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Guidance

Understanding accessibility requirements for public sector bodies

Help your team understand why they need to meet the website and mobile app accessibility regulations.

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Contents

Understanding accessibility

Making a website or mobile app accessible means making sure it can be used by as many people as possible.

This includes those with:

- impaired vision
- motor difficulties
- cognitive impairments or learning disabilities
- deafness or impaired hearing

At least 1 in 5 people in the UK have a long term illness, impairment or disability (https://www.scope.org.uk/media/disability-facts-figures). Many more have a temporary disability.

Accessibility means more than putting things online. It means making your content and design clear and simple enough so that most people can use it without needing to adapt it, while supporting those who do need to adapt things.

For example, someone with impaired vision might use a screen reader (software that lets a user navigate a website and 'read out' the content), braille display or screen magnifier. Or someone with motor difficulties might use a special mouse, speech recognition software or on-screen keyboard emulator.

Why making your public sector website or mobile app accessible is important

People may not have a choice when using a public sector website or mobile app, so it's important they work for everyone. The people who need them the most are often the people who find them hardest to use.

Accessible websites usually work better for everyone. They are often faster, easier to use and appear higher in search engine rankings.

Most public sector websites and mobile apps do not currently meet accessibility requirements. For example, a recent study found that 4 in 10 local council homepages failed basic tests for accessibility (https://www.socitm.net/press/81).

Common problems include websites that are not easy to use on a mobile or cannot be navigated using a keyboard, inaccessible PDF forms that cannot be read out on screen readers, and poor colour contrast that makes text difficult to read - especially for visually impaired people.

You may be breaking the law if your public sector website or mobile app does not meet accessibility requirements.

Meeting accessibility requirements

The accessibility regulations came into force for public sector bodies on 23 September 2018. They say you must make your website or mobile app more accessible by making it 'perceivable, operable, understandable and robust'. You need to include and update an accessibility statement on your website.

The full name of the accessibility regulations is the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018.

The accessibility regulations build on your existing obligations to people who have a disability under the Equality Act 2010 (or the Disability Discrimination Act 1995 in Northern Ireland). These say that all UK service providers must consider 'reasonable adjustments' for disabled people.

For example, somebody might ask for information in an alternative, accessible format (https://www.gov.uk/government/publications/inclusive-communication/accessible-communication-formats), like large print or an audio recording. There are a number of factors that determine what makes something a 'reasonable' adjustment (https://www.citizensadvice.org.uk/law-and-courts/discrimination/what-are-the-different-types-of-discrimination/duty-to-make-reasonable-adjustments-for-disabled-people/).

Intranet and extranet websites are covered by the accessibility regulations. These are internal websites which disabled employees working in or with the public sector may use.

Your website or mobile app will meet the newer legal requirements if you:

- meet the international WCAG 2.1 AA accessibility standard (https://www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag) - although there may be valid legal reasons for not meeting accessibility standards (https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps#exemptions)
- publish an accessibility statement that explains how accessible your website or mobile app is

The best way of doing this is to ask your team to check how far your website or mobile app currently meets WCAG 2.1, and where there are problems. Then, make a plan to fix the problems found. Your web team should use the guide to making your website accessible and publishing an accessibility statement (https://www.gov.uk/guidance/make-your-website-or-app-accessible-and-publish-an-accessibility-statement).

The deadline for meeting the requirements and the steps you need to take depend on whether you have:

- a new website (published on or after 23 September 2018)
- an existing website
- intranet and extranet websites
- a mobile app

Who has to meet the 2018 accessibility regulations

All public sector bodies have to meet the 2018 requirements, unless they are exempt.

Public sector bodies include:

- central government and local government organisations
- some charities and other non-government organisations

When you may be exempt from accessibility regulations

All UK service providers have a legal obligation to make reasonable adjustments under the Equality Act 2010 or the Disability Discrimination Act 1995 (in Northern Ireland).

The following organisations are exempt from the accessibility regulations:

- non-government organisations like charities - unless they are mostly financed by public funding, provide services that are essential to the public or aimed at disabled people
- public sector broadcasters and their subsidiaries

The following organisations are partially exempt from the accessibility regulations:

- primary and secondary schools or nurseries - except for the content people need in order to use their services, for example a form that lets you outline school meal preferences

Partially exempt organisations would need to publish an accessibility statement on their website.

Check with your legal adviser (if you have one) if you're not sure whether the new accessibility rules apply to you.

When complying with accessibility regulations might be a 'disproportionate burden'

Some organisations are not exempt but may not need to fully meet accessibility standards. This is the case if the impact of fully meeting the requirements is too much for an organisation to reasonably cope with. The accessibility regulations call this a 'disproportionate burden'.

