



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

##### *Safeguarding adults at risk of abuse or neglect*

#### **42 Enquiry by local authority**

- (1) This section applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there)—
  - (a) has needs for care and support (whether or not the authority is meeting any of those needs),
  - (b) is experiencing, or is at risk of, abuse or neglect, and
  - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- (2) 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.
- (3) "Abuse" includes financial abuse; and for that purpose "financial abuse" includes—
  - (a) having money or other property stolen,
  - (b) being defrauded,
  - (c) being put under pressure in relation to money or other property, and
  - (d) having money or other property misused.

#### **43 Safeguarding Adults Boards**

- (1) Each local authority must establish a Safeguarding Adults Board (an "SAB") for its area.

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- (2) The objective of an SAB is to help and protect adults in its area in cases of the kind described in section 42(1).
- (3) The way in which an SAB must seek to achieve its objective is by co-ordinating and ensuring the effectiveness of what each of its members does.
- (4) An SAB may do anything which appears to it to be necessary or desirable for the purpose of achieving its objective.
- (5) Schedule 2 (which includes provision about the membership, funding and other resources, strategy and annual report of an SAB) has effect.
- (6) Where two or more local authorities exercise their respective duties under subsection (1) by establishing an SAB for their combined area—
  - (a) a reference in this section, section 44 or Schedule 2 to the authority establishing the SAB is to be read as a reference to the authorities establishing it, and
  - (b) a reference in this section, that section or that Schedule to the SAB's area is to be read as a reference to the combined area.

#### **44 Safeguarding adults reviews**

- (1) An SAB must arrange for there to be a review of a case involving an adult in its area with needs for care and support (whether or not the local authority has been meeting any of those needs) if—
  - (a) there is reasonable cause for concern about how the SAB, members of it or other persons with relevant functions worked together to safeguard the adult, and
  - (b) condition 1 or 2 is met.
- (2) Condition 1 is met if—
  - (a) the adult has died, and
  - (b) the SAB knows or suspects that the death resulted from abuse or neglect (whether or not it knew about or suspected the abuse or neglect before the adult died).
- (3) Condition 2 is met if—
  - (a) the adult is still alive, and
  - (b) the SAB knows or suspects that the adult has experienced serious abuse or neglect.
- (4) An SAB may arrange for there to be a review of any other case involving an adult in its area with needs for care and support (whether or not the local authority has been meeting any of those needs).
- (5) Each member of the SAB must co-operate in and contribute to the carrying out of a review under this section with a view to—
  - (a) identifying the lessons to be learnt from the adult's case, and
  - (b) applying those lessons to future cases.

#### **45 Supply of information**

- (1) If an SAB requests a person to supply information to it, or to some other person specified in the request, the person to whom the request is made must comply with the request if—
  - (a) conditions 1 and 2 are met, and
  - (b) condition 3 or 4 is met.
- (2) Condition 1 is that the request is made for the purpose of enabling or assisting the SAB to exercise its functions.
- (3) Condition 2 is that the request is made to a person whose functions or activities the SAB considers to be such that the person is likely to have information relevant to the exercise of a function by the SAB.
- (4) Condition 3 is that the information relates to—
  - (a) the person to whom the request is made,
  - (b) a function or activity of that person, or
  - (c) a person in respect of whom that person exercises a function or engages in an activity.
- (5) Condition 4 is that the information—
  - (a) is information requested by the SAB from a person to whom information was supplied in compliance with another request under this section, and
  - (b) is the same as, or is derived from, information so supplied.
- (6) Information may be used by the SAB, or other person to whom it is supplied under subsection (1), only for the purpose of enabling or assisting the SAB to exercise its functions.

#### **46 Abolition of local authority’s power to remove persons in need of care**

Section 47 of the National Assistance Act 1948 (which gives a local authority power to remove a person in need of care from home) ceases to apply to persons in England.

#### **47 Protecting property of adults being cared for away from home**

- (1) This section applies where—
  - (a) an adult is having needs for care and support met under section 18 or 19 in a way that involves the provision of accommodation, or is admitted to hospital (or both), and
  - (b) it appears to a local authority that there is a danger of loss or damage to movable property of the adult’s in the authority’s area because—
    - (i) the adult is unable (whether permanently or temporarily) to protect or deal with the property, and
    - (ii) no suitable arrangements have been or are being made.
- (2) The local authority must take reasonable steps to prevent or mitigate the loss or damage.
- (3) For the purpose of performing that duty, the local authority—

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- (a) may at all reasonable times and on reasonable notice enter any premises which the adult was living in immediately before being provided with accommodation or admitted to hospital, and
  - (b) may deal with any of the adult's movable property in any way which is reasonably necessary for preventing or mitigating loss or damage.
- (4) A local authority may not exercise the power under subsection (3)(a) unless—
  - (a) it has obtained the consent of the adult concerned or, where the adult lacks capacity to give consent, the consent of a person authorised under the Mental Capacity Act 2005 to give it on the adult's behalf, or
  - (b) where the adult lacks capacity to give consent and there is no person so authorised, the local authority is satisfied that exercising the power would be in the adult's best interests.
- (5) Where a local authority is proposing to exercise the power under subsection (3)(a), the officer it authorises to do so must, if required, produce valid documentation setting out the authorisation to do so.
- (6) A person who, without reasonable excuse, obstructs the exercise of the power under subsection (3)(a)—
  - (a) commits an offence, and
  - (b) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) A local authority may recover from an adult whatever reasonable expenses the authority incurs under this section in the adult's case.