



Accessible Websites

Why are they important for law firms?



An opinion paper

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What is an "accessible" website?

Simply put, it's about making your website accessible to all Internet users, both able-bodied and disabled, irrespective of the browser technology they are using. By browser technology we do not just mean Internet Explorer or Netscape, we mean screen readers, text-only browsers and even WebTV.

Why does my firm need an accessible website?

Well, you need an accessible website to comply with the law. As a law firm you must be seen to be "leading from the front" in all areas of the law.

I'm sure you have contracts of employment for all your staff, that you comply with the requirements of the Data Protection Act, so why not the same for your website?

What is the application legislation?

The Disability Discrimination Act 1995 (DDA) aims to end the discrimination which many disabled people face. This Act gives disabled people rights in the areas of:

- employment
- access to goods, facilities and services
- buying or renting land or property.

It is the second of these objectives that is the key one when thinking about your website.

The employment rights and first rights of access came into force on 2 December, 1996; further rights of access came into force on 1 October, 1999; and the final rights of access will come into force in October 2004. The DDA places these obligations on employers (presently those with >15 employees, although this exemption will be removed in 2004), anyone providing a service no matter what their size, premises providers and providers of education.

More specifically the following sections are the most relevant when it comes to services provided via your website :-

Section	Relevant Legislation
s 19(1)(a)	The Act makes it unlawful for a service provider to discriminate against a disabled person by refusing to provide (or deliberately not providing) any service which it provides (or is prepared to provide) to members of the public;
s 21(4) SI 1999/1191 reg 4	For people with visual/hearing 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.

The DDA Code of Practice¹ specifically quotes the following example of a website service that would be subject to the requirements of 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."

So this means that if you allow clients to access case information via a website you are now legally bound to ensure that the website is accessible to all clients.

OK, how so how do I comply with the Act?

The key standards to which any web design agency should work are the W3C accessibility guidelines. The full text of these can be found at the W3C website (<http://www.w3c.org>). In summary, the W3C identifies three different levels of accessibility that can be summarised as follows.

Level	Requirements
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.
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.

We won't go into the detail here of what this required for each of these, for full details check out the W3C website.

What's the risk of doing nothing?

Well, like anything, you pays your money and you takes your choice. Disability support organisations and charities are already taking up the case against some pretty large companies. The outcome? The companies front up some money and

¹ Disability Discrimination Act 1995 - Code of Practice. "Rights of Access, Goods, Facilities, Services and Premises"
<http://www.disability.gov.uk/dda/#part3>

make the required changes and settle out of court rather than risk costly legal action. In fact this is exactly what happened with some cases brought by the Royal National Institute for the Blind in 2003.

"But I'm just a small three partner firm in the Midlands²!" you may cry. "Why would they pick on me?" Well, maybe they won't, and maybe they will. But mainly why do nothing when there are very simple things that can be done to change your website to make it more accessible.

<http://www.conscious.co.uk/overview/design.html> gives full details of these changes and what is required to meet the Priority 1 requirements.

Section 21(4) of the Act says that you must take "...reasonable steps..." to ensure that you are not contravening the Act. As with any test of "reasonableness" in law, this will doubtless be open to some interpretation. The Act says that this test of "reasonableness" will be dependent on, amongst other things :-

- the type of services being provided;
- the nature of the service provider and its size and resources;

So, imagine the following situation. You have your website redesigned. You do nothing to meet the requirements of the DDA, not even allowing users of the website to change the size of the text using the controls in the browser. A disabled user uses your website and then files a complaint under the auspices of the Act. Do you think a judge would consider it "reasonable" that you did not even bother to comply with the simplest of guidelines for accessibility? I suspect not.

In April 2004 the Disability Rights Commission (DRC) published the findings of a survey of 1,000 randomly selected websites. The sites chosen were those from government, large and small business and education. Using a commercially available software tool, City University tested the home pages of these sites for technical compliance with the Guideline Checkpoints. Additionally, 100 of these sites were then tested in detail by disabled users carrying out a series of specific tasks for each type of site.

The report is pretty damning in its findings with respect to the accessibility of these websites. Its major findings were as follows.

81%	the percentage of sites were not even compliant with the Priority 1 checkpoints.
0.2%	the percentage of sites that achieved compliance with Priority 2 checkpoints.
0%	The percentage of sites that achieved compliance with Priority 3 checkpoints.

As yet there is no case law on this matter. But in Australia in June 1999 a case was brought by a blind man against the Sydney Organizing Committee for the Olympic Games (SOCOG) who claimed he was discriminated against as their website was inaccessible to him.

It took until August 2000 for the Australian Human Rights & Equal Opportunity Commission (HREOC) to announce their decision³. At this time they found in favour of the complainant and ordered SOCOG to make changes to the site before

² Put the name of your region in here!

