

nalc

Publications
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requirements

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INTRODUCTION

This publication aims to simply explain the steps that local (parish and town) councils need to take to be compliant with accessibility regulations relating to public sector websites. It aims to complement **government guidance** on the regulations. NALC will not set out the arguments for accessibility or the history of the regulations and make no apology for brevity. Acknowledgement is given to Cllr Mark Harris for his time and expertise in producing this publication.

REQUIREMENTS

Legislation

The Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018 requires public sector bodies, which includes local councils, to ensure reasonable adjustments are made to websites so they are accessible to people with various disabilities. These include:

- Impaired vision
- Motor difficulties
- Cognitive impairments or learning disabilities
- Deafness or impaired hearing

From 23 September 2020 all local council websites will have to comply with those regulations.

Standards

Local councils need to make reasonable adjustments to their websites and operations so people can access information. They are required to include an accessibility statement on their website setting out to what extent they meet the requirements and what alternative arrangements are available. Good practice would also see councils including a plan to narrow the accessibility gap over time.

The website standards that councils are expected to meet are the Web Content Accessibility Guidelines (WCAG) 2.1. At a first glance they can seem highly technical and voluminous. However, your website is almost certainly mostly compliant.

Understanding the standards

The government has produced **information on how to do a basic check of your website** if you cannot access or afford expert support on website accessibility. It suggests you pick a sample of pages on your website and walks you through how to check:

- Text based content
- Images, video and audio content
- Interactive tools and transactions
- PDFs and other documents

- Technology
- HTML checks

Microsoft has developed a **free evaluation tool** to take more technically minded website owners and developers through the process, noting the exceptions mentioned below.

Exemptions

There are a number of exemptions where online material does not need to meet the WCAG standards. These include:

- Pre-recorded audio and video (published before 23 September 2020)
- Live audio and video such as streaming meetings
- Heritage collections like scanned manuscripts
- PDFs or other documents (published before 23 September 2018 – unless users need them to use a service)
- Maps – 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 (e.g 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

Disproportionate burden

Section 6 of the legislation describes the disproportionate burden assessment. In short, this does not require councils to comply with the accessibility requirement if doing so would impose a disproportionate burden.

You will not know if changing parts of your website is a disproportionate burden until you have carried out an assessment. An assessment is a legal requirement before any declaration of burden. In your assessment you should weigh up the burden on your council of making parts of your website accessible, against the benefits of making those things accessible.

When carrying out your assessment, you need to think about:

- Your council's size and resources
- The nature of your council activities (e.g. do you have certain 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 council
- What the additional benefit to disabled users would be by making changes.

The council will then need to publish an accessibility statement describing how their website is or is not compliant with the regulations.

A disproportionate burden will change by definition over time. Expensive and cumbersome processes in 2020 may be cheap and swift in 2024. For this reason, councils should keep this under review.

Accessibility statement

You must provide an accessibility statement on your website. It is best to publish this as a webpage rather than a document to download. You can access a **template statement** produced by government to help with this.

Your statement needs to cover:

- Whether your website or mobile app is fully, partially or not compliant with accessibility standards
- If it's not fully compliant, which parts of your website or mobile app do not currently meet accessibility standards and why (e.g. they are exempt or it would be a disproportionate burden to fix things)
- How people can get alternatives to content that's not accessible to them
- How to contact you to report accessibility problems — and a link to the website that they can use if they're not happy with your response
- Anything else you think is helpful for people to know about, such as plans and work in progress toward greater compliance.

Timing

At the least, councils should have a plan of action and an accessibility statement in place by the 23 September 2020.

Non-compliance

If councils do not comply, they could receive requests by member of the public for compliant information. If the council fails to do this, it could be reported to the enforcing body, in this case the Equality and Human Rights Commission (EHRC). The EHRC would most likely send a letter asking the council to comply. If this is unsuccessful, councils could be requested to develop an action plan as to how it will move towards compliance.

WHAT YOU NEED TO DO

The key, then, is to be moving towards full compliance. The speed at which this happens will depend on the resources of the council in question. It will be an ongoing process.

Have a plan

Phase one — Evaluation

The first phase is to evaluate the council's website to establish the remedial activities that will form the second phase.

