

Serious accidents, injuries and deaths that registered providers must notify to Ofsted and local child protection agencies

A childcare factsheet

A factsheet for registered early years and childcare providers on when and how to inform Ofsted and local child protection agencies of deaths, serious accidents and/or injuries.

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Royal Exchange Buildings
St Ann's Square
Manchester
M2 7LA

T: 0300 123 1231
Textphone: 0161 618 8524
E: enquiries@ofsted.gov.uk
W: www.ofsted.gov.uk

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Introduction

Childcare providers on the Early Years and/or Childcare Register are required to notify Ofsted (and in some cases local child protection agencies) of serious accidents and injuries to, and the death of, children in their care. The law sets out these requirements in *The Childcare (General Childcare Register) Regulations 2008, the Statutory Framework for the Early Years Foundation Stage and the Early Years Foundation Stage (Welfare Requirements) Regulations 2007*.¹

This factsheet is to explain our approach to the requirements for reporting deaths, serious accidents and injuries. This includes when to inform Ofsted and your local child protection agency of a death, serious accident or injury and information on what constitutes a serious accident or injury, using definitions similar to those set out in *The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)*.²

The information provided in this factsheet does not replace or supersede any other legislation, or the requirements of other agencies and organisations. It only applies to the legal requirements relating to the registration of childcare with Ofsted. It sits alongside all other legal obligations that providers must meet, such as duties to inform local authority environmental health departments or the Health and Safety Executive. While the law also requires you to inform us of certain serious illnesses to children in your care, this factsheet covers serious accidents and injuries and does not cover serious illnesses.

Requirement for notifying Ofsted

The law is slightly different for the Early Years Register and the Childcare Register.³

If you are on the **Early Years Register** you must tell us about a child accident, injury or death on the premises while the child is in your care.⁴ It does not require you to tell us if any other person has had such an incident, or if the incident happens off the premises, or if it happens to a child not in your care, for example with their parent after the end of any care period on their way out of the premises.

¹ *The Childcare (General Childcare Register) Regulations 2008*, www.legislation.gov.uk/ukssi/2008/975/contents/made; *The Statutory Framework for the Early Years Foundation Stage*, <http://nationalstrategies.standards.dfes.gov.uk/node/151379>; *Early Years Foundation Stage (Welfare Requirements) Regulations 2007*, www.legislation.gov.uk/ukssi/2007/1771/contents/made.

² *Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995*, www.legislation.gov.uk/ukssi/1995/3163/contents/made.

³ The Early Years Foundation Stage (Welfare Requirements) Regulations 2007 and The Childcare Register (General Childcare Register) Regulations 2008.

⁴ *Statutory Framework for the Early Years Foundation Stage*, page 26.

However, if you are registered on the **Childcare Register** you must tell us about any death of, or serious accident or serious injury to, a child or any other person on your premises and whether or not the child is in your care.⁵

You may wish to follow the Childcare Register requirements even if you are only on the Early Years Register. This is because if a serious accident, injury or death on your premises is brought to our attention, regardless of the registers you are on, we will contact you to investigate whether it concerned a child in your care.

In all cases we interpret 'on the premises' as during the hours your provision is in operation. We do not expect you to notify us if something happens on the premises at times where you are not providing childcare, for example if you use a community hall and a serious accident or injury occurs during the time another organisation is using it.

While the law does not require you to tell us of incidents that happen off the premises, such as on an outing, we advise you to notify us of these as we would investigate such an incident to see if you were complying with all other requirements at the time.

How and when to notify Ofsted

You must inform us if a serious accident, injury or death occurs in your childcare provision as soon as you reasonably can, and in all cases, within 14 days of the incident. If you also need to notify your local child protection agency (see below), we recommend you do this at the same time.

The quickest and easiest way to notify us is to telephone us on **0300 123 1231**. We may need to transfer your call to someone else who can help you. We will ask you some questions about the incident including when and where it happened, and the details of what happened. We will also ask for personal details (for example the name and age of the child or children involved; details of any other people involved). We may ask you to put the information in writing to us. We keep a record of all information given to us, whether this is given by telephone or in writing. We may need to share this information with other agencies that have duties in relation to the incident, such as local authority environmental health departments.

