

**Forward Plan reference number:** N/A

<b>Report title:</b> Drawdown from Transformation Reserve - Website and mobile accessibility compliance	
<b>Report to:</b> Councillor Barker Cabinet Member for Customer, Communities, Culture and Corporate and Councillor Mohindra, Cabinet Member for Finance, Property and Housing.	
<b>Report author:</b> Pam Parkes, Director, Organisational Development & People	
<b>Date:</b> 21 August 2019	<b>For:</b> Decision
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<b>County Divisions affected:</b> All Essex	

## 1. Purpose of Report

- 1.1 The Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 (the Regulations) came into force on September 2018. The aim of the Regulations is to ensure public sector websites and mobile applications are accessible to all users, especially those with disabilities.

## 2. Recommendations

- 2.1 Agree to the drawdown of £255,840 from the transformation reserve for the purposes of taking action to comply with the Regulations.
- 2.2 Agree to procure a digital partner for up to a 12 month period to build capability within the Council and to develop in-house skills to ensure websites are compliant with the Regulations.
- 2.3 Agree to procure specialist skills to include content rewriting and technical redesign of websites to ensure that ECC can maintain website accessibility following the end of the 12 month contract with the digital partner.

## 3. Summary of issue

- 3.1 ECC has a duty to ensure its websites and mobile applications are accessible to all users in compliance with the Regulations. ECC is required to comply with the Regulations by the following dates:
- 3.1.1 For a website of a public sector body published on or after 23rd September 2018, after 22nd September 2019;
- 3.1.2 for any other website of a public sector body, after 22nd September 2020; and
- 3.1.3 for a mobile application of a public sector body, after 22nd June 2021.

3.2 The new website (<https://www.essex.gov.uk>) will be accessible by 22 September 2019 and this is being managed within existing resources in the ECC Service Design Team. It is the larger number of ECC owned microsites which require investment to meet accessibility compliance and this will require additional specialist skills.

3.3 Meeting our legal duty will support delivery of the following strategic priorities:

- Develop the capability, performance and engagement of our people
- Re-imagine how residents' needs can be met in a digital world.

Digital accessibility is an important capability that ECC needs to develop if it wants to design and modernise services. All those supporting vulnerable citizens will benefit from the improvements made through accessibility compliance. Streamlining of the large web estate will be advantageous to all citizens when accessing key services. Searching and finding information has been made easier by reducing the amount of content on the website and improving the websites so that searching and finding something is very simple and easy to do.

3.4 ECC only has a handful of permanent staff that understand accessibility compliance with the necessary skills to make changes to website code and content. Procuring the support of an accessibility partner will mean that ECC is able to increase organisational capability and capacity to address and maintain accessibility standards. Building capability within the organisation will enable ECC to move towards modernisation of Services and meet its Strategic priorities.

3.5 ECC needs to procure the right tools and training to ensure that the organisation has the right capability to identify and fix issues. Staff in Service Design, Communications and Marketing and Technology Services need an in-depth knowledge of digital accessibility. Services managing their own websites need to understand how to make their content accessible and Heads of Service need to understand the importance of digital access.

3.6 There are 2 main requirements that ECC will need to comply with:

- To meet accessibility standards - this means making ECC website 'perceivable, operable, understandable and robust' for all users. This can be achieved by making sure it meets the international accessibility standard, WCAG 2.1 AA or its European equivalent, EN301 549
- to publish an accessibility statement - The accessibility statement has been published and can be found on the website <https://www.essex.gov.uk/accessibility>

3.7 The regulations are clear that any failure to comply will be seen as a failure to make reasonable adjustments as set out under the Equality Act 2010 ("EQA").

## **4. Options**

4.1 Option 1- Do nothing

The consequences of non-compliance is a breach of the EQA and consequently, a breach of the Equality duty would be imposed.

A selection of Public body websites will be reviewed at regular intervals and it is likely that ECC as a large County Council with significant resource capacity would be expected to be compliant. The Equality and Human Rights Commission (EHRC) will determine the sanctions to be imposed. At this stage it is not known whether this will include a financial penalty or a notice requiring ECC to take steps to comply. It could be assumed that the financial penalty would exceed the estimated costs of delivery.

