

HARINGEY'S MULTI-AGENCY SECTION 42 ENQUIRY FRAMEWORK AND GUIDANCE

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Document Control

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1. Introduction

- 1.1 This document represents collaboration between the agencies on behalf of Haringey's Safeguarding Adults Board to provide a joint Section 42 Enquiry Framework by which we work in partnership to safeguard vulnerable adults from abuse.
- 1.2 The guidance is for use by all staff that manage or undertake a Statutory Safeguarding Adult Enquiry under [Section 42 of the Care Act 2014](#). It comes into effect once a decision has been reached by the Local Authority that the criteria for such an enquiry has been met. It is in addition to Chapter 4 of the London Multi-Agency Safeguarding Policy and Procedures (available at: <http://londonadass.org.uk/wp-content/uploads/2015/02/LONDON-MULTI-AGENCY-ADULT-SAFEGUARDING-POLICY-AND-PROCEDURES.pdf>) which has been adopted by Haringey Safeguarding Adults Board. Both documents should be followed when undertaking a Section 42 Enquiry.
- 1.3 When the Local Authority becomes aware of a situation that meets the criteria, it **must** make or arrange an enquiry under Section 42 of the Care Act 2014 - ***“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.”***
- 1.4 All adult safeguarding concerns referred to the local authority should be assessed to decide if the criteria for adult safeguarding are met. Keeping the person who raised the concern informed is an essential requirement.
- 1.5 An enquiry should establish whether and what action needs to be taken to prevent or stop abuse or neglect; and consider how the process can dovetail with any other relevant investigations that are running parallel, such as a children’s safeguarding matter or a criminal investigation.

2. Background to Safeguarding Adults Enquiries (S42 of the Care Act)

The Care Act 2014 sets out the statutory duties and responsibilities for safeguarding, these include the requirement to undertake Enquiries under Section 42 (S42).

2.1 S42 (1) Statutory Safeguarding

A local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there)

- I. Has a need for care and support (whether or not the local authority is meeting any of those needs);
- II. Is experiencing, or at risk of, abuse or neglect; and
- III. 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.

2.2 If based on the presenting information available, it appears that these stages are met then a safeguarding concern should always be raised with the local authority. In an emergency, the emergency services should be contacted.

Whenever there is information which indicates that an adult may be, or is, at risk of experiencing abuse, neglect or exploitation, this should be shared with the local authority even when it is also shared with other agencies that may need to be advised, such as the Care Quality Commission or the police.

In all circumstances and when safe to do so, the person contacting the local authority about a safeguarding concern would have had a conversation with the adult regarding their consent, views and wishes. The exception to this could be if the person contacting the local authority was unable to have a conversation because of concerns that it would have increased the risk for the adult.

2.2 Immediate actions to be considered by the person raising the concern:

- Make an evaluation of any risks and take steps to ensure that the adult or others are not in immediate danger. Ensure that other people are also not in danger.
- If a crime is in progress, or life is at risk, dial emergency services on 999.
- Encourage and support the adult to report the matter to the police if a crime is suspected and not an emergency situation.
- Safeguard any potential evidence. Do not tamper with, clean up or move any potential evidence if a crime is suspected. Expert advice may be needed from the police.
- If you believe a crime has been committed, contact the police via 999 in an emergency or 101 if less urgent. and then contact Adult Social Care.
- Contact Children's Services if a child or young person is also at risk.
- If you are a member of staff, inform your manager, unless your manager is implicated, then talk to an appropriate independent manager.

2.3 The S42 Duty is placed on the local authority from when the concern is received, there needs to be a degree of information gathering and fact finding to make a decision as to whether to progress to a S42(1) because the 3 criteria are met or S42(2) because it is necessary and a decision is made as to what action and who is best placed to undertake such actions.

The professional making the referral will need to be available to provide additional information or provide an alternative contact person. Where a crime is suspected and referred to the police, then the police must lead the criminal investigations, with the local authority's support where appropriate. The local authority has an ongoing duty to promote the wellbeing of the adult in these circumstances.

