

Freedom to Speak Up Policy

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What is in this policy?

Speak up – we will listen

We welcome speaking up and we will listen. By speaking up at work you will be playing a vital role in helping us to keep improving our services for all patients and the working environment for our staff.

This policy is for all our workers. The NHS People Promise commits to ensuring that “we each have a voice that counts, that we all feel safe and confident to speak up, and take the time to really listen to understand the hopes and fears that lie behind the words”.

We want to hear about any concerns you have, whichever part of the organisation you work in. We know some groups in our workforce feel they are seldom heard or are reluctant to speak up. You could be an agency worker, bank worker, locum or student. We also know that workers with disabilities, or from a minority ethnic background or the LGBTQ+ community do not always feel able to speak up. This policy is for all workers and we want to hear all our workers’ concerns.

We ask all our workers to complete the ‘Freedom to Speak Up – Speak Up – Core Training for all workers online via Kallidus. There is an online module on listening up which is specifically for managers to complete, and a module on following up for senior leaders to complete. Please visit the Freedom to Speak Up page on the intranet for more information and advice to help you raise a concern.

The Trust’s Workforce Diversity & Inclusion Strategy sets out the ambition to be ‘committed to inclusion in everything we do’. Ensuring dignity and respect for patients and staff is a core principle within this strategy, and promoting equality, diversity and human rights while challenging any form of inequality, discrimination and harassment is central to the Trust’s Values.

This Trust will not tolerate discrimination, harassment or bullying under any circumstances and particularly because of a protected characteristic. This is supported by the Trust’s commitment to the Equality Act 2010 and its Public Sector Equality Duties as defined by the Act.

Our Human Resources policies are written with this commitment as a guiding principle, to ensure that the policies and their application are inclusive and supportive to all of our staff.

Document Change Control				
Date of Version	Version Number	Lead for Revisions	Type of Revision	Description of Revision
Oct 2017	1.00	Head of Employee Relations	New policy	Replaces Whistleblowing Policy
January 2020	2.1	Freedom to Speak Up Guardian	Major	Updates to reflect the expected approach from managers, and to update terminology related to “whistleblowing” Updated template and additional sections for Governance. Updates to reflect current best practice
June 2020	2.2	Deputy Freedom to Speak up Guardian	Minor	Update to Non-executive responsible for Freedom to Speak up (section 5.5 and Appendix A)
September 2021	2.3	Deputy Freedom to Speak Up Guardian	Minor	Update to Executive director responsible for Freedom to Speak Up (section 5.5) and update to terminology used to describe Freedom to Speak Up staff advocates – changed to champions in line with national guidance
June 2022	2.4	Deputy Freedom to Speak Up Guardian	Minor	Minor update to wording to reflect current practice
November 2022	3	Deputy Freedom to Speak Up Guardian	Major	Updates to reflect the new national Freedom to Speak Up policy published by the National Guardian’s Office in June 2022

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Sign off Process and Dates	
Groups consulted	Date agreed
HR Policy Group	06/12/2022
Joint Union Committee	15/12/2022
Policy Assurance Group	20/02/2023
People Learning & Development Group	12/4/2023

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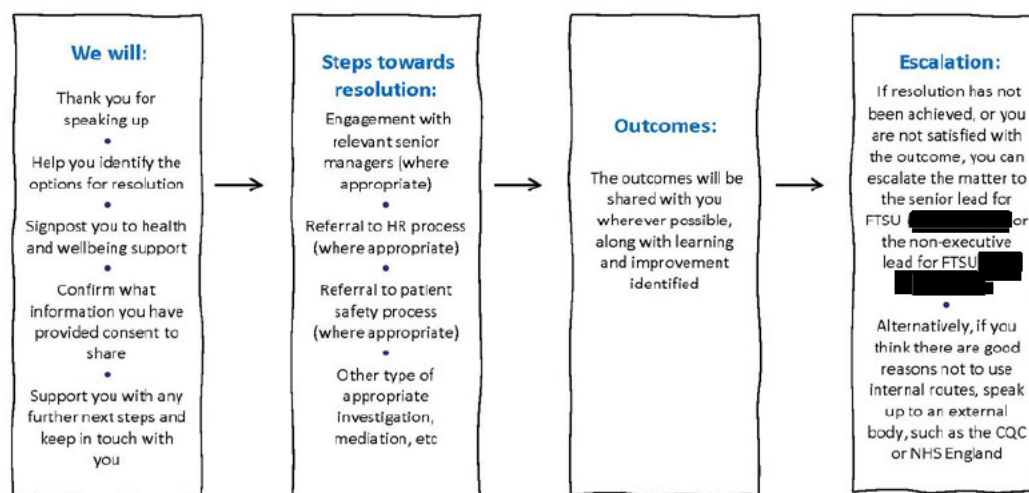
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1. Introduction

University Hospitals Bristol and Weston NHS Foundation Trust (the Trust, UHBW) positively encourages any member of staff who has a concern, to raise this with their line manager, supervisor or another senior member of staff. If you feel unable to raise concerns with a manager, then you are encouraged to speak in confidence to the Trust's Freedom to Speak Up Guardian.

