



Derby City Council

Equality impact assessment form

Directorate	Corporate Resources
Service area	Human Resources
Proposal	Updated Grievance Resolution Policy and Guidance
Reason for proposal	Regular review and update of policy and guidance
Sign off (Director/Head of Service)	Liz Moore, Head of HR
Date of assessment	01 August 2022

Please read the support notes to help you in Appendix 1 before completing your assessment

The form

You need to attach the completed form to any report to help councillors and colleagues make their decisions by taking equality implications into account.

The assessment team or name of individual completing this form

Team leader's name and job title – Helen Bounds, HR Lead – Policy and Strategy

Other team members if appropriate

Name	Job title	Organisation	Area of expertise
Hanna Prince	Organisational Development Consultant	Derby City Council	Organisational Development

Step 1- setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side- tracked.

1. What are the main aims, objectives and purpose of the decision you want to make?	To ensure the policy and guidance is up to date with best practice and legislation, to address any inaccuracies or omissions in the existing policy, to improve clarity of the process in how grievances are raised and managed across the Council.
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2. Why do you need to make this decision?	Regular reviews required for all HR policies..
3. Who delivers/will deliver the changed service/policy including any consultation on it and any outside organisations who deliver under procurement arrangements?	The policy has been developed by the Organisational Development team. The procedure will be implemented by Human Resources and managers at all levels throughout the Council.
4. Who are the main customers, users, partners, colleagues or groups affected by this decision?	The policy is applicable to all employees other than the Chief Executive and those employed under governing bodies of community, voluntary controlled and trust schools. The policy does not cover post-employment grievances.

Step 2 – collecting information and assessing impact

5. Who have you consulted and engaged with so far about this change, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.	<p>Key stakeholders for the policy have been consulted throughout the policy and guidance development:</p> <p>Strategic HR and Policy team Trade Unions Lead on Equality and Diversity Digital and web content team</p> <p>The review began with the feedback on the current policy and practice, from Trade Unions and Strategic HR team members who support the implementation of the guidance and the policy throughout the Council. Research was conducted using guidance from the independent body ACAS and experts such as CIPD and using guidance from XpertHR. We have also benchmarked practice with other Local Authorities and considered best practice from other Councils and organisations. Using this information, we have looked to revise guidance and a reviewed policy will be developed. The modified guidance is being produced in conjunction with the web development team who provide guidance on ensuring the information will meet accessibility standards. The revised policy will be shared with the Occupational Health and Wellbeing team, Legal team, Lead for Equality and Diversity, members of the Strategic HR and policy team and with the Trade Unions for consultation.</p>
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6. Using the skills and knowledge in your assessment team or what you know yourself, and from any consultation you have done, what do you already know about the equality impact of the proposed change on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each protected characteristic group whether this is a negative or a positive impact. Only fill in the mitigation box if you think the decision will have a negative impact and then you'll need to explain how you are going to lessen the impact.

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
Age – older and younger people	<p>A survey carried out by Working Wise last year found that 44% of respondents had experienced age discrimination at work compared to 41% who had not, with 48% singling out the recruitment process, compared to 40% who felt side lined or left out of discussions at work generally and 24% who said they had experienced discrimination when it comes to promotion.</p> <p>Moreover, the number of legal cases due to age discrimination – whether against older or younger workers – has been increasing in recent years.</p> <p>These statistics show how important it is to have a robust Grievance Resolution policy in place that is well known and used</p>	Yes		

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
	in resolving any discrimination issues and leading to disciplinary proceedings/ management action and or training where appropriate.			
<p>Disability – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties, people living with autism and people with physical impairments</p>	<p>Scope did a poll in 2017 asking disabled people about work experiences – it found a massive 53% of disabled people have experienced bullying or harassment at work, 21% had been bullied by colleagues and 27% from their employer. One in five (21%) go as far as not disclosing their impairment to employers, while 1 in 8 (13%) felt they had been overlooked for promotion.</p> <p>We do have a DEN - Disabled Employees Network group within the Council. Our employee networks offer help, advice and support in a friendly and safe environment. The networks help us remove any barriers to employment, service delivery and help us</p>	Yes		

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
	<p>promote equality, diversity and inclusion at the Council.</p> <p>Recent findings from our “Working for Derby City Council – equality employment statistics 2020/2021 highlighted that there were a total of 27 grievances, of which 7 were recorded as being within the bullying/harassment grievance category. Five of these seven were raised by colleagues who have self-declared as disabled people.</p> <p>An action from the findings within this report is that a review of the grievance outcomes related to alleged bullying/harassment will be carried out to have a better understanding of the issues raised, and to identify if there are any actions we need to put in place. We have reviewed our Bullying and Harassment Policy and once it is finalised, we will work with our Equality Employee Networks and Hubs to launch the revised policy with colleagues and</p>			

