

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fifth Delegated Legislation Committee

DRAFT PUBLIC SECTOR BODIES (WEBSITES AND
MOBILE APPLICATIONS) ACCESSIBILITY
(AMENDMENT) (EU EXIT) REGULATIONS 2022

Wednesday 19 October 2022

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The Committee consisted of the following Members:

Chair: †JUDITH CUMMINS

Anderson, Fleur (<i>Putney</i>) (Lab)	† Greenwood, Margaret (<i>Wirral West</i>) (Lab)
† Bhatti, Saqib (<i>Meriden</i>) (Con)	Harris, Carolyn (<i>Swansea East</i>) (Lab)
† Bonnar, Steven (<i>Coatbridge, Chryston and Bellshill</i>) (SNP)	† Harris, Rebecca (<i>Comptroller of His Majesty's Household</i>)
Brennan, Kevin (<i>Cardiff West</i>) (Lab)	† Kniveton, Kate (<i>Burton</i>) (Con)
† Clarke-Smith, Brendan (<i>Parliamentary Secretary, Cabinet Office</i>)	† Lord, Mr Jonathan (<i>Woking</i>) (Con)
† Colburn, Elliot (<i>Carshalton and Wallington</i>) (Con)	† Mackrory, Cheryl (<i>Truro and Falmouth</i>) (Con)
† Gibson, Peter (<i>Darlington</i>) (Con)	Ribeiro-Addy, Bell (<i>Streatham</i>) (Lab)
† Goodwill, Sir Robert (<i>Scarborough and Whitby</i>) (Con)	† Saxby, Selaine (<i>North Devon</i>) (Con)
† Greenwood, Lilian (<i>Nottingham South</i>) (Lab)	Jonathan Finlay, <i>Committee Clerk</i>
	† attended the Committee

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Wednesday 19 October 2022

[JUDITH CUMMINS *in the Chair*]

Draft Public Sector Bodies (Websites and Mobile Applications) Accessibility (Amendment) (EU Exit) Regulations 2022

9.25 am

The Parliamentary Secretary, Cabinet Office (Brendan Clarke-Smith): I beg to move,

That the Committee has considered the draft Public Sector Bodies (Websites and Mobile Applications) Accessibility (Amendment) (EU Exit) Regulations 2022.

It is a pleasure to serve under your chairmanship, Mrs Cummins.

The purpose of the regulations, which were laid before the House on 18 July, is technical. They do not introduce any new policy, rather the main purpose is to update the Public Sector Bodies (Websites and Mobile Applications) (No.2) Accessibility Regulations 2018, so that they can continue to operate, given that the UK has left the European Union. The amendments do not add any burdens to the UK's public sector, nor do they reduce any of the UK's standards and support for disabled people.

The 2018 regulations were transposed from EU Directive 2016/2102 which requires public sector bodies to make their websites and mobile applications accessible, unless it would impose a disproportionate burden on the public sector body to do so.

Margaret Greenwood (Wirral West) (Lab): According to the Royal National Institute of Blind People there are 340,000 people registered blind or partially sighted in the UK, and there are more than 2 million people living with sight loss. The statutory instrument is particularly important to them. I know from blind and partially sighted people that I have spoken to just how important it is to them that they are able to access websites and other technologies, such as mobile apps, for a range of things including shopping, accessing services and communicating with friends and family.

It is important that the Government lead the way on this, so what steps does the Minister intend to take to encourage companies more widely to ensure that their websites are accessible to people with disabilities, including those who are blind and partially sighted?

Brendan Clarke-Smith: I share the hon. Lady's passion for making sure that we can make things accessible. I have worked in my own constituency with organisations such as the RNIB towards that end. Existing regulations, such as those in the Equality Act 2010, aim to ensure accessibility. I will make sure that we not only enforce those regulations, but I want to see companies proactively implementing today's proposed regulations without the Government having to get involved. From my perspective, I and, I am sure, my colleagues will continue to promote that work. The hon. Lady is absolutely right.

"Accessibility" refers to principles and techniques to follow when people design, build, maintain and update websites and apps in order to make them as easy as possible for people to use. That applies in particular to people with disabilities, and people who use assistive technology with their computers, tablets and mobile phones, such as a screen reader or screen magnification software. The regulations build on existing UK legislation and commitments such as the Equality Act 2010 in England, Scotland and Wales, and the Disability Discrimination Act 1995 in Northern Ireland, which placed duties on service providers to make reasonable adjustments for persons with disabilities when providing services and exercising public functions.