2. Purpose

All NHS organisations and others providing NHS healthcare services in primary and secondary care in England are required to adopt this national policy as a minimum standard to help normalise speaking up for the benefit of patients and workers. Its aim is to ensure all matters raised are captured and considered appropriately.

3. Scope

This policy covers anyone who works in NHS healthcare, including pharmacy, optometry and dentistry. This encompasses any healthcare professionals, non-clinical workers, receptionists, directors, managers, contractors, volunteers, students, trainees, junior doctors, locum, bank and agency workers, and former workers.

4. Definitions

4.1 Concerns and speaking up

A concern is simply a feeling or belief that something isn't right. Workers may use terminology such as 'raising concerns', 'whistleblowing', 'raising a grievance', 'complaining' or 'making a suggestion for improvement'. All of these things are speaking up.

4.2 Staff Side

The term staff side is used at UHBW to represent members of the Joint Union Committee (JUC).

5. Duties, Roles and Responsibilities

5.1 Board of Directors

- (a) The Board of UHBW is committed to this policy. If you speak up under this policy you will not be at risk of losing your job or suffering any form of retribution as a result. The Board will not tolerate anyone attempting to stop you, harass, bully or victimise you or otherwise take action against you in any way.

4.2 Executive Directors

- (b) All Executive Directors support the implementation of this policy. The Chief People Officer is the Executive Director responsible for monitoring this policy on behalf of the Executive Team and the concerns/issues that are raised as a result.

5.2 Senior Leaders

- (a) All senior leaders across the organisation support the implementation of this policy and are ambassadors for supporting and creating a culture of openness and transparency in which all colleagues feel safe to speak up.

5.3 Freedom to Speak Up Guardian

- (a) Thank you for speaking up;
- (b) Keep information confidential and respect any requests for anonymity during the process, unless there is an immediate risk to you, to another worker, or a patient. In such circumstances you would be informed of this course of action and a support plan would be mutually agreed
- (c) Liaise with you to identify and agree together the most appropriate mechanism to address the matter;
- (d) Offer advice regarding the policy, process and support available, including wellbeing support;
- (e) Maintain regular, timely contact during the process until closure;
- (f) Keep brief, confidential records of the concern and any resulting actions for feedback;
- (g) Use internal mechanisms to promote the policy within the Trust. This may include publicising examples of some of the more general concerns raised and resulting actions taken;
- (h) Meet regularly with the Chief People Officer to explore common themes identified;
- (i) Report every quarter to the People Committee;
- (j) Prepare an annual report for the Board.

5.4 Freedom to Speak Up Champions

Freedom to Speak Up champions do not handle speaking up cases, nor do they act as advocates or representatives for workers, but act impartially to support staff with concerns, ensuring that they remain objective and unbiased. Freedom to Speak Up champions:

- (a) Promote the FTSU agenda
- (b) Ensure staff understand the roles of the Guardian and Champions;
- (c) Ensure staff are supported when they raise concerns;
- (d) Treat in confidence all information given to them by a member of staff unless permission is given to share;
- (e) Work as part of the FTSU Champion network to ensure that Freedom to Speak Up reaches all parts of the organisation;
- (f) Signpost staff to relevant resources and other areas of support, such as Unions, Staff Networks, Staff Governors, Wellbeing, Occupational Health, Chaplains;

- (g) Attend the FTSU Champion network meetings and relevant training as required;
- (h) Identify areas for improvement in the culture of the organisation.