If you are on the **Early Years Register** you are committing an offence by not notifying us within 14 days, unless you have a reasonable excuse.

If you are on the **Childcare Register** it not an offence but failing to notify us would be taken into account in making any decisions about your continued registration, if it was brought to our attention.

⁵ The Childcare Register (General Childcare Register) Regulations 2008, Schedule 3 Regulation 6 paragraph 25 and Schedule 6 Regulation 12 paragraph 26.

What you must notify to Ofsted

You must notify us about:

- the death of a child while on the premises, or later, as the result of something that happened while the child was in your care
- death or serious accident or serious injury to any other person on your premises (Childcare Register only)
- serious injuries (please see the section below for the definition of serious injuries)
- where a child in your care is taken to hospital (to an Accident and Emergency Department for more than 24 hours), either directly from your provision, or later, as the result of something that happened while the child was in your care
- any significant event which is likely to affect the suitability to care for children.⁶

We define serious injuries as:

- broken bones or a fracture
- loss of consciousness
- pain that is not relieved by simple pain killers
- acute confused state
- persistent, severe chest pain or breathing difficulties
- amputation
- dislocation of any major joint including the shoulder, hip, knee, elbow or spine
- loss of sight (temporary or permanent)
- chemical or hot metal burn to the eye or any penetrating injury to the eye
- injury resulting from an electric shock or electrical burn leading to unconsciousness, or requiring resuscitation or admittance to hospital for more than 24 hours
- any other injury leading to hypothermia, heat-induced illness or unconsciousness; or requiring resuscitation; or requiring admittance to hospital for more than 24 hours
- unconsciousness caused by asphyxia or exposure to harmful substance or biological agent

⁶ The Childcare Register (General Childcare Register) Regulations 2008, Schedule 3 Regulation 6 paragraph 26.

- medical treatment, or loss of consciousness arising from absorption of any substance by inhalation, ingestion or through the skin
- medical treatment where there is reason to believe that this resulted from exposure to a biological agent, or its toxins, or infected material.

You are not required to inform us of minor injuries, but you must keep a record of these incidents (see 'What records do I need to keep' below). You are also not required to inform us of general appointments to hospital or routine treatment by a doctor, such as the child's general practitioner, that is not linked to, or is a consequence of, a serious accident or injury.

We define minor injuries as:

- sprains, strains and bruising
- cuts and grazes
- wound infections
- minor burns and scalds
- minor head injuries
- insect and animal bites
- minor eye injuries
- minor injuries to the back, shoulder and chest.

What you must notify to your local child protection agency

If you are on the **Early Years Register**, the *Statutory Framework for the Early Years Foundation Stage* requires you to notify your local child protection agency of any serious accident or injury to or death of a child in your care and to act on the advice given. You must use your professional judgment, alongside any guidance you have from your local authority, on which serious accidents or injuries you inform your local child protection agency about. Some local child protection authorities have their own written guidance about the types of incidents you need to report to them. If you do not have any written guidance from your local authority then you should notify them of the same serious accidents, or injuries or deaths that you are required to notify to Ofsted.

Requirement to notify other agencies

The introduction to this factsheet sets out that you may also have to report any serious accident, injury or death to other agencies and organisations. It is not within our remit to determine whether a provider has met other authorities' regulatory requirements. This includes those relating to reporting accidents to the Health and Safety Executive, or local authority environmental health departments. Other

regulatory authorities have responsibility for ensuring that providers meet their legal requirements, and may take action against providers who do not meet them.

Requirement to inform parents

The Early Years Foundation Stage requires providers, on the child's admission, to seek parental permission for any necessary emergency medical advice or treatment in the future. Provider must also inform parents of any accidents or injuries sustained by the child while the child is in their care and of any first aid treatment given. It does not give a timescale in which to do this but it is good practice to do this on the same day. This will normally be when the child is collected from the childcare provider.

