

Reporting inaccessible websites



Toolkit: Reporting inaccessible websites

Summary:

From 23 September 2020, Regulations come into effect which build on existing obligations for public sector websites, and apps, to be accessible.

This document explains the current law as it applies to public and non-public websites as well as changes brought in by the new Regulations and outlines the steps you can take to complain about inaccessibility, in light of these changes, with supporting material and letter templates.

In this toolkit you will find:

- Information about the Equality Act and how it applies to making sure websites and apps are accessible for blind and partially sighted people;
- Information about what the Public Sector Bodies (Website and Mobile Applications) (no 2) Accessibility Regulations 2018 mean for making sure public sector websites are accessible for blind and partially sighted people;
- Details of how to complain about inaccessible websites and apps;
- Example letters to help you to complain;
- What to do if the situation is not resolved following your complaint;
- A feedback form to let us know whether this toolkit helped and information on signing up to be a campaigner with RNIB.

Equality Act 2010

Under the Equality Act, it is unlawful for service providers (for example, banks, shops or travel companies) to discriminate against disabled people by providing their service in a way that puts disabled people at a disadvantage.

Service providers are also required to make “reasonable adjustments” to the way they provide their services to make sure they are not putting disabled people at a substantial disadvantage compared to people who are not disabled.

The Act says that where the duty to make adjustments is about the provision of information, the steps it is reasonable for a service provider to take include the provision of that information in an accessible format.

So, if a service provider’s website, or app, is not accessible to blind and partially sighted people, because – for example, it is not compatible with access technology – this is likely to count as indirect discrimination and so is unlawful. It is also likely to be a breach of the duty to make reasonable adjustments, including the duty to provide information in an accessible format.

The "Equality Act 2010 Statutory Code of Practice on services, public functions and associations" gives the following example of the indirect discrimination in relation to websites:

"Example: A provider of legal services establishes a website to enable the public to access its services more easily. However, the website has all of its text embedded within graphics.

Although it did not intend to discriminate indirectly against those with a visual impairment, this practice by the provider places those with a visual impairment at a particular disadvantage because they cannot change the font size or apply text-to-speech recognition software.

They therefore cannot access the website. As well as giving rise to an obligation to make a reasonable adjustment to their website, their practice will be indirect disability discrimination unless they can justify it."

Service providers covered by the Equality Act are organisations, or people, who provide a service to the general public or a section of the public. It doesn't matter if the service is paid for or provided for free.

This includes service providers who provide services via websites or apps e.g. banking, shopping and travel websites and apps.

It also includes public sector websites and apps including central and local government, schools, the health service and broadcasters.

You can find more detailed information about the Equality Act in our factsheets at rnib.org.uk/equalityact.

The Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 (the Regulations)

The Regulations came into force on 23 September 2020. This means that from this date all public sector websites must comply unless they are exempt.

The following organisations are exempt from these Regulations:

Schools, or nurseries – except for those sites people need in order to use their services, for example websites where you pay for school meals and trips.

Public service broadcasters e.g. the BBC.

The Regulations also cover mobile apps. However, the deadline for apps to comply with the new regulations is 23 June 2021.

The Regulations build on the existing obligations under the Equality Act by putting additional requirements on public sector organisations, around the accessibility of their websites and apps. It is important to remember that where a website, or app, is not covered by the Regulations it is still covered by the Equality Act and a failure to make it accessible is likely to be unlawful.

The Regulations mean all public sector websites and apps have to:

- Meet a specific standard on accessibility – the **international WCAG 2.1 AA accessibility standard** – unless one of the limited exemptions applies.
- Publish an accessibility statement explaining how accessible the website, or app, is.

All other public sector bodies have to meet the requirements of the Regulations. This includes central government and local government organisations, the NHS, ombudsmen and regulators, some charities and other organisations which provide services on behalf of a public sector organisation, as well as universities.

Even if a service provide is exempted from the provisions of the Regulations, they will still be covered by the obligations under the Equality Act. That means schools and public sector broadcasters will still need to make their websites and apps accessible under the provisions of the Equality Act.

All public sector websites must meet the standard of the WCAG 2.1 to AA level, unless they consider that meeting these would be a “disproportionate burden” e.g. where the cost of making even simple changes is prohibitive and would bring very little benefit to disabled people.

If a website provider decides that “fixing” something would be a disproportionate burden, it will need to explain this in an accessibility statement which it is required to publish on its website or mobile app.

A website provider is less likely to be able to claim disproportionate burden for services specifically aimed at disabled people (for example, applying for a blue badge) or services that enable people to participate in society (for example, registering to vote).

What you can do if a website is not accessible to you

If an organisation's website is not accessible, the organisation could be acting unlawfully under the Equality Act, the Regulations, or both. Your first port of call will be to write a complaint to the organisation.

In your initial complaint you should include the following details:

- As much detail as possible about the problem you have encountered, including details of the page where the problem occurred.
 - Details of the computer/mobile device, software and browser you used.
 - You should also mention the requirement of the Equality Act and the Regulations (where relevant).
 - You should ask the site, or app, owner to put the matter right and provide a timescale for doing so (typically, two or three weeks)

Always try to keep a copy of your initial complaint that can be referred back to at a later date where necessary.

Where to address your complaint

If you are complaining about a public sector website, the new regulations require a website to have an accessibility page providing details of its compliance with the accessibility standard – WCAG 2.1 to AA level. It should also include contact details where any accessibility problems can be reported.

