



East London

NHS Foundation Trust

Information Governance

Robert Dolan House

9 Alie Street

London

E1 8DE

Email elft.foi@nhs.net

Website: <https://www.elft.nhs.uk>

19th August 2026

Our reference: FOI DA6678

We are responding to your request for information received 24th June 2026. We are sorry for the delay in responding to your request. This has been treated as a request under the Freedom of Information Act 2000.

We are now enclosing a response which is attached to the end of this letter. Please do not hesitate to contact us on the contact details above if you have any further queries.

Yours sincerely,

FOI Team

If you are dissatisfied with the Trust's response to your FOIA request then you should contact us and we will arrange for an internal review of this decision.

If you remain dissatisfied with the decision following our response to your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act 2000. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

Web: www.ico.org.uk

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Request:

Question 1: Section 42 Safeguarding Process

The Trust's internal policy or procedure governing when and how a Section 42 safeguarding enquiry may be initiated, including the evidential threshold required

The Trust's policy on consulting or notifying individuals named as alleged perpetrators in a Section 42 enquiry prior to or during that process

The Trust's policy on consulting or notifying household members and carers affected by a Section 42 enquiry

Answer:

A s.42 enquiry is initiated when the Local Authority determines that it has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there) has needs for care and support (whether or not the authority is meeting any of those needs), is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

The decision to initiate a safeguarding enquiry is therefore a local authority decision. In most of the areas covered by the Trust, this decision is taken by a central decision making team in the local authority after a receipt of a safeguarding alert. The exception here is the London Borough of Hackney and the London Borough of Tower Hamlets, where adult social care teams (including integrated social care and NHS mental health teams) make this decisions on receipt of safeguarding concerns regarding an adult risk known to their service.

In each of these areas the decision maker for determining whether a safeguarding enquiry is initiated under s.42 of the Care Act 2014, will follow both the local multi-agency policy and procedures ([London Multi Agency Adult Safeguarding Policy Practice Guidance and Procedures](#) or [Bedfordshire and Luton Safeguarding Adults Policy and Procedures](#)) and the Local authorities own safeguarding adults policy and procedures.

For more information, please see the following link for the adult safeguarding policy https://www.elft.nhs.uk/sites/default/files/2023-12/adult_safeguarding_policy_9.0.docx

Question 2: Communication with Carers and Family Members

The Trust's policy on communication with carers and family members of patients, including response time standards for queries raised by carers

The Trust's policy on what information can and cannot be shared with carers and household members without patient consent, and the distinction between patient clinical data and information about processes or decisions affecting third parties

Answer:

The decision to notify an adult alleged to be a source or risk or have caused harm when raising or completing a safeguarding enquiry is covered generally in both the information sharing section of the Trusts Adult Safeguarding Policy and the relevant multi-agency procedures for that area. In summary, there are no hard and fast rules on when and how a person alleged to be a source of risk or have caused harm should be notified of the allegation. The Trust's and local multi-agency policies stress that judgement will need to be made about what type of enquiry and actions are right for each situation. Adults alleged to be a source or risk or have caused harm should be treated fairly, however, this must be balanced against the need to protect the adult at risk and maintain confidentiality. These policies are in line with the guidance set out in statutory Care and Support guidance [care and support statutory guidance](#) to



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the Care Act which states:

- Information will only be shared on a 'need to know' basis when it is in the interests of the adult (this being the adult at risk of abuse)
- Confidentiality must not be confused with secrecy
- Informed consent should be obtained but, if this is not possible and other adults are at risk of abuse or neglect, it may be necessary to override the requirement
- It is inappropriate for agencies to give assurances of absolute confidentiality in cases where there are concerns about abuse, particularly in those situations when other adults may be at risk.

For more information, please see: <https://www.elft.nhs.uk/service-users-and-carers/information-family-friends-and-carers>

Question 3: Home Visits

The Trust's policy on advance notice to households before home visits by clinical staff

Answer: Arrangements for home visits are determined by the clinical needs of the service user, individual risk assessments, and the operational pathways of the relevant service. The approach may vary between teams and services to ensure care is delivered safely, appropriately, and in line with the needs of the individual.

Question 4: Complaints Handling

The Trust's complaints handling procedure, including the steps required after a complaint is received, what constitutes a concluded investigation, and the circumstances under which a complaint may be closed without a face-to-face meeting having taken place

Answer: Please see Appendix 1

Question 5: Third Party Involvement in Safeguarding

The Trust's policy on allowing third parties such as family members to provide information during a safeguarding investigation, including any requirements to notify or seek consent from affected parties

Answer: Under the Care Act 2014, Safeguarding enquires are conducted by a Local Authority or those 'caused' by the Local Authority to carry one out on its behalf. As such Trust staff completing an enquiry will follow the Local Authorities Safeguarding policy.

For local multi-agency procedures please see London Multi Agency Adult Safeguarding Policy Practice Guidance and Procedures or Bedfordshire and Luton Safeguarding Adults Policy and Procedures) and the Local authorities own safeguarding adults policy and procedures. For the safeguarding procedures of a specific local authority it may be best to liaise with that local authority directly.

However, in summary the involvement of third parties such as family members there are no hard and fast rules on when and how they should be involved, this will be dependent on the situation, the consent of the adult at risk and the nature of the allegation (for example are family members alleged source of risk). The Trust's and local multi-agency policies stress that judgement will need to be made about what type of enquiry and actions are right for each situation. For more information, please see the following link for



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the adult safeguarding policy https://www.elft.nhs.uk/sites/default/files/2023-12/adult_safeguarding_policy_9.0.docx

Question 6: Staff Conduct

The Trust's policy on staff conduct during home visits and interactions with family members of patients

Answer Code of Conduct for all Staff would be the primary Trust policy. Please see Appendix 2.

Question 7: Patient Confidentiality and Third Party Rights

Any guidance, policy or procedure on the distinction between patient confidentiality and the rights of third parties affected by safeguarding decisions, including what information must or may be shared with third parties without patient consent.

Answer: Please see Appendix 3



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