

Guidance for Early Years Providers on what do in the case of serious accidents, illness, or death of a child.

Why do you need to report?

The need to report serious accidents, illness, or injury to, or death of, any child while in your care is a statutory requirement.

The rationale for this is, to explore whether the behaviour of an adult may have contributed to the incident either knowingly, or through neglect of their responsibilities. For example, through the lack of supervision of children, failure to follow a procedure or by deliberate harm.

To comply with Ofsted regulations there are specific occasions when a setting has a duty to inform Ofsted of certain incidents.

Serious accidents, illness or injury or death are amongst those that must be reported.

To comply with EYFS statutory requirements a setting has a duty to also inform the local child protection agencies, in East Sussex this is through the Single Point of Advice (SPOA) having regard to the Pan Sussex Child Protection and Safeguarding Manual.

Best practice would be to inform Ofsted and SPOA at the same time.

The duty to inform local child protection agencies of any serious accident or injury to, or the death of a child should be linked to the guidance on the management of allegations procedures. (See the East Sussex 'Managing allegations/concerns about individuals who work or volunteer with children flowchart guidance' and flowchart). You must use your professional judgement, alongside this guidance, on which accidents or injuries you inform your local child protection agency about.

East Sussex Early Years providers should be aware of patterns of minor injuries that might indicate parental neglect or inappropriate staff behaviours.

Accident records should be regularly examined to check for patterns.

If there are any concerns a setting should contact the SPOA for advice and guidance.

Settings need to consider whether the behaviour of an adult may have contributed to the incident either knowingly, or through neglect of their responsibilities. For example, through the lack of supervision of children, failure to follow a procedure or by deliberate harm.

Please note this not a comprehensive list. East Sussex County Council's advice is to notify Ofsted and the SPOA if there is any doubt.

How do you report?

(more detailed guidance is within the document 'SPOA guidance for early years settings' or on the website: <https://www.eastsussex.gov.uk/childrenandfamilies/professional-resources/spoa/>)

Report serious accidents, illness or death, as listed in Ofsted Early Years Compliance handbook (pages 15 to 21), through the SPOA

Phone: 01323 464222 Opening hours: Monday to Thursday 8.30am to 5pm, Friday 8.30am to 4.30pm

Email: 0-19.SPOA@eastsussex.gov.uk

For out of hours enquiries please contact our [Emergency Duty Service](#).

Information to include in your report:

- The name and age of the child/children involved.

- Where and when the incident happened.
- Details of the incident.

Please remember that this information may be shared with other agencies as appropriate.

Advice

Safeguarding and child protection advice in relation to serious accidents, illness and death can also be gained from the Local Area Designated Officer (LADO) if there are any concerns involving the behaviour of staff members//volunteers where:

- their personal behaviour or failure to follow procedure warrants an internal investigation into conduct
or
- there was direct harm caused by the adult which appears to have been caused deliberately or through carelessness.

If a LADO consultation is required, please go to the LADO webpage, and complete the online referral form, which will go direct to the LADO inbox. The LADO/Assistant LADO will contact you by phone or email regarding your enquiry and offer advice in the usual way.

<https://www.eastsussex.gov.uk/childrenandfamilies/professional-resources/lado/>

All referral/consultation requests must include the following information for adults and children:

- Full names, dates of birth and addresses for member of staff and child/ren involved
- Relevant employment history including any previous disciplinary investigations, allegations, or complaints you are aware of.
- Details of any employment in another local authority area where applicable.
- Details of any secondary roles.

The statutory requirement to report is found within the following documents:

Working together to safeguard children, July 2018 (paragraph 14)

Early Years and Childcare

14. Early years providers have a duty under section 40 of the Childcare Act 2006 to comply with the welfare requirements of the early years foundation stage (EYFS)

Statutory Framework for the Early Years Foundation Stage, March 2021 (paragraph 3.52)

Registered providers must notify Ofsted or the childminder agency with which they are registered of any serious accident, illness, or injury to, or death of, any child while in their care, and of the action taken. Notification must be made as soon as is reasonably practicable, but in any event within 14 days of the incident occurring. A registered provider, who, without reasonable excuse, fails to comply with this requirement, commits an offence. Providers must notify local child protection agencies of any serious accident or injury to, or the death of, any child while in their care, and must act on any advice from those agencies.

East Sussex Safeguarding Children Partnership (ESSCP) procedures

Pan Sussex Child Protection and Safeguarding Procedures Manual [Pan Sussex Safeguarding Procedures Manual](#)

Brighton and Hove, East Sussex and West Sussex Safeguarding Partnerships have commissioned the policies and procedures in this manual, which reflects a significant consensus about best practice across the 3 Safeguarding Children Partnerships', and all those agencies in Sussex that contribute to the prevention, detection and investigation of abuse or neglect, risk management of offenders and the support and treatment of those affected.

Section 8.43.4 Unexplained injuries to young children

Any injury and its explanation must be assessed in relation to the infant's developmental abilities and the likelihood of the occurrence. The designation of the term "unexplained" should not influence staff into making assumptions that the injury is either accidental or non-accidental. All efforts must be made to establish an explanation for the injury which in turn may assist in determining whether or not the injury is accidental or non-accidental.

See more at: [8.43 Unexplained Injuries to Young Children | Sussex Child Protection and Safeguarding Procedures Manual](#)

Section 11.1 Sussex Child Death Review Practice Guidance

Sussex Joint Agency Protocol for Unexpected Child Deaths provides guidance to professionals confronted with the unexpected death of a child. It is acknowledged that each death has unique circumstances

See more at: [11.1 Sussex Child Death Review Practice Guidance | Sussex Child Protection and Safeguarding Procedures Manual](#)

The duty to inform Ofsted

Notifications from providers

Ofsted-registered childminders, nannies, nurseries and other daycare must report important events affecting their childcare within 14 days. Ofsted can take action against you if you do not tell them about these incidents within 14 days. The day of the incident is the first of these 14 days.

[Notify Ofsted about a significant change or event \(report-childcare-incident.service.gov.uk\)](https://www.service.gov.uk/report-childcare-incident)

What you must tell Ofsted

You must inform Ofsted about any allegations of serious harm or abuse anywhere by any person at the premises who is:

- living there
- working there
- looking after children there

Other serious childcare incidents you must tell Ofsted about are:

- the death of a child
- where a person's suitability to look after children might be affected, including:
 - involvement with social services or the police
 - something significant affecting their health
- events that might affect the smooth running of the childcare, such as a fire or flooding at the premises
- [serious accidents, injuries or illnesses](#) to a child

- food poisoning affecting 2 or more children

References

Working together to safeguard children, July 2018

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

Statutory Guidance for the Early Years Foundation Stage, March, 2021

<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

Tell Ofsted about a serious childcare incident

<https://www.report-childcare-incident.service.gov.uk/serious-incident/childcare/#must-tell>

The Pan Sussex Child Protection and Safeguarding Procedures Manual

<https://sussexchildprotection.procedures.org.uk/>