

# The Directors' Cut



Digital Accessibility  
legislation



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New legislation came into force in September 2018 which applies to university websites, intranets and applications. You may already be fully aware of this but we hope this briefing note may prove helpful to you to help raise awareness in your institutions.

### 1. The legal bit

The legislation is known as the [Public Sector Bodies \(Websites and Mobile Applications\) Accessibility Regulations \(2018\)](#) and applies to universities. It was accompanied by an 'Accessible VLEs' briefing paper aimed at universities which was prepared by an all-party parliamentary working group and published by 'Policy Connect'. It says that our websites need to be fully accessible - i.e. perceivable, operable, understandable and robust; this can be demonstrated through compliance with the European standard ETSI EN 301 549 which is aligned to WCAG 2.1 Level AA.

Compliance is being monitored by [Government Digital Services](#) (GDS) and the enforcement body is the Equalities and Human Rights Commission (EHRC). GDS has been tasked with providing [guidance for the public sector](#) on how to comply.

Unfortunately the legislation is not clearly drafted, and time is being spent by colleagues from the sector and accessibility organisations seeking advice on scope and timescales for different platforms. What follows is ucisa's best understanding of the situation:

### 2. Scope

The list of platforms and services which are in scope of the legislation is unclear. It is certain that websites and mobile apps are, but there are different understandings about other web based environments. It may include every browser-based application an institution's IT department provides that is accessible on a browser or mobile device, or just a subset of these. Government Digital Services (GDS) who are charged with providing guidance and with monitoring compliance are not able to clarify this, which is a problem for the sector:

The following are known to be in scope:

- Websites<sup>1</sup> and intranets (both the platform, and the content)
- Documents on websites and intranets
- Videos and multimedia content

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<sup>1</sup> The W3C Web Accessibility Initiative Website Accessibility Conformance Evaluation Methodology (WCAG-EM) defines a website as: "A coherent collection of one or more related web pages that together provide common use or functionality. It includes static web pages, dynamically generated web pages, and mobile websites and applications"

[WEBSITE ACCESSIBILITY CONFORMANCE EVALUATION METHODOLOGY \(WCAG-EM\) 1.0 \(2014\)](#)

- Virtual Learning Environments (by inference from the Policy Connect Accessible VLEs document, though these are not specifically referenced in the legislation)
- Mobile apps
- Purchased third party content and tools

However, there are some exemptions:

- Recorded media (live video, skype, lecture captures) published before 23 Sept 2020
- Live audio and video
- Third party content that an institution didn't pay for or develop (e.g. external social media content)
- Heritage collections – e.g. scanned manuscripts
- Online maps
- Archived websites if they are not needed for active services the institution provides

### 3. What institutions have to do

Audit your sites/platforms:

The legislation requires that each site/platform and its content is accessible, within the timescales outlined below. This means you need to list all of your platforms, assess what work might be needed to make sure that they - and their contents - are accessible, and plan to fix them and test with assistive technologies.

Create an 'Accessibility Statement' for each site/platform:

Each platform must have an Accessibility Statement to explain how accessible your website or app is which covers:

- whether your website or app is 'fully', 'partially' or 'not' compliant with accessibility standards
- if it's not fully compliant, which parts aren't currently meeting accessibility standards and why
- how a user can personalise their experience of your platform
- 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 government website that they can use if they're not happy with your response.

The GDS have created [guidance on accessibility statements](#) and a sample accessibility statement.

Develop policies

Institutions may need to develop or modify policies and new workflows on:

- Procurement of online systems/interfaces
- Captioning/transcription of media content
- Teaching content
- Complaints, escalation and take-down/take-action policies

## Raise awareness and digital capabilities:

A large amount of the affected online content – especially in the VLE – is produced and controlled by teaching staff, and ensuring this content is all updated to comply with the legislation is an enormous challenge. IT and e-learning staff need help to manage a major training/hearts-and-minds challenge. There is a need to balance a call-to-action with the risk of panic and push-back...

