



Government Digital Service's Consultation on the Accessibility of Public Sector Websites and Apps

Response from Business Disability Forum

Business Disability Forum is a non-profit membership organisation which exists to improve business performance by increasing confidence, accessibility, productivity and profitability. We do this by bringing business leaders, disabled people, and Government together to understand what needs to change to increase the life chances for disabled people in employment, economic growth, and society in general in a way that also benefits business. We provide practical, evidence-based solutions for businesses to recruit, retain and provide inclusive products and services to disabled people. We also lead a Technology Taskforce, a network of specialist IT and assistive technology experts who work to develop and promote the use of inclusively design and accessible technology and websites.

During the process of responding to this consultation, we asked our Members, Partners and other stakeholders for their views. We carried out some research with twenty-three organisations based on GDS' consultation questions. "Organisations" included private and public sector organisations, independent consultants, and SMEs. We have referred to those who took part as "respondents".

Organisations that will be affected

Consultation questions 1-4:

- **Do you understand the definition of 'public sector bodies'?**
- **Would you benefit from further guidance on this definition?**
- **Do you understand the types of bodies that will be exempt?**
- **Would your organisation's website or apps fall under this exemption?**

Understanding of 'public sector body' was generally good among respondents, although 13% of respondents were not clear what the 'official' definition of "public body" is.

A simple way for organisations to find out whether or not they fall within the definition of 'public sector body' would be helpful. When we told some organisations about the definition, they understood, but they did not know where they could find this information themselves. Communication of definitions therefore needs to be stronger from the UK Government.

It was not clear among some private sector organisations, independent consultants, and SMEs whether or not they would be considered a ‘public body’ if they were carrying out work or contracts on behalf of a Government department or other public sector organisation, or if they deliver services to the public in another way (i.e. if a SME or private sector organisation has a ‘public function’).

Exemptions – things the Directive won’t apply to

Consultation questions 5-7:

- **Do you agree with the exemption for schools, nurseries and kindergartens?**
- **Do you understand the content exemptions and whether they apply to content held by your organisation?**
- **If you don’t understand, please explain what further information or guidance might assist you to determine whether content is exempt from the Directive.**

74% respondents said they do **not** think schools, nurseries and kindergartens should be exempt from the Directive. One respondent commented:

“Everything should be accessible. How can somebody make an informed decision where to send their child if the information is not accessible?”

It was not generally understood why the Directive was saying education and care for young people is exempt from being accessible, particularly as Business Disability Forum works with many education providers and speak to many disabled adults who identify their nursery and school years as an important time during which they gain an awareness of how their peers, teachers, institutions and society in general perceive them and their disability or condition.

Therefore, Business Disability Forum does not support schools, nurseries and kindergartens being exempt from providing websites and apps that are inclusive to everyone.

Additional findings

(1) The private sector want to be included

Respondents agreed that any information provided by an organisation, in whatever format, should be accessible. They felt this should be the case regardless of sector. This finding reinforced by the number of private sector organisations who were interested in this consultation: 91% of private sector respondents said they want their organisation to have websites and apps that are as useable as possible to everyone, regardless of whether they were required to do so by a Directive or other legislation. Two respondents said that including all sectors within the Directive would ensure greater consistency for disabled people. One respondent commented:

“All organisations offering products and services online should be fully accessible”.

Another respondent agreed that, although the public sector should lead on complying with the Directive, the private sector and schools (see below) should be expected to follow.

(2) Online accessibility should be akin to building regulations

One respondent commented, “Accessibility should be akin to building regulations”. Business Disability Forum have seen an increase of organisations calling for legislation which ‘enforces’ organisations to provide accessible IT and websites in the same way they are required to provide accessible buildings through Building Standard regulations.

‘Disproportionate burden’ assessment

Consultation question 8: Do you understand the concept of a ‘disproportionate burden assessment’?

