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| --- | --- |
| **Person:** | (ID: ) |
| **Ref Team:** |  |
| **Ref Worker:** |  |
| S126 Enquiries | |



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| |  | | --- | | **Social Services and Well-Being Act (Wales) 2014** | |
| |  |  |  | | --- | --- | --- | | |  |  | | --- | --- | |  | Social Services and Well-being Act (Wales) 2014: Section 126 Enquiries Form - Duty of a local authority to make enquiries or cause enquiries to be made | | |
| |  | | --- | | S126(1) of the Social Services and Well-being (Wales) Act 2014 defines an adult at risk as an adult who: | |
| |  | | --- | | 1. Is experiencing or is at risk of abuse or neglect, | |
| |  | | --- | | 2. Has needs for care and support (whether or not the authority is meeting any of those needs), and | |
| |  | | --- | | 3. As a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it. | |
| |  | | --- | | The use of the term ‘at risk’ means that actual abuse or neglect does not need to occur before practitioners intervene, rather early interventions to protect an adult at risk should be considered to prevent actual abuse and neglect. | |
| |  |  |  | | --- | --- | --- | | |  |  | | --- | --- | |  | Abuse | | |
| |  | | --- | | can be physical, sexual, psychological, emotional, financial or neglect and can take place in any setting, whether in a private dwelling, an institution, or any other place. S126 (2) sets out that: “If a local authority has reasonable cause to suspect that a person within its area (whether or not ordinarily resident there) is an adult at risk, it must: | |
| |  | | --- | | (a) make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken (whether under this Act or otherwise) and, if so, what and by whom; and (b) decide whether any such action should be taken.” | |
| |  | | --- | | An assessment of the individual’s care and support needs under Part 3 of the Act should begin as soon as the individual appears to have needs for care and support. This can run alongside and be integral to the enquiry. S137 places a duty on partner agencies of the Regional Safeguarding Board to co-operate with the Local Authority in exercising its duty under S126. | |
| |  |  |  | | --- | --- | --- | | |  |  | | --- | --- | |  | S126 enquiries must be completed within 7 working days of receiving an adult at risk report (A1) | | |

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| |  | | --- | | **Details** | |
| |  | | --- | | Name of the person subject to enquiries | | |  | | --- | |  | | |
| |  | | --- | | WCCIS Number | | |  | | --- | |  | | |
| |  | | --- | | Team completing enquiries | | |  | | --- | |  | | |
| |  | | --- | | Name of professional completing enquiries | | |  | | --- | |  | | |
| |  | | --- | | Start date of Section 126 enquiries | | |  |  |  |  |  | | --- | --- | --- | --- | --- | | DD |  | MM |  | YYYY | | |
| |  | | --- | | Date of completion of section 126 enquiries (state reason if enquiries were not completed within 7 working days) | | |  | | --- | |  | | |
| |  | | --- | | Category of abuse | | |  | | --- | |  | | |
| |  | | --- | | The alleged person / care provider responsible | | |  | | --- | |  | | |
| |  | | --- | | Does the person thought to be an adult at risk refuse to participate? | | (Refusal to participate does not automatically relieve the local authority of its duty but may reduce the effectiveness of the enquiry) | | |  | | --- | |  | | |

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| |  | | --- | | **Enquiries** | |
| |  |  |  | | --- | --- | --- | | |  |  | | --- | --- | |  | The following information is required to support the S126 enquiry and to establish the facts in relation to the attached A1 Duty to Report form. | | |
| |  | | --- | | Ideally this should be completed via a face-to-face contact with the Adult, family members or other representatives, and may include checking written records, care plans, incident reports, medication records, staff rotas, risk assessments, bank statements, as appropriate to the area of concern / abuse. | |
| |  | | --- | | The adult must be offered an opportunity to speak to you alone. | |
| |  | | --- | | The enquiry must be person centred and reflect their view, wishes and feelings on the allegation. | |

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| |  | | --- | | **Enquiries Information** | |
| |  | | --- | | A list of people who provided information during the enquiries | |  | | |  | | --- | | **Name** | | |  | | --- | |  | | | |
| |  | | --- | | A list of documentary evidence reviewed during the enquiries | |  | | |  | | --- | | **Evidence** | | |  | | --- | |  | | | |
| |  | | --- | | The nature of the alleged abuse (to be considered as part of the Section 126 enquiries) | | |  | | --- | |  | | |
| |  | | --- | |  | | |  |  | | --- | --- | |  | **Comments** | | What does the adult say about what has happened and what action (if any) they want to take? | |  | | --- | |  | | | How did the alleged abuse impact on the adult? | |  | | --- | |  | | | The length of time the person has been subjected to abuse. | |  | | --- | |  | | | The frequency and intensity of the abuse | |  | | --- | |  | | | Is a medical examination/ treatment required as part of the enquiries to establish whether any injuries have been caused by abuse or are accidental? | |  | | --- | |  | | | Consider the possibility that the adult thought to be at risk is not making decisions freely; whether there is a need to involve an advocate. It is a legal duty to consider a person’s need for advocacy and to provide appropriate support to enable participation | |  | | --- | |  | | | Check the person is safe. is immediate action needed to safeguard the individual? | |  | | --- | |  | | | |

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| |  | | --- | | **What Matters Conversation** | |
| |  | | --- | |  | | |  |  | | --- | --- | |  | **Comments** | | Undertake the ‘What Matters’ Conversation: ascertain the Adult’s views and wishes in relation to the incident and what is their lived experience and personal outcomes (including consent). | |  | | --- | |  | | | What support does the individual require? The nature of any support and assistance the adult may be receiving from a carer or relative other than the alleged perpetrator. | |  | | --- | |  | | | |

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| |  | | --- | | **Mental Capacity of the Adult** | |
| |  | | --- | |  | | |  |  | | --- | --- | |  | **Comments** | | Does the adult understand the safeguarding process, and do they give consent to the referral and sharing of information? (must explain the process and who is involved ie. Police) | |  | | --- | |  | | | Does the adult appear to have the mental capacity to recognise and understand the allegation of abuse within the original report? | |  | | --- | |  | | | If the person does not have capacity as above, do they require a referral to IMCA? If not, do they have someone who can do this? (Family, friend, carer-consider possible conflict of interest) | |  | | --- | |  | | | Is a formal capacity assessment required? If so, who will carry this out? Once completed please attach with the 126 Enquiries. | |  | | --- | |  | | | |

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| |  | | --- | | **Person responsible for alleged abuse** | |
| |  | | --- | |  | | |  |  | | --- | --- | |  | **Comments** | | The alleged perpetrator of the abuse and the relationship, if any, to the adult | |  | | --- | |  | | | Does the alleged abuser provide care and support to the victim? | |  | | --- | |  | | | Does the alleged abuser provide care or support for another adult at risk or child who may be at risk (provide details) | |  | | --- | |  | | | Does the alleged abuser have any needs for care and support? | |  | | --- | |  | | | |

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| |  | | --- | | **Outcome** | |
| |  | | --- | | What do you think should happen following your enquiries? | | |  | | --- | |  | | |