## 4. Timescales

There are different timescales for platforms/content to comply with the legislation, depending on whether a platform is open to the public or is password- or otherwise-restricted for internal (staff, student, other) access.

### Public-facing websites/platforms

- New or updated online content published on or after 23 Sept 2018 has to comply by 22 Sept 2019.
- Existing sites (published before 23 Sept 2018) must comply by Sept 2020.

### Intranets (behind a password)

- New or substantially revised content published on or after 23 Sept 2019 to comply with the requirements of the regulations on publication.
- Intranet content published before 23 September 2019, doesn't have to be brought into compliance at a fixed point; they must instead be brought into compliance only when first substantially revised on or after 23 September 2019

## 5. Challenges for the sector

**Scale of response needed:** The legislation itself calls for swift and wide-ranging changes to be made to websites and their content, VLEs and their content, administrative platforms and other applications which presents a serious challenge for every university IT department.

**Awareness:** Unfortunately the publicity around the legislation and its implications for universities has not been widespread nor consistent and it is unclear whether universities and colleges have been formally notified at senior level - indications are that news of the legislation has been spread mainly through informal routes, and awareness is patchy.

**Ambiguity:** The legislation has been poorly drafted - the first version contained errors and was subsequently corrected, and that link is still in wide circulation. The current version remains somewhat ambiguous and opaque within an educational context.

**Scope:** GDS are not able to provide clarity on what a 'website' actually includes and what web-based platforms are in scope. It is implicit from the '[Accessible VLEs](#)' briefing paper from PolicyConnect that VLEs are in scope, but that paper doesn't clarify what other institutional services may actually be in scope beyond the VLE. There is an assumption amongst many of those leading on institutional responses in the sector that other platforms (library, research, student portals, etc) must be in scope, but this has not been clarified or tested legally.

**Legal obligations:** The question of how to prioritise actions and what constitutes a 'disproportionate burden' is a very real one for institutions. GDS advise institutions to seek their own legal advice on this - there is therefore a prospect of multiple institutions spending money on the same (or even contradictory) legal advice.

## 6. Stakeholders

The following bodies are involved in supporting/implementing/interpreting the legislation:

[Government Digital Services](#) (GDS) are providing guidance aimed at the public sector, but are unfamiliar with the university sector and its particular needs (especially the devolved nature of some institutional websites, and the fact that the very broad academic body is responsible for creating most e-learning content).

[PolicyConnect](#) - this body is providing guidance including the '[Accessible VLEs](#)' briefing paper.

[Jisc](#) - have been working hard to provide guidance for the sector. They run well-attended monthly [online clinics](#) and have a web area for hosting key outcomes and guidance.

[AbilityNet](#) - A charity supporting disabled people and helping organisation to build accessible websites and apps.

[Further & Higher Education Digital Accessibility Working Group \(FHEDAWG\)](#) - this group includes representatives from the sector (Kent, UCL), GDS, PolicyConnect, AbilityNet, Jisc and ucisa. It has the following objectives:

1. Create model accessibility statements.
2. Collate guidance and frameworks on how to meet standards.
3. Provide good practice guidance in areas where the government's official guidance is not sufficiently detailed for the education sector.
4. Liaise with government and regulators to promote outputs and press government for better guidance.

## 7. Final thoughts, and what ucisa can offer you

The legislation has landed on the sector without warning and with a rather poor communications strategy. Institutional responses are varied, though there are some common themes emerging. ucisa is hoping to help support you in the following ways:

1. Awareness-raising amongst key IT staff (applications teams, procurement managers, web teams, TEL teams).
2. Looking into options for obtaining legal advice/guidance on the 'grey areas'.
3. Liaison with/lobbying of Government, GDS, PolicyConnect as required.
4. Putting pressure on vendors to improve the accessibility of their platforms.
5. Procurement/development of sector-focused guidance and training.
6. Contributing to a Digital Accessibility Toolkit which will soon be published by the FHEDAWG working group.

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