The current regulations also place some obligations on the Minister for the Cabinet Office, including monitoring of the public sector to ensure the regulations are being met, and sending a report to the European Union every three years, detailing what has been found during that monitoring. Those obligations were harmonised, so that implementation was similar across EU member states and so that there could be comparison between countries. That harmonisation is no longer required, and the specified monitoring process has been inefficient to implement. The amendments move the monitoring process from being defined in a European Commission implementing decision to being set by the UK Government. The model accessibility statement that websites and mobile apps need to publish is also moved to be set by the UK Government. The first report was due to be sent to the EU in December 2021. Instead of this, the Minister for the Cabinet Office published a similar report on GOV.UK, and the proposed amendments alter the obligation allowing the same procedure to be followed in the future. That ensures that the monitoring, and the effectiveness of the regulations, are transparent to all.

The 2018 regulations used a European technical standard as the definition of the accessibility requirements placed on the public sector. That standard is controlled by the European Commission and is subject to its funding and timeframes. Practically, that standard mainly references an international standard called the Web Content Accessibility Guidelines, created and published by the World Wide Web Consortium. The proposed amendments would move the technical standard to that international standard, which is far more well known and used by digital accessibility experts, and is also open for all to contribute to.

The proposed regulations are made under section 8 of the European Union (Withdrawal) Act 2018, which allows a Minister to make regulations to resolve any deficiencies in law that arise as a result of the UK's departure from the European Union.

The technical standard, monitoring and reporting methodology and the model accessibility statement were set through European Commission implementing decisions. The UK no longer adopts new implementing Acts so changes to those Acts no longer take effect in the UK. The SI removes the links to the Commission's implementing Acts and replaces them with UK-set implementations, as mentioned previously. Three European Commission implementing decisions will be revoked once the amendments are made.

I hope that colleagues will join me in supporting the draft regulations, and I commend them to the Committee.

9.31 am

Lilian Greenwood (Nottingham South) (Lab): It is a great pleasure to serve under your chairmanship, Mrs Cummins.

I find myself in the somewhat unexpected position of speaking for the Opposition due to the ill health of my hon. Friend the Member for Putney. I am sure the Committee wish her a speedy recovery. I also welcome the Minister to his new position.

One in five people in the UK have a long-term illness, impairment or disability, and probably even more people have a temporary disability, which includes those with impaired vision, motor difficulties, cognitive impairments or learning difficulties, deafness or hearing loss. My hon. Friend the Member for Wirral West was right to highlight the importance of the regulations for very many of our constituents, including those with sight loss.

Accessibility is about more than just putting things online; it is about making sure that content is easily navigable for everyone, whatever their abilities or otherwise. It is important that they work for everyone. The Government's own website, Understanding accessibility requirements for public sector bodies, has acknowledged that the people who need those websites the most are often those who find them hardest to use. As we know, when websites are made more accessible to people with disabilities, they are then often more accessible to absolutely everyone—they are faster, easier to use and reflect better use in search engines.

I was concerned to note from the same Government website that

“most public sector websites and mobile apps do not currently meet accessibility requirements. For example, a study by the Society for Innovation, technology and modernisation...found that 4 in 10 local council homepages failed basic tests for accessibility. Common problems include websites that are not easy to use on a mobile or cannot be navigated using a keyboard, inaccessible PDF forms that cannot be read out on screen readers, and poor colour contrast that makes text difficult to read - especially for visually impaired people.”

Not only do we need to update the regulations to reflect the UK's departure from the EU, but we need to ensure that the proposed regulations lead to what they are designed to achieve, namely improved accessibility for our constituents.

I have a number of questions. Is the Minister able to reassure us that the web content accessibility guidelines are of a comparable standard to those in the EU directive? When can we expect the first model accessibility statement from the UK Government? Does the Minister expect it to add to current obligations and make it more demanding of public sector bodies? Can he share more details about the monitoring methodology? Will it largely reflect the EU regulations, or will a different approach be taken?

This year, Parliament passed the British Sign Language Act 2022. That places a requirement on Government Departments to report on what they have done to promote and facilitate the use of British sign language in their public communications. I know from my own work in the House how BSL users often find that they are unable to access Government information because it is not suitably translated. Will the monitoring process capture information regarding the accessibility of websites and mobile apps to BSL users?

When can we expect the first monitoring publication from the Minister? As for the requirement to publish subsequent monitoring publications every three years, and given what it says on the Government's website about many websites and mobile apps currently failing to meet accessibility requirements, would more frequent monitoring reports help to drive change and enable the Government to monitor better whether improvements are made as a result of the proposed regulations?

What level of accessibility is acceptable to the Minister? If as many as four in 10 local council homepages fail basic tests for accessibility, what is the picture across public sector websites and mobile apps? What assessment has he made of that? What is the target and how quickly does he expect to reach it?