³ http://www.humanrights.gov.au/disability_rights/decisions/comdec/2000/DD000120.htm

the start of the games on 15 September 2000. SOCOG failed to meet this deadline and were then fined AU\$20,000. An excellent summary of the full decision can be found at <http://www.contenu.nu/socog.html>.

Usability Bonus

An important finding from the April 2004 DRC report was something they called a "Usability Bonus". What they found was that on a site that was deemed to be a "low accessibility" site a particular task took 46% longer than on a similar site that was deemed to be "high accessibility". What this means is as follows. If you design your site to be "accessible" from the beginning ALL users, able-bodied included, benefit by being able to achieve faster task times i.e. do things quicker on your website.

"OK, you might be right. But I've heard..."

...that it will be expensive to do".

Not true. Built using the latest standards compliant web development techniques your site will cost no more to be made "accessible" than building it any other way. By "standards compliant" we mean the separation of design and presentation from content. The key technology that is used to do this is known as Cascading Style Sheets or CSS. This was historically used to control font size, colour etc. However, it can be used for so much more. It can be used to control layout as well.

More importantly, when you come to redesign your site, this is when you will see the real benefit. By separating design and presentation from content, this means that you do not have to re-write your whole site, you just change the presentation aspect of it. This future-proofing can save time and money when re-designing your site in the future.

An analogy to this technique on a personal computer would be as follows. This report was written using Microsoft Word. A new template could be created to change the layout etc. The headings could be red, the tables have different background colours, all done without changing the "structure" of the document itself.

One other major cost benefit is that a site that is rebuilt in a "standards compliant" way will often result in smaller page sizes. For example, tests that we ran on some law firm's sites, showed that rebuilding the page cut the size from 40kb to 25kb (page size not including graphics). So, this means you could save almost 40% on the cost of your bandwidth as each time a user accesses a page, less information is moved from your server to the web browser.

...that my site will look boring?".

It certainly will not. Using standards compliant design techniques in no way constrains the flair of a good web designer. For an example online, use your web browser to visit <http://www.csszengarden.com>. This page is an example of where CSS has been used to create a page, the page authors challenged other web designers to create their own version of the page only changing the CSS. Click on the links on the right hand side to see other samples. None, and I mean none of them, look boring. The key thing about all these sites is that they meet the

Priority 3 level described previously. So never let anyone tell you that an accessible site has to be boring!

...that a text-only version of the site will do."

No it won't. Prof. Helen Petrie of City University who led the team doing the DRC research said the following at the press event to launch the report.

"Although I appreciate that web developers are making an effort to produce two sites, to make sure that one is accessible, I think, first of all, if the site that they are saying is accessible does not offer the same functionality as the main site, that is not acceptable. But also, I do not think this is a necessary effort.

I think, if web developers use the web tools that they have, imaginatively and creatively, then we can create sites which are accessible to everybody, to all users."

We agree. A text only site is not an alternative and frankly just not needed.

Still not convinced? What's the business case?

The RNIB have an excellent summary⁴ on their website of the business case for designing accessible websites. The key points being

- *Increased market share and audience reach*
- *Improved usability (see Usability Bonus above)*
- *Reduced website maintenance costs*
- *Greater compatibility and future proofing*
- *Access to the estimated £40-50bn spending power of disabled people in the UK (source: Employers Forum on Disability)*

Also many clients who do ensure that their site is accessible can stand up and be counted with respect to showing some social responsibility when it comes to their website. Who in their right mind would not want to be seen to be "doing the right thing"?

Conclusion

We believe that the DDA is an important piece of legislation. We believe that any web design firm has a duty to ensure that clients comply with its requirements with respect to websites they build. Meeting Priority 1 compliance is not difficult to achieve, and we believe that Priority 2 should be most people's target.

Likewise, as a law firm you should be seen to be taking a firm stance and complying with the minimum requirements of the W3C guidelines. After all, it's you, the client, who will be liable if a case ever ended up in court, particularly if your designer "told" you that you should have an accessible website.

The phrase "hoisted by one's own petard"⁵ springs to mind here. At the risk of scare-mongering, it doesn't take a rocket-scientist to see that if the DRC wanted

⁴ http://www.rnib.org.uk/xpedio/groups/public/documents/publicwebsite/public_businesscase.hcsp

to bring a high profile case to court, why not take action against someone in the legal sector!

The DRC are pretty clear about their future course of action. Bert Massie the Commission's chair is on record saying :-

"...we are now using the force of argument. If that fails, we will not hesitate to use the argument of force."

You have been warned!

About Conscious Solutions

Conscious Solutions was formed in 2003 to develop websites for law firms. Our service brings together, technology, tools, content and marketing processes. Our service allows firms to develop deeper, more profitable relationships with their customers.

More information on our service is available at our website.

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⁵ The 'petard' was a small cask of black powder used to prime cannon fuses. During a battle a petard was stored alongside each gun. Occasionally, a careless crewman would set one off while lighting a fuse, thereby 'hoisting' himself in the air. The expression was used by English sailors describing the inept French gunners.