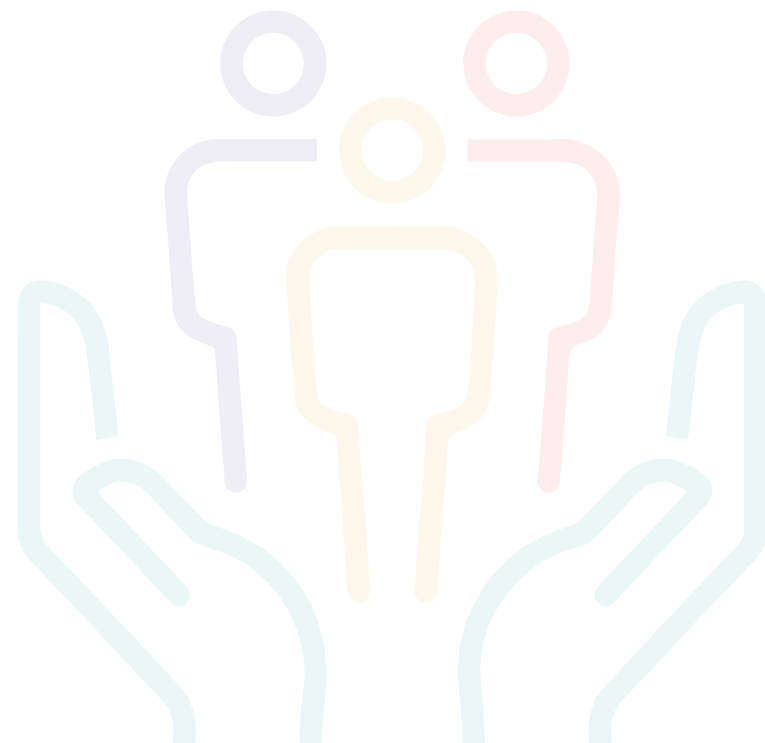




TASPB

**Tameside Adult Safeguarding
Partnership Board**



Tameside Adults Safeguarding Partnership Board (TASPB)

Working in Partnership to Make Enquiries

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1. Purpose, Scope and Legal Context

This guidance is intended for all professionals and managers who raise, coordinate, undertake, or contribute to statutory Adult Safeguarding Enquiries under Section 42 of the Care Act 2014. It sets out how the Local Authority (Adult Social Care) will either carry out enquiries itself or that organisations work in partnership to undertake specific enquiry actions on its behalf. The guidance applies once the Local Authority has determined S.42 criteria is met.

This is that there is reasonable cause 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.

Under Section 42.2 of the Care Act 2014, the Local Authority must make enquiries or cause others to do so to decide whether any action is needed to **help and protect the adult in keeping with Making Safeguarding Personal**, and if so what action and by whom.

The Local Authority retains overall responsibility for any enquiry another organisation is caused to make; this responsibility cannot be delegated to another organisation.

The Care act 2014 states *“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.”*

This guidance should be read alongside TASPB multi-agency safeguarding policy and procedures.

Definitions used in this guidance

Local Authority Enquiry Officer: the Local Authority practitioner with lead responsibility for the Section 42 enquiry.

Enquiry Officer: the practitioner within the caused organisation (for example, a National Health Service provider or care provider) who is appointed to undertake the enquiry actions requested by the Local Authority.

2. Principles

All safeguarding activity must be conducted in line with Making Safeguarding Personal (MSP), ensuring the adult's views, wishes and desired outcomes drive decision-making, proportionate responses, and any protection or support plans. The adult (or their representative/Independent Advocate) should be involved as far as possible throughout.

Professionals are expected to work within their remit. A discussion at the multi-disciplinary meeting may identify the best placed person to conduct the enquiry and agree the support that maybe required from partner organisations.

Enquiries (including those caused to another organisation) should, where possible:

Establish facts.

