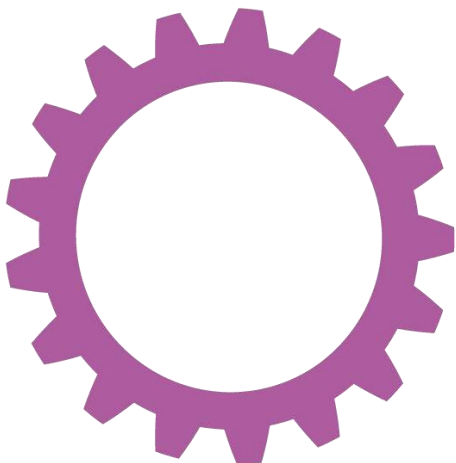
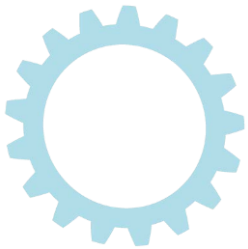
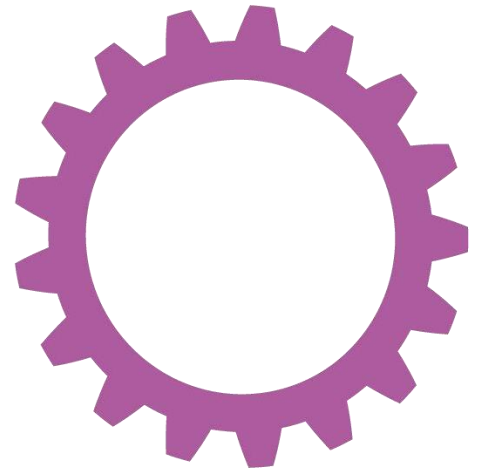
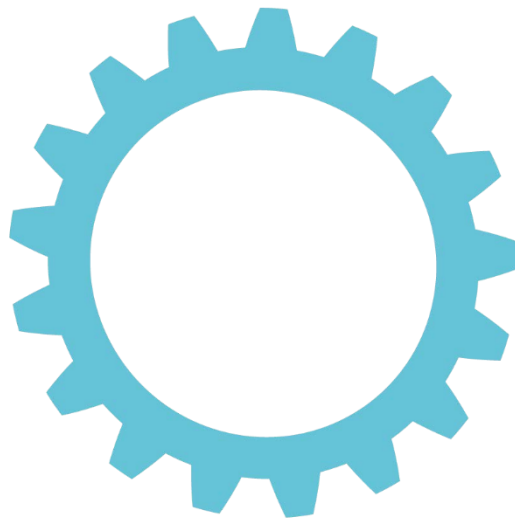
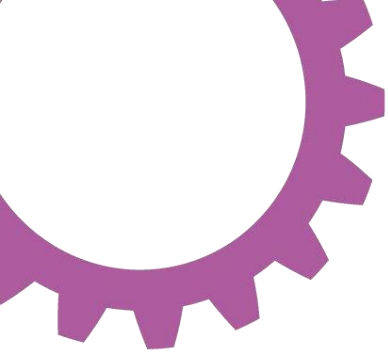


Published Date:
May 2021



CAUSING OTHERS TO MAKE ENQUIRIES Guidance for Frontline Staff, Supervisors and Managers



1. Care Act 2014, s.42

Care Act 2014, s.42

Enquiry by Local Authority

(1) 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.

When should an enquiry be caused?

To determine who the right person is to begin or conduct the enquiry the following should be considered:

- Who has the closest relationship with the individual?
- Has a crime been committed? – if a crime is suspected the police must lead the criminal investigation.
- Who has the necessary skills and knowledge? – specific skills and knowledge may be required such as Tissue Viability, Medicines Management, Speech and Language etc.
- Are there any employment responsibilities? – allegations about staff may be best undertaken by the employer.

Section 42 of the Care Act 2014 sets out the framework for causing others to make enquiries.

This is translated into the three statutory criteria, or 3 - point test:

1(a) 'needs for care and support' +

1(b) 'experiencing, or is at risk of, abuse or neglect' +

1(c) 'as a result of those needs is unable to protect themselves' = Section 42 Enquiry

- This should be used in conjunction with other tools, not as a sole indicator and threshold for a Section 42 enquiry.
- Not all cases that pass the 3-point test can move to a Section 42 enquiry.
- (1)(b) sets out the low threshold of 'at risk of'.
- (1)(c) sets out words of limitation for the test.

When it will be not appropriate to cause an enquiry?

The Local Authority as the lead agency for making enquiries will not cause another person, agency or organisation to undertake an enquiry when:

- There is a serious conflict of interest on the part of the employer
- There are or have been concerns about non-effective past enquiries
- It is not clear they have the necessary skills and knowledge to undertake what is required
- The situation relates to organisational abuse or it requires a Large-Scale Enquiry.

