

Megan Baker House  
Orchard Lane  
Ledbury  
Herefordshire  
HR8 1BY

Charity Number 1141827



# SAFEGUARDING AND CLIENT PROTECTION

Reviewed August 2024

This policy applies to anyone working on behalf of Megan Baker House (MBH), including senior managers and the board of trustees, paid staff, volunteers, sessional workers, agency staff and students.

## THE PURPOSE OF THIS POLICY STATEMENT

- To protect children's, young people and adults who receive services from MBH.
- To provide staff and volunteers, as well as all MBH clients and their families, with the overarching principles that guide our approach to protection and safeguarding.
- To promote appropriate information sharing to effectively safeguard children's, young people and adults from harm and promote their wellbeing.
- To enable the secure exchange of personal information, between practitioners and other individuals with a responsibility for safeguarding.

## LEGAL FRAMEWORK

This policy has been prepared on the basis of legislation, policy and guidance that seeks to protect children's, young people and adults in England.

As MBH is based in Herefordshire we will follow and be guided by Herefordshire Safeguarding board

## CONTACT DETAILS

- Designated MBH Safeguarding Lead: Sue Mechan, Head of Client Services
  - Phone/email: 07718992418 / sue@meganbakerhouse.org.uk
- Deputy Safeguarding Lead Name: David Cleal, Conductive Education Specialist
  - Phone/email: 07979 185798 / david@meganbakerhouse.org.uk
- Trustee/Senior lead for safeguarding and client protection: Dr Richard Wileman, Chair
  - Phone/email: 07990 325578 / richard.wileman18@gmail.com
- Herefordshire Safeguarding Board (Adults & Children's)
  - [www.herefordshiresafeguardingboards.org.uk/](http://www.herefordshiresafeguardingboards.org.uk/)
  - Phone/email: 01432 260100 / admin.sbu@herefordshire.gov.uk
- Local Authority Designated Officer (if there is a concern about a member of staff at MBH)
  - LADO@herefordshire.gov.uk or telephone 01432 261739
- Worcestershire Safeguarding Board (Adults & Children's)
  - [www.safeguardingworcestershire.org.uk/](http://www.safeguardingworcestershire.org.uk/) Children's
  - Phone/email: 01905 822666 Adults: 01905 768053/01905 768020
- Gloucestershire Safeguarding Board
  - Adults: [www.gloucestershire.gov.uk/gsab](http://www.gloucestershire.gov.uk/gsab)

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Herefordshire  
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Charity Number 1141827

- Phone/email: 01452 426828/ Socialcare.enq@gloucestershire.gov.uk
- Children's: <https://www.gloucestershire.gov.uk/gscp/safeguarding-client-protectionarrangements>
  - Phone: 01452 426565 and select option 3
- Shropshire Safeguarding Board
  - [www.shropshire.gov.uk/the-send-local-officer/social-care/children's-socialcare/safeguarding](http://www.shropshire.gov.uk/the-send-local-officer/social-care/children's-socialcare/safeguarding)
  - Phone: 0345 678 9021/ 0345 678 9040
- NSPCC Helpline 0808 800 5000

We are committed to reviewing our policy and good practice annually.

## **SHARING INFORMATION – 7 GOLDEN RULES**

(including personal information):

1. All MBH clients have a right to be protected from abuse and neglect. Protecting them from such harm takes priority over protecting their privacy, or the privacy rights of the person(s) failing to protect them. The UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA) provide a framework to support information sharing where practitioners have reason to believe failure to share information may result in the client being at risk of harm.

2. When you have a safeguarding concern, wherever it is practicable and safe to do so, engage with the client and/or their carer(s), and explain who you intend to share information with, what information you will be sharing and why. You are not required to inform them, if you have reason to believe that doing so may put the client at increased risk of harm (e.g., because their carer(s) may harm the client, or react violently to anyone seeking to intervene, or because the client might withhold information or withdraw from services).

