

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 Worker 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;
- decide 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;
- if the person alleged to have caused harm is in a position of power or trust the Allegations Management framework should be followed. This can be found at www.rbsab.org

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

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, meetings with other people may be needed, taking people's views into account.

A Strategy meeting is held where it is helpful for all concerned to meet and discuss the findings 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 the actions or practice of a person in a position of power or trust, that will be dealt with separately under the Managing Allegations Framework.

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 Adults Manager or worker as soon as possible.

If, following the enquiry, anyone is unhappy with the outcome they can refer to 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 who may be being abused or neglected

Factsheet 2: Safeguarding Adults – Information for family and friends

Factsheet 3: The stages of the Safeguarding process?

Factsheet 4: What is a Section 42 Safeguarding Enquiry?

Factsheet 5: What is a Section 42 Strategy Meeting?

Factsheet 6: Safeguarding Adult Reviews – Information for families and carers

Factsheet 7: Information for a person alleged to have caused harm

Factsheet 8: What happens after you report a safeguarding adults concern?
Understanding the Safeguarding Process

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.