5.5 All Managers

- (a) Managers are key to developing a culture of safety and learning in which all colleagues feel safe to raise a concern. They should ensure that all staff have a clear understanding about what raising concerns refers to, and will:
- (b) Respond quickly and positively to concerns that are raised with them, without seeking to apply blame;
- (c) Ensure a timely investigation takes place into the concern and issues raised;
- (d) Where appropriate, implement actions/recommendations identified;
- (e) Provide feedback to the person who raised the concern
- (f) Ensure that any progress or actions taken are fed back to the person raising the concern directly, or where they wish to remain anonymous; feedback should be highlighted via the FTSU Guardian or via any standard Trust communication channels;
- (g) Ensure that, where the person raising the concern is known (or suspected), there is no victimisation or less favourable treatment; and
- (h) Ensure any matter raised directly with them, which falls under the remit of this policy, is appropriately managed with support from HR.

5.6 All Staff

- (a) Staff should familiarise themselves with the process for raising concerns and should, if possible, raise their concerns with their immediate line manager in the first instance.

5.7 Staff Side Representatives

- (a) The role of the Staff Side is to advise their members of the options open to them and the relevant Trust policy to follow. They should also support any employee who wishes to bring a concern to the attention of the Trust.

6. We want you to feel safe to speak up

Your speaking up to us is a gift because it helps us identify opportunities for improvement that we might not otherwise know about.

We will not tolerate anyone being prevented or deterred from speaking up or being mistreated because they have spoken up.

Victimisation of a person who raises concerns is a disciplinary matter and will be fully investigated in line with the Trust's Disciplinary Policy.

You have the right to be accompanied by a trade union representative, or a colleague or friend at any time during the process of raising a concern.

6.1 *What can I speak up about?*

You can speak up about anything that gets in the way of patient care or affects your working life. That could be something which doesn't feel right to you: for example:

- a way of working or a process that isn't being followed
- you feel you are being discriminated against
- you feel the behaviours of others is affecting your wellbeing or that of your colleagues or patients.

Speaking up is about all these things.

Speaking up, therefore, captures a range of issues, some of which may be appropriate for other existing processes such as HR or patient safety/quality processes under the following policies:

- Grievance Policy
- Dignity at Work Policy
- Disciplinary Policy
- Serious Incident Policy

That's fine. As an organisation we will listen and work with you to identify the most appropriate way of responding to the issue you.

6.2 *Who can I speak up to?*

Most speaking up happens through conversations with supervisors and line managers where challenges are raised and resolved quickly. We strive for a culture where that is normal, everyday practice and encourage you to explore this option – it may well be the easiest and simplest way of resolving matters.

However, you have other options in terms of who you can speak up to, depending on what feels most appropriate to you:

- Senior manager or director with responsibility for the subject matter you are speaking up about.
- The patient safety team or clinical governance team (where concerns relate to patient safety or wider quality), call [REDACTED]
- The safeguarding team (where concerns relate to safeguarding issues), call [REDACTED]
- HR Services – call [REDACTED]
- Local counter fraud specialist (where concerns relate to fraud) Sarah Smith by email [REDACTED]

- Joint Union Office – call [REDACTED] or email [REDACTED]
- Freedom to Speak Up Guardians, [REDACTED], who can support you to speak up if you feel unable to do so by other routes. Call [REDACTED] and leave a voicemail in confidence or email [REDACTED]. The guardians will ensure that people who speak up are thanked for doing so, that the issues they raise are responded to, and that the person speaking up receives feedback on the actions taken. You can find out more about the guardian role [REDACTED]
- Executive lead responsible for Freedom to Speak Up, Chief People Officer, [REDACTED]. Email [REDACTED] or call [REDACTED]. They provide senior support for our speaking-up guardian and are responsible for reviewing the effectiveness of our FTSU arrangements.
- Non-executive director responsible for Freedom to Speak Up, via Trust Headquarters, Marlborough Street, Bristol BS1 3NU. The non-executive director provides more independent support for the guardian; a fresh pair of eyes to ensure that investigations are conducted with rigor; and helps escalate issues, where needed.
- The Trust has appointed Staff Champions within the Trust to provide additional support, alongside the Freedom to Speak Up Guardian, to staff who wish to raise concerns at any point. Staff can find details about who Staff Champions are and how to contact them on the intranet.

6.3 *Speaking up externally*

If you do not want to speak up to someone within your organisation, you can speak up externally to:

- [Care Quality Commission](#) (CQC) for quality and safety concerns about the services it regulates – you can find out more about how the CQC handles concerns [here](#).
- [NHS England](#) for concerns about:
 - GP surgeries
 - Dental practices
 - Optometrists
 - Pharmacies
 - How NHS trusts and foundation trusts are being run (this includes ambulance trusts and community and mental health trusts)
 - NHS procurement and patient choice
 - The national tariff.

