

Articles

Legal sector "wake-up" call on accessibility

26 March 2008

"We've got a really simple anti-discrimination law in the UK that basically means all (web)sites must be accessible to disabled users." Struan Robertson, technology lawyer, Pinsent Masons.¹

Despite the risk of prosecution under the Disability Discrimination Act (DDA), compliance remains the exception rather than the rule. This is partly because, to date, no organisation in the UK has been prosecuted for an inaccessible website. However, with the establishment of the Equality and Human Rights Commission (EHRC) late in 2007 this seems likely to change. The following is how the commission states its intentions:

"The Equality and Human Rights Commission has extensive legal powers and a dedicated directorate of expert lawyers who are specialists in equality law. ... the commission is well equipped to take legal action on behalf of individuals ... Where there are chances to create legal precedents or to clarify and improve the law, the commission will seek to do so."²

EHRC to investigate the legal sector?

On 28 February 2008 the Law Society *Gazette* reported the increasing likelihood of an investigation by the EHRC into legal sector equality and diversity practices. Firms could face an "equality audit" which, if failed, would leave them open to prosecution under the DDA. Importantly, such prosecutions could also result in firms being barred from acting for public bodies.³ The proposed EHRC investigation was welcomed by David Merkel, vice-chairman of the Group for Solicitors with Disabilities who described it as "a wake-up call to the profession".

Certainly many firms would fail an accessibility audit with respect to their websites. Research carried out recently by PWS into the websites of some 1,500 professional services firms found the widest possible range of quality from a few isolated pockets of excellence to some completely inaccessible examples. The full results of this research will be published on this site in May but in sum, rates of compliance remain low with only a small minority meeting even the lowest levels of accessibility.

There is now also high level government support for action, and for the legal sector in particular to take a lead. Jack Straw recently spoke at the launch of the Law Society's *Markets, Justice and Ethics* campaign. He stated that:

"... there is no place for discrimination in a profession with the core value of defending the rule of law ... diversity is something firms can no longer ignore if they want to

deliver not just good legal services, but world class services which meet today's expectations."

And it's not just the legal sector that is coming under scrutiny. *New Media Age* recently reported an initiative by the British Standards Institute, working with IBM, the BBC, Lloyds TSB and others, to introduce an accessibility standard to assist the courts in assessing the accessibility of websites.⁴ The intention is clear and firms need to act soon. As Pinsent Masons' Struan Robertson warns, a prosecution under the DDA would be "a battle which any business will want to avoid."⁵

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