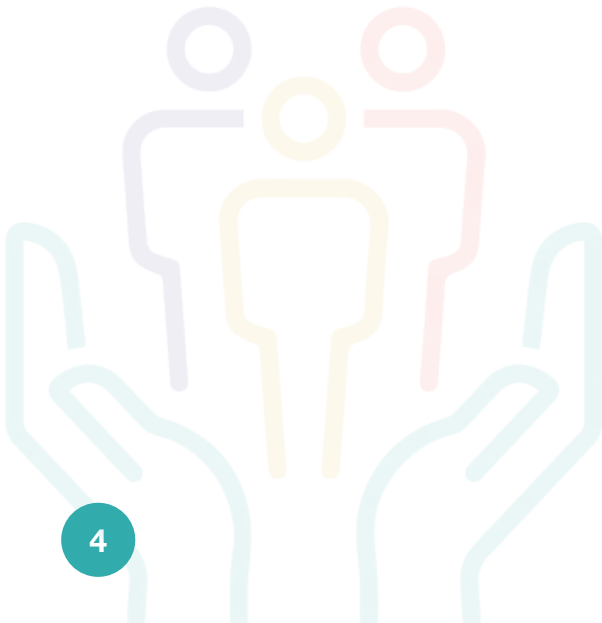
Ascertain the adult's views, wishes and desired outcomes.

Protect the adult in line with their wishes, balancing any risks to others.

Assess needs for protection, support and redress, and how these could be met.

Decide actions in relation to the person/organisation alleged to be the source of risk.

Enable resolution and recovery.



3. Raising and Screening Safeguarding Concerns

All safeguarding concerns where the S.42 criteria is believed to be met must be raised with the Local Authority. The Local Authority will screen and determine whether there is reasonable cause to suspect the Section 42 criteria are met. Where criteria are not met, the Local Authority will advise on more appropriate pathways and signposting.

Initial actions include addressing immediate risks (for example, contacting emergency services where there is imminent risk of serious harm) and seeking further information where needed to reach a Section 42 decision.



4. Overview of the Safeguarding Process

Timescale	Action	Who
Day 1	Concern raised and shared with the Local Authority via the Portal	Organisation notified of the concern
Day 1-5	Local Authority makes the decision if a Section 42 Enquiry is to commence	Local Authority Enquiry Officer
Day 1-5	Referring organisation informed of action required in response to the concern raised. This could be a request to:- - Gather information to inform a section 42 enquiry (appendix 1 completed) - Consideration of other Care Act duties and/or signposting Care Act	Local Authority Enquiry Officer
If a section 42 enquiry is required and the Local Authority has informed the referring organisation that they will be asked to gather information to inform a section 42 enquiry		
Day 1-28	Planning the enquiry, conducting the enquiry and recommendations for outcome of the enquiry to be shared with the Local Authority Enquiry Officer -- Appendix 1 to be completed and submitted to the Local Authority when the enquiry is complete	Organisation providing the Local Authority Enquiry Officer with the information to complete the section 42 enquiry
Day1-28	Contact Advocacy services if required	Organisation providing the Local Authority Enquiry Officer with the information to complete the section 42 enquiry

Timescale	Action	Who
Day 1-28	Local Authority Enquiry Officer receives a minimum of weekly updates of progress of the enquiry	Organisation providing the Local Authority Enquiry Officer with the information to complete the section 42 enquiry
Day 1-28	Local Authority Enquiry Officer receives the completed form (appendix 1) and confirms with the organisation tasked with completing the enquiry that no further information/action is required	Local Authority Enquiry Officer

There is an expectation that requested information is returned within 28 days. However, in line with Making Safeguarding Personal, timescales should remain flexible to ensure the adult at risk's needs, wishes, and outcomes are central to the enquiry. Where additional time is required to appropriately engage and support the individual, or to achieve person-centred outcomes, this should be clearly recorded, with regular progress updates provided as agreed with the Local Authority Enquiry Officer



Discussion may be required with Partner Organisations to plan actions and arrange and attend MDT meetings

Organisations involved in a safeguarding adults enquiry are expected to work within their usual professional remit and statutory responsibilities. Where an organisation is asked by the Local Authority Enquiry Officer to coordinate and collate information for the purposes of the enquiry, that organisation may need to convene a multi-disciplinary meeting to agree and coordinate the actions required to establish the facts and gather relevant information.

