

Turning Policies into Practice

How organisations in Wales are failing to deliver their own policies on accessible information



yn cefnogi pobl ddall ac
â golwg rhannol
supporting blind and
partially sighted people

Acknowledgements

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Foreword

Foreword

It is heartening that RNIB Cymru found 96% of organisations surveyed in Wales are aware of their responsibility to produce information in accessible formats under the Disability Discrimination Act 1995.

But by the same measure it is disappointing that only 3% of the same organisations regularly get requests for information in accessible formats. With over 100,000 people with sight loss in Wales there is a significant unmet need. It is clear that organisations are not reaching out to people with sight loss in a way that encourages them to ask for accessible information.

The benefits of a good relationship between people with sight loss and the organisations that impact on their lives are significant. A hospital appointment missed because of an inaccessible letter is a major problem for the individual but it also represents a waste of scarce NHS resources.

The next stage is to transform awareness of the rights of people with sight loss into action across Wales.

Executive summary

Overview

Despite many organisations adopting accessible information policies, the vast majority of people with sight loss in Wales are still not receiving information in basic accessible formats. **Turning Policies into Practice** is a report that highlights the importance of people actually receiving accessible information rather than organisations just creating 'tick-box' policies.

The failure of organisations to ensure people with sight loss receive accessible communications is significant for both the organisation and the individual. For the organisation it will mean they are not reaching a significant minority of the population and probably failing to meet legally binding anti-discrimination legislation. For the person with sight problems it will mean they don't have an active relationship with the organisations that matter most to them.

'Like everyone I receive lots of mail but because my hospital won't send me details of an appointment in large print I can fail to recognise that the letter is important.'

Mr X Cardiff

'I can obviously ask someone to read my letters but I would prefer if some correspondence remains private.'

Ms y Cardiff

The public, private and voluntary sectors in Wales have good awareness of anti-discrimination legislation and many have accessible information policies. However, this report shows that far too many of these organisations have failed to turn these policies into practice and consequently failed to deliver information in accessible formats.

Background

RNIB Cymru estimates that there are 100,000 people in Wales with sight problems, 20,000 of whom are registered as blind or partially sighted.

Disabled people, including those with sight loss, are protected by the Disability Discrimination Act (DDA) 1995. This Act requires organisations to make 'reasonable adjustments' to ensure disabled people are not treated unfairly. In response to this many public, private and voluntary sector bodies developed information policies to ensure that they do not discriminate against disabled people in the area of communications.

In addition to the DDA1995 people with sight loss are now covered by the Disability Discrimination Act (DDA) 2005. This second Act placed a new set of proactive duties on public authorities to ensure that they do not discriminate

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against disabled people. From the Welsh Assembly Government through to NHS trusts each public authority has to take a proactive approach to ending discrimination. Part of this responsibility includes working with disabled people to create a Disability Equality Scheme (DES). This scheme sets out what an organisation is doing to end discrimination and usually has a section devoted to making information accessible.

Methodology

RNIB contacted a representative sample of organisations to find if they had a policy relating to accessible information and if they were putting this into practice. Respondents were asked to contribute by phone or complete a written questionnaire. We reached a total of ninety nine national, regional and local organisations from across Wales.

We also made a number of Freedom of Information requests to public authorities to identify more detailed information.

Results

- 96% of organisations were aware that they had a responsibility to produce information in accessible formats under the DDA 1995.
- 3% of organisations reported they frequently get requests for information in accessible formats.
- 36% of organisations only get requests infrequently for information in accessible formats.
- 61% of organisations never received requests for information in accessible formats.
- 42% of organisations were unable to produce information in Braille
- 57% of organisations could not provide information in an audio tape format.
- 54 % of organisations were unable to provide personal correspondence in large print in English.
- 60% of organisations were unable to provide general information in Welsh in large print

Taken collectively our results indicate that the vast majority of organisations in Wales do not have an active relationship with the thousands of Welsh people who need information in accessible formats.

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Language rights and people with sight loss

Our results have shown that people who use the Welsh language and have sight loss are often prevented from using the language of their choice in a format that is accessible.

The Welsh Language Act 1993 and the Government of Wales Act 1998 offer some protection to the rights of Welsh speakers. Further legislation is also planned which will increase the duties on all organisations to treat the Welsh language equally. However, for Welsh speakers with sight loss to enjoy the same language protection as other Welsh speakers, their right to receive Welsh language information in accessible formats must also be protected.

