



Derby and Derbyshire Safeguarding Adults Boards Adult Safeguarding Practice Guidance Initial Enquiries and Section 42 Enquiries

1. Introduction

This guidance sets out what Initial Enquiries and Section 42 Enquiries are, who is responsible for them, and the expectations of partner agencies throughout the safeguarding process. It reflects the Care Act 2014 duties and aligns with established Derbyshire/Derby City policy, procedures, and practice guidance.

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

Adult Social Care for the relevant local authority will respond to a referral on the same working day, or within twenty-four hours of the referral being received. If the referral is closed without initial enquiries being made, the referrer should be informed and the rationale recorded on the adult social care recording system.

2. What are Initial Enquiries?

An Initial Enquiry is the first stage of information gathering and risk consideration when a safeguarding concern is received. Its purpose is to:

- Establish whether the concern meets the threshold for a statutory Section 42 Enquiry
- Determine immediate risks and necessary protective steps
- Understand the adult's views, consent, and desired outcomes (Making Safeguarding Personal [MSP])

Initial enquiries are likely to involve the use of professional curiosity, initial safety planning, consent considerations, and decisions about progression or closure.

Who completes Initial Enquiries?

In **Derbyshire**, the Adult Care Assessment and Triage Team (ACATT) may complete Initial Enquiries for new/closed safeguarding referrals where adults are not open to Adult Social Care (not worked on in the last 14 days by an Area / Specialist P&P Team.). If face-to-face involvement or a statutory enquiry is required, cases are transferred to the appropriate Adult Social Care (ASC) Team, following agreed handover procedures.

In **Derby City**, the Adults MASH Team acts as the single point of entry for all new safeguarding referrals. Where an adult already has an allocated Social Worker, initial enquiries will be completed by that worker. If there is no allocated worker, the enquiries will be completed by the Adults MASH Team. Where a Section 42 enquiry is required, the case will be transferred to the appropriate Adult Social Care team, following agreed handover procedures.

Outcomes of Initial Enquiries

Initial Enquiries can conclude that:

- A Section 42 duty is triggered, or
- Other interventions: prevention, information and advice, signposting, risk management are more appropriate, or
- The referral does not meet the safeguarding criteria and should not progress i.e. closed following initial enquiries

Closure summaries and clear documentation are required within the ASC recording system to confirm the rationale and an audit trail of the outcome of the initial enquiries.

3. What is a Section 42 Enquiry?

Under Section 42 of the Care Act 2014, the relevant Local Authority must make, or cause to be made, whatever enquiries are necessary to determine what action may be needed to safeguard the adult, when:

1. The adult has needs for care and support
2. They are experiencing or at risk of abuse or neglect and
3. As a result, cannot protect themselves

Who is responsible for S42 enquiries?

- The Local Authority holds the statutory duty. This means Derbyshire County Council or Derby City Council depending on location
- The Local Authority can delegate the fact-finding elements of enquiries to other agencies with relevant expertise, skills and knowledge
- Timescales are to be negotiated with all relevant parties, considering proportionality to the presenting risk and level of concern

What should a S42 Enquiry take into account?

S42 enquiries should include:

- The adult's views, wishes and outcomes (MSP)
- Mental Capacity and consent: Where the Section 42(1) criteria are met, the local authority has a statutory duty to make, or cause to be made, such enquiries as it considers necessary, regardless of consent, while seeking to involve the adult and have regard to their wishes wherever possible
- Risk assessment and safety planning
- Evidence gathering and multi-agency coordination
- Proportionate action-taking and review

Safety planning requirements

A safety plan is expected for all S42 enquiries and is monitored as a performance requirement. A safety plan should enable the adult to understand the range of options available and explore how their outcomes could be achieved.

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.

