

Cover Sheet

Public Trust Board Meeting: Wednesday 8 July 2020

TB2020.60

Title: **Public Sector Body Website Accessibility Regulations:
Implications for Papers to the Public Board and Council of
Governors**

Status: **For Information**
History: **An earlier version of this paper was considered by the Trust
Management Executive (TME2020.166)**

Board Lead: **Chief Assurance Officer**
Key Purpose: **Assurance**

Executive Summary

1. New accessibility requirements for public sector bodies came into force on 23 September 2018. For existing websites (including intranets and extranets) and mobile apps the deadline for compliance with these is 23 September 2020.
2. The aim of this legislation is to ensure that as wide a range of people can use our online content as possible without needing to adapt it.
3. The Trust may be breaking the law if it does not comply with this legislation and will need to publish an accessibility statement to explain how accessible its website is.
4. These requirements will apply to papers published on the Trust website for public meetings of the Trust Board and Council of Governors. Papers will need to be laid out and formatted in a way that means that they meet web content accessibility guidelines. This means they can be used by a wide variety of people including those using assistive technologies such as screen readers.
5. It is proposed that the Trust make every effort to bring a set of accessible papers to the September Public Board Meeting on 9 September 2020 and thereafter. Papers for formal meetings of the Council of Governors from September onwards should also meet these accessibility standards.
6. Support and guidance in meeting the new accessibility standards will be available from the Corporate Affairs team who will produce an updated paper template that meets the accessibility standards.

Recommendations

7. The Trust Board is recommended to note:
 - the legal website accessibility requirements with which the Trust is required to comply by 23 September 2020 and, in particular, their applicability to Public Board and Council of Governors papers to be posted to the Trust website; and
 - the intention that all papers produced for the 9 September meeting of the Board onwards comply with these standards.

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Public Sector Body Website Accessibility Regulations: Implications for Papers to the Public Board and Council of Governors

1. Purpose

- 1.1. This paper outlines the public sector body website accessibility regulations that came into force on 23 September 2018.
- 1.2. The implications for the publication of papers for public meetings of the Trust Board and Council of Governors are highlighted and the proposed approach to meeting these regulations is outlined.
- 1.3. Board members are asked to note that they may expect to see papers with a revised format for future meetings and may wish to observe that this paper is itself is compliant with the regulations.

2. Background: 2018 Accessibility Regulations

- 2.1. New accessibility requirements for public sector bodies came into force on 23 September 2018. For existing websites the deadline for meeting these is **23 September 2020**.
- 2.2. Compliance with these requirements sends an important signal to our communities regarding the Trust's desire to be transparent and to make its information accessible. However, it is also important to recognise that the Trust may be breaking the law if it does not comply with this legislation. The Trust will need to publish an accessibility statement to explain how accessible its website is.
- 2.3. Much work is currently being undertaken by the Web Team and others to ensure that Trust sites are as compliant as possible in advance of this deadline. This paper focusses on the application of these requirements to the Public Board and Council of Governors papers that will be published of the Trust's websites. However it is important to recognise that compliance with these legal requirements will require consideration of all content that is published to the Trust's websites including its intranets in the future to ensure accessibility.
- 2.4. There are particular challenges to making Board and Council papers accessible and a need to agree a proportionate approach to achieving this. The aim of this legislation is to ensure that as wide a range of people can use our online content as possible without needing to adapt it. In terms of our papers a particular consideration is to ensure that these are laid out and formatted in a way that means that they are compatible with screen readers and other assistive technologies.
- 2.5. Rather than being perceived as a burden it should be noted that these requirements provide an opportunity to improve the clarity of Board documents. An accessible document is likely to be one that is effective in assisting the Board to undertake its

role and in supporting the diversity of ways in which people prefer to digest information.

- 2.6. There is, however, some flexibility to not comply with aspects of the regulations where we can reasonably argue that this represents a 'disproportionate burden'. It is likely, for example, that we will wish to make this argument in considering whether we would revise those papers that are already on our website in relation to past meetings. A specific exclusion already exists for papers published before 23 September 2018.

3. Key Aspects of Web Content Accessibility Guidelines 2.1 Level AA

- 3.1. The Trust website will meet the new legal requirements if it complies with the international WCAG 2.1 AA accessibility standard. The Trust's Web Team have produced guidance on creating accessible Word 2010 documents for upload to the web. Some key elements of this which are likely to require a change to our approach to preparing papers are summarised below.

Tables of Contents

- 3.2. It is recommended that these are used for all longer documents although would not generally be regarded as essential for papers such as the current one.