An enquiry is the action taken or instigated by the local authority in response to a concern that abuse, or neglect may be taking place. Its' purpose is to decide whether the local authority or another organisation, or person, should do something to help and protect the adult.

2.5 An enquiry will usually start with asking the adult their view and wishes which will often determine what next steps to take. Everyone involved in an enquiry must focus on improving the adult's wellbeing and work together to that shared aim.

The local authority has a duty to consider whether the adult requires an independent advocate to represent and support them in the enquiry and, if so, appoint one. If there is no appropriate family member or other suitable person to represent and support them, the Local Authority must appoint an independent advocate.

2.6 The objectives of an enquiry into abuse or neglect are to:

- establish facts;
- ascertain the adult's views and wishes;
- assess the needs of the adult for protection, support and redress and how they might be met;
- protect from the abuse and neglect, in accordance with the wishes of the adult;
- make decisions as to what follow-up action should be taken with regard to the person or organisation responsible for the abuse or neglect; and
- enable the adult to achieve resolution and recovery.

2.7 What happens as a result of an enquiry should reflect the person's wishes wherever possible, as stated by them or by their representative or advocate.

2.8 The adult should always be involved from the beginning of the enquiry unless there are **exceptional** circumstances that would increase the risk of abuse.

2.9 The adult should experience the safeguarding process as empowering and supportive. Practitioners should wherever practicable seek the consent of the adult before taking action.

2.10 However, there may be circumstances when consent cannot be obtained because the adult lacks the capacity to give it, but it is in their best interests to undertake an enquiry. Whether or not the adult has capacity to give consent, action may need to be taken if others are or will be put at risk if nothing is done or where it is in the public interest to take action because a criminal offence has occurred.

3. Causing Enquiries to be made

3.1 Although the local authority is the lead agency for making enquiries, it may require others to undertake them where this is in the best interests of the adult. The specific circumstances will often determine who the right person or agency is to undertake an enquiry. In many cases a professional who already knows the adult will be the best person.

3.2 Where it causes another organisation to undertake a S42(2) enquiry, or a part of it, the local authority retains the responsibility for ensuring that the enquiry is referred to the right place and is acted upon.

3.3 If the local authority decides that another organisation should make the S42(2) enquiry, then it must make clear the enquiry's terms of reference. These should include:

- The scope of the enquiry,
- Who is responsible for commissioning the enquiry and receiving the report of its' outcome, and
- The timescale for reporting the enquiry outcome.

3.4 The organisation commissioned to undertake the S42(2) enquiry should confirm to the enquiry's commissioner the details of the person who will be responsible for undertaking the enquiry and ensure that it is undertaken within the required timescale.

3.5 Once enquiries are completed, the outcome should be notified to the local authority which will then determine with the adult what, if any, further action is necessary and acceptable, including consideration and recommendation for a Safeguarding Adults Review to the Board

3.6 The local authority, in its lead and coordinating role, should assure itself that the enquiry satisfies its duty under S42(2) of the Care Act 2014 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 the local authority must challenge the body making the enquiry if it considers that the process and/or outcome is unsatisfactory. In exceptional cases, the local authority may undertake an additional enquiry, for example, if the original fails to address significant issues.

3.7 For integrated teams or Services, the LA duty regards to Safeguarding applies and LBH employed staff member identities a safeguarding concern they will need to raise the concerns directly on MOSAIC and in conjunction with their team Manager manage the decision making and associated actions. For other team members they can continue to refer via FRT and the online referral form ensuring that any immediate protections actions have been taken and the views of the Adult at Risk have been sought and recorded

4. Process for Commissioning a S42(2) Enquiry from an Organisation outside the Local Authority

4.1 Duty of the Local Authority causing an enquiry to be carried out

4.1.1 Where the Managing Officer responsible for a S42(2) Enquiry within the Local Authority identifies that another agency is best placed to undertake that enquiry, or an element of it, they must:

- Inform the organisation of this responsibility.
- Explain to the organisation why they are best placed to undertake the enquiry.
- Be satisfied that the organisation being caused to undertake the enquiry is competent to do so and that there is no conflict of interest in this organisation (or the person they appoint as Enquiry Officer) fulfilling this role.