Most providers do this by asking parents to view the record of the accident or injury and to sign to say they have seen it. If you wish to use this type of approach you must also be aware of the data protection rules and not allow parents to view personal information other than that relating to their own child. The requirement to inform parents is more general than that to notify Ofsted and parents should be informed of any accident or injury especially where first aid is necessary.

Where a child is picked up by someone other than the child's parent, with the permission of the parent, we would normally accept that notifying this person is sufficient to satisfy this requirement. You may wish to establish this practice by including it in the information you give to parents.

The Childcare Register does not specifically require you to inform parents, but it remains good practice to do so.

The records you need to keep

Both registers require you to keep records of accidents. The *Statutory Framework for the Early Years Foundation Stage* states 'Providers must keep a record of accidents and first aid treatment'. The *Childcare (General Childcare Register) Regulations 2008* state 'in the case of a registered person who is not a home childcarer, a record is maintained of accidents occurring on the relevant premises'.

The requirements do not specify the details of what to include in such a record. It is good practice to include details such as: the date, time and place of the event; personal details of those involved (name, age); a brief description of the nature of the accident and/or injury; and the type of treatment given.

You can keep the record in any form you wish. You could, for example, choose to keep your records by:

- keeping copies of report forms in a child's individual file
- recording the details on a computer
- maintaining a hand-written log in your accident book.

Any records you keep must be easily accessible and available for inspection by Ofsted. It is also good practice for you to regularly review all your accident and injury records to identify any patterns or trends and to use this information as part of your risk assessments.

What we publish

When we receive notification of a serious accident or injury, we publish a summary of the incident and resulting action on our website where we, or the provider, had to take action to meet the requirements for registration. We do not publish notifications where no further action was required. This is part of our general approach to making as much information as possible available to parents and prospective parents, when choosing care for their child. Our policy on doing this is published in our complaints commitment and in our statement on publishing compliance action.

Examples of serious accidents or injuries you must report to us and your local child protection agency

Example one

A child trips and falls in a nursery and loses consciousness due to a bang on the head. You must report this incident as it meets the definition of a serious injury.

Example two

A child is accidentally hit hard in the chest by a football during outdoor play at an out of school club, and has persistent, severe breathing difficulties. You must report this incident as it meets the definition of a serious injury.

Example three

Parents take their child to hospital, several days after the child suffers a blow to the head while at your childcare provision. The child is still suffering from the initial injury. You must report this incident as it meets the definition of a serious injury.

Example four

A baby breaks a leg during a fall at the nursery. You must report this incident as it meets the definition of a serious injury.

Example five

A child takes a heavy fall while running around and is taken to hospital; the child is kept in hospital for over 24 hours. You must report this incident as it meets the definition of a serious injury.

Examples of accidents or injuries you do not have to report to us or the local child protection agencies

Example six

A child trips over their shoelaces, falls and sprains a wrist in the nursery. You must keep a record of this accident but you are not required to report this incident to us, as it is a minor injury.

Example seven

A baby, attempting to sit up, loses balance and drops face first onto the floor, cutting their lip. You must keep a record of this accident but you are not required to report this incident to us, as it is a minor injury.

Example eight

A bee stings a child while playing in the outdoor space. You must keep a record of this accident but you are not required to report this incident to us, as it is a minor injury (unless the child suffers an allergic reaction which requires hospital treatment).

However, in any of the examples above (examples six to eight), if the child does not recover as expected and is admitted to hospital for medical attention for 24 hours or more, then you must report the incident to us.

Further information

The law that sets out our responsibilities is the *Childcare Act 2006* and linked regulations. The specific regulation setting out serious accidents and injuries is *The Childcare (General Childcare Register) Regulations 2008 (2008 No. 975)*: (www.legislation.gov.uk/uksi/2008/975/contents/made).

The references to regulations and our policy on reporting serious accidents and injuries are included in the *Statutory Framework for the Early Years Foundation Stage*:

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For access to the RIDDOR website, please use the link below:

www.hse.gov.uk/riddor/.