
STATUTORY INSTRUMENTS

2015 No. 541

The Children's Homes (England) Regulations 2015

PART 5

Policies, records, complaints and notifications

Notification of a serious event

- 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 ^{F1}integrated care board (established under Chapter A3 of Part 2] 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) If a child accommodated in a secure children's home dies, the registered person must allow the PPO to investigate the death by—
- (a) granting the PPO access to—
 - (i) the premises of the home; and
 - (ii) the home's documents and records;
 - (b) allowing the PPO to take away from the premises, securely, copies of any documents or records provided under sub-paragraph (a)(ii); and
 - (c) if they consent, allowing the PPO to interview in private any children, parents or relatives, or persons working at the home.
- (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 ^{M1}, 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.
- (6) In this regulation, references to the PPO include a person appointed by, or working on behalf of, the PPO for the purposes of an investigation under paragraph (2).

Textual Amendments

F1 Words in [reg. 40\(1\)\(e\)](#) substituted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), **81(2)**

Marginal Citations

M1 [2006 c.47](#) (“the SVGA 2006”). Section 35 was amended by: section 115 of, and Schedules 9 and 10 to, the [Protection of Freedoms Act 2012 \(c.9\)](#), “the PoFA 2012” and [S.I. 2012/3006](#).

Changes to legislation:

There are currently no known outstanding effects for the The Children's Homes (England) Regulations 2015, Section 40.