- Agree a reasonable timescale for receiving a report of its outcome. Enquiries must be completed in a timely manner. Enquiries will vary greatly in length and complexity, so prescribing a single target for all reports is not possible. However, only in exceptional circumstances should an enquiry report be received more than 48 days after it has been commissioned.
- Ensure the organisation knows how the Managing Officer can be contacted.
- Ensure the organisation knows of the appointment and contact details of any Independent Advocate or other person acting on the adult's behalf where they have substantial difficulty in taking part in the enquiry.
- Make any amendments to the terms of reference necessary as the enquiry progresses or the adult's desired outcomes change or develop;
- Ensure the enquiry report has addressed the terms of reference and required rectification to be made where it does not.
- Resolve any disagreement regarding the commissioning of the enquiry at the lowest level within the organisation, only escalating within the organisation and local authority where issues remain unresolved and proportionate to the disagreement (NB: where the organisation is the best placed to undertake the enquiry and its terms of reference are within the scope of its jurisdiction, the organisation has a legal duty under the Care Act 2014 to cooperate).

4.2 Duty of the Organisation identified to undertake an Enquiry

4.2.1 The organisation that is caused to undertake an enquiry under S42(2) must:

- 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 in their undertaking this role.
- Satisfy them that the enquiry's terms of reference are clearly understood and within the remit of the organisation to undertake.
- Make the Managing Officer aware of any circumstances where the organisation is not the appropriate body to undertake the enquiry.
- 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 (NB: where the organisation is the best placed to undertake the enquiry and its terms of reference are within the scope of its jurisdiction, the organisation has a legal duty under the Care Act 2014 to cooperate).
- Agree a reasonable timescale for receiving a report of its outcome. Enquiries must be completed in a timely manner. Enquiries will vary greatly in length and complexity, so prescribing a single target for all reports is not possible. However, only in exceptional circumstances should an enquiry report be received more than 28 days after it was commissioned.
- Conduct an enquiry in line with the principles of Making Safeguarding Personal, i.e., ensure:

- The enquiry is person centre led and reflects the outcomes that the adult wishes to achieve
- The adult (or their representative of Independent Advocate) is included as far as possible throughout the process. Therefore, promoting involvement choice and control
- That if in the progress of the enquiry the adult alters their view of their desired outcomes, this is reflected in the enquiry and that the Enquiry's Commissioner is informed of this
- The adult (or their representative or Independent Advocate) are informed of the outcome of the enquiry.
- Keep in contact with the Managing Officer and inform them of any changes or developments during the enquiry.
- Ensure the enquiry report has addressed the terms of reference and is delivered to the Managing Officer within the agreed timescale.
- The remit and authority of organisations need to be clear when considering how different types of investigations might support Section 42 enquiries.