Responsibilities of partner agencies

The Care Act 2014 places duties on all partner organisations, and local guidance reinforces shared accountability in safeguarding. Partner agencies must:

- Share information promptly and in line with lawful information-sharing frameworks
- Provide relevant records, statements, or assessments to support Initial Enquiries and S42 processes
- Participate in multi-agency meetings, risk management, and planning
- Deliver agreed actions within agreed timescales proportionate to the circumstances and level of risk
- Ensure their staff understand safeguarding responsibilities and escalation processes

When partner agencies are delegated to complete S42 Enquiries

If the Local Authority 'causes an enquiry to be made' by another organisation;

- Partner agencies must complete the required enquiries fully and proportionately
- Evidence must be recorded and returned to the Local Authority
- Agency staff should ensure the adult's voice and wellbeing are central
- Agencies must cooperate with any additional local authority instructions

Information-sharing and risk management

Partner agencies have responsibilities to:

- Report safeguarding concerns promptly
- Share intelligence relating to risk, patterns, or organisational concerns
- Engage in safeguarding meetings and strategy discussions
- Ensure concerns are reported even if capacity assessments or consent issues are unclear

Recording and accountability

All practitioners and agencies must ensure:

- Accurate, timely documentation
- Clear rationale for decisions
- Use of approved templates to gather information

Adult Social Care should ensure that feedback is provided to referrers where appropriate.

4. Closure of the safeguarding process

Should the adult's outcomes be met, or it is identified that other actions or processes may be more appropriate, the safeguarding process can be closed.

The rationale and defensible decision for closure of safeguarding should be recorded and shared with all involved.

A number of deaths occur during safeguarding enquiries, and separate guidance can be found in the Derby and Derbyshire SAB practice guidance document [Policies, procedures and practice guidance - Derbyshire Safeguarding Adults Board](#) in relation to:

- Guidelines on notification of deaths to the coroner where there are safeguarding concerns
- Working with the coroner

5. The six principles of adult safeguarding

The 6 principles of safeguarding must guide all safeguarding practice. These are:

Empowerment

People being supported and encouraged to make their own decisions and informed consent.
"I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens."

Prevention

It is better to take action before harm occurs.

"I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help."

Proportionality

The least intrusive response appropriate to the risk presented.

"I am sure the professionals will work in my interest, as I see them and they will only get involved as much needed."

Protection

Support and representation for those in greatest need.

"I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want."

Partnership

Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.

"I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me."

Accountability

Accountability and transparency in delivering safeguarding

"I understand the role of everyone involved in my life and so do they."

Action	Key considerations and Practice requirements (Initial and S42 enquiries)
Ascertaining the wishes and consent of the adult.	<ul style="list-style-type: none"> • Consent should be sought early and throughout the safeguarding process, ensuring the adult's wishes and outcomes guide decisions. At the initial enquiry stage, consent to share information and proceed should be obtained where the adult has capacity, however, action can be taken without consent if there is risk of serious harm, coercion, or risk to others. • During Section 42 enquiries, consent remains central. If the adult has capacity, their choices should be respected unless there is a clear public interest to act. If they lack capacity, decisions must be made in their best interests. All decisions around consent must be clearly recorded and justified. • 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. Ascertain the need for an Independent Capacity Advocate (IMCA), advocate, interpreter, etc., and record the rationale. Log responses from advocates and the reasons for any delays in advocacy support being put in place. • The Safeguarding - <i>What to Expect</i> leaflet 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. • 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.
Contact the Police if there is a reason to believe a crime may have been committed.	<ul style="list-style-type: none"> • The response should be proportionate and demonstrate defensible decision-making. • The referral form and any other relevant information to be shared with the Police. • If a Police interview is required, does the adult alleged to have caused harm need to be considered as 'vulnerable'?
Identify any immediate action required to ensure the safety of the adult and any other parties.	<ul style="list-style-type: none"> • Discuss/notify the referrer of the next steps/further enquiries. If a S42 enquiry is required, adult social care should complete the S42 enquiry request with the timescale for its return.
Think Family – is anyone else at risk?	<ul style="list-style-type: none"> • Complete a safety plan as, and if, appropriate consider any other appropriate referrals, i.e., children's services, PIPOT, adult services, police

Action	Key considerations and Practice requirements (Initial and S42 enquiries)
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.
If the concerns relate to domestic abuse.	Consider completing DASH/contacting the Police/Domestic Abuse Support Services.
Challenge or escalation around responses to Initial/S42 requests or delegation of enquiries.	<ul style="list-style-type: none"> • Where an agency fails to undertake enquiries as requested, discuss this with your Manager. If there is no resolution, escalate to a Safeguarding Service Manager/Group Manager. • If unresolved this will also be reported to the SAB using the Derby and Derbyshire SAB escalation policy.

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

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