Microsoft has developed a **free evaluation tool** to walk website owners and developers through the process, noting that the exceptions mentioned above.

1. The first question to answer is who will carry out the work. This could be someone in the council, a company, a local resident with some web development skills or a student. You will be asking the party in question to see if they can use the guidelines and a tool like the Microsoft one to identify where the site falls short. It should probably take no more than a day to do. Log who you have asked and the response.
2. Councils then need to establish how much it will cost, in terms of money and effort. Depending on the cost, funding could be sourced from reserves, precept, or grants from charities or local authorities. Note the potential costs.
3. Councils should consider over what timescale it could carry out this work based on resources available – a disproportionate burden over the coming six months may be less so over 24 months. Identify when you think this will be completed in the light of costs and resources.
4. Create a text only version of the website (maybe Microsoft Word or PDF). This can be transcribed by council staff and should be kept simple. Only include text information.
5. Finally make sure your website has an accessibility statement explaining the plan, inviting feedback, and pointing to alternative versions.

Phase two – Remedy

Having established in phase 1 which elements need to be rectified, the same steps as above need be repeated to establish who will do the work, the cost, timeframe and which elements might constitute a disproportionate burden. The accessibility statement should be updated to reflect the conclusion and changes to the site as the work is carried out.

Remedial work will vary from council to council according to how much work is required and the underlying technology of their existing website.

It is possible that councils might decide this is a good time to build a new website (NB: this does not mean it will be fully compliant by default. Give developers the guidelines and make sure they stick to them).

Take action

This checklist can form the framework for a plan and log of action to move towards compliance. It will help keep council updated and inform the web accessibility statement.

Evaluation Phase	
1	Have the clerk and all councillors read this briefing and legislation?
2	Who have we approached to do an evaluation? Internal / external company / student / volunteer groups / local resident
3	Have we identified potential costs for evaluation?
4	Have we identified a timeframe for evaluation?
5	How will we fund an evaluation? Reserves / precept increase / grants / principal authorities

6	Has a decision been made about the route we will take?
7	Have we created a text only version of the website?
8	Have we created an accessibility statement page? Clearly linked to from other pages.
9	Has the party doing the review been briefed with an agreed completion date? Log the proposed completion date.
10	Has the work been completed with actions for improvement identified?
11	Has the accessibility page been updated?
13	Have we got a quarterly review and reporting process in place? Review and update council and the accessibility statement.
Remedial phase	
14	Have we drawn up a brief for the remedial work based on the evaluation results?
15	Who have we approached to do remedial work?
16	Have we identified potential costs for remedial work?
17	Have we identified a timeframe for remedial work?
18	How will we fund remedial work? Reserves / precept increase / grants / principal authorities
19	Has a decision been made about the route we will take?
20	Has the accessibility page been updated to reflect the position?
21	Has the party doing the remedial work been briefed with an agreed completion date? Log the proposed completion date.
22	Has the work been completed with any gaps identified?
23	Has the accessibility page been updated?

CONCLUSION

- You are probably mostly there
- You need a plan – follow the steps above
- It will be an ongoing approach
- Reasonable adjustment and disproportionate burden will change over time – keep reviewing
- You must have an accessibility statement on your website – keep it updated

RESOURCES

The legislation: <http://www.legislation.gov.uk/ukxi/2018/952/contents/made>

The standards: <https://www.w3.org/TR/WCAG21/>

Government portal with a range of information on website accessibility: <https://accessibility.campaign.gov.uk/>

A free tool to take you or developer through website evaluation: <https://accessibilityinsights.io/>

Government guidance on conducting a basic accessibility check:
<https://www.gov.uk/government/publications/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one>

Local Government Association guidance: <https://www.local.gov.uk/our-support/accessibility>

Sample accessibility statement:
<https://www.gov.uk/government/publications/sample-accessibility-statement/sample-accessibility-statement-for-a-fictional-public-sector-website>

Example accessibility statements:

- <https://www.cotswold.gov.uk/support/accessibility/>
- <http://www.witney-tc.gov.uk/accessibility-statement/>
- <https://www.equalityhumanrights.com/en/accessibility-statement>