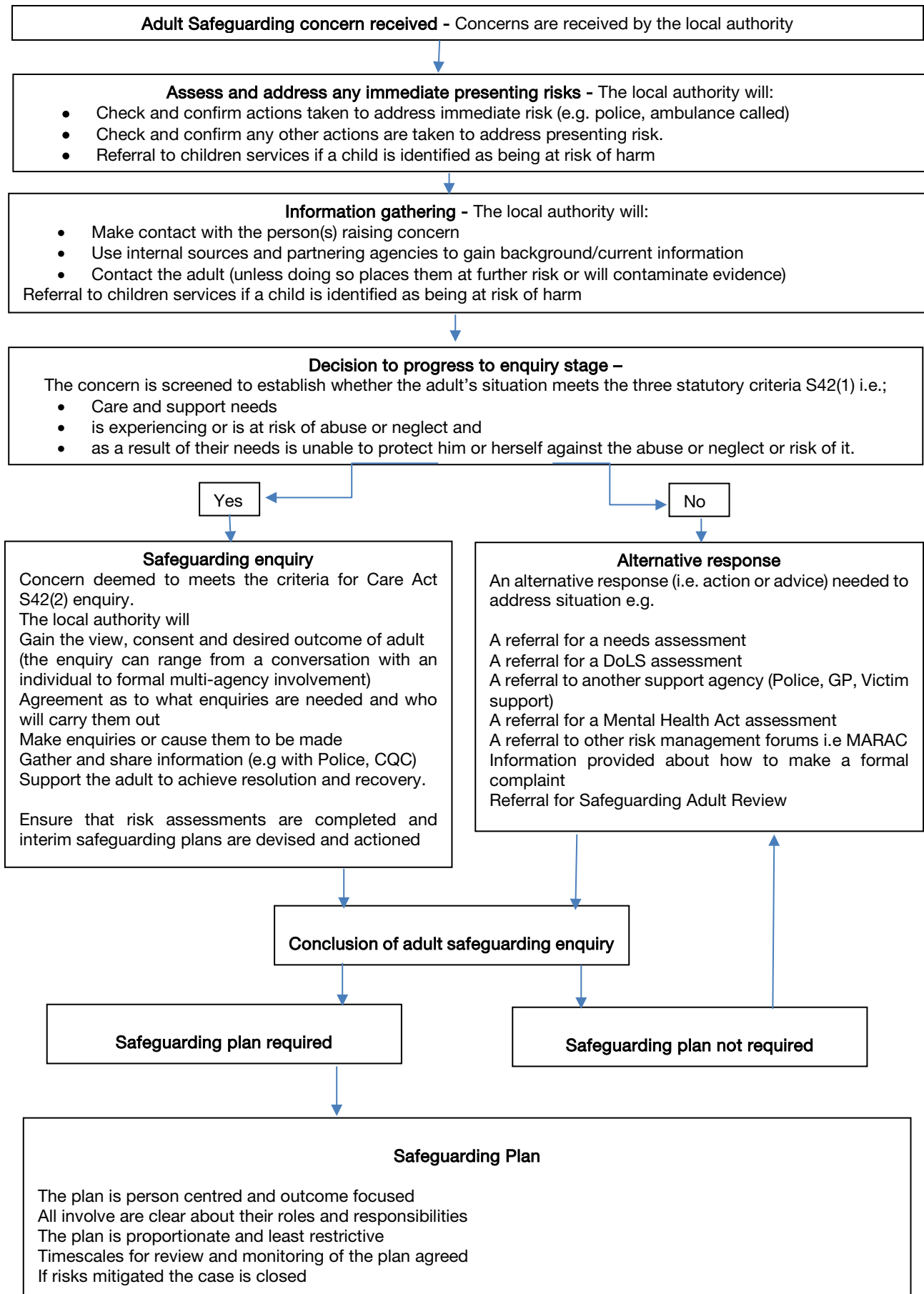
5. Concerns identified during an enquiry about a person in a position of trust

- 5.1 Where during an enquiry that an organisation has been caused to undertake, information comes to light that a person in a position of trust may have behaved in a way that has harmed or may have harmed an adult with care and support needs, then appropriate action must be taken in line with Haringey's Inter-Agency Safeguarding Adults Board Escalation Protocol (available at: <http://www.haringey.gov.uk/social-care-and-health/safeguarding-adults/safeguarding-adults-policies-and-procedures>).

6. Appendices:

- **Appendix 1: Section 42 Enquiry Flowchart**
- **Appendix 2: Inter-Agency Safeguarding Adults Concern Form** - to be used by agencies reporting alleged or suspected abuse
- **Appendix 3: Section 42 Enquiry Form**

Appendix 1: Section 42 Enquiry Flowchart The following flow chart illustrates this.



INTER-AGENCY SAFEGUARDING ADULTS CONCERNS FORM

to be used by **agencies** reporting alleged or suspected abuse
London Borough of Haringey

When you have completed this form, please forward to the First Response Team:

- By email to: firstresponseteam@haringey.gov.uk
- For further information, telephone: 020 8489 1400: 24hrs services 7days a week

Where a criminal act may have been committed the police must be notified immediately.

