

Section 42 Care Act - Adult Safeguarding Enquiries



What is an Adult Safeguarding Enquiry?

Section 42 (s42) of the Care Act gives Local Authorities the primary duty to make, or cause to be made, whatever enquiries are necessary to enable the Local Authority to decide whether any action should be taken in the adult's case, and if so, what and by whom. An Adult Safeguarding Enquiry can range from something as simple as a conversation with an adult to find out their views through to a formal multi agency process.

Where can I find further information?

For further information please click on the following links:

[Warwickshire Safeguarding](#)
[West Midlands Adult Safeguarding Policy & Procedures.](#)
[Warwickshire County Council](#)

What is the s42 Enquiry process?

s42 Enquiries will generally move between planning, enquiry and evaluation phases. The process of undertaking enquiries should be tailored to the individual needs and circumstances of the adult. It should be proportionate to the level of risk involved.

Feedback on the outcomes should usually be shared with the following people and agencies involved: the adult, their representative or advocate, the agency who raised the adult safeguarding concern, the agency identified as the potential source of risk, key partner agencies and any other stakeholder involved. Consent should be gained from the adult in line with information sharing protocols.

How is the adult involved?

Adult Safeguarding Enquiries should put the person at the centre of the process. Adults should be helped to understand how they can be involved, and how they can contribute and take part; and how they can be supported to lead or direct the process.

What happens when the safeguarding procedure concludes?

The adult safeguarding procedure can be closed following an enquiry, review or at any time where the adult safeguarding plan is no longer required, or when the adult is no longer at risk of abuse or neglect, or the risks have reduced to the level that they can adequately and appropriately be managed or monitored through single agency processes.

What does an advocate do?

If an adult has substantial difficulty in being involved, and where there is no suitable person to support them, the Local Authority must arrange for an independent advocate to represent them. Advocates can be involved in other cases where it is appropriate, and their role is to support the adult to have their voice heard or to represent the best interest of the adult when they are unable to speak for themselves.