If the website is not a public sector website or if there is no accessibility page, then there may be a "contact us" link with a form you can complete, or an email address for its customer services team.

Examples of two complaint letters – one for a public sector website and one for a non-public sector website – are included below.

What you can do if the website remains inaccessible

Hopefully your letter will resolve the matter. However, organisations may not answer your letter at all, may not take the complaint seriously, or may say the problem will be resolved at some unspecified date in the future.

If your complaint does not resolve the situation, please contact RNIB which will be able to assist. Where necessary, we may be able to support you to take legal, or other enforcement action, against any website provider which does not comply with the law.

Example complaint letter – Non public sector organisations

Dear [name],

I am writing to complain about the inaccessibility of your website [insert website address here].

When you reply to me, please use word format via email to [email address]. This is the format that I can read.

Background

I am registered blind. As a result of my sight loss I am unable to read printed material. In order to operate electronic devices e.g. computer, tablet and smartphone, I use a screen reader. This is a specialist types of software that "reads" out to the user what is written and displayed on screen. The screen reader I currently use on my laptop is Jaws for Windows version 17.

I applied for a credit card in summer 2020. My application was accepted and I received my new credit card along with details for operating my account online a few days later. However, I have been unable to successfully use my online account as a result of the inaccessibility of the site.

The first difficulty I encountered was that the login boxes were inappropriately labelled and so I kept on entering the relevant information in the wrong box.

As a result of too many failed log-in attempts, my account was suspended, and it was then necessary to complete a CAPTCHA in order to reset my account. I was unable to complete the CAPTCHA because, initially, I could not find the audio button and then I was unable to decipher the audio information provided. I understand this is a common problem with CAPTCHA.

Discrimination

The Equality Act 2010 says that service providers, including website providers, are not allowed to discriminate against disabled people. I believe that a failure to ensure that your website, or app, is accessible is likely to indirectly discriminate against me and other blind and partially sighted people who use access technology. It is also likely be a breach of your duty to make reasonable adjustments including the duty to provide information in an accessible format.

How to put this right

I am making a complaint in order to ensure that your website is accessible going forward. In order to resolve this situation, I would like you to apologise in writing and make changes to your website in order to make it accessible to me and other blind and partially sighted people.

I would also like you to ensure that your staff are trained in their responsibilities under the Equality Act and how to ensure that your website is accessible .

I hope we are able to resolve this situation amicably. However, should you fail to respond positively, I am, if necessary, prepared to take this matter further.

I look forward to hearing from you within 14 days.

Yours sincerely,

Example complaint letter – Public sector organisations

Dear [name],

I am writing to complain about the inaccessibility of your website [insert website address here].

When you reply to me, please use word format via email to [email address]. This is the format that I can read.

Background

I am registered blind. As a result of my sight loss I am unable to read printed material. In order to operate electronic devices e.g. computer, tablet and smartphone, I use a screen reader. This is a specialist types of software that “reads” out to the user what is written and displayed on screen. The screen reader I currently use on my laptop is Jaws for Windows version 17.

I recently tried to comment on some changes that the council proposes to make to the streets where I live via the consultation website you are using. However, the website was not accessible to me. For example, it requires me to insert a pin on a map to show the area that I am commenting on and I was unable to do this. I also found that many of the boxes that I was required to complete were not properly labelled for a screen reader. I was also unable to close pop-up windows using my keyboard.

Discrimination

The Equality Act 2010 says that service providers, including website providers, are not allowed to discriminate against disabled people. I believe that a failure to ensure that your website or app is accessible is likely to indirectly discriminate against me and other blind and partially sighted people who use access technology and is also likely be a breach of your duty to make reasonable adjustments including the duty to provide information in an accessible format.

Under the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018, you are required to ensure that your website and any websites operated on your behalf are accessible to me and in any event meet the requirement of WCAG 2.1. I do not think that your website complies with these requirements.

How to put this right

I am making a complaint in order to ensure that your website is accessible going forward. In order to resolve this situation, I would like you to apologise in writing and make changes to your website in order to make it accessible to me and other blind and partially sighted people.

I would also like you to ensure that your staff are trained in their responsibilities under the Equality Act and the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018.

I hope we are able to resolve this situation amicably. However, should you fail to respond positively, I am, if necessary, prepared to take this matter further.

I look forward to hearing from you within 14 days.

Yours sincerely,

Toolkit feedback

Did the toolkit work for you? We want to make sure that we're delivering the best possible service for blind and partially sighted people, so we'd like to know if our toolkit has helped you.

Please complete and return the feedback form below in an envelope addressed to: RNIB Campaigns, 105 Judd Street, London, WC1H 9NE. Alternatively, you can email your answers to **campaigns@rnib.org.uk**.

1. What do you think was the most useful part of the toolkit?
2. What have you done since reading the toolkit, or what do you plan to do?:
 - Made a complaint: Yes / No
 - Contacted RNIB for further support and advice: Yes / No
1. Did you use the example complaint letter? Yes / No
2. As a result of the Toolkit, do you feel more confident and able to address similar issues that may arise in the future? Yes / No

Thank you for taking the time to give us your feedback.

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Further Information

For further information on our policy and campaigning work, including how you can get involved please visit **rnib.org.uk/campaigns**.

You can also contact the RNIB Campaigns team by emailing **campaigns@rnib.org.uk** or telephoning **020 7391 2123**.