

# SOP22

## Standard Operating Procedure Safeguarding Team Process for Managing Section 42 Enquiries

### 1.0 Procedure Statement

This document will ensure that the appropriate and relevant processes are followed by The Royal Wolverhampton NHS Trust (RWT) when there is cause to undertake and/or contribute to a Section 42 Enquiry as instructed by the Local Authority.

This process will ensure that RWT work in conjunction and compliance with The Care Act 2014.

This standard operating procedure should be read in conjunction with the [CP53 Safeguarding Adult policy](#).

### 2.0 Accountabilities

The Chief Nurse is responsible for coordinating the management of safeguarding and is the nominated Director/Executive Lead.

The Named Doctor for Adult Safeguarding is responsible for providing expert medical review of cases as required.

The Head of Safeguarding is responsible for the overall management of the Safeguarding Service and provides expert leadership on all aspects of the safeguarding agenda ensuring that the Trust has robust systems and processes in place for the protection and on-going support of adults;

The Safeguarding Adult and Learning Disability Lead is responsible for the overall management of the Adult Safeguarding Service and provides expert leadership on all aspects of the safeguarding agenda.

The Named Nurse for Safeguarding Adults is responsible for acting as the immediate point of contact with the Local Authority to co-ordinate any investigations and referrals relating to any patients and those receiving community services at RWT as required.

The Safeguarding Adult Nurse is responsible for working with the Named Nurse for Safeguarding Adults on cases of concern, and escalating as appropriate within the Trust to the Named Nurse for Safeguarding Adults and/or Lead for Safeguarding Adults

All Managers are responsible for ensuring that staff are aware of the Trust Safeguarding Policy, ensuring that relevant staff complete safeguarding

adult mandatory training. They have a duty to support staff in raising safeguarding concerns. Departmental Managers and Senior Sisters/Charge Nurses will undertake initial investigations where allegations are made against the Trust ensuring that concerns about individual cases are escalated to the safeguarding team.

All Trust staff are responsible for ensuring that they are aware of the relevant policies and procedures and undertake mandatory training when required.

### **3.0 Procedure**

When an allegation of abuse or neglect is made against The Royal Wolverhampton NHS Trust, we must ensure that the allegations are fully investigated.

- 3.1** The Care Act (2014) introduced a number of provisions to support a multi-agency system to prevent abuse and neglect happening in the first place, including the Section 42 Enquiry Duty. This is a duty on Local Authorities to make, or ask other agencies to make, enquiries into the abuse, harm, or neglect (including self-neglect) of adults who because of their needs for care and support are unable to protect themselves – ‘adults at risk’.
- 3.2** Awaiting the decision of the Local Authority about whether a safeguarding concern meets the threshold for further enquiries to be made should not prevent staff from continuing to provide services and act to minimise risk and protect people from harm or further risk.

When a member of staff or the Trust itself is caused with making an enquiry, the Local Authority retains overall responsibility for the enquiry; taking an active part in agreeing any terms of reference and for decision making about what actions should be taken, and by whom, as a result of the outcome.