Selected recommendations

All organisations

- All organisations should meet their duties under the DDA 1995 and 2005 and make the 'reasonable adjustment' to ensure their information is accessible.
- To ensure compliance with the DDA 1995 all organisations should have a written policy on accessible information
- The availability of accessible information should be promoted widely.

Public authorities

- Public authorities should specify in their Disability Equality Scheme (DES) their position regarding accessible information.
- Public authorities should create an accessible information policy linked to their DES. This can form part of an action plan.
- As part of the evidence gathering process, as set out in the Disability Equality Duty (DED) Codes of Practice, public authorities should monitor the take-up of accessible formats and where take up is low put in place measures to ensure disabled people are aware of the availability of accessible information.
- Public authorities should ensure that they have the necessary structures and budgets in place to manage the promotion and delivery of accessible formats.

Welsh Assembly Government

- Ensure that the rights of Welsh speakers with sight problems are protected in any legislation to protect the Welsh language.

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- Include the provision of accessible Welsh language information in the remit of the new 'Language Commissioner'
- Take account of the rights of people with sight loss when planning how to communicate with the Welsh Public.

Anti-discrimination legislation

The following chapter is an overview of the legal position relating to accessible information. It is not intended to replace legal advice but to provide a general commentary on how anti-discrimination legislation relates to accessible information.

Disability Discrimination Act (DDA) 1995

The vast majority of public, private and voluntary sector organisations have a duty outlined in the Disability Discrimination Act (DDA) 1995 to make 'reasonable adjustments' to ensure that they do not discriminate against disabled people.

Most organisations would be treating a disabled person unfairly if they did not make the 'reasonable adjustment' of making information accessible to someone with sight loss when the information is available to others. This can be done through the provision of 'accessible formats' such as Braille, large print, electronic and audio formats.

Disability Discrimination Act (DDA) 2005

In addition to the DDA 1995 people with sight loss are now protected by the Disability Discrimination Act (DDA) 2005. This has placed a new set of proactive duties on public authorities to ensure that they do not discriminate against disabled people. From the Welsh Assembly Government to Community Health Councils each individual authority has to take a proactive approach to ending discrimination.

The Act sets out that public authorities must have due regard in carrying out their functions to;

- (a) the need to eliminate discrimination that is unlawful under this Act;
- (c) the need to promote equality of opportunity between disabled persons and other persons;
- (d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;
- (f) the need to encourage participation by disabled persons in public life.

As such the public authorities have an obligation to promote equality of opportunity between disabled people and other persons. This will include the promotion of information in accessible formats.

Anti-discrimination legislation

From December 2006 public authorities have had to demonstrate that they have anticipated and taken steps to remove barriers that cause discrimination. This is known as the Disability Equality Duty. The duty is an anticipatory obligation which means public authorities can no longer simply use the excuse that they have not had any requests for accessible formats. If no requests have been made they must consider why they are not getting any requests and what they can do to reach out to the disabled people they serve. This could include;

- Identifying gaps in the take-up of information by disabled people including monitoring requests for alternative formats.
- Altering the format and style of reports to make them more accessible to disabled people. This could include ensuring documents comply with the RNIB Clear Print guidelines
- Entering into a contract with a supplier to ensure personal correspondence can be embossed in Braille.
- Providing training for staff so they can communicate more effectively with disabled people.

The following is an example used in the Disability Equality Duty's Code of Practice¹

"A Government department that is planning to procure a new IT system should ensure that its action plan includes the work it will do to ensure that the new system is suitable for use by disabled employees. The action plan should also indicate the way it will develop the specification so that the system delivers the right products for disabled customers. This might include having a means of identifying those customers and their requirements, which could lead to being able to, for example, print notifications and letters in accessible formats for visually impaired people."

The Disability Equality Duty is proportionate and the principle of "reasonable adjustments" defined in the DDA 1995 continues to apply. It should be noted however that public authorities have a legal obligation to meet the duty even if by doing so it treats disabled people more favourably than other groups.

¹ The Duty to Promote Disability Equality: Statutory Code of Practice 2005

Anti-discrimination legislation

Disability Equality Scheme

As part of their obligations under the Disability Discrimination Act (DDA) 2005 public authorities must publish a Disability Equality Scheme (DES). This outlines the steps the authority is undertaking to end discrimination.

