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SAFEGUARDING –

**THE LEGAL FRAMEWORK WITH A FOCUS
ON WICKED ISSUES**

Peggy Etiebet

Section 42 Enquiries



- **Who is responsible for the section 42 enquiry?**
- The responsible local authority is the one whose area the adult is in.
- **May two (or more) local authorities have a section 42 duty?**
- It is possible that two or more local authorities may have a section 42 duty.

Section 42 Enquiries



- **Why is this of note?**
- People move or reside across boundaries.
- **What may be done?**
- Co-operate and integrate. Draw up agreed policies and procedures

Section 42 Enquiries



- **What is the extent of the enquires the LA has to make (or cause to be made)?**
- ?Those which no reasonable LA would have failed to make
- **Why is this relevant?**
- SARs

What May a LA do?



- Homelessness
- Allocation of accommodation
- Care and support
- Children Act – leaving care provisions
- Section 17 Children Act
- Section 1 Localism Act

Third Parties not helping?



- Effective partnership working!
- Care Act co-operation duties
- Pre-action letter

Individuals not co-operating?



- Mental Capacity Act
- Inherent Jurisdiction
- Mental Health Act
- PACE
- Environmental Health acts
- Park it



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peggye@cornerstonebarristers.com