regulation 40 Breakaway guidance:

A guide to the completion and submission of regulation 40 notifications to Ofsted, the Children's Breakaway Regulations 2015 and The Quality Standards 2015 offers the following requirements under regulation 40.

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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 Breakaway 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 registered person 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 Breakaway; a serious incident of self-harm; or a child protection referral to the local authority. This is not an exhaustive list and Breakaway must assess each case individually.

Where Breakaway 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 Breakaway is located in (if this is not the child's placing authority). Breakaway 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 Breakaway's staff in response to the event. (See appendix 1)

Breakaway'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 42, Breakaway 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.



### **Breakaway 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. Team Leader, Team 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 Duty Service (EDS);
- 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 Breakaway record of events;
- If not already aware, the Service Manager 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, management team or senior manager. This will not replace the formal notification.

#### Ongoing actions

- The event and actions may be notified to the Safeguarding Officer, Slough Children First. This will be completed by the Team Manager after discussion with the Head of 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 Breakaway 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 Team Manager and Service Manager Breakaway must be notified by email marked as 'high priority' if not already involved;
- The child(ren)'s social worker or EDS 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 Breakaway 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 Team Manager;
- Records to be completed including completion of: Regulation 40 monitoring forms 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 Breakaway records of events.

#### Advisory Notes

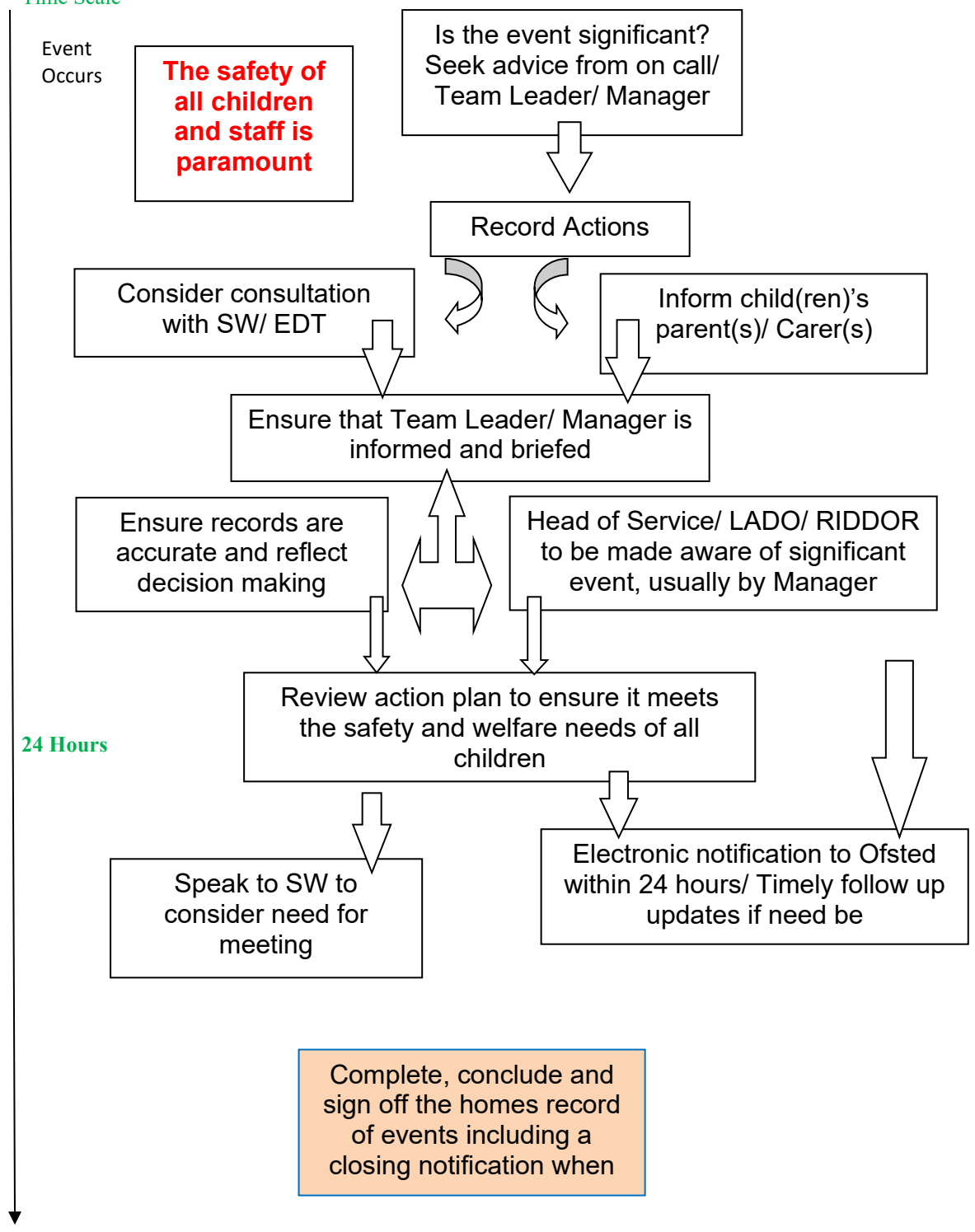
- Managers must ensure when on call they have the means to access notifications and relevant documents;
- Quality Assurance would involve where possible a Team Manager or Registered person having second sight of the notification prior to submission. It is noted that this may not be feasible due to the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

### **Appendices:**



### Appendix 1: Flow Chart for Notifications

Time Scale





## **Appendix 2: Regulation 40 - Serious Events**

Notification of serious events: *(Guide to the children's Homes Regulations including the quality standards, 2015)*

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.

14.15 The registered person should also have a system for notification to responsible authorities of any serious concerns about the emotional or mental health of a child such that a mental health