Respondents generally understood the concept of “disproportionate burden”, although 39% of respondents said further guidance should be provided alongside this definition as they felt it would be open to misinterpretation or used by organisations as a “get out” for not making their platforms and information accessible. 22% of respondents agreed that the ‘disproportionate burden’ principle was welcomed, particularly for smaller organisations, but that there needs to be strong guidance on what it is and how to apply it.

There were also many comments from respondents on the unfortunate and “shameful” use of the word “burden” when referring to making things accessible for disabled people. The language of burden was not welcomed in this context. One respondent commented:

“How is connecting to your customers a burden? This is the sort of language we must remove from disability and accessibility debates: the assumption it is always an effort with no pay back, whereas companies communicating to a wider set of customers and clients is always advantageous”.

What organisations will have to do to comply with the Directive

Consultation questions 9-11:

- **Does your organisation currently publish an accessibility statement?**
- **What does the statement include?**
- **Do you think the content of the accessibility statement above will help users to better access content and services?**

Each organisation we spoke to have an accessibility statement. Business Disability Forum also reviews accessibility statements and procedures for organisations as part of its advisory services. We often find that having ‘statement’ is not in itself enough; a statement does not drive forward actions or improvements on its own.

What is needed is an improvement strategy for advancing accessibility in an organisation, and organisations – even organisations that have an accessibility statement – rarely have

this. There needs to be a live, regularly-reviewed, cross-organisation strategy and plan for designing, implementing, and reviewing change if accessibility is to be taken seriously by organisations.

Training and guidance

Consultation questions 12-13:

- **Do you anticipate that you or your organisation will need guidance and/or training in order to meet this Directive?**
- **If yes, what guidance and/or training will you or your organisation need?**

We asked our Members and Partners how far they felt they have the knowledge and skills to make any changes required by the Directive in-house. Only 39% organisations have both the knowledge **and** skills to make changes in-house. We found a higher number of private organisations would not have the resources in house to make changes. Although there is an enormous willingness from the private sector to meet the standard of the Directive (even though they are currently exempt), only 50% of private sector respondents said they have the skills in-house to do so, even though they understood what they needed to do.

Public sector organisations (particularly Government Departments) are best equipped with in-house knowledge skills to comply with the Directive.

Enforcement

Consultation question 14: Do you have any comments on proposed enforcement of the Directive?

Respondents generally welcomed the Directive and some gave additional comment, including:

- The directive is welcomed (one respondent said the Directive is “very timely and very important”) but needs to be supported with financial and skills resources from the UK Government.
- Another respondent commented, “I think it is a very good directive given the amount of people who have a disability and the increasing use of the internet for business and personal use.”

Summary

Although Business Disability Forum welcomes compliance with the Directive in public bodies, we have three key recommendations:

1. The UK Government should support **all sectors** to comply with the Directive. As above, there is a significant willingness within the private and SME ‘sectors’ (although resources are an issue, even for this sector) to also have accessible

technical platforms. This may mean running workshops or sharing resources with smaller businesses to encourage compliance. With the Government's commitment to increase spend with smaller businesses alongside its commitment to ensuring a Disability Confident supply chain¹, this is timely.

2. To reach beyond the Directive's standard for organisations to have an accessibility "statement" and instead require organisations to develop 'design-implementation-review' strategies which are (a) action-based rather than listed 'as is' statements, and (b) developed in consultation and through user-testing with disabled people.
3. To ensure the UK does not adopt the language of "burden" when supporting and upskilling businesses to provide platforms and formats that are accessible and inclusive to everyone.

www.businessdisabilityforum.org.uk

Business Disability Forum is committed to ensuring that all its products and services are as accessible as possible to everyone. If you wish to discuss anything with regard to accessibility of this document please contact us.

Registered charity no: 1018463.

Registered Office: Nutmeg House, 60 Gainsford Street, London SE1 2NY.

Registered in England under Company No. 2603700

¹ "Small businesses are the backbone of our economy" [news story], Minister for Implementation, Oliver Dowden MP, 10 April 2018.