3. You do not need consent to share personal information about a client and/or members of their family if a client is at risk or there is a perceived risk of harm. You need a lawful basis<sup>3</sup> to share information under data protection law, but when you intend to share information as part of action to safeguard a client at risk of harm, consent may not be an appropriate basis for sharing. It is good practice to ensure transparency about your decisions and seek to work cooperatively with a client and their carer(s) wherever possible. This means you should consider any objection the client or their carers may have to proposed information sharing, but you should consider overriding their objections if you believe sharing the information is necessary to protect the client from harm.

4. Seek advice promptly whenever you are uncertain or do not fully understand how the legal framework supports information sharing in a particular case. Do not leave a client at risk of harm because you have concerns you might be criticised for sharing information. Instead, find out who in your organisation/agency can provide advice about what information to share and with whom. This may be your manager/supervisor, the designated safeguarding lead professional, the data protection/information governance lead (e.g., Data Protection Officer), Caldicott Guardian, or relevant policy or legal team. If you work for a small charity or voluntary organisation, follow the NSPCC's safeguarding guidance.

Charity Number 1141827

5. When sharing information, ensure you and the person or agency/organisation that receives the information take steps to protect the identities of any individuals (e.g. the client, a carer, a neighbour, or a colleague) who might suffer harm if their details became known to an abuser or one of their associates.

6. Only share relevant and accurate information with individuals or agencies/organisations that have a role in safeguarding the client and/or providing their family with support, and only share the information they need to support the provision of their services. Sharing information with a third party rarely requires you to share an entire record or case-file – you must only share information that is necessary, proportionate for the intended purpose, relevant, adequate, and accurate.

7. Record the reasons for your information sharing decision, irrespective of whether or not you decide to share information. When another practitioner or organisation requests information from you, and you decide not to share it, be prepared to explain why you chose not to do so. Be willing to reconsider your decision if the requestor shares new information that might cause you to regard information you hold in a new light. When recording any decision, clearly set out the rationale and be prepared to explain your reasons, if you are asked.

## SUPPORTING DOCUMENTS

This policy statement should be read alongside our organisational policies, procedures, guidance, and other related documents including:

- Role description for the designated safeguarding officer
- Code of conduct for staff
- Online/virtual safety
- Anti-bullying policy
- Whistleblowing
- Health and safety
- Induction, training, supervision, and support
- Safeguarding and Client Protection, Information and guidance for Staff, Clients, Families etc.

## MBH BELIEFS

- Children, young people, and adults should never experience abuse of any kind.
- We have a responsibility to promote the welfare of all children's, young people, and adults, to keep them safe and to practice in a way that protects them.
- The welfare of all MBH clients is paramount in all the work we do and in all the decisions we take.
- Working in partnership with children's, young people, their parents, carers, and other agencies is essential in promoting young people's welfare.

Charity Number 1141827

- All MBH clients, regardless of age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation have an equal right to protection from all types of harm or abuse.
- Some of our clients are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues.
- Extra safeguards may be needed to keep our clients who are additionally vulnerable safe from abuse.

## MBH ACTIONS

- Valuing, listening to and respecting them
- Appointing a nominated client protection lead for children's, young people and adults, a deputy, and a lead trustee/board member for safeguarding
- Adopting client protection and safeguarding best practice through our policies, procedures, and code of conduct for staff and volunteers
- Developing and implementing an effective online safety policy and related procedures
- Providing effective management for staff and volunteers through supervision, support, training, and quality assurance measures so that all staff and volunteers know about and follow our policies, procedures and behaviour codes confidently and competently recruiting and selecting staff and volunteers safely, ensuring all necessary checks are made
- Recording and storing and using information professionally and securely, in line with data protection legislation and guidance [more information about this is available from the Information Commissioner's Office: [ico.org.uk/for-organisations](http://ico.org.uk/for-organisations)]
- Making sure that children's, young people, adults, and their families know where to go for help if they have a concern
- Using our safeguarding and client protection procedures to share concerns and relevant information with agencies who need to know, and involving children's, young people, adults, parents, families, and carers appropriately
- Using our procedures to manage any allegations against staff and volunteers appropriately
- Creating and maintaining an anti-bullying environment and ensuring that we have a policy and procedure to help us deal effectively with any bullying that does arise.
- Ensuring that we have effective complaints and whistleblowing measures in place
- Ensuring that we provide a safe physical environment for our children's, young people, adults, staff, and volunteers, by applying health and safety measures in accordance with the law and regulatory guidance
- Building a safeguarding culture where staff and volunteers, children's, young people, adults, and their families, treat each other with respect and are comfortable about sharing concerns.

