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## 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.

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## 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.

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## 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.

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## 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.

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## 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**.

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## 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.

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## 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.