

## 7 Minute Briefing – The ‘Right to Access’ and Associated Legal Powers – January 2026- Plain Text Version

### 1. What is the ‘Right to Access’ in Adult Safeguarding?

In the context of **safeguarding adults under [the Care Act 2014](#)**, the term "**right to access**" refers to the ability of professionals—typically from local authorities or partner agencies—to **gain access to an adult who may be at risk of abuse or neglect** in order to carry out safeguarding enquiries.

However, **there is no automatic legal ‘right of entry’** granted under the Care Act.

### 2. Section 42 – Care Act 2014

Local authorities have a **duty to make safeguarding enquiries** (or cause them to be made) when they suspect an adult:

- Has **care and support needs** (regardless of whether those needs are being met),
- Is **experiencing or at risk of abuse or neglect**, and
- Is **unable to protect themselves** due to those needs.

However, this duty **does not include a statutory power of entry**.

All actions should reflect the **six principles of safeguarding: Empowerment, Prevention, Proportionality, Protection, Partnership, and Accountability**.

### 3. When Access Is denied

Access may be blocked by:

- The adult,
- A third party,
- Or coercive circumstances.

In these cases, the first steps safeguarding professionals should take are:

- Negotiate and build trust,
- Offer advocacy if engagement is difficult,
- Use a trauma-informed, culturally sensitive approach.

If access cannot be negotiated, only then should legal powers for intervention be considered.

### 4. Mental Capacity and Health Acts – Legal Powers

#### [Mental Capacity Act 2005](#):

- If the adult lacks capacity, access decisions must be in their **best interests** and use the **least restrictive option**.
- The **Court of Protection** can authorise intervention.

#### [Mental Health Act 1983](#):

- **S115:** Allows entry to inspect premises.

- **S135:** Magistrates can issue a warrant for police to enter and remove a person for assessment

## 5. Other Legal Powers

- Under the [Police and Criminal Evidence Act 1984 \(PACE\)](#), police can enter premises **without a warrant** to save life or prevent serious harm.
- Police may also assist social workers in gaining access where there is **immediate risk** to life or safety.
- **Regulatory Services** have access and entry powers that, while not specific to safeguarding, may be useful when there are concerns about a property but this will depend on individual circumstances

## 6. Court of Protection and High Court Legal Powers

**Court of Protection:** Can authorise access where an adult lacks capacity, especially in cases of obstruction, coercion, or self-neglect.

**High Court (Inherent Jurisdiction):** Applies when an adult has capacity but is under coercion or control. The court can issue orders to protect their autonomy and safety.

## 7. Escalation and Support

- Refer to [SCIE guidance](#) on gaining access to adults at risk of abuse or neglect for best practice.
- **Speak to your local safeguarding lead** for advice and oversight.
- **Consult legal services** for guidance on access powers and legal routes if required.
- [High Risk Advisory Panel:](#) Use in complex or high-risk situations to coordinate multi-agency input.

Contact details:

- [Salford Safeguarding Adults Board: SSAB@Salford.gov.uk](#)

[Worried about an adult?](#) Report concerns via [the Adults' online portal](#) or call 0161 206 0604.

- [Worried about a child?](#) Report concerns [via the Children's online portal](#) or call the Bridge 0161 603 4500.