The Disability Equality Scheme needs to demonstrate amongst other things;

- How disabled people have been involved in producing the scheme and the associated action plan. It is likely that this should include the involvement of visually impaired people.
- How the impact of existing and proposed activities on disabled people will be assessed. Again this should include an assessment of the needs of people who require alternative formats.

It is likely that many public authorities will have absorbed their existing accessible information policy into their Disability Equality Scheme or in some cases a Single Equality Scheme which combines their other equality duties. Where this has happened organisations will have clearly stated their strategic commitment to ensuring the accessibility of communication.

Business and accessible information

Under the DDA, businesses have to make 'reasonable adjustments' so they do not discriminate against disabled customers or employees. A reasonable adjustment could include producing correspondence in large print, product information in Braille or timetables on tape.

The law has been designed so that companies only have to do things if it is reasonable. In reality this means larger companies are expected to have robust policies and procedures in place to handle requests for a range of accessible formats.

Small to medium sized companies (SMEs) also need to take the DDA seriously. For example it would be reasonable for a person with sight loss to request a booking confirmation letter in large print or for a restaurant to have a Braille menu.

Businesses should remember that they have to take reasonable steps otherwise a person with sight loss could take legal action against them for treating them unfairly. The reality is that all size businesses should take this seriously and consider how a person with sight loss can access the information and services they provide.

Anti-discrimination legislation

Of course it is also in the business' commercial interest to build relationships with people with sight loss. Businesses that are not building relationships and providing services to people with sight loss are missing out on clients, customers and potential employees.

People with a right to accessible information in Wales

The definition of a disabled person used in the DDA 2005 covers a wide range of people; including a large proportion of older people and others who do not necessarily think of themselves as disabled people, being blind or having a visual impairment.

There are a number of different estimates for the number of disabled people living in Wales. The Disability Rights Commission estimated that one in five Welsh people are covered by the DDA 2005.

It has been estimated by RNIB that there are 100,000 people in Wales with sight problems, 20,000 of whom are registered as blind or partially sighted. This is an average of 2,500 people with sight problems in every Assembly constituency.

Methodology

Questionnaire

RNIB Cymru contacted a representative sample of businesses, voluntary sector organisations and public authorities. This was mostly completed by telephone.

A total of 99 organisations were contacted from across Wales. This covered rural, urban Welsh speaking areas. We only contacted organisations that we could reasonably assume would have a formal written accessible information policy. Our sample did not include Small and Medium sized Enterprises (SMEs) or community organisations.

At the point of contact a request was made to speak with a representative who was aware of the provision of accessible information for people with sight loss in both English and Welsh. These interviews were conducted using a standard questionnaire and interviewees were given the option of answering the questions confidentially. A number of organisations chose to be sent the questionnaire and return it in a written form with their answers.

Freedom of information

In addition to the questionnaire we made a number of Freedom of Information requests to public authorities to identify:

- Budgets for producing information in accessible formats in each of the last 3 years
- Mechanisms through which public authorities record the number of requests for accessible formats
- How the availability of information in accessible formats is being communicated to people covered by the Disability Discrimination Act 2005 following the actions set out in their Disability Equality Scheme.

Results

96% of organisations were aware that they had a responsibility to produce information in accessible formats under the Disability Discrimination Act (DDA) 1995.

This impressive statistic highlights that almost all organisations are aware of their obligations to provide information in accessible formats. As we will show later in this section it also indicates a startling difference between awareness of the DDA 1995 and implementation so people with sight loss get the accessible formats they require.

It is good news that there is a high level of awareness of the DDA 1995. It also means that Welsh organisations no longer have the excuse that they were unaware of their duty to provide accessible information.

Organisations should be commended for ensuring that there is a high level of knowledge of the Act and how it relates to accessible information. This is almost certainly a consequence of the hard work undertaken by disability organisations and the Disability Rights Commission (now Equality and Human Rights Commission) in raising awareness of the legislation.

39% of organisations in Wales have a formal written Accessible Information Policy

Implementing a formal written Accessible Information Policy is by far the best way to ensure an organisation meets its responsibilities under the DDA 1995. It is also a simple way to guarantee that people with sight loss get good customer service.

A formal policy explains to people inside and outside the organisations what they can expect from the organisation in terms of accessible information. Organisations subject to the Disability Equality Duty should have a formal written accessible information policy, and where appropriate, this should be incorporated into a Disability Equality Scheme.