## **SAFER RECRUITMENT POLICY**

The safe recruitment of staff at Megan Baker House (MBH) is the first step to safeguarding and promoting the welfare of children's and adults. MBH is committed to safeguarding and promoting the welfare of all clients in its care. As an employer, MBH expects all staff and volunteers to share this commitment.

### **Aims and Objectives**

The aims of the Safer Recruitment policy are to help deter, reject, or identify people who might abuse clients or are otherwise unsuited to working with them, by having appropriate procedures for appointing staff.

- To ensure that the best possible staff are recruited on the basis of their qualifications, abilities and suitability for the position
- To ensure that all job applicants are considered equally and consistently
- To ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex, or sexual orientation, marital or civil partner status, disability, or age
- To ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children's Safe in Education (KCSIE) and any guidance or code of practice published by the Disclosure and Barring Service (DBS)
- To ensure that MBH meets its commitment to safeguarding and promoting the welfare of all clients by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising and complying with the provisions of this policy. One member of staff will also have attended Safer.

### **Recruitment training**

The recruitment and selection process should ensure the identification of the person best suited for the job based on their abilities, qualification, experience, and merit as measured against the job description and person specification.

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant, they must declare it as soon as they are aware of the application and avoid any involvement in the recruitment and selection decision-making process.

MBH aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing, and evaluating information from and about applicants applying for job vacancies.

### **Roles and Responsibilities**

The board of trustees has delegated responsibility to the Chief Executive Officer to lead in all appointments.

Megan Baker House  
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HR8 1BY



Charity Number 1141827

MBH trustees may be involved in staff appointments, but the final decision will rest with the Chief Executive Officer.

It is the responsibility of the Chief Executive Officer and board of trustees to:

- Ensure MBH has effective policies and procedures in place for the safe recruitment of staff and volunteers and to monitor compliance with them.
- Ensure that MBH operates safe recruitment procedures and ensures all appropriate checks are carried out on staff and volunteers.
- Monitor compliance by contractors and agencies.
- Promote welfare of all clients at every stage of the procedure.

### **Definition of Regulated Activity and Frequency**

MBH is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". MBH is required to carry out an enhanced DBS check for all staff and trustees who will be engaging in regulated activity. However, MBH can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

Any position undertaken at, or on behalf of MBH will amount to "regulated activity" if it is carried out:

- Frequently, meaning once a week or more
- Overnight, meaning between 2.00 am and 6.00 am
- Satisfies the "period condition", meaning four times or more in a 30-day period
- Provides the opportunity for contact with clients of any age

Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

## **RECRUITMENT AND SELECTION PROCEDURE**

### **Advertising**

- To ensure equality of opportunity, MBH will advertise all vacant posts to encourage as wide a field of applicant as possible; normally this entails an external advertisement.
- Any advertisement will make clear MBH commitment to safeguarding and promoting the welfare of children's.
- All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA).

Megan Baker House  
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HR8 1BY



Charity Number 1141827

## **Application Forms**

MBH uses its own application form and all applicants for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history). Incomplete application forms will not be shortlisted.

The application form will include the applicant's declaration regarding convictions and working with children's and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974.