NHS England may decide to investigate your concern themselves, ask your employer or another appropriate organisation to investigate (usually with their oversight) and/or use the information you provide to inform their oversight of the relevant organisation. The precise action they take will depend on the nature of your concern and how it relates to their various roles. Please note that neither the Care Quality Commission nor NHS England can get involved in individual employment matters, such as a concern from an individual about feeling bullied.

- [NHS Counter Fraud Authority](#) for concerns about fraud and corruption, using their [online reporting form](#) or calling their freephone line 0800 028 4060.

If you would like to speak up about the conduct of a member of staff, you can do this by contacting the relevant professional body such as the General Medical Council, Nursing and Midwifery Council, Health & Care Professions Council, General Dental Council, General Optical Council or General Pharmaceutical Council.

6.4 *Making a 'protected disclosure'*

A protected disclosure is defined in the Public Interest Disclosure Act 1998. This legislation allows certain categories of worker to lodge a claim for compensation with an employment tribunal if they suffer as a result of speaking up.

The legislation is complex and to qualify for protection under it, very specific criteria must be met in relation to who is speaking up, about what and to whom.

To help you consider whether you might meet these criteria, please seek independent advice from [Protect](#) or a legal representative.

6.5 *How should I speak up?*

You can speak up to any of the people or organisations listed above in person, by phone or in writing (including email). The most important aspect of your speaking up is the information you can provide, not your identity.

You have a choice about how you speak up:

- Openly: you are happy that the person you speak up to knows your identity and that they can share this with anyone else involved in responding.
- Confidentially: you are happy to reveal your identity to the person you choose to speak up to on the condition that they will not share this without your consent.
- Anonymously: you do not want to reveal your identity to anyone. This can make it difficult for others to ask you for further information about the matter and may make it more complicated to act to resolve the issue. It also means that you might not be able to access any extra support you need and receive any feedback on the outcome.

In all circumstances, please be ready to explain as fully as you can the information and circumstances that prompted you to speak up

If the situation arises where the concern cannot be resolved without revealing your identity then whether and how to proceed will be discussed with you. Confidentiality cannot be maintained if the manager or person to whom the concerns are expressed considers that there is an immediate risk to you, to another worker, or a patient, and that, therefore, the matter must be addressed immediately. In such circumstances you would be informed of this course of action and the next steps would be mutually agreed

6.6 *Advice and support*

Alongside the contacts outlined in section 5.3, our local staff networks can be a valuable source of support:

[REDACTED] enables staff and volunteers with physical, sensory or mental impairments to raise awareness of and suggest solutions to issues encountered at work. For more information contact [REDACTED]

The [REDACTED] is open to all workers from Black, Asian and minority ethnic groups, including staff from other European countries and further afield. For more information contact [REDACTED]

The [REDACTED] is open to all LGBTQIA+ staff and supporters to discuss issues affecting the Trust and staff. For more information contact [REDACTED]

The purpose of the [REDACTED] is bringing women together to create positive connections. The Network welcomes women and allies from across the Trust. For more information contact [REDACTED]

The [REDACTED] provides a supportive environment for men in the Trust to discuss issues that affect them. For more information contact [REDACTED]

You can access a range of health and wellbeing support via the Trust's Employee Assistance Programme, Care First on [REDACTED]

A wide range of services and resources to help us stay well at work can also be accessed via the Trust's [REDACTED]

You can also access a range of health and wellbeing support via NHS England:

- [Support available for our NHS people](#)
- [Looking after you: confidential coaching and support for the primary care workforce.](#)
 - NHS England has a [Speak Up Support Scheme](#) that you can apply to for support. You can also contact the following organisations:
- [Speak Up Direct](#) provides free, independent, confidential advice on the speaking up process.
- The charity [Protect](#) provides confidential and legal advice on speaking up.
- The [Trades Union Congress](#) provides information on how to join a trade union.
- [The Law Society](#) may be able to point you to other sources of advice and support

- The [Advisory, Conciliation and Arbitration Service](#) gives advice and assistance, including on early conciliation regarding employment disputes.

7. What will we do?

Once a concern has been raised with the Freedom to Speak Up Guardian, the concern will be recorded and you will receive an acknowledgement normally within two working days. The central record will record the date the concern was received, whether you have requested confidentiality, a summary of the concerns and dates when we have given you updates or feedback. The central record is accessed only by the Freedom to Speak Up Guardians.

The matter you are speaking up about may be best considered under a specific existing policy/process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you. If you speak up about something that does not fall into an HR or patient safety incident process, this policy ensures that the matter is still addressed. What you can expect to happen after speaking up is shown in Appendix A.

