



## *How do the Care Act 2014 regulations affect safeguarding issues with vulnerable adults?*

Safeguarding is a very important issue when it comes to protecting vulnerable adults from abuse or neglect, this factsheet provides information about how safeguarding issues must be dealt with by local authorities in line with Care Act regulations.

**The Care Act provides some important new safeguarding duties, to help keep vulnerable adults safe. Safeguarding is the process whereby a local authority protects vulnerable adults who may be subject to abuse or neglect. The Care Act sets out a clear framework as to how all local authorities must manage safeguarding in their area.**

### **Duty to make enquiries**

Section 42 provides that a local authority is under a duty to make sufficient enquiries to enable it to decide if any action is needed in relation to safeguarding. This duty arises whenever the local authority has reasonable cause to suspect that an adult in its area:

- 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 needs is unable to protect himself or herself against the abuse or neglect, or the risk of it.

The duty to make enquiries in these circumstances means that all local authorities will have to take an active role in identifying vulnerable adults and safeguarding them where necessary. Wherever there is suspicion of abuse or neglect, the local authority will need to step in and make enquiries to determine whether the adult needs to be protected.

### **Safeguarding Adults Boards**

In order to assist with safeguarding functions, all local authorities will need to establish a multi-agency body, so that safeguarding concerns can be discussed, actions put forward, and information shared between different agencies.

Under section 43 of the Care Act, each local authority will need to establish a Safeguarding Adults Board ("SAB"). The purpose of an SAB is to coordinate safeguarding activity across different bodies and organisations. The members of SABs will include local authorities, NHS bodies, and the police.

The SAB will need to meet regularly to discuss progress and consider its approach to vulnerable adults in the area. It will also be required to publish an annual report, setting out the progress that has been made, along with its objectives for the coming year.

Other bodies and organisations will be under a statutory duty to provide information to the SAB where it is requested.

The SAB will also be under a duty to carry out a review into any case involving an adult where the adult has died or there has been serious abuse and neglect, where there is reasonable cause for concern about how the SAB, members of the SAB, or other persons with relevant functions, worked together to safeguard the adult.

“I was given very clear information and the degree of care and understanding was very good.”

- Chambers & Partners, 2015

To talk to a specialist advisor today simply call **0800 028 1943**  
You can also follow us on Twitter **@IMPUBLICLAW**

 **0800 028 1943**  
 **[www.irwinmitchell.com](http://www.irwinmitchell.com)**  
 **@irwinmitchell**

For a list of our offices visit our website

Irwin Mitchell LLP is a limited liability partnership registered in England & Wales, with number OC343897, and is authorised and regulated by the Solicitors Regulation Authority. All Scottish cases will be handled by a separate Scottish legal practice, Irwin Mitchell Scotland LLP, which is regulated by the Law Society of Scotland.

PLS-PL-0027-FS