19% of organisations have an 'Informal' Accessible information Policy

Having an 'Informal' accessible information policy usually means that an organisation has decided at a theoretical level to produce information in accessible formats if requested to do so but it will not have put in place any of the practical steps to make this a reality.

The consequence of an informal policy is that the availability of accessible information will be patchy at best. In most cases this will result in an organisation not having an active relationship with people with sight loss.

Results

Informal policies are simply not practical. They are impossible to communicate across an organisation of any size, are not supported by training and cannot be easily monitored or updated.

Why a formal accessible information policy is important

A formal written accessible information policy is essential for any organisation to provide an adequate service to people with sight loss. This is because the policy will inform an organisation how to handle requests for information, set out clear budgetary processes and define a monitoring procedure. A formal written policy is also a clear and public indication that the organisation takes the needs of visually impaired people seriously.

Organisations without a formal policy will find it difficult to meet their duties as set out in the Disability Discrimination Act 2005. For example, if an organisation simply said that it would fulfil requests for accessible information when it received them, it is unlikely that it will be meeting its duties or providing good customer care. This is because without a structure in place they would be unable to deliver the accessible information within a reasonable timeframe. The key to providing accessible information is the capacity to deliver the information in a timely manner when requested.

Naturally, different types of organisations will have very different policies and processes. An organisation that received hundreds of thousand customer contacts may need a comprehensive document to make sure they offer a good service to their customers. This won't be appropriate to a family restaurant who may just want to make sure that their staff are made aware of what they should do if someone requests a menu in large print.

Public authorities should link their accessible information policy to their Disability Equality Schemes.

3% of organisations reported they frequently get requests for information in accessible formats.

36% of organisations reported they receive requests infrequently.

61% of organisations reported they never received requests for information in accessible formats.

These statistics are a very worrying indication that the vast majority of organisations in Wales do not have an active relationship with the thousands of Welsh people who need information in accessible formats. It also indicates that the promotion and availability of accessible formats is incredibly low.

Results

Having analysed the data from our initial questionnaire we decided to make a number of Freedom of Information requests to Welsh public authorities. We did this to get a greater understanding of why there was a contrast between awareness of the DDA 1995 and 2005 and the implementation of a policy that would encourage people to request information in accessible formats.

We requested information on the budget, mechanisms for recording accessible information requests and the way that accessible information was promoted. The replies were broadly similar. The majority of authorities did not have a central budget for producing accessible formats and it was left to individual budget holders to arrange for their purchase. Recording of requests for accessible formats was however managed centrally. Where figures were given these were low with only handful of documents produced in accessible formats over a year. The exception to this appears to be Higher Education which seems to manage meeting the needs of people with sight loss strategically. Consequently they receive many requests for information in accessible formats and have a set procedure for dealing with them.

The majority of respondents also told that the availability of accessible formats was 'promoted' by a standard paragraph included on public documents. People with sight loss have often been caught in a cycle of assuming that because formats are not promoted that they are not available. The inclusion of this paragraph is therefore a good first step. It however takes a strong character to keep requesting information when the person making the request is made to feel like that are asking for something out of the ordinary. Many older people who have acquired sight loss are also reluctant to request information in accessible formats unless they are encouraged to do so. The onus is on organisations to actively promote the availability of accessible formats. A standard paragraph on the cover of a document should not be the only way of doing this. Organisations will have to look at new ways to reach out and encourage people to have active relationships with them.

Disability Equality Duty

Public authorities that receive no requests for alternative formats and fail to act are clearly failing to meet their Disability Equality Duty (DED).

It should be remembered that under the DED the Equality and Human Rights Commission (EHRC), can take legal action against public authorities that have failed to carry out their responsibilities under the DED, by issuing compliance notices.

Along with individual disabled people they can also challenge a public authority's failure to meet the general duty by seeking a judicial review in the High Court.

Results

29% of organisations were unable to provide information in English large print.

42% of organisations were unable to produce information in Braille

57% of organisations were could not provide information in an audio tape format.

Although virtually all organisations were aware that they had a legal responsibility to be able to produce information accessibly a significant number of them were unable to do so. It should also be remembered that the information requested could be critical to how a person with sight loss lives their life.

