



## North Wales Safeguarding Adults Board

### Section 126 Enquiry

The Social Services and Wellbeing Act outlines a shift of culture in terms of the functions of the S 126 safeguarding enquiry.

This section applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):

- has needs for care and support (whether or not the authority is meeting any of those needs)
- is experiencing, or is at risk of, abuse or neglect,
- **And** as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

**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.**

#### **Purpose:**

The purpose of the enquiry is to decide whether or not the local authority or another organisation, or person, should do something to help and protect the adult.

Enquiries are information gathering exercises (**not formal investigations**). Making enquiries is separate from care and support assessments but they are linked and the findings of enquiries must be recorded in a care and support plan (if there is one) or in an individual case record.

#### **Process:**

If the local authority decides that another organisation should make the enquiry, for example a care provider, then the local authority should be clear about timescales, the need to know the outcomes of the enquiry and what action will follow if this is not done.

#### **Partner Agencies who can undertake enquiries:**

- BCUHB (Lead Practitioners)
- North Wales Police
- Probation
- WAST
- Commissioned Services (Managers)

Enquiries should not be rushed, but timescales should be set. An enquiry should normally be completed within **SEVEN working days of the report**. If it takes longer, reasons should be recorded.

The LA should monitor progress of the enquiry if another agency is making the enquiries and ensure compliance with timescales to prevent delay.

The local authority, in its lead and coordinating role, should assure itself that the enquiry satisfies its duty under section 126 to decide what action (if any) is necessary to help and protect the adult and by whom and to ensure that such action is taken when necessary.

In this role, if the local authority has asked someone else to make enquiries, it is able to challenge the body making the enquiry if it considers that the process and/or outcome is unsatisfactory.

#### **Adult at risk involvement:**

What happens as a result of an enquiry should reflect the adult 's wishes wherever possible, as stated by them or by their representative or advocate. If they lack capacity it should be in their best interests if they are not able to make the decision, and be proportionate to the level of concern.

#### **Abuse or neglect by employee:**

It is important that all partners are clear where responsibility lies where abuse or neglect is carried out by employees or in a regulated setting, such as a care home, hospital, or college. The first responsibility to act must be with the employing organisation as provider of the service.

The local authority may well be reassured by the employer's response so that no further action is required. The local authority retains the responsibility for ensuring that the enquiry is referred to the right place and is acted upon.

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<https://www.northwalessafeguardingboard.wales/>