



**Derbyshire Safeguarding Adults Board**

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**Adult Safeguarding**

**Initial Enquiries and Section 42 Enquiries**

**Practice Guidance**



## Derbyshire Safeguarding Adults Board

### Ensure the six principles of adult safeguarding are reflected throughout:

1. Empowerment;
2. Prevention;
3. Proportionality;
4. Protection;
5. Partnership;
6. Accountability.

### Referrals

Adult Care will respond to a referral on the same working day, or within twenty-four hours of the referral being received.

- An acknowledgement of the referral to be sent to the referrer/referring agency.
- Are Section 42 (S42) criteria met? Does the referral require a response within the safeguarding process?
- Is the adult aware of the referral? If not, as the referrer why.
- If you exit the safeguarding process at this point, please advise the referrer and request that they also update the adult.

### Making an Initial Enquiry

The purpose of the initial enquiry is to establish whether the following S42 criteria are met.

Safeguarding duties apply to an adult who:

- ✓ has needs for care and support (whether or not the Local Authority is meeting any of those needs);
- ✓ is experiencing, or is at risk, of abuse or neglect; and
- ✓ as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.



## Derbyshire Safeguarding Adults Board

### Section 42 Enquiries

Local Authorities must make enquiries, or cause others to do so, if they reasonably suspect an adult who meets the criteria above is, or is at risk of, being abused or neglected.

Timescales are to be negotiated with all relevant parties, considering proportionality to the presenting risk and level of concern.

Action	Practice Requirements
<ul style="list-style-type: none"> <li>Ascertain the wishes and consent of the adult.</li> </ul>	<ul style="list-style-type: none"> <li>If the criteria for a S42 enquiry (see safeguarding duties in the Initial Enquiries section above) are not met, record rationale why the criteria are not met, inform the referrer and consider if any other action is required.</li> <li>Record all relevant factual information, including all action taken, decisions made, e.g., to share information with other agencies, any further initial enquiries and timescales, risk factors, assessments, views of the adult – this list is not exhaustive.</li> <li>Record the reasons for any variation in timescale in the response to safeguarding referral.</li> <li>An enquiry could take the form of a conversation with the adult and/or their representative or advocate, or a much more formal plan of action.</li> </ul>



## Derbyshire Safeguarding Adults Board

Action	Practice Requirements
<ul style="list-style-type: none"> <li>• Contact the Police if there is a reason to believe a crime may have been committed.</li> <li>• <b>To confirm – Local Authorities must make enquiries, or cause others to do so, if they reasonably suspect an adult who meets the criteria above is, or is at risk of, being abuse or neglected.</b></li> <li>• <b>An enquiry is action taken, or instigated, by the Local Authority in response to a concern that abuse or neglect may be taking place.</b></li> </ul>	<ul style="list-style-type: none"> <li>• The response should be proportionate and demonstrate defensible decision-making.</li> <li>• The referral form and any other relevant information to be shared with the Police.</li> </ul>
<ul style="list-style-type: none"> <li>• Identify any immediate action required to ensure the safety of the adult and any other parties.</li> </ul>	<ul style="list-style-type: none"> <li>• Discuss/notify the referrer of the next steps/further enquiries. If a S42 enquiry is required, the Social Worker/Senior Practitioner should complete the S42 enquiry request. The worker will task Business Services to complete the tracking form, which will record the date the S42 enquiry request was sent out, with the timescale for its return.</li> </ul>
<ul style="list-style-type: none"> <li>• Ascertain the need for an Independent Mental Capacity Advocate (IMCA), advocate, interpreter, etc., and record the rationale.</li> </ul>	<ul style="list-style-type: none"> <li>• Within forty-eight hours advise the adult of the outcome of the referral, and feedback to the referrer. Record the reasons for any variation in timescales.</li> </ul>
<ul style="list-style-type: none"> <li>• Think Family – is anyone else at risk? Consider any other appropriate referrals.</li> </ul>	<ul style="list-style-type: none"> <li>• Complete a safety plan as, and if, appropriate at this stage.</li> </ul>