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
	<p>raise awareness of our approach.</p> <p>DEN has a set up a Task and Finish Group to look at smoother processes for getting reasonable adjustments at work to avoid grievances of them taking too long or not happening at all. Findings from the group will be presented to our Equality and Diversity Board</p> <p>These statistics show how important it is to have a robust Grievance Resolution policy in place that is well known and used in resolving any discrimination issues and leading to disciplinary proceedings/ management action and or training where appropriate.</p>			
<p>Gender identity- trans and those people who don't identify with a particular gender, for example, non-binary, genderfluid, genderqueer, polygender and those who are questioning their gender or non-gendered identity.</p>	<p>A Stonewall Report LGBT in Britain work report – 2018 found the following findings;</p> <ul style="list-style-type: none"> • Almost one in five LGBT staff (18 per cent) have been the target of negative comments or conduct 	<p>Yes</p>		

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
	<p>from work colleagues in the last year because they're LGBT.</p> <ul style="list-style-type: none"> • One in eight trans people (12 per cent) have been physically attacked by customers or colleagues in the last year because of being trans. • One in ten black, Asian and minority ethnic LGBT staff (10 per cent) have similarly been physically attacked because of their sexual orientation and/or gender identity, compared to three per cent of white LGBT staff. • Almost one in five LGBT people (18 per cent) who were looking for work said they were discriminated against because of their sexual orientation and/or gender identity while trying 			

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	<p>to get a job in the last year.</p> <ul style="list-style-type: none"> • More than a third of LGBT staff (35 per cent) have hidden or disguised that they are LGBT at work in the last year because they were afraid of discrimination. <p>We have an LGBTQ+ - Lesbian, Gay, Bisexual, Transgender and Queer/Questioning Plus and Allies Employee Network within the Council. Our employee networks offer help, advice and support in a friendly and safe environment. The networks help us remove any barriers to employment, service delivery and help us promote equality, diversity and inclusion at the Council.</p> <p>These statistics show how important it is to</p>			

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	have a robust Grievance Resolution policy in place that is well known and used in resolving any discrimination issues and leading to disciplinary proceedings/ management action and or training where appropriate.			
Marriage and Civil Partnership	<p>We know that people in civil partnerships often face harassment by being excluded from work place conversations about family and weekends.</p> <p>These statistics show how important it is to have a robust Grievance Resolution policy in place that is well known and used in resolving any discrimination issues and leading to disciplinary proceedings/ management action and or training where appropriate.</p>	Yes		
Pregnancy and maternity - women who are pregnant or who have recently had a baby, including breast feeding mothers	The Equality and Human Rights commission published a report titled Pregnancy and Maternity – Related Discrimination and	Yes		

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	<p>Disadvantage in 2016 which had the following summary of findings;</p> <ul style="list-style-type: none"> • Overall, three in four mothers (77%) said they had a negative or possibly discriminatory experience during pregnancy, maternity leave, and/or on return from maternity leave. • One in five mothers (20%) said they experienced harassment or negative comments related to pregnancy or flexible working from their employer/colleagues. • One in 25 mothers (4%) left their jobs because of risks not being tackled. • Around one in nine mothers (11%) reported they felt forced to leave their job. This included those being dismissed (1%); made compulsorily 			

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	<p>redundant, where others in their workplace were not (1%); or feeling treated so poorly they felt they had to leave their job (9%).</p> <ul style="list-style-type: none"> • One in ten (10%) mothers were discouraged from attending antenatal appointments. • Over two thirds of mothers (68%) submitted a flexible working request and around three in four of these mothers reported that their flexible working request was approved. Around half of mothers (51%) who had their flexible working request approved said they felt it resulted in negative consequences. <p>These statistics show how important it is to have a robust Grievance Resolution policy in place that is well known and used</p>			

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<p>Race - the effects on minority ethnic communities, including newer communities, Gypsies and Travellers and the Roma community</p>	<p>Race at Work 2021 published their recent survey findings. The survey found that the UK is still uncomfortable talking about race with only four in 10 employees saying that their employers are comfortable discussing race in the workplace, increasing only by 3% since 2018.</p> <p>In 2021, 29% of Black and 27% of Asian employees say that they have witnessed or experienced bullying and harassment from their managers and 38% of Black, 29% of Asian and 27% of Mixed Race employees say that they have witnessed or experienced bullying and harassment from customers, clients and service users.</p> <p>Black, Asian, Mixed Race and other ethnically diverse</p>	Yes		