You need to think about disproportionate burden in the context of what's reasonable to do right now. If your circumstances change, you'll need to review whether something's still a disproportionate burden.

If you want to declare that making particular things accessible is a disproportionate burden, you're legally required to carry out an assessment. In your assessment you weigh up, roughly speaking:

- the burden that making those things accessible places on your organisation
- the benefits of making those things accessible

When making your assessment, you need to think about:

- your organisation's size and resources
- the nature of your organisation (for example, do you have services aimed at people who are likely to have a disability?)
- how much making things accessible would cost and the impact that would have on your organisation
- how much disabled users would benefit from you making things accessible

You might judge that the benefits of making some things accessible would not justify the cost to your organisation. In that case, you can claim it would not be reasonable for you to make those things accessible because it's a disproportionate burden.

You cannot take things like lack of time or knowledge into account in your assessment - or argue that making things accessible is a disproportionate burden because you've not given it priority.

Example 1

You might be able to argue it's a disproportionate burden to meet all the requirements if doing so would use up most of your organisation's budget for the year and leave you unable to do any of your other work - and would significantly improve things for disabled users.

Example 2

A simple code change that improves your website or app's colour contrast is relatively low cost and would improve things for a lot of people with sight impairments. You might not be able to argue that changing this is a disproportionate burden.

You're less likely to be able to claim disproportionate burden for services that:

- are specifically aimed at disabled people, for example 'apply for a blue badge'
- enable people to participate in society, like 'register to vote' or 'find a job'

In many cases you'll need to work out what it is reasonable for you to fix now, and what you'll be able to fix in the future.

If you decide that fixing something would be a disproportionate burden, you'll need to say so in the accessibility statement you publish on your website or mobile app.

There's guidance to help you or your web team plan and prioritise what you'll fix (https://www.gov.uk/guidance/make-your-website-or-app-accessible-and-publish-an-accessibility-statement).

Even if you're exempt from the accessibility regulations, or judge that meeting them would be a disproportionate burden, under the Equality Act 2010 or the Disability Discrimination Act 1995 (in Northern Ireland) you're still legally required to make reasonable adjustments for disabled people when they're needed - for example, by providing the information they need in another, more accessible format (https://www.gov.uk/government/publications/inclusive-communication/accessible-communication-formats).

Things you might not need to fix

Your team does not need to fix the following types of content because they're exempt from the accessibility regulations:

- pre-recorded audio and video published before 23 September 2020
- live audio and video
- heritage collections like scanned manuscripts
- PDFs or other documents published before 23 September 2018 - unless users need them to use a service, for example a form that lets you request school meal preferences
- maps - but you'll need to provide essential information in an accessible format like an address
- third party content that's under someone else's control if you did not pay for it or develop it yourself - for example, social media 'like' buttons
- content on intranets or extranets published before 23 September 2019 (unless you make a major revision after that date)
- archived websites if they're not needed for services your organisation provides and they are not updated

You'll need to explain in your accessibility statement that you've not made things like this accessible because they are exempt.

When you need to meet these regulations

There are different deadlines depending on the type of content your team manages.

New websites

If you created a new public sector website on or after 23 September 2018, you need to meet accessibility standards and should have published an accessibility statement by 23 September 2019. You need to review and update your statement regularly.

As well as helping everyone to use your website, thinking about accessibility upfront saves you money and time. It's cheaper and quicker than fixing problems once something is built.

When you're building a new site, you can choose software and use processes that build accessibility into what you do.

Existing websites

Most existing websites that were published before 23 September 2018 need to comply with the accessibility regulations by 23 September 2020.

Intranets and extranets need to comply from when there are significant changes to them.

You may not have to meet the requirements for your whole website or app if doing so would be a disproportionate burden - for example, if it's very expensive to make even simple changes and those changes would bring very limited benefits to disabled people.

If you're not sure what would be disproportionate in your situation, talk to your legal adviser.

You might need to do things earlier than 23 September 2020 if you:

- make substantial changes to the design or code
- create new features
- create a subdomain

If you're using an agile approach to redeveloping an existing website, you can make accessibility improvements as part of your approach to iteration. This is covered in our guidance on how to approach fixing problems (https://www.gov.uk/guidance/make-your-website-or-app-accessible-and-publish-an-accessibility-statement).

You're legally responsible for your website meeting accessibility requirements, even if you've outsourced your website to a supplier.

Outsourced websites

If you've outsourced some or all of your website to a supplier, you'll need to work together to make sure your website meets the accessibility regulations.

