

Winston Smith

**Our ref: FOI1470**

request-632695-5d2aa1b4@whatdotheyknow.com

Friday 31 January 2020

Dear Winston Smith,

**Subject: Response to Freedom of Information request**

Thank you for your email dated 8 January 2020 in which you made the following request:

I have identified that you have claimed disproportionate burden under the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018, within your published accessibility statement.

<https://www.equalityhumanrights.com/en/accessibility-statement>

Please could you provide me a copy of all completed disproportionate burden assessments or other related documentation detailing how you

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**[equalityhumanrights.com](http://equalityhumanrights.com)**

reached your conclusions of disproportionate burden for each of the issues mentioned in your statement.

## **Response**

Accessibility is a priority for the Equality Human Rights Commission.

We are constantly working to make sure our website provides the best user experience for those with accessibility needs.

In our accessibility statement, we have listed two areas where there may be issues with ‘interactive tools and transactions’, where we felt that fixing the issues now would represent a disproportionate burden:

- forms
- interactive infographics

There was no written assessment of disproportionate burden, as this was decided through a verbal discussion, but the justification covered in this discussion is outlined below.

## **Forms**

- Some of our forms may be difficult to navigate using a keyboard or screen reader software.
- Our forms are built and hosted through third party software and ‘skinned’ to look like our website.

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- We currently have eight forms embedded, or linked to, from our website:
  - o general enquiries
  - o website feedback
  - o e-newsletter sign up
  - o Wales Exchange Network
  - o Working Forward sign up
  - o reporting pre-employment health questions
  - o reporting discriminatory adverts
  - o whistleblowing
- Work has begun to build a brand new external website for the Equality and Human Rights Commission, which is due to launch in summer 2020 and will be tested for compliance against the accessibility regulations.
- Solutions for accessible forms, including a form builder module to allow us to host forms directly (instead of going through third party form builder software) are being explored as part of the specification for the new website.
- It would be duplicating resources to address any issue with the forms separately at this stage.

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In summary, we felt that fixing accessibility issues with forms at this stage represented disproportionate burden because resources have already been allocated to building a new website, where these issues will be addressed. The new site is due to launch in summer 2020 and this will be tested for compliance against the accessibility regulations.

### **Interactive infographics**

- The statement refers to four interactive infographics on our website, which may be difficult to navigate using just a keyboard and screen reader software:
  - o Disability: what does the pay gap look like?
  - o Ethnicity: what does the pay gap look like?
  - o Gender: what does the pay gap look like?
  - o Timeline of our achievements
- The infographics were all designed and built by external suppliers, procured by the Commission.
- No new quotes were obtained to redesign and rebuild the infographics. Cost estimates were made based on the original cost to create the infographics by suppliers on our procurement framework. We cannot use suppliers outside of our framework, so it was reasonable to assume that

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the costs would be the same or higher.

- The infographics were designed, built and published before the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 came into effect – in August 2017 (pay gaps infographics) and October 2017 (timeline).
- The information contained in the infographics is already available elsewhere on the site, in alternative formats:
  - o Disability pay gaps data
  - o Ethnicity pay gaps data
  - o Gender pay gaps data
  - o Timeline: is a brief summary of our biggest achievements in work and legal cases, from across the Equality and Human Rights Commission website
- Other alternative formats can be requested, if required, through our [general enquiries](#) team.
- The page views of each of these pages was taken into account. This measures all users, not only those with assistive technology or other accessibility requirements. In the year prior to the regulations coming into effect these were:

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- o Timeline: 1,188 unique page views
  - o Disability pay gaps infographic: 578 unique page views
  - o Ethnicity pay gaps infographic: 324 unique page views
  - o Gender pay gaps infographic: 313 unique page views
- To put this into context, our most visited page on the website received 408,464 unique views in the same period and the pages above ranked #404, #629, #834 and #854 respectively in terms of the most accessed pages on the whole website.
  - Work has begun to build a brand new external website for the Equality and Human Rights Commission, which is due to launch in summer 2020 and will be tested for compliance against the accessibility regulations. Provision of these infographics will be reviewed as part of this piece of work. It would be duplicating resources to address any issue with the infographics separately at this stage.
  - In summary, we felt that creating brand new infographics represented disproportionate burden because:
    - the web pages in question had a low frequency of use compared to other sections of the website and would impact fewer users
    - the information was already freely available in alternative formats elsewhere on the site

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- resources had already been allocated to building a new website, which is due to launch in summer 2020 and will be tested for compliance against the accessibility regulations
- the cost of creating new infographics that would only be on the current site for nine months and would have a low frequency of use was deemed to be disproportionate

We trust the above addresses your request to your satisfaction. However, if you are unhappy with our response and wish to request an internal review of our decision please write to the Information Governance Team within 40 days of receiving this letter setting out your reasons at:

[foi@equalityhumanrights.com](mailto:foi@equalityhumanrights.com)

or

Equality and Human Rights Commission

3rd Floor Arndale House

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During the independent review the handling of your information request will be

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reassessed by Commission staff afresh. If following the review you are not content with the outcome you may apply directly to the Information Commissioner's Office (ICO) at:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Generally the ICO cannot provide a decision until you have exhausted the review process within the Equality and Human Rights Commission.

If the Commission can be of any further assistance please contact us using the details provided below.

Yours sincerely

EHRC Information Governance Team

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