The Local Authority Enquiry Officer must be kept informed of progress and notified promptly of any issues, barriers, or risks that may impact the completion of the enquiry.

PLANNING

Gains views, consent and desired outcome of adult

- Consider duty to refer to Care Act advocate if required
- Gather and share information (report criminal activity to police, service quality issues to CQC and commissioners as appropriate)
- Agree what actions are needed and who will do this
- Risk assess and agree interim safeguarding plan/safety measures while enquiries are undertaken

ENQUIRY

- Establish facts and gather information in relation to the concern
- Assess the needs of the adult for protection, support and re-dress
- Carry out relevant assessments, such as a needs assessment or mental capacity assessment
- Work with the person or service thought to be the cause of risk to ensure a full right of reply
- Work to enable the adult to achieve resolution and recovery

OUTCOMES OF THE REVIEW

- Evaluate outcomes of enquiries with the adult and involved others
- Review desired outcomes and what action the adult wishes to be taken
- Identify ongoing risks, specifically risk of harm through abuse/neglect and agree a safeguarding plan
- Feedback to relevant people
- Identify any other actions to be taken to support the adult

The organisation caused to undertake the enquiry is responsible for submitting the completed enquiry information (appendix 1) to the Local Authority.

The Local Authority Enquiry Officer will review the information provided, confirm the safeguarding outcome, and formally close the enquiry.

Practice consideration:

Gain and record the adult's wishes, consent and desired outcomes early and review as they evolve.

Consider advocacy under the Care Act 2014 if the adult has substantial difficulty in engaging and no appropriate representative.

Share information proportionately; liaise with the police where a crime may have been committed; notify the Care Quality Commission and commissioners where service quality issues are indicated. Parallel criminal, complaints, clinical governance or regulatory enquiries may proceed alongside the Section 42 enquiry.



5. Deciding Who Should Undertake the Enquiry (or Elements of It)

The Local Authority will decide whether to undertake the enquiry itself or cause another organisation to undertake identified enquiry actions. Considerations include:

Existing professional relationship with the adult (for example, General Practitioner, District Nurse, care worker, housing support worker) and who the adult trusts to engage with them.

Nature of the concern: where a crime is suspected, the police lead the criminal investigation.

Skills and knowledge required (for example, pressure ulcer management, medicines management, mental health assessment).

Context: concerns within a family/informal relationship are often best led by the Local Authority given the complexity of personal relationships.

Employment responsibilities (for example, where allegations relate to a staff member, the employer may be best placed to undertake employment enquiries, subject to conflict-of-interest checks).

Ongoing contact and capacity of the proposed organisation to undertake the enquiry in a timely and safe manner.

Examples of enquiry actions and who may be best placed to lead them (non-exhaustive):

- **Care and Support Needs Assessment / Carer's Assessment:** Local Authority.
- **Nursing needs assessment:** National Health Service provider or Integrated Care Board commissioned services.
- **Assessment of mental health needs:** Mental Health Team.
- **Criminal investigation / domestic abuse:** Police (with Multi-Agency Risk Assessment Conference where applicable).
- **Antisocial behaviour or tenancy breaches:** Housing/Neighbourhood Services or landlord.
- **Rogue traders/bogus callers:** Trading Standards.
- **Provider failings:** Commissioner (Local Authority, Integrated Care Board or National Health Service provider).
- **Complaints:** Organisation's complaints process, escalating to the relevant Ombudsman if unresolved.
- **Fitness of registered provider:** Care Quality Commission / commissioning in NHS or Local Authority.
- **Professional conduct:** Relevant professional regulator (for example, Social Work England, Royal College of Nursing).

Note: Independent advocates should not be asked to make enquiries except to ascertain or support the adult's views in relation to specific actions.