## Derbyshire Safeguarding Adults Board

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<ul style="list-style-type: none"> <li>Is the adult alleged to have caused harm, also an 'adult at risk'? If so, consider the responsibilities of the Local Authority and allocate a worker, as appropriate.</li> </ul>	
<ul style="list-style-type: none"> <li>In the case of domestic abuse, consider completing DASH/contacting the Police/Domestic Abuse Support Services.</li> </ul>	
<ul style="list-style-type: none"> <li>If the concern involved health, Social Care contact DCC/CCG/DCHS/CQC, as appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>Contact details for safeguarding leads of partner agencies and other relevant contact details are available on the <a href="#">Derbyshire Safeguarding Adults Board's website</a>.</li> </ul>
<ul style="list-style-type: none"> <li>Allocate a worker to contact/visit the adult and co-ordinate the S42 enquiry.</li> </ul>	<ul style="list-style-type: none"> <li>It is important to note that even where organisations have been tasked with undertaking S42 Enquiries, the overall responsibility for leading the safeguarding enquiry remains with the Local Authority. Business Services will assist in this through the tracking form and alert the Service Manager/Senior Practitioner if there is a delay in the process.</li> </ul>
<ul style="list-style-type: none"> <li>Ascertain the wishes of the adult and the outcomes they wish to achieve, and their preferred way to participate in the S42 enquiry/process.</li> </ul>	<ul style="list-style-type: none"> <li>The Derbyshire Matrix may be helpful in supporting the person and their family with the safeguarding process. In organising any meetings, consideration will need to be given to the adult and any needs required to participate.</li> </ul>
<p>Assess/review risks, safety issues, mental capacity and consent, providing advocacy/IMCA support, as appropriate. Record the views and wishes of the adult.</p>	<p>The formal decision-making process of the Mental Capacity Act (MCA) should be followed: if the adult lacks capacity, action must be in their best interests and proportionate to the level of concern.</p>



## Derbyshire Safeguarding Adults Board

Action	Practice Requirements
<ul style="list-style-type: none"> <li>• The Local Authority may require others to undertake enquiries. The specific circumstances of the referral/adult will determine the most appropriate person/agency to undertake enquiries.</li> <li>• The Local Authority must be clear about what enquiries it is asking others to make, together with timescales for a response. The primary focus must be how to safeguard the adult and improve their wellbeing.</li> <li>• If the process and/or outcome are considered to 'unsatisfactory' the Local Authority will challenge 'the body' making the enquiry.</li> <li>• Where concerns relate to poor quality in service provision, consider action through the safe and well review process, or the escalation policy, liaising with Social Care, health contracts/commissioning teams and Safeguarding SMs, as appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>• Where an agency fails to undertake enquiries as requested, discuss this with an Area Service Manager/Group Manager. If there is no resolution, escalate to a Safeguarding Service Manager/Group Manager. This will also be reported to the DSAB.</li> <li>• Ensure full, factual, appropriate and relevant information is recorded on Mosaic (case notes and safeguarding documents, as appropriate).</li> <li>• Consider any legal powers potentially available to protect the adult.</li> <li>• Consider any potential HR implications (DCC, DBS, NMC, GMC, etc.).</li> <li>• If a Police interview is required, does the adult alleged to have caused harm need to be considered as 'vulnerable'?</li> <li>• Complete a safety plan, as appropriate.</li> </ul>



## Derbyshire Safeguarding Adults Board

### Further Enquiries, Next Steps, Safety Planning meeting, conversation or telephone discussion

Action	Practice Requirements
<ul style="list-style-type: none"> <li>When enquiries have been undertaken and the wishes of the adult obtained, a 'next steps' meeting may be co-ordinated.</li> </ul>	<ul style="list-style-type: none"> <li>The 'next steps' meeting should be Chaired by Adult Care and should consider the views and wishes of the adult, the immediate safety of the adult, any areas/issues of concern, actions required and who will undertake them, and identify timescales of agreed actions.</li> </ul>
<ul style="list-style-type: none"> <li>The Local Authority must consider the information collated from the enquiry and determine what further action is necessary: this could include actions outside safeguarding, e.g., action by commissioners, CQC, Police, CCG.</li> </ul>	<ul style="list-style-type: none"> <li>If the adult has capacity to make decisions in this area of their life, this will limit the intervention organisations can make, but this does not mean no action is taken. Focus should be on a plan to support harm reduction.</li> <li><b>Where others are at risk of harm, action must be taken.</b></li> </ul>
<ul style="list-style-type: none"> <li>Any actions agreed will be the responsibility of the relevant agencies to implement, and an appropriate timescale for completion should be identified.</li> <li>Consider whether the safety plan should be reviewed and the appropriate timescale.</li> </ul>	<ul style="list-style-type: none"> <li>A safety plan should also consider any on-going risk management strategy, action to be taken in relation to the person/agency which has caused the concerns or harm.</li> <li>Any further review should be completed as a further safety planning meeting.</li> </ul>

- A safety plan can be devised at any stage and should enable the adult to understand the range of options available and explore how their outcomes could be achieved.
- The adult is best-placed to make decisions about their wellbeing, the outcomes they want and this may involve taking risks.
- Not all risks are negative and, as such, safety plans should look to support the adult to identify the benefits and harm that may arise from the action taken and also any strengths or safety measures that can be put in place to support them.



## Derbyshire Safeguarding Adults Board

### Closure of Safeguarding

Should the adult's outcomes be met, or it is identified that other actions or processes may be more appropriate, safeguarding can be exited at any time.

The rationale and defensible decision for closure of safeguarding should be record and share with all involved.

For further information, please see the [Derbyshire and Derby safeguarding adults policy and procedures](#).

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