1. DETAILS OF ADULT AT RISK

First name:		Client ID:	
		NHS number:	
Surname:		Hospital number:	
Address:	Current location if different		
Postcode:		Tel:	
DOB:	Click or tap to enter a date.	Age	Gender: Male: <input type="checkbox"/> Female: <input type="checkbox"/>
Spoken language:			Gender identity: Yes <input type="checkbox"/> Does gender differ from birth sex? No <input type="checkbox"/>
Other members of the household inc. Children/animals:			
Marital status:	Single <input type="checkbox"/> Married <input type="checkbox"/> Divorce <input type="checkbox"/> Separated <input type="checkbox"/> Other <input type="checkbox"/>		
Type of accommodation:	Privately Owned <input type="checkbox"/> Council Tenant <input type="checkbox"/> Housing Association <input type="checkbox"/> Other <input type="checkbox"/>		
Does the individual have mental capacity?	Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know <input type="checkbox"/>	GP details:	Next of kin:
		Tel:	Tel:
Client group:	Learning Disability <input type="checkbox"/> Older Persons <input type="checkbox"/> Other <input type="checkbox"/> Physical Disability <input type="checkbox"/> Carers <input type="checkbox"/> Mental Health <input type="checkbox"/> Drug & Alcohol <input type="checkbox"/>		

Out of Borough Placement:	Yes <input type="checkbox"/> No <input type="checkbox"/>	Authority making placement:	
Self-funding:	Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/>		
Ethnic origin:	Black Caribbean <input type="checkbox"/> Black African <input type="checkbox"/> Other Black <input type="checkbox"/> Mixed WH/BL Caribbean <input type="checkbox"/> Mixed WH/BL African <input type="checkbox"/>	Pakistani <input type="checkbox"/> Bangladeshi <input type="checkbox"/> Indian <input type="checkbox"/> Mixed White/Asian <input type="checkbox"/> Other Asian <input type="checkbox"/>	Chinese <input type="checkbox"/> Mixed WH/Chinese <input type="checkbox"/> White Irish <input type="checkbox"/> Other White <input type="checkbox"/>
	Other, please specify:		
Religion:	Christian <input type="checkbox"/> Greek Orthodox <input type="checkbox"/> Muslim <input type="checkbox"/> Hindu <input type="checkbox"/> Roman Catholic <input type="checkbox"/> Sikh <input type="checkbox"/> Jewish <input type="checkbox"/> Buddhist <input type="checkbox"/> Other/None <input type="checkbox"/>	Other, please specify:	

2. ALLEGED/SUSPECTED/ WITNESSED OR REPORTED ABUSE/INCIDENT(S)

Does the adult in concern know this concern has been made:		Yes <input type="checkbox"/> No <input type="checkbox"/>		
Has the adult in concern given consent to proceed to an investigation?		Yes <input type="checkbox"/> No <input type="checkbox"/>		
Description of the alleged/suspected or witnessed abuse: What was seen/said/heard, by whom, who else was present etc.	<p><i>Record factually what the person said and make a note of the time, date to who and where they made the admission. If comments are recorded and retained in this way there is a greater likelihood that the evidence will be allowed as evidence in court.</i></p> <p>Continue on a separate sheet if necessary.</p>			
Date & time of alleged, suspected or witnessed abuse:	Click or tap to enter a date.	Date & time concern reported:	Click or tap to enter a date.	
Impact on the adult concerned, including any injuries:	Continue on a separate sheet if necessary.			
Abuse setting:	Alleged victim's home <input type="checkbox"/> Alleged perpetrators home <input type="checkbox"/> Family Home <input type="checkbox"/> Other family members home <input type="checkbox"/> Residential Home – Permanent <input type="checkbox"/> Residential Home – Temporary <input type="checkbox"/> Nursing Home – Permanent <input type="checkbox"/> Nursing Home – Temporary <input type="checkbox"/>	Mental Health Inpatient Setting <input type="checkbox"/> Acute Hospital <input type="checkbox"/> Community Hospital <input type="checkbox"/> Other Health Setting <input type="checkbox"/> Day Centre <input type="checkbox"/> Public Place/Outside Home <input type="checkbox"/> Supported Living (inc sheltered, extra care housing) <input type="checkbox"/> Education/Training/Workplace Establishment <input type="checkbox"/>		