6. When It Is Not Appropriate to Cause Another Organisation to Undertake an Enquiry

The Local Authority will not cause another organisation to undertake an enquiry when, for example:

- There is a serious conflict of interest (including conflicts within the employer/service).
- There are concerns about competence, quality, or regulatory compliance (for example, recent negative Care Quality Commission findings) or ineffective past enquiries.
- Where the concern indicates potential organisational abuse and warrants consideration of a large scale, multi agency enquiry. It is essential to determine whether the matter should be escalated through the MAC process, and to assess any conflict of interest that may arise if the provider is asked to lead or participate in the enquiry.
- Any concerns about capacity or remit must be discussed promptly with the Local Authority so that risks can be managed and appropriate alternative arrangements made.
- The statutory duty to co-operate applies (Section 6 Care Act 2014); however, an organisation may decline where cooperation would be incompatible with its duties or have an adverse effect on its functions. Any disagreement must be resolved swiftly with the adult's safety paramount.



7. Roles and Responsibilities

Duties of the Local Authority when Causing an Enquiry

When the Local Authority identifies that another organisation is best placed to undertake part or all of the enquiry, the Local Authority Enquiry Officer will:

- **Contact the organisation verbally and then confirm in writing** (see appendix 1), clearly setting out the terms of reference, the nature of the concern, and why the organisation is best placed to undertake the work.
- **Assure competence and neutrality** (that the organisation and appointed Enquiry Officer are competent and free of conflict of interest).
- **Agree a reasonable timescale for the enquiry report**, proportionate to scope and risk; require regular progress updates and confirm the 28-day expectation for responses where set.
- **Provide contact details of the Local Authority Enquiry Officer** and any Independent Advocate or representative acting for the adult.
- **Ensure Mental Capacity is addressed:** agree who will complete any decision-specific mental capacity assessment relevant to the enquiry; consider Lasting Power of Attorney for Health and Welfare; arrange advocacy if required.
- **Plan for safety:** ensure risk is assessed and mitigated throughout; convene planning/outcome discussions or meetings as required and involve relevant organisations.
- **Maintain oversight and quality assurance:** review enquiry reports for quality and completeness (including a review within seven calendar days) and require rectification where needed; record rationale and decisions on the Local Authority system and confirm when the enquiry is closed.



Duties of the Organisation Undertaking a Caused Enquiry

Partner Organisations should apply the TASPb Policy and Procedures and in doing so:

- **Appoint a competent Local Authority Enquiry Officer with no conflict of interest;** ensure they have the necessary support and training.
- **Confirm understanding of the concern and terms of reference;** raise promptly if the task is not within remit or if another body would be more appropriate.
- **Resolve disagreements at the lowest level and escalate only if unresolved;** maintain regular contact with the Managing Officer.
- **Work in line with Making Safeguarding Personal:** involve the adult or their representative/Independent Advocate; reflect any change in desired outcomes; provide feedback on outcomes.
- **Deliver the enquiry report** addressing all terms of reference within the agreed timescale and invite the Local Authority to relevant planning/outcome discussions.



8. Recording, Information Sharing and Assurance

The organisation undertaking the enquiry will record safeguarding activity within its own electronic record system (for example, safeguarding chronology, planning and outcomes) with appropriate monitoring and oversight.

Information and outcomes will be shared in writing with the Local Authority as agreed (for example, initial fact-finding, the adult's views and wishes, capacity assessments, internal reviews).

The Local Authority will record all decisions, actions, and outcomes within its system and provide management oversight. This should include support and guidance as required.



9. Escalation and Resolving Disagreements

Where the caused organisation declines, delays, or there is disagreement that could impact the adult's safety, escalate promptly while ensuring no compromise to immediate safety.

Escalation pathway:

Stage 1:

Organisation's Corporate/Designated Safeguarding Team

Local Authority Safeguarding Team



Stage 2:

Organisation's Head of Safeguarding

Local Authority Head of Safeguarding



Stage 3:

Organisation's Associate Director for Safeguarding

Local Authority Associate Director for Safeguarding;
if unresolved in exceptional circumstances, escalate to Executive Leads.

Partnership dispute resolution procedures (for example, TASPB working together to resolve disagreements) should be referenced and used where required.



10. Mental Capacity Act 2005 – Practice Requirements

The practice requirement for safeguarding practice and MCA follows the Mental Health Code of Practice assessments must be decision-specific, time-specific test: can the person understand, retain, use/weigh information relevant to the decision and communicate their choice.

