



Articles: Is your Website Legal?

Introduction

There is so far (Feb 2005) very little information regarding the legality of providing accessible websites within the UK. Legislation has been introduced in other countries stating that government websites and government-funded websites must conform to accessibility guidelines. Here in the UK the Disability Discrimination Act, 1995 refers to ALL providers of Goods, Facilities and Services in the UK. Therefore, any website offering access to goods, facilities or services to its visitors does come under the remit of the Act and could be in breach of the law if it fails to meet the requirements of the Act.

What are the Legal Requirements?

The Disability Discrimination Act 1995, Section III, refers to the provision of goods, facilities and services. The Code of Practice is a legal requirement of all providers and specifically mentions websites in several places:

- “What services are affected by the Act? An airline company provides a flight reservation and booking service to the public on its website. This is a provision of a service and is subject to the act.” [Section 2.13]
- “For people with visual impairments, the range of auxiliary aids or services which it might be reasonable to provide to ensure that services are accessible might include ... accessible websites.” [Section 5.23]
- “For people with hearing disabilities, the range of auxiliary aids or services which it might be reasonable to provide to ensure that services are accessible might include ... accessible websites.” [Section 5.26]

More generalised statements that are also applicable to websites include:

- “The Act makes it unlawful for a service provider to discriminate against a disabled person by refusing to provide any service which it provides to members of the public.” [Section 2.2]
- “From 1st October 1999 a service provider has to take reasonable steps to change a practice which makes it unreasonably difficult for disabled people to make use of its services.” [Section 4.7]



The duties of service providers to conform to the Disability Discrimination Act was introduced in three stages:

- Since 2 December 1996 it has been unlawful for service providers to treat disabled people less favourably for a reason related to their disability.
- Since 1 October 1999 service providers have had to make 'reasonable adjustments' for disabled people, such as providing extra help or making changes to the way they provide their services.
- Since 1 October 2004 service providers have had to make other 'reasonable adjustments' in relation to the physical features of their premises to overcome physical barriers to access.

What does this Mean?

The implementation of this Act means that most websites are already in breach of the law. In theory this means that a provider could be prosecuted for disability discrimination if their website prevents those with disabilities from accessing goods, facilities or services that are accessible to those without disabilities.

What Do I need to do to make my website legal?

The legal obligation of websites to conform to the Disability Discrimination act is unambiguous, what exactly this means for the authors of websites is not so clear. In the case of legal action, it is likely that the Guidelines for Web Accessibility published by the W3C would be used to assess the accessibility of a website. The W3C is the body responsible for "*leading the World Wide Web to its full potential by developing protocols and guidelines that ensure long-term growth for the Web*".

The W3C accessibility Guidelines provide three levels of compliance:

- **Priority 1** – A Web content developer **must** satisfy this checkpoint. Otherwise, one or more groups will find it impossible to access information in the document. Satisfying this checkpoint is a basic requirement for some groups to be able to use Web documents.
- **Priority 2** – A Web content developer **should** satisfy this checkpoint. Otherwise, one or more groups will find it difficult to access information in the document. Satisfying this checkpoint will remove significant barriers to accessing Web documents.



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- **Priority 3** – A Web content developer **may** address this checkpoint. Otherwise, one or more groups will find it somewhat difficult to access information in the document. Satisfying this checkpoint will improve access to Web documents.

There are no clear guidelines what level of conformance is necessary to comply with the legal obligations of the Disability Discrimination Act, but it is likely that all of the **Priority 1** guidelines and many of the **Priority 2** guidelines will be taken into consideration should a case go to court.

All new Pixelwave Design websites are built taking these accessibility issues into consideration. I can also provide accessibility evaluations and improvements on existing websites and make the necessary adjustments to ensure your website conforms with the WAI and section 508 guidelines. A more accessible website not only allow those with disabilities to access your products and services, but also helps improve your rankings within search engines results and gives you and your company a feeling of social responsibility.

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