Layout

- 3.3. We are required to avoid using tables simply to lay out text. This creates an issue regarding our existing paper template, particularly for the cover sheet. Images need to flow with text and not be inserted with an absolute position.

Formatting

- 3.4. Those preparing papers will need to remember to use the Styles Panel correctly. In particular headings need to be recognised as such by Word and not simply be formatted to look like headings by being bold and in a larger font. Bulleted and numbered lists also need to be created using the appropriate tools so that they can be recognised by assistive technologies.

Images, Graphs and Tables

- 3.5. These are likely to be a particular challenge for many Board papers. Alternative text which describes what is being shown will need to be included in the properties for the item.
- 3.6. For complex items such as graphs, the document text will need to include some description that explains what is shown and key conclusions to be drawn. For example the description of a graph would need to outline what had been plotted and to describe the key trends that could be observed. The level of detail needed will probably need to be considered on a case by case basis. In some instances

consideration should be given to additional description in a paragraph below the graph or the inclusion of raw data in an appendix.

- 3.7. Tables must be kept simple, include header rows and not have merged or split cells. The addition of alternative text to describe the table is also recommended.

Hyperlinks

- 3.8. The text for hyperlinks needs to be a meaningful description of what is being linked to. (E.g. not just “click here,” but [Go to the OUH Website](#))

Use of Colour

- 3.9. Colour needs to have sufficient contrast for people with low vision but should also not be the sole means of transmitting information. The use of patterns as an alternative differentiation should be considered. Particular consideration will need to be given to the use of RAG ratings.

4. Proposed Approach for OUH NHS FT

- 4.1. Proposals for approaching the implementation of these requirements within the Trust in relation to papers for the Public Board and Council of Governors are outlined below.

Challenges, Exceptions and ‘Disproportionate Burden’

- 4.2. It is suggested that the Trust will wish to indicate that making retrospective adjustments to past papers in order to make them accessible would represent a ‘disproportionate burden’. It could also be argued that this would be an inappropriate rewriting of the audit trail of papers previously presented.
- 4.3. Other significant challenges in meeting these legal requirements will be presented by certain papers that are typically presented to the Trust Board. The Integrated Performance Report is a case in point; a very large amount of work would be required to make this an accessible document within the terms of this legislation as currently composed.
- 4.4. It is likely that papers of this nature will need to be replaced by a shorter, simpler paper that distils key information in an accessible format and which could be published on the Trust website. This would not mean that the full suite of information could not also be made available to Board members to support their wider understanding. However such detail would not form part of the Board paper itself and the latter would need to contain sufficient information to stand alone.

Support from the Corporate Affairs team

- 4.5. The Corporate Affairs team will provide any support and training that may be helpful to those preparing papers. Consideration is also being given to the development of more general training for those who regularly prepare papers elsewhere in the Trust.

- 4.6. The Corporate Affairs team will also prepare an updated paper template that meets the necessary accessibility standards though authors preparing documents will need to adhere to the standards as outlined above and in the nationally available guidance.
- 4.7. Responsibility for ensuring that documents meet accessibility standards will remain with those preparing these papers. The Corporate Affairs team will be able to assist in reviewing documents for accessibility and providing advice to assist in rectifying any problems.

Proposed Timescales

- 4.8. The deadline for meeting the standards is **23 September 2020**, though noting that formally this would apply to all existing content on websites at that stage. In principle this would include papers for meetings before that date if published after 23 September 2018.
- 4.9. It is proposed that the Trust make every effort to bring a set of accessible papers to the September Public Board Meeting on **9 September 2020** and thereafter. Papers for formal meetings of the Council of Governors from September onwards should also meet these accessibility standards.
- 4.10. Whilst the formal deadline for full compliance is after the September Board this approach will enable the Trust to demonstrate by the deadline that it is treating these requirements with appropriate seriousness. It also provides some flexibility if there are any technical issues still to be resolved and which need to be addressed prior to the next public Board meeting on 11 November.
- 4.11. It is also proposed that the Corporate Affairs team undertake a review of July Board papers to identify areas of non-compliance with the accessibility standards for information and to assist in recognising where advice and support may be needed.

5. Recommendations

- 5.1. The Trust Management Executive is recommended to note:
 - the legal website accessibility requirements with which the Trust is required to comply by 23 September 2020 and, in particular, their applicability to Public Board and Council of Governors papers to be posted to the Trust website; and
 - the intention that all papers produced for the 9 September meeting of the Board onwards comply with these standards.

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30 June 2020