2. Roles and Responsibilities

Local Authority causing an enquiry to be carried out	Organisation identified to undertake an enquiry
Ensure that the organisation is fully involved in the planning of the enquiry and will chair a planning meeting if this is deemed necessary.	Appoint an Enquiry Officer to undertake the enquiry and provide the enquiry report, ensure they are competent to do so, that they receive the support necessary to satisfactorily complete it, and that there is no conflict of interest.
Ensure that all relevant parties understand who will conduct the enquiry on the Local Authority's behalf and why.	Satisfy themselves that the enquiry Terms of Reference (TOR) are clearly understood and within the remit of the organisation to undertake.
Inform the organisation of this responsibility, initially verbally, and then formally using the template letter . Include the outcomes the adults have identified they wanted.	
Explain to the organisation why they are best placed to undertake	
Be satisfied that the organisation being caused to undertake the enquiry is competent to do so and there is no conflict of interest in this organisation (or the appointed Enquiry Officer) fulfilling this role.	Make the Lead Officer in the Local Authority aware of any circumstances where the organisation is not the appropriate body to undertake the enquiry.
Agree a reasonable timescale for receiving a report of its outcome.	
Ensure the organisation knows how the Lead Officer in the Local Authority for this Safeguarding can be contacted. This should be included in the letter.	Keep in contact with the Lead Officer in the Local Authority and inform them of any changes or developments during the enquiry
Ensure the organisation knows of the appointment and contact details of any Independent Advocate or other person acting on the adult's behalf OR how an independent advocate can be arranged if the organisation has concerns about the individual's ability to take part in the enquiry.	
Make any amendments to the TOR as the enquiry progresses or the adult's desired outcomes change or develop.	
Ensure the enquiry report has addressed the TOR and require rectification to be made where it does not.	Ensure the enquiry report has addressed the TOR and is delivered to the Lead Officer in the Local Authority within the agreed timescale.
Resolve any disagreement regarding the commissioning of the enquiry at the lowest level possible within the organisation, only escalating within the organisation and Local Authority where issues remain unresolved and proportionate to the disagreement.	
Ensure that the individual is aware of and satisfied with the enquiry and ascertain if their view on whether their outcome has been met, partly met or not met.	Conduct the enquiry in line with the principles of Making Safeguarding Personal, i.e. ensure the enquiry reflects the outcomes that the adult wishes to achieve and the adult (or their representative or Independent Advocate) is included throughout the process.
Confirm with the organisation who carried out the enquiry when the safeguarding has been closed.	
Complete the S42 Enquiry report and checklist.	
Ensure agency has the Pro-forma template .	

3. S42 Enquiry Report CHECKLIST

When writing your [S42 Enquiry Report](#) please use this checklist to ensure all the information the Local Authority needs to assure itself that the enquiry satisfies its duty under Section 42 of the Care Act 2014 is present and enables it to decide what action (if any) is necessary to help and protect the adult.

The Section 42 Enquiry Report must include:	
The correct adult with care and support needs details: Name; Address; Date of Birth; Date of Death (if applicable); Gender; Religion; Ethnic Origin	
The author of the report: Name; Job title; Organisation; Date Enquiry report was submitted to the Lead Enquiry Officer	
Details of the Safeguarding Concern(s): Provided on the covering letter template, it will include: How and when the concern came to light; What happened; Where the alleged harm take place; The severity of the alleged harm/potential harm; Impact on the adult; Injuries sustained; Is the harm likely to continue/recur?	
Background information: Brief description of the adult including their care and support needs; Strengths and protective factors; Brief history of your organisation's relationship with the adult; Timescales of that involvement and details of any support provided; The date of concern; Location of abuse; Name of alleged source of risk & relationship; Any other issues you consider relevant to the Enquiry.	
Details of any immediate risks and safeguards taken to protect the adult (and other adults): E.g. staff member suspended or removed, training, etc. Include rationale for actions or non-actions.	
Adults wishes, feelings and views about what they want to happen: What the adult is worried about; What they want to do to see resolution; What they think is working well and what they would like to see continue; What support is available to the adult; Can family, friends or neighbours offer support; What other protective factors are there?	
Where the Adult lacks capacity to understand and participate in the enquiry how have they or their representative been supported to make a contribution?	
Enquiry methodology: Include methodology, sources and detail of evidence obtained: e.g Interviews and witness statements; Dates and times, Who was involved and role, Limitations or areas not looked into.	
Report Authors Findings: Use the following subheadings for each allegation/type of abuse – Description of abuse/harm; Facts & findings; Information gathered to support allegation; Reference to documents	
Chronology of significant events in date order:	
Supporting information (for referencing documentation and any appendices):	
Conclusion Summary and Outcome(s) from enquiry: A) Have the Adults identified wishes been taken into account? B) Have they been met, partially met or not met (specifying reasons) C) Any recommendations, actions and learning points for your organisation	
Report must be dated:	