



Development Session

SECTION 42, CARE ACT, 2014

The legislative text

- 1) This section applies where a local authority has **reasonable cause to suspect** that an adult in its area (whether or not ordinarily resident there) —
 - (a) has **needs for care and support** (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is **unable to protect himself or herself** against the abuse or neglect or the risk of it.
- (2) The local authority must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case (whether under this Part or otherwise) and, if so, what and by whom.

"Adult at risk" definition

Safeguarding adult concern criteria

Safeguarding adult enquiry (Section 42 enquiry) definition

Local authority duty to make/ cause enquiries

The statutory guidance

- ▶ Duties apply even if needs are not being met, regardless of the adults mental capacity and regardless of setting
- ▶ Abuse types
- ▶ Enquiries may be undertaken even if criteria not met – if proportionate and promotes wellbeing and prevention.
- ▶ Duty of cooperation
- ▶ Enquiries should follow the six key principles of adult safeguarding



When, how, why, who?

- ▶ The LA must make enquiries or cause another agency to do so whenever S42 enquiry is met. Although the local authority is the lead agency for making enquiries, it may require others to undertake them.
- ▶ How each enquiry will be undertaken will be dependent on the circumstances – the views and wishes of the adult will be paramount.
- ▶ Objectives an enquiry: establish facts, understand views and wishes of the adult, assess the need for protection/support/redress, protect the adult from abuse and neglect, make decisions about actions against the person/organisation causing harm, enable to adult to achieve resolution and recovery
- ▶ Safeguarding plans (protection plans) are devised to manage risks.

Local multi-agency policy and procedures

- A staged approach to the safeguarding process

Stage 1: Referral and triage (1 working day)

Stage 2: Initial enquiry (7 working days)

Stage 3: Strategy and investigation (1 month)

Stage 4: Protection Plan and Protection Plan Review (3-6 months)

- Can end at any stage
- No requirement for a meeting other than at Stage 4
- Adult involvement (Making Safeguarding Personal) is emphasised at all stages
- Local tools/information to support implementation of S42 duties e.g. referral form, risk threshold tool, investigation report template, safeguarding transition protocol.

Local performance information

- ▶ We have high numbers of safeguarding concerns and safeguarding adult enquiries (per head of population) in Newcastle, compared to the rest of England.
- ▶ Nearly half of safeguarding adult referrals do not meet the criteria for a safeguarding adult concern.
- ▶ Attendance at safeguarding adult meetings has been highlighted as an issue in the previous year.

Some questions to consider

- Does your training reflect the legislation, statutory guidance and local policies and procedures?
- Do you have policies and procedures which reflect your organisation/profession's role in S42 duties?
- Do you understand the extent to which your organisation/team is involved in S42 duties?
- Does your organisation have the resources to meet S42 duties?
- Do your systems and processes support the effective coordination of/contribution to Section 42 enquiries?

Further reading/resources

[Care Act 2014: Section 42](#)

[Chapter 14, Safeguarding, Care and Support Statutory Guidance](#)

[Understanding what constitutes a safeguarding concern and how to support effective outcomes \(LGA and ADASS\)](#)

[Making decisions on the duty to carry out Safeguarding Adults enquiries \(LGA and ADASS\)](#)

[Newcastle multi-agency safeguarding adults policy and procedures](#)



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