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	<p>employees are twice as likely than White employees to have experienced or witnessed racist harassment from managers, customers/clients and colleagues.</p> <p>Recent findings from our “Working for Derby City Council – equality employment statistics 2020/2021 highlighted that there were a total of 27 grievances, of which 7 were recorded as being within the bullying/harassment grievance category. Of these 7 cases, 14.29% were from Asian or Asian British colleagues and 85.7% were White colleagues.</p> <p>An action from the findings within this report is that a review of the grievance outcomes related to alleged bullying/harassment will be carried out to have a better understanding of the issues raised, and to identify if there are any actions we need to put in place. We have reviewed our Bullying and Harassment Policy and once it is finalised, we will</p>			

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	<p>work with our Equality Employee Networks and Hubs to launch the revised policy with colleagues and raise awareness of our approach.</p> <p>We have a BESN - Black, Asian and Minority Ethnic Employees Support Network within the Council. Our employee networks offer help, advice and support in a friendly and safe environment. The networks help us remove any barriers to employment, service delivery and help us promote equality, diversity and inclusion at the Council.</p> <p>These statistics show how important it is to have a robust Grievance Resolution policy in place that is well known and used in resolving any discrimination issues and leading to disciplinary proceedings/ management action and or training where appropriate.</p>			

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<p>Religion or belief or none - the effects on religious and cultural communities, customers and colleagues</p>	<p>According to a survey by ComRes Faith Research Centre, around one million UK employees have experienced discrimination because of their religion.</p> <p>The survey found that 3% of employees had experienced discrimination because of their religion.</p> <p>4% said they'd been aware that somebody else was being discriminated against because of their faith.</p> <p>Recent findings from our “Working for Derby City Council – equality employment statistics 2020/2021 highlighted that there were a total of 27 grievances, of which 7 were recorded as being within the bullying/harassment grievance category. Of these 7 cases 42.86% were Christian, 42.86% not stated and 14.29% were prefer not to say.</p> <p>An action from the findings within this report is that a</p>	<p>Yes</p>		

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	<p>review of the grievance outcomes related to alleged bullying/harassment will be carried out to have a better understanding of the issues raised, and to identify if there are any actions we need to put in place. We have reviewed our Bullying and Harassment Policy and once it is finalised, we will work with our Equality Employee Networks and Hubs to launch the revised policy with colleagues and raise awareness of our approach.</p> <p>These statistics show how important it is to have a robust Grievance Resolution policy in place that is well known and used in resolving any discrimination issues and leading to disciplinary proceedings/ management action and or training where appropriate.</p>			
Sex - the effects on both men and women and boys and girls	The Government Equalities Office 2020 Sexual Harassment survey results indicated that Nearly three-	Yes		

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	<p>quarters (72%) of the UK population experienced at least one form of sexual harassment in their lifetime, while two-in-five (43%) experienced at least one sexual harassment behaviour in the last 12 months.</p> <p>Certain demographic groups were significantly more likely to have experienced at least one form of sexual harassment in the last 12 months, these include: women, young people (ages 15-24 and 25 to 34), ethnic minorities (excluding White minorities), LGB individuals, and those with disabilities.</p> <p>The menopause is a natural stage in a woman's life where hormonal changes can have a significant impact on their physical, mental and emotional wellbeing.</p> <p>Menopause and its effects in the workplace are very rarely discussed, as some women may hide their symptoms as they may feel</p>			

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	<p>embarrassed or feel they may be treated unsympathetically.</p> <p>We have a menopause friends network support group that regularly meet to offer help and support to anyone that is affected or wants to learn more about the effects of the menopause.</p> <p>These statistics show how important it is to have a robust Grievance Resolution policy in place that is well known and used in resolving any discrimination issues and leading to disciplinary proceedings/ management action and or training where appropriate.</p>			
Sexual orientation - the effects on lesbians, gay men, bisexuals, pansexual, asexual and those questioning their sexuality	<p>School of Law Williams Institute LGBT people's experiences of workplace discrimination and harassment 2021 report found the following;</p> <ul style="list-style-type: none"> Over one in four (29.8%) LGBT employees reported 	Yes		

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	<p>experiencing at least one form of employment discrimination (being fired or not hired) because of their sexual orientation or gender identity at some point in their lives.</p> <ul style="list-style-type: none"> • One-third (33.2%) of LGBT employees of colour and one-quarter (26.3%) of white LGBT employees reported experiencing employment discrimination (being fired or not hired) because of their sexual orientation or gender identity. • LGBT employees of colour were significantly more likely to report not being hired because of their sexual orientation or gender identity than white LGBT employees: 29.0% of LGBT employees of colour reported not being 			