Large print is the most easily produced accessible format. It is also the format that is most useful for the majority of people with sight loss. Failing to provide information in this basic accessible format creates a completely unnecessary barrier to building a relationship with a significant part of the population. Although Braille and tape are used by a smaller segment of the population they have equal importance to the people who use them.

60% of organisations were unable to provide information in large print in Welsh

Producing Welsh information in large print is no more difficult than doing so in English. Welsh speakers are however far less likely to be able to receive a large print document in the language of their choice. Many organisations it appears fail to grasp the idea that someone may have both sight loss and want to receive the information in Welsh. Welsh speakers with sight loss from across Wales should be given equal access to information in the language and the format of their choice.

54 % of organisations were unable to provide personal correspondence in large print.

As part of our questionnaire we asked if organisations could produce personal correspondence in large print. Personal correspondence covers letters to individuals as well as medical appointment cards or school reports. This type of communication is often the most useful and failing to provide it can lead to a complete breakdown of communication between an individual and an organisation. This raises issues about financial security, the availability of highly personal information to third parties and informed decision making.

Language rights and people with sight loss

The 2004 Welsh Language Use Survey shows 21.7% of the population of Wales are Welsh speakers. This is an increase from 20.5% in the 2001 census; and from 18.5% in 1991. This upward trend is likely to continue as more and more children are being taught through the medium of Welsh.

Over the last two decades Welsh speakers have asserted their right to use Welsh. The Welsh Language Act 1993 and the Government of Wales Act 1998 provide that the Welsh and English languages should be treated equally. These Acts mainly focus on public authorities however it is increasing likely that the Government of Wales will bring forward legislation to protect the rights of Welsh speakers in their relationships with businesses and the voluntary sector. The needs of people with sight loss should be protected in both how legislation is developed and implemented.

People with sight loss are as likely as anyone else to be Welsh speakers. For this group of people to enjoy the same language protection they will not only require access to information in Welsh but this must be made accessible to them.

It is important to remember that the provision of information in Welsh can also improve outcomes for organisations and individuals. For example older people with acquired visual impairments may feel more comfortable receiving personal information in their first language. This may mean they are more likely to respond positively and build an active relationship with an organisation.

Some Welsh speakers, for example those experiencing dementia, can lose English language skills around the same time as sight loss occurs. Providing accessible Welsh language information can help them retain control over their lives. Other groups of disabled Welsh speakers such as people with Aphasia, learning disabled people, people who are deaf blind can greatly benefit from the provision of Welsh language information in accessible formats.

Recommendations

All organisations

- All organisations should meet their duties under the Disability Discrimination Acts (DDA) 1995 and 2005 and make the 'reasonable adjustment' to make information accessible.
- To ensure compliance with the DDA 1995 all organisations should have a written policy on accessible information
- The availability of accessible information should be promoted widely.

Business Community

- Businesses should look at their marketing structures to ensure they are including people with sight problems as customers
- Businesses should develop a formal accessible information policy based on their business model. This should be published and acted upon.

Public authorities

- Public authorities should specify in their Disability Equality Scheme (DES) their position regarding accessible information.
- Public authorities should create an accessible information policy linked to their DES. This can form part of an action plan.
- As part of the evidence gathering process, as set out in the DED Codes of Practice, public authorities should monitor the take-up of alternative formats and where take up is low put in place measures to ensure disabled people are aware of the availability of accessible information.
- Public authorities should ensure that they have the necessary structures and budgets in place to manage the promotion and delivery of accessible formats.

Welsh Assembly and Welsh Assembly Government

The Welsh Assembly Government should:

- ensure that the rights of Welsh speakers with sight loss are protected in any legislation to protect the Welsh language.
- Include the provision of accessible Welsh language information in the remit of the new 'Language Commissioner'
- Take account of the rights of people with sight loss when planning how to communicate with the Welsh public.

Recommendations

Public funding bodies

- Public funding bodies should include in their evaluation of projects the take up of accessible formats as a key indicator of a project's success.
- Public funding bodies should require all organisations to demonstrate compliance with the DDA 2005 in relation to the provision of accessible information. Evidence will need to include outputs, budget allocation and not just the availability of a paper policy as this in itself would not demonstrate compliance with the legislation.

Audit bodies

- Audit bodies should require public authorities to demonstrate compliance with the DDA 2005 in relation to the provision of accessible information. Evidence will need to include outputs, budget allocation and not just the availability of a paper policy as this in itself would not demonstrate compliance with the legislation