Start by asking how much it would cost to make the changes needed to make your website or app accessible (https://www.gov.uk/guidance/make-your-website-or-app-accessible-and-publish-an-accessibility-statement). You might find that fixing everything at once would put a disproportionate burden on your organisation. Work together with your supplier to agree what it's reasonable to fix now, and when you'll make the remaining changes.

State what your plans are in your accessibility statement to make things as clear as possible for people using your website or app.

When you renew your contract or enter a new one, you should:

- follow government guidance on procuring technology (https://www.gov.uk/government/publications/technology-code-of-practice/technology-code-of-practice) - awarding contracts that are not too long and using open standards, for example, makes it easier to take advantage of technical advances that can improve accessibility

- where possible, use web technologies rather than native mobile apps (https://www.gov.uk/service-manual/technology/working-with-mobile-technology) - because it's easier to update web technologies
- make meeting accessibility standards in procurement (https://www.gov.uk/guidance/make-things-accessible) part of the request for quotation (RFQ)
- consider building regular accessibility reviews into the contract
- include accessibility as part of the contract evaluation

The European Commission has published guidance in its Accessible ICT Procurement Toolkit (http://mandate376.standards.eu/).

Mobile apps

Accessibility requirements apply in the same way as websites for new, existing or outsourced mobile apps, but the deadline for meeting them is 23 June 2021.

How the accessibility regulations will be monitored and enforced

The Government Digital Service (GDS) monitor public sector bodies' compliance on behalf of the Minister for the Cabinet Office. GDS do this by examining a sample of public sector websites every year. GDS can ask for information and request access to intranets, extranets or any public sector website.

Public sector bodies must publish an accessibility statement and review it regularly.

If GDS decides that a public sector body has failed to publish an accessibility statement or that the accessibility statement is incorrect, it will publish:

- the name of the body
- a copy of the decision

From June 2021, GDS will also check mobile applications published by public sector bodies.

Enforcement

The Equality and Human Rights Commission (EHRC) in England, Scotland and Wales and the Equality Commission for Northern Ireland (ECNI) in Northern Ireland will enforce the requirement to make public sector websites and mobile apps accessible (making them perceivable, operable, understandable and robust).

Organisations that do not meet the accessibility requirement or fail to provide a satisfactory response to a request to produce information in an accessible format, will be failing to make reasonable adjustments. This means they will be in breach of the Equality Act 2010 and the Disability Discrimination Act 1995.

The EHRC and ECNI can therefore use their legal powers against offending organisations, including investigations, unlawful act notices and court action.

How users can raise an issue

If a website user finds an accessibility issue on a public sector body's website, they should raise the issue with the website owner first by using the contact details provided in the body's accessibility statement.

The public sector body must provide a response to the user's complaint within a reasonable period of time.

If the user is not happy with the response received, they can get help from the Equality Advisory and Support Service (EASS) (https://www.gov.uk/equality-advisory-support-service) in England Scotland and Wales. And the Equality Commission for Northern Ireland (ECNI) (https://www.nidirect.gov.uk/contacts/contacts-az/equality-commission-northern-ireland) in Northern Ireland.

If the user feels the issue has still not been resolved, they can appeal to the EHRC (ECNI in Northern Ireland).

Find out more

There are more details on the monitoring and enforcement of the accessibility regulations in the Memorandum of Understanding (https://www.gov.uk/government/publications/memorandum-of-understanding-monitoring-and-enforcement-of-public-sector-website-accessibility).

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1. 29 June 2020
   Improved summary to make it clear who this guidance is for.
2. 18 February 2020
   We removed dates which have already passed. We updated the section on exemptions to make things clear about partial exemption for primary and secondary schools and nurseries. More detail on intranets and extranets.
3. 17 May 2019
   Added detail on who the regulations apply to and when they apply.
4. 5 February 2019
   Clarification of the deadlines for making PDFs accessible.
5. 24 September 2018
   Added practical information for public sector bodies on how to meet the new regulations.
6. 9 May 2018
   First published.

Related content

- Sample accessible document policy (https://www.gov.uk/government/publications/sample-accessible-document-policy)
- Sample accessibility statement (https://www.gov.uk/government/publications/sample-accessibility-statement)
- Reporting an accessibility problem on a public sector website (https://www.gov.uk/reporting-accessibility-problem-public-sector-website)
- Support for government publishers (https://www.gov.uk/guidance/contact-the-government-digital-service)
- How to publish on GOV.UK (https://www.gov.uk/guidance/how-to-publish-on-gov-uk)

Detailed guidance

- Make your website or app accessible and publish an accessibility statement (https://www.gov.uk/guidance/make-your-website-or-app-accessible-and-publish-an-accessibility-statement)

Explore the topic

- Content and publishing (https://www.gov.uk/topic/government-digital-guidance/content-publishing)