I look forward to the Minister's answers, because I am sure that many of our constituents with disabilities who experience not being able to use websites and apps effectively will also look for those answers. My hon. Friend the Member for Putney sent me a note to say that one of her constituents who was blind had written to her to say that they were unable to access covid travel guidelines at the height of the pandemic. What else will the Minister do to drive accessibility and ensure that the UK is a world leader in that respect?

9.37 am

Brendan Clarke-Smith: I thank the Opposition spokesperson for her contribution. I recognised many of the issues she highlighted, because, as someone with dyspraxia, I had difficulties accessing things, certainly during my school examinations. It is something that has great personal meaning to me.

On the scope of the regulations, they are made under section 8 of the European Union (Withdrawal) Act, which allows deficiencies in regulations to be remedied now that we have left the EU. The UK has a strong commitment to supporting disabled people under the Equality Act and of course under the Disability Discrimination Act as well. The regulations only apply to the public sector, but the Department for Digital, Culture, Media and Sport will explore whether similar regulations could be introduced for the private sector. That policy has currently paused pending the outcome of the appeal on the lawfulness of the National Disability Strategy. I agree with the hon. Lady that we must encourage others to be onboard, not just the public sector.

On the enforcement of accessibility statements, the need to publish those was a new burden on the public sector and some grace has been given to it to enable it to publish them. Our monitoring shows that around 90% of sites have published a statement, and we will consider further future enforcement. The hon. Lady asked whether that monitoring was sufficient, and I can tell her that more than 900 sites and apps have been monitored so far across the public sector by the monitoring team in the digital service. The proposed regulations will allow that monitoring to focus on the sites and services that disabled people use regularly, and to use new technology to target the least accessible public sector websites.

As for the findings so far, the Cabinet Office published a report in December 2021 detailing the findings from accessibility monitoring of public sector websites and apps. Although accessibility issues were identified on nearly all tested websites, after sending a report to the

[*Brendan Clarke-Smith*]

website owner and giving them some time to fix the issues, 59% had fixed them or had short-term timelines for when the websites would be fixed. The main issues identified were the lack of visible focus on screen, which affects keyboard users, low colour contrasts on webpages, which affects visually impaired users and technical website construction issues that affect users of assistive technology.

Lilian Greenwood: I welcome the Minister's response on that point, and obviously it is good news that when public sector providers were told that their website did not meet accessibility standards, 59% of them corrected it either immediately or in a short time. What did his Department do about the 41% that did not respond in that manner?

Brendan Clarke-Smith: That is a fair question and is exactly why we are introducing the regulations, because they will enable us to take matters further. I mentioned National Disability Strategy and the appeal pending; I cannot give any further detail, but pending the result of that appeal, the strategy will also enable us to take matters further. The model accessibility statement is published on GOV.UK, and currently mirrors the EU version. We will look at improvements to make it more useful, and enforcement will play a part in that.

Lilian Greenwood: Given that arrangements have been in place for some time to improve accessibility, and the Minister has identified problems, what assessment has he made of the Equality and Human Rights Commission's ability to enforce the regulations? Is it sufficiently resourced to do so? Often, we place the onus on individuals to make complaints, when surely we should be more proactive in ensuring that websites and mobile apps are accessible

in the first place. People should not be required to jump through hoops to raise concerns, and only then do we enforce.

Brendan Clarke-Smith: I agree. We are being proactive by introducing the regulations, and formulating the strategy. We encourage the public and private sectors to get involved and not just wait to act on a complaint. The Government are actively pursuing the matter and identified cases have been passed to the equalities bodies for further compliance and enforcement work.

I am grateful to hon. Members for their contributions. The Government are committed to improve the everyday lives of disabled people, and access to public information and services is vital. The SI makes sure that the public sector remains accessible to all as it moves online.

Lilian Greenwood: May I ask the Minister again about the British Sign Language Act? Will the monitoring process properly capture what is being done to facilitate and promote the use of British sign language? If he is not able to answer me now, can he write to me?

Brendan Clarke-Smith: I am more than happy to write to the hon. Lady. My mother is a BSL signer, so once again, this is something I deeply care about. I expect that such work will be implemented as part of the accessibility process.¹ I have already mentioned support for those who are blind or deaf, but of course everybody has a right to accessibility. We are committed to that. The EHRC also has set a strategic priority and will take action against public sector bodies that do not meet the regulations.

I commend the regulations to the Committee and I hope that colleagues will support them.

Question put and agreed to.

9.44 am

Committee rose.