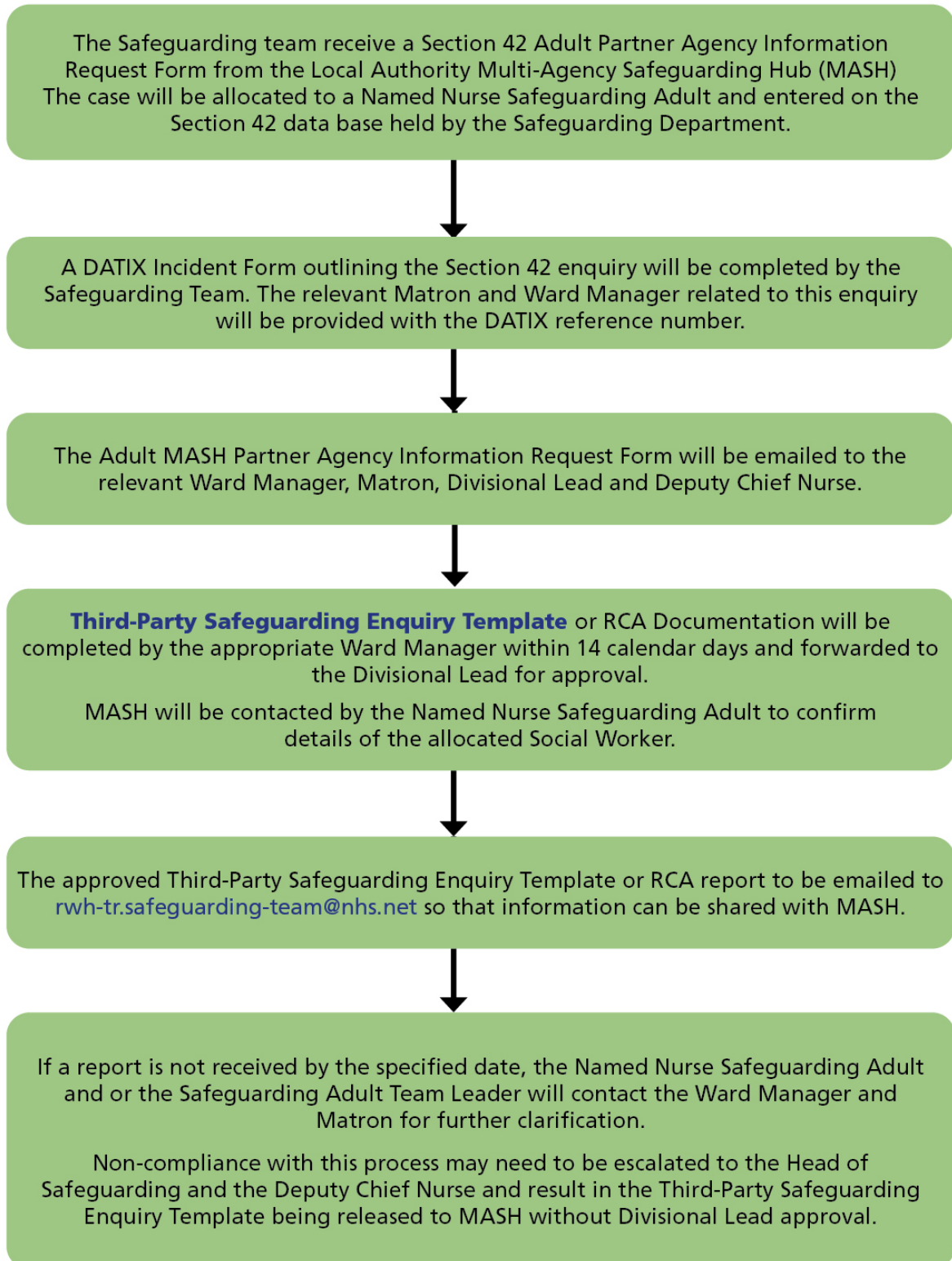
RWT must be able to gain assurance that, if a problem is identified, appropriate measures will be undertaken to protect individuals that remain at risk and ultimately to identify the contributory factors and the fundamental issues (in a timely and proportionate way) to minimise the risk of further harm and/or recurrence. (Adult Safeguarding: Multi-agency policy and procedures for the protection of adults with care and support needs in the West Midlands 2019)

RWT staff must co-operate when asked to undertake or contribute to Section 42 enquiries and follow guidance included in this document. Support can be accessed from the RWT Safeguarding Adult’s Team, 9-5 Monday to Friday, Telephone 01902 695163.

In instances where a safeguarding is raised against RWT but the concerns do not meet the section 42 criteria, the Local Authority will share the concerns with the RWT Complaints Department who will be responsible for managing the concerns through the formal complaint route.

- 3.3** Compliance with the Safeguarding Team Process for Managing Section 42 Enquiries will be monitored by the Safeguarding Adult Lead and where due process is not followed, or there is an unexplained delay in completion of documentation this will be escalated to the Head of Safeguarding and Deputy Chief Nurse.

## Safeguarding Team Process for Managing Section 42 Enquiries



MI\_6742614\_18.05.23\_V\_2

#### 4.0 Equipment Required

No equipment required.

#### 5.0 Training

Staff are required to complete mandatory Safeguarding Adult Training as per training matrix.