It is unlawful for MBH to employ anyone who is barred from working with children's. It is a criminal offence for any person who is barred from working with children to apply for a position at MBH. All applicants will be made aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.

## **Job Descriptions and Person Specifications**

A job description is a key document in the recruitment process and must be finalised prior to taking any other steps in the recruitment process. It will clearly and accurately set out the duties and responsibilities of the job role. The person specification is of equal importance and informs the selection decision. It details the skills, experience, abilities, and expertise that are required to do the job. The person specification will include a specific reference to suitability to work with children's and adults.

## **References**

References for shortlisted applicants will be requested immediately. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage. In such cases, this reference will be taken up immediately after interview.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by MBH. One of the references must be from the applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children's, then the second reference should be from the employer with whom the applicant most recently worked with children's. The referee should not be a relative. References will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions.

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

Any discrepancies or anomalies will be followed up. MBH does not accept open references, testimonials, or references from relatives.

## **Interviews**

There will be a face-to-face interview wherever possible, with a minimum of two interviewers. The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the panel to explore any anomalies or gaps have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).

Any information in regard to past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process, if it has not been disclosed on the application form.

At least one member of any interviewing panel will have undertaken Safer Recruitment Training or refresher training as applicable.

All applicants invited to an interview will be required to bring evidence of their identity, address, and qualifications. Only original documents will be accepted, and photocopies taken.

Unsuccessful applicant documents will be destroyed six months after the recruitment programme.

## **Offer Of Appointment and New Employee Process**

In accordance with the recommendations set out in KCSIE MBH carries out a number of pre-employment checks in respect of all prospective employees.

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- The agreement of a mutually acceptable start date and the signing of a contract incorporating MBH's conditions of employment
- Verification of the applicant's identity (where that has not previously been verified)
- The receipt of two references (one of which must be from the applicant's most recent employer) which the MBH considers satisfactory
- Where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which MBH considers to be satisfactory.
- Where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List\*
- Verification of the applicant's right to work in the UK
- Any further checks which are necessary as a result of the applicant having lived or worked outside of the UK
- Verification of professional qualifications which MBH deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).



Megan Baker House  
Orchard Lane  
Ledbury  
Herefordshire  
HR8 1BY



Charity Number 1141827

\*MBH is not permitted to check the Children's Barred List unless an individual will be engaging in "Regulated activity". MBH is required to carry out an enhanced DBS check for all staff, supply staff and trustees who will be engaging in regulated activity. However, MBH can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

Whether a position amounts to "regulated activity" must therefore be considered by MBH in order to decide which checks are appropriate. It is however likely that in nearly all cases MBH will be able to carry out an enhanced DBS check and a Children's Barred List check.

A personal file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files.

## **The Rehabilitation of Offenders Act 1974**

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with or having access to, children's. Therefore, any convictions and cautions that would normally be considered 'SPENT' must be declared when applying for any position.

## **DBS (Disclosure and Barring Service) Certificate**

MBH applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at MBH which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children's by inclusion on the Children's Barred List and to obtain other relevant suitability information.

It is MBH policy to re-check employee's DBS Certificates every three years. Members of staff at MBH are aware of their obligation to inform the HR Department of any cautions or convictions that arise between these checks taking place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.

### ***Portability of DBS Certificates Checks***

Staff may wish to join the DBS Update Service if they are likely to require another check in the future. Applicants may sign up to the Service if their check was issued after 17 June 2013, for a fee per annum, which is payable by the applicant.

### ***Copies of DBS Checks***

The DBS no longer issue Disclosure Certificates to employers therefore employees/applicants should bring their Certificate to the Admin Executive to take a copy.

### ***Dealing with convictions***

MBH operates a formal procedure if a DBS Certificate is returned with details of convictions.

Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

Megan Baker House  
Orchard Lane  
Ledbury  
Herefordshire  
HR8 1BY



Charity Number 1141827

- The nature, seriousness, and relevance of the offence
- How long ago the offence occurred
- Number of offences
- Changes in circumstances
- Decriminalisation and remorse.