7.1 Steps towards resolution and investigation

We support our managers/supervisors to listen to the issue you raise and take action to resolve it wherever possible. In most cases, it's important that this opportunity is fully explored, which may be with facilitated conversations and/or mediation.

Where an investigation is needed, this will be objective and conducted by someone who is suitably independent (this might be someone outside your organisation or from a different part of the organisation – it will not be the FTSU Guardian) and trained in investigations. It will reach a conclusion within a reasonable timescale (which we will notify you of), and a report will be produced that identifies any issues to prevent problems recurring.

Any employment issues that have implications for you/your capability or conduct identified during the investigation will be considered separately.

7.2 Communicating with you

We will treat you with respect at all times and will thank you for speaking up. We will discuss the issues with you to ensure we understand exactly what you are worried about. If we decide to investigate, we will tell you how long we expect the investigation to take and agree with you how to keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of others and recognising that some matters may be strictly confidential; as such it may be that we cannot even share the outcome with you).

7.3 How we learn from your speaking up

We want speaking up to improve the services we provide for patients and the environment our staff work in. Where it identifies improvements that can be made, we will ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

7.4 Review

We will seek feedback from workers about their experience of speaking up. We will review the effectiveness of this policy and our local process, with the outcome published and changes made as appropriate.

7.5 Senior leaders' oversight

Our most senior leaders will receive a report every quarter providing a thematic overview of speaking up by our staff to our FTSU guardian(s). The Board supports staff raising concerns and wants you to feel free to speak up. Where concerns are not resolved in a timely manner, they will be escalated to the Executive lead for FTSU for review – in line with the Trust's 'Escalation of FTSU concerns' Standard Operating Procedure – protecting the identity of the individual/s raising the concerns, with actions and outcomes noted and tracked to resolution.

8. Standards and Key Performance Indicators

8.1 Applicable Standards

Applicable standards include all areas covered by this policy, where specific standards will be used to monitor compliance, including all standards staff are expected to follow and reach in order to comply with this policy. For example, this might include regulatory requirements. The Trust must have a Freedom to Speak Up Guardian and a Speaking Up Policy in place.

8.2 Measurement and Key Performance Indicators

Measurement and Key performance indicators comprise:

- The number of Speaking Up concerns raised

The outline of all concerns are recorded and outcomes monitored by the Board and People Committee to identify any key themes or issues, patterns/similarities so as to maintain a safe learning culture within the Trust.

- National staff survey indicators relating to staff feeling safe to speak up about anything that concerns them in the organisation, and having confidence in the organisation to address the concerns
- Timeframes for responding to and resolving concerns
- Feedback from those who have raised concerns


A secure online feedback form is sent to individuals who have raised concerns once the concern has been concluded. The feedback form includes the question 'would you speak up again'. Data is reported in the quarterly updates to the People Committee/annual report to the Board.

9. References

Speaking Up Review, Sir Robert Francis, February 2015

[National Guardian's Office](#)

10. Associated Internal Documentation

All policies can be accessed on  or on HR Web

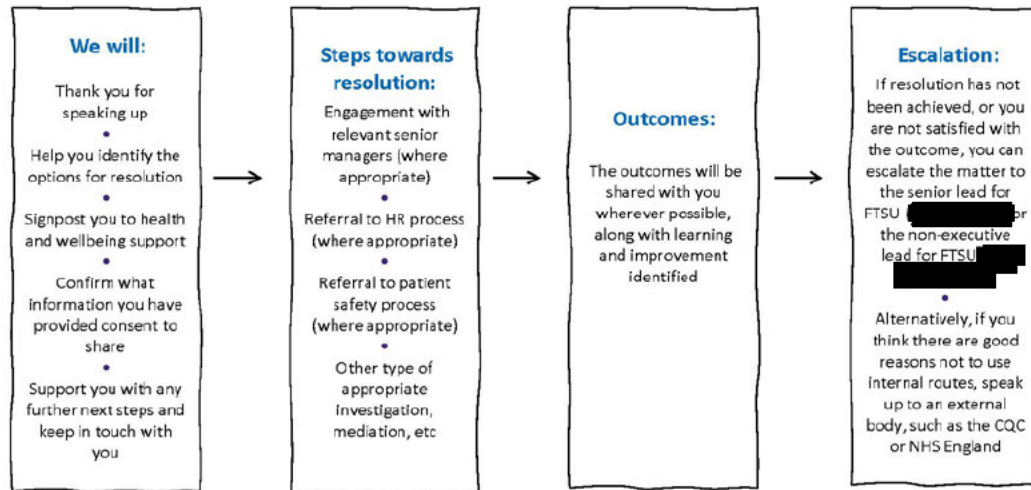
Grievance Policy

Disciplinary Policy

Serious Incident Policy

Dignity at Work Policy

11. Appendix A - What will happen when I speak up?



12. Appendix B – Monitoring Table for this Policy

The following table sets out the monitoring provisions associated with this policy.