#### 6.0 Financial Risk Assessment

1	Does the implementation of this document require any additional Capital resources	No
2	Does the implementation of this document require additional revenue resources	No
3	Does the implementation of this document require additional manpower	No
4	Does the implementation of this document release any manpower costs through a change in practice	No
5	Are there additional staff training costs associated with implementing this document which cannot be delivered through current training programs or allocated training times for staff.	No
	Other comments	

#### 7.0 Equality Impact Assessment

The screening checklist has been completed. Reasonable efforts have been made to eliminate any possible Equality and Diversity discrimination occurring.

#### 8.0 Maintenance

The Head of Safeguarding will be responsible for reviewing this policy to ensure it complies with legislation, professional guidance and city-wide arrangements for adult safeguarding. It will be reviewed in line with Trust Policy OP01 every 3 years or following any significant changes to the way patients are transferred.

#### 9.0 Communication and Training

Information will be disseminated via senior Nurse and Matron's meetings, email and trust bulletin.

## 10.0 Audit Process

Criterion	Lead	Monitoring method	Frequency	Evaluation
All Adult Partner Agency Information requests (Section 42) should be completed in 10 working days	Named Nurse Safeguarding Adults	An audit of completed Section 42 Enquiry Documentation	Quarterly	Results will be presented to the Trust Safeguarding Group

## 11.0 References - Legal, professional or national guidelines

Statutory Guidance to the Care Act 2014 (Chapter 14) Safeguarding Adults

Adult Safeguarding: Multi-agency policy and procedures for the protection of adults with care and support needs in the West Midlands 2019.

## Document Control

Procedure/Guidelines number and version  Version 2.0	<b>Title of Standard Operating Procedure</b>  Safeguarding Team Process for Managing Section 42 Enquiries	<b>Status:</b>  Final		<b>Author:</b> Named Nurse Safeguarding Adults  <b>For Trust-wide Procedures and Guidelines</b> <b>Director Sponsor:</b> Chief Nurse
Version / Amendment History	Version	Date	Author	Reason
	1.0	Sept. 2020	Named Nurse Safeguarding Adults	Implementation of SOP
	2.0	Oct. 2023	Named Nurse Safeguarding Adults	Full Review
<b>Intended Recipients:</b> Ward/department managers, Matrons, Head of Divisions				
<b>Consultation Group / Role Titles and Date:</b> Head of Safeguarding Senior Managers Service Leads Trust Safeguarding Group				
<b>Name and date of group where reviewed</b>		Trust Safeguarding Group Trust Policy Group – October 2023		
<b>Name and date of final approval committee(if trust-wide document)/ Directorate or other locally approved committee (if local document)</b>		Trust Management Committee – October 2023		
<b>Date of Procedure/Guidelines issue</b>		November 2023		
<b>Review Date and Frequency</b> (standard review frequency is 3 yearly unless otherwise indicated)		October 2026 - Three Yearly		
<b>Training and Dissemination:</b> Trust Safeguarding Operational Group Mandatory Level 3 Safeguarding Adults				

<p><b>To be read in conjunction with:</b>  <a href="#">CP53 Safeguarding Adults at Risk</a>          The Care Act 2014          Adult Safeguarding: Multi-agency policy and procedures for the protection of adults with care and support needs in the West Midlands 2019.</p>	
<p><b>Initial Equality Impact Assessment:</b> Yes (as per CP53)</p>	
<p><b>Contact for Review</b></p>	<p>Named Nurse Safeguarding Adult          Telephone 01902 695163</p>
<p><b>Monitoring arrangements</b></p>	<p>This document will be reviewed if there are any changes in law or statutory guidance. Compliance will be monitored three monthly, the findings of which will be presented to the Trust Safeguarding Group</p>
<p><b>Document summary/key issues covered</b>          This document will ensure that the appropriate and relevant processes are followed by The Royal Wolverhampton NHS Trust (RWT) when there is cause to undertake and/or contribute to a Section 42 Enquiry as instructed by the Local Authority.</p>	
<p><b>Key words for intranet searching purposes</b></p>	<p>Safeguarding Adults          Section 42 Enquiry          Local Authority</p>