



WEBSITE ACCESSIBILITY & EQUALITY ACT 2010

The CPD Standards Office is a unique organisation and was founded with the vision of understanding and enabling positive and successful CPD and learning experiences. As a highly specialised expert team, our university led research has equipped us with extensive expertise on all things CPD.

Between the work of the Professional Development Consortium and the CPD Standards Office dual CPD research and accreditation activities sharpen our knowledge and expertise. This enables us to work with individual coaches, training providers, employers, and 'membership organisation's as a collaborative CPD network & community.

This factsheet provides advice and guidance the Equality Act 2010 and what you, as a training provider, need to do to ensure that your website is accessible and complies with the legislation.

Website Accessibility and the Equality Act 2010

Discrimination against people with disabilities is prohibited by law but website owners often do not realise how the law affects users of their websites.

The Equality Act 2010

Since 2 December 1996 (when the Disability Discrimination Act (DDA) came into force) website owners have been obliged to ensure that their websites are accessible to users with disabilities. After over a decade in force, the DDA'S requirements were merged into the Equality Act 2010. The 2010 Act was intended to bring clarity to the diversity of previously-extant discrimination legislation. Despite the goal of clarity the new legislation can be more confusing than the old. Section 29(1) of the 2010 Act says

“A person...concerned with the provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service by not providing the person with the service.”

Accordingly, neglecting to provide a service to a disabled person that is normally provided to other persons is unlawful discrimination.

Applying the Law: An example

There are many ways that website design is effected by this law. For instance, many visually impaired visitors use speech synthesizer software to read the text in the HTML code of web pages and translate it into audible speech. However, many websites include images that contain text as part of the pre-rendered picture file. These may be unreadable by the software. If the text is not embedded in the

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image properties (using an alt tag) or alternatively available in text somewhere on the website, this could render the content inaccessible to visually impaired users, and could therefore be discriminatory for the purposes of the 2010 Act.

Reasonable adjustments

Sections 20 and 29(7) of the Equality Act create and elaborate of a duty for service providers to make 'reasonable adjustments' to enable disabled persons to access their services. Section 20(6) says that with respect to services relating to the provision of information:

The steps which it is reasonable for (an information service provider) to have to take include steps for ensuring that in the circumstances the information is provided in an accessible format.

The Equality and Human Rights Commission's Code of Practice concerning the application of the Act notes that this is an ongoing and evolving duty that should be continually reviewed rather than simply once (7.27) and one that should be anticipatory and should not wait for the disabled user to want to make use of the site (7.21)

Hosting company plug-pulling

A particular concern for website operators (and web hosts) is that the legislation provides for web hosting service providers to pull the plug on inaccessible websites. In provisions similar to those in the Regulation of the Ecommerce Regulations; Schedule 25 states that hosting providers will be exempt from liability under the Equality Act in relation to discriminatory material they host if they have no actual knowledge of its discriminatory nature and they "expeditiously" remove it upon becoming aware of its nature. This presents the possibility of a complainant avoiding court altogether by approaching the hosting company.

Cases involving disability discrimination and website

Before the Equality Act there were two widely publicised prospective legal actions against companies on the grounds of discrimination against disabled users arising from their website's inaccessibility. The Royal National Institute of Blind People (RNIB) had intended to pursue the actions but the (anonymous) companies in question made the requisite changes to the website design before the matter was brought before a court.



In a similar case, a tribunal found that an online exam was non-compliant and discriminatory against a blind candidate, however the application of the law to commercial websites is largely untested and it is difficult to predict exactly how high the bar of reasonableness will be set by the Courts.

Practical Steps

The World Wide Web Consortium (W3C) the international organisation concerned with providing standards for the web, publishes guidelines which are a good indicator of what the court would reasonably expect of website owners and businesses to follow to ensure that websites are as accessible as possible and in line with the Equality Act. At the most basic ("priority 1") level of compliance these include suggestions such as:

Providing text to accompany non-text elements (such as pictures or graphical buttons for navigating)

Document organisation for sensibly ordered readability without the need for the accompanying style sheets

Make sure all information conveyed through coloured content can be inferred or is available without content

Clearly and simply labelling the websites content

Clearly delineating changes in the natural text of the document to other content, such as captions

Compliance with both the priority 1 and 2 checklists is recommended. The priority 2 checklist includes:

- Ensuring the foreground and background website colours have sufficient contrast for those who struggle differentiating colours
- Using an appropriate markup language rather than images to convey information
- Using header elements to convey website structure
- Using style sheets to control the layout and presentation
- Clearly identifying the target of each URL link
- Providing further information about layout (e.g. a sitemap)
- Using navigation mechanisms in a consistent manner
- Providing metadata to add semantic information to web pages
- Dividing large blocks of information into more manageable blocks when possible.

The W3C guidelines have been adopted as the benchmark test.

The RNIB offer free accessibility tips to aid with the technical design of your website with the World Wide Web Consortium standards in mind. The British Standards Institution provides a comprehensive and non-technical code of practice on web accessibility aimed at helping businesses achieve wider digital inclusion when commissioning or designing a website with the requirements of the Equality Act 2010 in mind.

Commercially, many organisations offer web accessibility audits, which can assess the accessibility of a website and give detailed feedback on what changes could be incorporated to achieve greater accessibility. Engaging with disabled users for instance through online surveys and feedback systems is another excellent way of flagging potential accessibility problems.

Accessibility should be addressed at the web design stage, because many fundamental design decisions have an impact on accessibility: as the EHRC Code of Practice requires. The duty does not end there, many types of change to a website could have accessibility implications. Although it is not a common basis for legal action, website accessibility is important both from the perspective of legal compliance and because a more accessible website is a website with a greater potential user-base.

We hope you have found this factsheet helpful. Please see www.cpdstandards.com for more information on our accreditation services or call 0203 745 6463 for further advice. Please note that this factsheet does not constitute legal advice.