A formal meeting will take place face-to-face to establish the facts with the CEO and Head of Client Services. A decision will be made following this meeting. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the CEO will evaluate all of the risk factors above before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, MBH may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

### **Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status**

All applicants invited to attend an interview at MBH will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. MBH does not discriminate on the grounds of age.

Where an applicant claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change.

In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification legally required for the position and claimed in their application form.

### **Overseas checks**

MBH, in accordance with the UK Visas and Immigration (UKVI) will, if applicable, sponsor new foreign nationals.

In addition, applicants who have lived/travelled abroad for more than 3 months will need to obtain a criminal record check from the relevant country. The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by MBH.

## **Induction Programme**

All new employees will be given an induction programme which will clearly identify MBH's policies and procedures, including the Safeguarding and Client Protection Policy, the Code of Conduct and Part One of KCSIE, and make clear the expectations which will govern how staff carry out their roles and responsibilities.

## **Record Retention / Data Protection**

MBH is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, MBH will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness, and qualifications. Medical information may be used to help MBH to discharge its obligations as an employer e.g. so that MBH may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by MBH for the duration of the successful applicant's employment with MBH. All information retained on employees is kept on the MBH server in a file on accessed by senior members of staff.

The same policy applies to any suitability information obtained about volunteers involved with MBH activities.

MBH will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed. The 6-month retention period is in accordance with the Data Protection Act 1998.

## **Ongoing Employment**

MBH recognises that safer recruitment and selection is not just about the start of employment but should be part of a larger policy framework for all staff. MBH will therefore provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

## **Leaving Employment at MBH**

Despite the best efforts to recruit safely there may be occasions when allegations of serious misconduct or abuse against children, young people or adults are raised. This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks MBH also has a legal duty to make a referral to the DBS in circumstances where an individual:

- Has applied for a position at MBH despite being barred from working with children
- Has been removed by MBH from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a client.

Megan Baker House  
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HR8 1BY



Charity Number 1141827

## **Contractors and agency staff**

Contractors engaged by MBH must complete the same checks for their employees that MBH is required to complete for its staff. MBH requires confirmation that these checks have been completed before employees of the Contractor can commence work at MBH.

Agencies who supply staff to MBH must also complete the pre-employment checks which MBH would otherwise complete for its staff. Again, MBH requires confirmation that these checks have been completed before an individual can commence work at MBH.

MBH will independently verify the identity of staff supplied by contractors or an agency in and will require the provision of the original DBS certificate before contractors or agency staff can commence work at MBH.

## **Visitors**

Visitors will be appropriately supervised and escorted at all times.

MBH is not permitted to obtain a DBS disclosure or Children's Barred List information on any visitor who does not engage in regulated activity at MBH or perform any other regular duties for or on behalf of MBH.

MBH will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a visitor to attend MBH.

In fulfilling its safeguarding obligations MBH will not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex, or sexual orientation, marital or civil partner status, disability, or age.

## **Volunteers**

MBH will request an DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with clients at or on behalf of MBH.

Under no circumstances will MBH permit an unchecked volunteer to have unsupervised contact with clients.

A new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with MBH for three consecutive months or more. Those volunteers who are likely to be involved in activities with MBH on a regular basis may be required to sign up to the DBS update service as this permits MBH to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition, MBH will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to) the following:

- formal or informal information provided by staff, parents, and other volunteers
- character references from the volunteer's place of work or any other relevant source; and

Megan Baker House  
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Herefordshire  
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Charity Number 1141827

- an informal safer recruitment interview.

## **Monitoring and Evaluation**

The MBH CEO will be responsible for ensuring that this policy is monitored and enacted upon throughout MBH.

This policy was reviewed on: 7th October 2024

Signed: John Gough CEO

Date: 7th October 2024

Email: [john@meganbakerhouse.org.uk](mailto:john@meganbakerhouse.org.uk)