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	<p>hired based on their LGBT status compared to 18.3% of white LGBT employees.</p> <p>A report carried out by the LGBTQ+ network group in 2021 found that since mid-2018 the Council has made positive steps forward to improving its support for LGBTQ+ Colleagues. Visibility has increased, but this needs to continue as we move towards a business model that reassures, reaffirms and repeatedly demonstrates and illustrates its support to our LGBTQ+ colleagues and communities.</p> <p>However, the case studies within this report also unfortunately reveal that incidents of homophobia, biphobia, transphobia, femmephobia and so on are still factors which are faced by some of our LGBTQ+ colleagues at Derby City Council. While the case studies shared within this report demonstrate how</p>			

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	<p>LGBTQ+ colleagues can be targeted at work, they also show how some Network Members have had the confidence to challenge this behaviour with colleagues and managers. Despite this courage and their own awareness of how they have been treated they have not wished to or have struggled to formally report these incidents.</p> <p>Recent findings from our “Working for Derby City Council – equality employment statistics 2020/2021 highlighted that there were a total of 27 grievances, of which 7 were recorded as being within the bullying/harassment grievance category. Of these 7 cases 57.1% were heterosexual/straight and 42.86% were unknown.</p> <p>An action from the findings within this report is that a review of the grievance outcomes related to alleged bullying/harassment will be carried out to have a better understanding of the issues</p>			

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	<p>raised, and to identify if there are any actions we need to put in place. We have reviewed our Bullying and Harassment Policy and once it is finalised, we will work with our Equality Employee Networks and Hubs to launch the revised policy with colleagues and raise awareness of our approach.</p> <p>These statistics show how important it is to have a robust Grievance Resolution policy in place that is well known and used in resolving any discrimination issues and leading to disciplinary proceedings/ management action and or training where appropriate.</p>			

Important - For any of the equality groups you don't have any information about, then please contact our Lead on Equality and Diversity for help. You can also get lots of information on reports completed from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

Step 3 – deciding on the outcome

7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?

Outcome 1	Yes	No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
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Outcome 2		Adjust the proposal to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
Outcome 3		Continue the proposal despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> • sufficient plans to stop or minimise the negative impact • mitigating actions for any remaining negative impacts • plans to monitor the actual impact.
Outcome 4		Stop and rethink the proposal when the EIA shows actual or potential unlawful discrimination

Why did you come to this decision?

The policy and guidance aim to achieve consistency in the way grievances are raised and managed, and appropriate adjustments have been described in the policy and guidance to mitigate any identified potential for discrimination or negative impact.

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the proposal. You also need to make sure that there are actions in the Mitigation Box to lessen the effect of the negative impact. This is so important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is so important that the equality impact assessment is done thoroughly, as this is what the Judge will consider

Appendix 1

Equality impact assessment form– please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact, you need to do an equality impact assessment whenever a decision is needed about our services and functions that affects people and **before** that decision is made. This also includes quick Covid 19 related decisions.

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures.
- Key decisions such as allocating funding to voluntary organisations, budget setting.

- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to complete them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have ‘**due regard**’ to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a ‘**relevant protected characteristic**’ and people who don’t. The nine protected characteristics are age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race religion and belief, sex and sexual orientation.

Having ‘due regard’ means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

This completed form should be attached to any Corporate Leadership, Senior Leadership, Cabinet or Personnel Committee report to help decision makers take the equality implications into account when they make the decision. Equality impact assessments **must be done before** decisions are made.

You’ll find that completing these assessments will help you to:

- understand your customers’ and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Unless this is a quick Covid 19 decision, don’t do the form by yourself. Get a small team together and make sure you include key people in the team such as representatives from our Equality Hubs and Forums and employee networks and you could invite trade

union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

Remember, we need to complete these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010. If in doubt – it's better and safer to do an Equality Impact Assessment than not to bother! You never know when we may get a legal challenge and someone applies for Judicial Review.

When you have completed the assessment, get it signed by your Head of Service or Service Director and **send it to our Lead on Equality and Diversity for checking and to publish on our website**. It is a public document so must not contain any jargon and must be easy to understand.

Contact for help

Ann Webster – Lead on Equality and Diversity

ann.webster@derby.gov.uk

Tel 01332 643722 mobile 07812301144

[Sign Language Service](#)

We can give you this information in any other way, style or language that will help you access it. Please contact us on **01332 643722, 07812301144** or **derby.gov.uk/signing-service/**

Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਇੱਥੇ ਸੰਪਰਕ ਕਰੋ: **01332 64XXXX** ਜਾਂ **derby.gov.uk/signing-service/**

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku. Prosimy o kontakt: **01332 64XXXX** lub **derby.gov.uk/signing-service/**

Slovak

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Prosím, kontaktujte nás na tel. č.: **01332 64XXXX** alebo na stránke **derby.gov.uk/signing-service/**

Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم **01332 640000** یا **derby.gov.uk/signing-service/** پر ہم سے رابطہ کریں