	Adult Placement Home <input type="checkbox"/>	Not Known <input type="checkbox"/>
	Other (Please Specify):	
Type of abuse:	Neglect/Act of Omission <input type="checkbox"/> Financial or Material Abuse <input type="checkbox"/> Organisational Abuse <input type="checkbox"/> Hate Crime <input type="checkbox"/> Modern Slavery <input type="checkbox"/>	Psychological/Emotional <input type="checkbox"/> Discriminatory Abuse <input type="checkbox"/> Sexual Abuse <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Physical Abuse <input type="checkbox"/> Self Neglect <input type="checkbox"/>
Source of referral:	Residential/Nursing Care Staff <input type="checkbox"/> Social Worker Or Care Manager <input type="checkbox"/> Primary Or Community Health Staff <input type="checkbox"/> Self Referral <input type="checkbox"/> Other Service User <input type="checkbox"/> Domiciliary Care Staff <input type="checkbox"/> Housing Services <input type="checkbox"/> London Ambulance Service <input type="checkbox"/> GP <input type="checkbox"/> Voluntary Agencies <input type="checkbox"/>	Self Directed Care Staff <input type="checkbox"/> Secondary Health Staff <input type="checkbox"/> Day Care Staff <input type="checkbox"/> Mental Health Staff <input type="checkbox"/> Family Member <input type="checkbox"/> Other Social Care Staff <input type="checkbox"/> Friend/Neighbour <input type="checkbox"/> Police <input type="checkbox"/> Education/Training/Workplace Establishment <input type="checkbox"/> Care Quality Commission <input type="checkbox"/>
	Other (Please Specify):	
Has alleged abuse been referred to the police?	Yes <input type="checkbox"/> No <input type="checkbox"/>	CAD or Police/crime reference number?
Does the adult at risk have any special needs in relation to communication, physical access or mobility, medication or personal care:		
Does the adult have/need an advocate?	Yes <input type="checkbox"/> No <input type="checkbox"/>	

3. PERSON ALLEGED TO HAVE CAUSED HARM DETAILS (Do Not put details if employed by the Local Authority) <i>Do not speak with the perpetrator first without seeking advice from police or the Safeguarding Adults Manager.</i>			
Full name:		Include any nicknames	
Address:	Indicate if known at more than one address:		
Postcode:		Tel (If known):	

DOB:	Click or tap to enter a date.	Age		Gender:	Male: <input type="checkbox"/> Female: <input type="checkbox"/>
Is person alleged to have caused harm	Partner <input type="checkbox"/> Domiciliary Care Staff <input type="checkbox"/> Friend/Neighbour <input type="checkbox"/> Self Directed Care Staff <input type="checkbox"/> Statutory Agency <input type="checkbox"/> Residential Care Staff <input type="checkbox"/>	Another Service User <input type="checkbox"/> Health Care Worker <input type="checkbox"/> Day Care Staff <input type="checkbox"/> Stranger <input type="checkbox"/> Institutional Abuse <input type="checkbox"/> Other Family Member <input type="checkbox"/>	Social Worker <input type="checkbox"/> Care Manager <input type="checkbox"/> Other Social Care Staff <input type="checkbox"/> Volunteer/Befriender <input type="checkbox"/> Other <input type="checkbox"/> Not Known <input type="checkbox"/>		
Is the person alleged to have caused harm the main carer?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Still living with adult at risk?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
Was person alleged to have caused harm living with the adult at risk at the time of abuse?	Yes <input type="checkbox"/> No <input type="checkbox"/>				
Please provide details of relationship to adult at risk.					
Details of immediate action taken to safeguard the adult at risk (if any).					
Details of any records made and where held e.g. Incident reports, Case notes, Regulation 18 notification etc. Is there CCTV/Photographs?					
What has been done to reduce further risk to the adult at risk? The main concern is to ensure the safety and well-being of the adult and those who also may be at risk. Seek advice from Police or a Safeguarding Adults Manager on how this can be done.					
Any other information not covered in previous questions?					

