

Disability Discrimination Act 1995 (DDA) & your Web site

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There is confusion amongst some web site owners and web site designers about the access provisions for people with a disability that the DDA provides.

The law is very complex, and we strongly advise you to consult a legal professional as well as to discuss this with your web site designer. Please note, this Fact Sheet does not constitute legal advice.

Our E-Business Advisers attempt below to demystify the Acts basic requirements as well as provide a way forward:

1. What does the Law say?

There are two Acts of Parliament which introduce and provide a means of enforcing rights preventing discrimination against disabled people: The Disability Discrimination Act 1995 and The Disability Rights Commission (DRC) Act 1999.

Web site access is specifically mentioned in the DDA - for example section 5.23 (p71): "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 web sites.**"

The Act itself also gives as an example a web based online airline reservation system - which is subject to the Act.

Different aspects of the law have been introduced in the time period since 1995. Section III of the Act relates to ending discrimination faced by disabled people in their access to goods, facilities and services, (and hence covers web sites), and actually came into effect on the 1st October 1999.

Since then, "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".

It is likely that many web sites have been in breach of the law since that date - there has, as yet, been no case law in the UK on the subject though.

The definition of disability is very broad: the Act defines a disabled person as someone with "a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities."

In the context of web sites, the definition of people with disabilities which it would be unlawful to discriminate against is likely to include:

- Blind people who use screen readers with a synthetic voice or Braille output
- Partially sighted people using screen magnification

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- People with learning difficulties such as dyslexia
- People whose use of the Web may be affected by lack of control of arms or hands.
- People who are profoundly deaf or hard of hearing, whose first language may be British Sign Language - they may have difficulty in understanding the English used on a site.

2. What could happen if my web site isn't compliant?

It's possible that you could get sued.

There has already been a case in 2000 in Australia - which has a very similar law to the UK - in which a Mr Maguire successfully sued the Sydney Olympics Committee, as their web site was largely unusable for him as a blind person.

A similar case in New York also succeeded.

The Royal National Institute for the Blind (RNIB) also reportedly approached 2 large UK companies, raised the issue of their inaccessible web sites under the DDA - and the companies amended their sites in return for anonymity.

On a more positive note, you are also quite likely to be missing out on a lot of potential business.

There are an estimated 10 Million people in the UK with a disability, about 1 in 6 of the population, with a combined spending power of £40-50 Billion (Source – Disability Rights Commission).

There are also an estimated 2 Million people in the UK with a sight disability. A compliant web

site allows these people to access the services and products that you sell.

It's not just business to consumer web sites that are affected - business to business sites are included too.

There are also several other benefits:

- Clear and consistent navigation and content makes the site easier for everyone to use - and clear sites attract and retain visitors
- If your competitors' web sites aren't compliant - and you are - you'll have a clear advantage
- Simpler, better constructed sites are easier and cheaper to maintain
- As web browsers change over time, your site will still be readable
- As the UK population ages, there is likely to be a much larger audience requirement for accessibility.
- You are likely to benefit from "word of mouth" advertising if your site is accessible and easy to use.

3. How can I comply with the DDA?

The standard against which accessibility is likely to be legally measured are the W3C accessibility guidelines.

The W3C is the Internet governing body and its web accessibility guidelines can be found on its web site, link provided below.



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To confuse matters further, there are actually 3 levels of compliance. Priority 1 **must** be satisfied, and Priority 2 **should** be satisfied - and actually provides the recommended level of compliance for European Union requirements.

You need to discuss these requirements with your web site designer.

4. Useful links:

www.w3.org - the Internet governing body

www.rnib.org.uk -
Royal National Institute for the Blind site, with an invaluable "web accessibility centre"

www.disability.gov.uk -
Official UK governmental site dealing with disability issues