Where the person lacks capacity for a specific decision, a best-interests decision must be made with appropriate involvement of those close to the person and any Independent Advocate, and with due regard to any Lasting Power of Attorney for Health and Welfare.



11. Parallel and Linked Processes

Section 42 enquiries may proceed in parallel with other processes including criminal investigations, clinical incident investigations, complaints, regulatory notifications, or employment procedures.

The Local Authority will coordinate with relevant bodies to avoid duplication and ensure an effective multi-agency response.



12. Out-of-Area and Cross-Boundary Considerations (interim statement)

Where the adult's circumstances involve services or providers based outside the Local Authority's area, the Local Authority will screen the concern, retain lead coordination, and liaise with the relevant authority/provider to agree who is best placed to undertake enquiry actions and how information will be shared.

There may be a request to support access to an organisation who are based outside of the local authority. For example another an ICB GMP colleague from another geographical area.



13. Timescales

The Local Authority and the organisation will agree proportionate timescales for enquiry actions and reports based on risk and scope. This is as agreed by TASPb and detailed in the TASPb safeguarding Adult Procedures.

Where specified by the Local Authority, there is an expectation that requested information is returned within 28 days. However, in line with Making Safeguarding Personal, timescales should remain flexible to ensure the adult at risk's needs, wishes, and outcomes are central to the enquiry. Where additional time is required to appropriately engage and support the individual, or to achieve person-centred outcomes, this should be clearly recorded, with regular progress updates provided.

The Local Authority will quality-assure the enquiry report (including feedback within seven calendar days) and confirm closure of the enquiry. During review by partners and final quality assurance by the local authority the following points need to be considered.

1. Clear Description of the Safeguarding Concern and Scope of the Enquiry

The report clearly states what the concern was, why it met the threshold for a safeguarding adults enquiry, and what the enquiry set out to establish.

2. Risk Identification and Analysis Are Accurate and Evidence Based

Risks to the adult's safety, wellbeing, and autonomy are clearly described, supported by verified evidence, and analysed in a proportionate and person-centred way.

3. The Adult's Wishes, Views, and Desired Outcomes Are Fully Reflected

The report clearly captures what the adult wanted to happen, how risks were understood from their perspective, and what support or adjustments were provided to ensure their involvement.

4. Findings, Professional Judgement, and Decisions Are Transparent and Defensible

The report distinguishes between fact and opinion, explains the reasoning behind conclusions (including whether abuse or neglect is substantiated), and is clearly linked to evidence and risk analysis.

5. Recording Quality Is Clear, Accurate, and Professional

Information is well structured, concise, free from jargon, chronologically accurate, and written in a way that another professional can easily understand the sequence of events, decisions, and outcomes.

14. Quality, Learning and Training

The Local Authority will provide clear information, contacts, and expectations, and will quality-assure information returned and share learning. Where the information received does not provide the requested information the Local Authority Enquiry Officer and the enquiry officer will discuss this further.

Partner organisations should ensure enquiry officers are competent, supported and trained to undertake the enquiry actions required, and that learning identified is captured and embedded.



TAMESIDE ADULT SAFEGUARDING PARTNERSHIP BOARD SECTION 42 ENQUIRY REQUEST

Under Section 42 of the Care Act 2014 the Local Authority must make enquiries, **or cause another partner organisation (agency, provider etc)** to do so, whenever abuse or neglect are suspected to enable it to decide what (if any) action is needed to help and protect the adult.

To support you in undertaking the enquiry, please refer to [Safeguarding Adults Inter Agency Policy and Procedure Guidelines - Tameside MBC](#) and [Trauma informed practice - NHS Safeguarding](#)

This [enquiry request](#) is to be completed as comprehensively as possible by the relevant agency tasked with undertaking the enquiry and returned to DutyESAH@tameside.gov.uk

TASPB require organisations to work together and provide the information requested within **28 days**. **Regular updates** should be shared with the **Local Authority enquiry officer**. TASPB requires assurance that Safeguarding enquiries are addressed within timescales and will offer support with any challenges experienced in the system.

The Local Authority enquiry officer should be made aware of the challenges in the first instance and organisations should apply the TASPB Escalation process as appropriate.

Review date: April 2027