1. DETAILS OF PERSON COMPLETING THIS FORM

Name	Job Title Or Profession	Contact Details	Date

2. SERVICE DETAILS IF ALLEGED ABUSE INVOLVED PROVIDER OR TOOK PLACE WITHIN PROVIDER SETTINGS

If a regulated agency has been implicated in the alleged abuse, please ensure that the CQC is informed and a copy of the concern form sent to them.

Is this service provider approved and registered	Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know <input type="checkbox"/>	Service number if registered	
Name of registered service		Address of registered service	
Has CQC been Informed?	Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know <input type="checkbox"/>		
Date of contact			
Details			

WHEN YOU HAVE COMPLETED THIS FORM, PLEASE FORWARD TO THE FIRST RESPONSE TEAM (DETAILS ABOVE)

Appendix 3: Section 42 Enquiry Form

SAFEGUARDING ADULT ENQUIRY REPORT			
Enquiring Officers (s) name, title and organisation:			
Person/Organisation alleged to have caused harm:			
Name of Adult at Risk:		Mosaic No: <small>(office use only)</small>	

Date of Referral	
Date of Completion of Enquiry	

Consent to an enquiry	
Has the Person at Risk consented to the enquiry?	Yes No Could Not Consent
If the Person at Risk could not consent to an Enquiry, was a Mental Capacity Assessment undertaken? The assessment should address the adult at risk's mental capacity to understand the type of enquiry, the outcomes and the effect on their safety now and in the future.	Yes No
If you ticked 'No' to the above question, please explain your reasons why:	
Is a safeguarding Advocate required?	Yes No
Details of Safeguarding Advocate	

Background to initial referral:	
Chronology:	
Date	Description

Category(ies) of alleged abuse:	
Enquiry discussion/meetings date and decisions:	
<ul style="list-style-type: none"> • Action: • Whom: • By when: 	

Person at risk's or their representative's account of the incident(s):

Section 42 enquiries:
<ul style="list-style-type: none"> • <i>The views and wishes of the adult affected (at the beginning of the process and overtime) and where appropriate the views of the family</i> • <i>What outcomes would the adult/rep/advocate want to achieve (SMART)</i> • <i>What are the risks according to the adult/rep/advocate?</i> • <i>Any immediate action agreed with the adult or their representative (see also strategy discussion)</i> • <i>The reasons for all actions and decisions</i> • <i>Details of who else consulted or the concern is discussed with anytime scales for action</i>

Recommendations/Safeguarding Plan/or My Plan:
Safeguarding Plan should include:
<ul style="list-style-type: none"> • <i>Individual's view of risk/representative/professionals view of risk to be finalised at the enquiry meeting.</i> • <i>Management strategies.</i> • <i>What the individual is willing to accept in terms of risk management.</i> • <i>Where risk remains what further action is needed</i> • Action:

<ul style="list-style-type: none"> • Whom: • By when:

Enquiry Recordings and Analysis:

Summary/enquiring officers view as to whether abuse has occurred (on the balance of Probability):
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Action arising from enquiry <ul style="list-style-type: none"> • Action: • Whom: • By when:

Were the desired outcomes met?	1 Fully met 2 Nearly all met 3 Somewhat met 4 None met	Action required

Do they feel safer?	<ul style="list-style-type: none"> a. Yes b. Partially - in some areas but not others c. No
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Signed: <i>This is the report author(s); please include job titles when signing. All enquiry reports must be counter signed by the investigating officer(s) line manager or SAM. All parties' agreement to the conclusion and recommendations should be noted (or otherwise). The strategy group makes the final decision about the allegations, report and the conclusion.</i>
Date:
Chair:
Date: