

Factsheet 4

What is a Section 42 Safeguarding Enquiry?

What is Safeguarding Adults?

The Care Act 2014 (Section 42) requires that each local authority must make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect, and if so, by whom.

'Safeguarding adults' is the name given to the multi-agency response used to protect adults with care and support needs from abuse and neglect.

When an allegation about abuse or neglect has been made, an enquiry is undertaken to find out what, if anything, has happened.

The findings from the enquiry are used to decide whether abuse has taken place and whether the adult at risk needs a protection plan. A protection plan is a list of arrangements that are required to keep the person safe.

Key Roles

The Safeguarding Adults Manager is a professional manager from Adult Social Care or an NHS Organisation who has been appointed to oversee the safeguarding enquiry.

The Safeguarding Enquiry Practitioner is the person appointed to undertake the enquiry. This will usually be a social worker, a nurse or the manager in the service where the concerns have arisen.

What does a safeguarding enquiry involve?

The purpose of a safeguarding enquiry is to decide what action is needed to help and protect the adult.

Its aims are to:

- establish the facts about an incident or allegation;
- ascertain the adult's views and wishes on what they want as an outcome from the enquiry;
- assess the needs of the adult for protection, support and redress and how they might be met;
- protect the adult from the abuse and neglect, as the adult wishes;
- establish if any other person is at risk of harm;

- make decisions as to what follow-up actions should be taken with regard to the person or organisation responsible for the abuse or neglect
- enable the adult to achieve resolution and recovery.

The enquiry may involve a wide range of activities depending on the circumstances. It will include interviewing people who have witnessed or been involved in the incident. It might also involve reviewing records or policies and procedures.

Sometimes other enquiries will also be needed under other procedures. For example, if a criminal offence is suspected the police may undertake an investigation, and if so, this will take priority. If the person is an employee, then a disciplinary process may be required. There may also be a need for an internal incident investigation.

A safeguarding enquiry is separate from these, but often it is possible for organisations to work together so that people do not need to be interviewed more than once.

Fairness

Care will be taken to make sure the safeguarding enquiry is conducted in a way that is fair to all concerned.

The following principles apply:

- an enquiry will be carried out impartially;
- an enquiry will be undertaken with an open mind as to what has or has not happened;
- an enquiry will base its findings on the established facts;
- if concerns have been raised about a person's actions then they will have a chance to respond to these allegations;
- a person alleged to have caused harm will have an opportunity to respond to the findings of the enquiry.

If people are being interviewed they can have someone sit in with them for support if they find that helpful. If anyone has particular communication needs these will be provided for.

Reviewing the findings of the enquiry

The findings of the enquiry will be reviewed and a decision made as to whether there is evidence, on the balance of probabilities, as to whether abuse or neglect has occurred.

Throughout the safeguarding enquiry, decisions will need to be made as to whether any actions are needed to keep the adult or other people safe. These decisions will need to be reviewed once the enquiry is completed.

Depending on the nature and seriousness of the allegations, these decisions may be made by the Safeguarding Adults Manager or at a Safeguarding Case Conference, taking people's views into account.

A Case Conference is held where it is helpful for all concerned to meet and discuss the findings of the enquiry. The conference will be chaired by a professional who is independent of the enquiry. The meeting will include those people involved in undertaking the enquiry or taking actions to keep people safe. It will also include the adult or their representative. If an allegation has been made about a person's actions or practice, they may also be invited.

What if I disagree with the findings of the Enquiry?

If the adult does not agree with the plan to keep them safe, they need to speak to the Safeguarding Coordinator as soon as possible.

If, following the investigation, anyone feels the decision about whether abuse has occurred has been reached unfairly, they can contest the decision.

The 'Complaints about the Safeguarding Decision process' procedure is available on the Rochdale Borough Safeguarding Adults Board website www.rbsab.org

The Rochdale Borough Safeguarding Adults Board Multi-Agency Policy and Procedures and can be downloaded from: www.rbsab.org

If I have questions about the enquiry, who can I speak to?

You can speak to the Safeguarding Enquiry Practitioner or the Safeguarding Adults Manager.

If concerns have been raised about your practice or actions in your work, you should speak to your employer in the first instance.

You can use this space to record relevant contact details:

Other Information

This is one of a series of factsheets produced by the RBSAB. The factsheets available are:

Factsheet 1: What happens when abuse is reported – Information for adults

Factsheet 2: Safeguarding Adults – Information for family and friends

Factsheet 3: What are the stages of the Safeguarding process?

Factsheet 4: What is a Section 42 Safeguarding Enquiry?

Factsheet 5: What is a Strategy Meeting?

Factsheet 6: What is a case Conference?

Factsheet 7: Safeguarding Adult Reviews – Information for families

Factsheet 8: Information for a person alleged to have caused harm

All the factsheets are available at www.rbsab.org

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Rochdale Borough Safeguarding Adults Board
is committed to Safeguarding Adults
and will continue to establish a society
where there is zero tolerance to adult abuse.