#### **4.2 Option 2- Approve the investment to ensure compliance with the Regulations.**

This is the recommended option. This option is recommended because it assists ECC in meeting its legal obligation to make websites and applications accessible. ECC require a skilled team and a digital accessibility partner to capability build across ECC teams for a period of no more than 12 months. Thereafter, ECC will be expected to manage accessibility compliance within the organisation from September 2020 with the purchase of focussed ad hoc support where required.

### **5. Next steps**

Following the publication of the Cabinet Member Action we will seek to draw down the funds and recruit the skilled team members and initiate the procurement of a digital partner.

### **6. Issues for consideration**

#### **6.1 Financial implications**

6.1.1 The resources required to deliver this project will, in part, be met through existing staff that have the necessary skills and knowledge to make the required changes to website code and content. In addition to this, increased organisational capacity and capability is required to address and maintain accessibility standards; this is planned to be met through the procurement of a digital accessibility partner and recruitment of a skilled team to deliver the enhancements required to the website and wider applications to ensure that the accessibility requirements are met.

6.1.2 The following table sets out the anticipated additional total investment of £255,840 required to meet the project costs not met through existing budgets; this investment is requested to be met through a drawdown from the Transformation Reserve (£227,320 in 2019/20 and a further £28,520 in 2020/21):

Table 1: Accessibility Project Cost Profile

Resources	2019/20 £	2020/21 £	Total £
<b>Additional project support</b>			
Content designer	28,520	28,520	57,040
Front end developer	128,800	-	128,800
Total project support costs	157,320	28,520	185,840
<b>Third Party Costs</b>			
Digital accessibility partner	60,000	-	60,000
Accessibility checking function	10,000	-	10,000
Total third party costs	70,000	-	70,000
<b>Total Resource Requirements</b>	<b>227,320</b>	<b>28,520</b>	<b>255,840</b>

To Note:

- All accessibility project costs are one-off costs.
- The accessibility project costs will provide capacity and capability not currently available within the existing team
- The digital accessibility partner is expected to be procured through the Crown Commercial Services RM1043.5 Digital Outcomes and Specialists 3 Framework; the cost will not exceed £60,000
- The procurement will be through the government digital framework.
- The accessibility checking function is a one-off addition to the existing contract in place with SiteImprove who currently provide accessibility training. This will be procured in line with ECC's Policy and Procedures.

## 6.2 Legal implications

6.2.1 As a public sector body, ECC is subject to the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018. Under Part 2 (6) of the Regulations, ECC has a duty to comply with the accessibility requirement to make websites or mobile applications accessible by making these perceivable, operable, understandable and robust. Failure to comply with the Regulations means a failure to make reasonable adjustments as set out under sections 20, 21 and 29 of the Equality Act 2010 and sections 19 to 21 and 21B to 21E of the Disability Discrimination Act 1995.

6.2.2 The procurement for the digital accessibility partner services and the accessibility checking function services will be carried out in accordance with ECC's procurement rules and procedures.

## 7. Equality and Diversity implications

7.1 The Public Sector Equality Duty applies to ECC when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.

- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. As a public body, ECC has a duty to make its websites and mobile applications more accessible for disabled people by making them perceivable, operable, understandable and robust.

## **8. List of appendices**

8.1 EQuIA

## **9. List of Background papers**

None

<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date 12.09.19</b>
<b>Councillor Barker Cabinet Member for Customer, Communities, Culture and Corporate</b>	
<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date 12.09.19</b>
<b>Councillor Mohindra, Cabinet Member for Finance, Property and Housing.</b>	

**In consultation with:**

<b>Role</b>	<b>Date</b>
<b>Executive Director, Finance and Technology (S151 Officer)</b>	<b>09.9.19</b>
<b>Nicole Wood</b>	
<b>Director, Legal and Assurance (Monitoring Officer)</b>	<b>21.8.19</b>
<b>Katie Bray, Head of Legal on behalf of Paul Turner</b>	