Objective	Evidence	Method	Frequency	Responsible	Committee
To ensure that policy remains fit for purpose	Whether policy is still in line with Trust objectives and any changes in legislation	Regular policy review	36 months	Freedom to Speak Up Guardian	Policy Group
To ensure a culture of speaking up is achieved throughout the Trust	Report to the People Committee	Report	Quarterly	Freedom to Speak up Guardian	People Committee
	Report to the Board	Report	Annually		Board

13. Appendix C – Dissemination, Implementation and Training Plan

The following table sets out the dissemination, implementation and training provisions associated with this Policy.

Plan Elements	Plan Details
The Dissemination Lead is:	Freedom to Speak Up Guardian
Is this document: A – replacing the same titled, expired policy, B – replacing an alternative policy, C – a new policy:	A
If answer above is B: Alternative documentation this policy will replace (if applicable):	[DITP - Existing documents to be replaced by]
This document is to be disseminated to:	All staff
Method of dissemination:	[DITP – Method of Dissemination]
Is Training required:	No
The Training Lead is:	[DITP - Training Lead Job Title]

Additional Comments
[DITP - Additional Comments]

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14. Appendix D – Equality Impact Assessment (EIA) Screening Tool

Further information and guidance about Equality Impact Assessments is available here:

Query	Response
What is the main purpose of the document?	To promote an open culture in the Trust and describe how concerns will be managed
Who is the target audience of the document?	Add <input checked="" type="checkbox"/> or <input checked="" type="checkbox"/>
Who is it likely to impact on? (Please tick all that apply.)	Staff <input checked="" type="checkbox"/> Patients Visitors Carers Others

Could the document have a significant negative impact on equality in relation to each of these characteristics?	YES	NO	Please explain why, and what evidence supports this assessment in relation to your response.
Age (including younger and older people)		x	This policy is open to all staff and promotes all groups to speak up. Promotion activities have been tailored to ensure all groups know about and can access the Freedom to Speak Up Policy and the Freedom to SpeakUp Guardian. Mandatory Speak Up training is now in place for all staff, which asks workers to check they can find this policy
Disability (including physical and sensory impairments, learning disabilities, mental health)		x	As above plus the Guardian is available to meet members of staff in a convenient location should this be more accessible.
Gender reassignment		x	
Pregnancy and maternity		x	
Race (includes ethnicity as well as gypsy travelers)		x	
Religion and belief (includes non-belief)		x	
Sex (male and female)		x	
Sexual Orientation (lesbian, gay, bisexual, other)		x	
Groups at risk of stigma or social exclusion (e.g. offenders, homeless people)		x	
Human Rights (particularly rights to privacy, dignity, liberty and non-degrading treatment)		x	

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Could the document have a significant positive impact on inclusion by reducing inequalities?	YES	NO	If yes, please explain why, and what evidence supports this assessment.
Will it promote equal opportunities for people from all groups?	x		This policy positively encourages any member of staff who has a concern to raise it and outlines the routes to raise concerns. Working towards a culture of openness and transparency, in which all colleagues feel safe to speak up, will help to reduce inequalities
Will it help to get rid of discrimination?	x		
Will it help to get rid of harassment?	x		
Will it promote good relations between people from all groups?	x		
Will it promote and protect human rights?	x		

On the basis of the information/evidence so far, do you believe that the document will have a positive or negative impact on equality? (Please rate by circling the level of impact, below.)

Positive impact				Negative Impact		
Significant	Some	Very Little	NONE	Very Little	Some	Significant

Will the document create any problems or barriers to any community or group? ~~YES~~ / NO

Will any group be excluded because of this document? ~~YES~~ / NO

Will the document result in discrimination against any group? ~~YES~~ / NO

If the answer to any of these questions is YES, you must complete a full Equality Impact Assessment.

Is a full equality impact assessment required? ~~YES~~ / NO

Date assessment completed: 3 January 2023

Person completing the assessment: [REDACTED], Deputy Freedom to Speak Up Guardian

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