



Understanding Captioning Requirements for UK Public Entities

More than one in five people living in the UK has a long-term illness or disability.¹ These individuals often use public sites for essential matters such as registering to vote or enrolling in school. Inaccessible websites create an unacceptable obstacle for many of those with disabilities, and yet audits of public websites in the UK show that most fail to meet current standards.²

The Public Sector Body Accessibility Regulations (PSBAR) strives to ensure that any institution receiving public funds accommodates people with disabilities, including the Deaf and Blind communities and persons with cognitive impairments, motor difficulties or learning disabilities. As accessibility technology evolves, the government updates its expectations for accommodations.

As captioning becomes a more attainable tool to provide, regulations have changed. Now, accurate captioning is mandatory for all pre-recorded content. Additionally, the Government Digital Service (GDS) states that free captions provided by automatic speech recognition (ASR) built into many platforms will not produce adequate accuracy standards. GDS states that a layer of human editing on top of the automated captions is essential to prevent errors.³

Those covered by PSBAR need to stay up to date on their obligations or face severe consequences for failing to comply. This guide contains helpful captioning requirement information for UK public entities.

Who Must Adhere to PSBAR?

PSBAR applies to any entity that receives public funding. Examples include hospitals, police, local councils, colleges and many universities. Nurseries, primary schools and secondary schools also must meet specific standards but get a partial exemption.⁴

The obligation to ensure that captioning and other accommodations adhere to the Regulations typically falls on a Chief Officer or Executive Committee or other leadership position depending on the organization's structure. Leaders at public entities need to proactively monitor evolving requirements to ensure that they maintain adequate services.



Closed Captioning and **Accessibility Timelines**



Starting in September 2020, PSBAR began requiring that public sector entities provide closed captions for all pre-recorded videos but not for live-streaming content. Institutions have 14 days from the date of publication to complete their captioning. As of June 2021, mobile apps also must meet accessibility requirements.⁵

While these regulations do not hold older sites to the same standards, they require that institutions upgrade their content whenever they make significant changes or updates to their sites or apps.

Accuracy Standards and ASR's Inadequacy

The Government Digital Service (GDS) works to achieve intuitive online government web content in the UK.⁶ This organization states that captions must meet the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.1.⁷ GDS determined that automatic speech recognition (ASR) alone will not produce adequate accuracy standards.

GDS states that WCAG 2.1 requires a layer of human editing in addition to the automated captions to fix ASR transcription's likely errors.⁸

Exemptions and **Disproportionate Burdens**

Organizations can look for exemptions to accessibility requirements in specific situations. When seeking such exemptions, institutions should consider:

- Their size and resources
- The benefits of the accommodations to users
- The nature of the organization and the number of people seeking its services
- The cost of the accommodations and the impact of that financial burden⁹

In the case of captions, it is unlikely that regulators will excuse a complete lack of this service. Technology makes captioning attainable at reasonably low costs. If the associated costs of editing are overly burdensome for the organization involved, that organization may qualify for an exemption.



Any entity planning to argue for a disproportionate burden would need to maintain careful records of their captioning expenses, where they are prioritizing captioning and how they are making their decisions.

It might be reasonable, for example, for a university to prioritize edited captions for courses where it knows that a student needs them or for resources that will be used for a larger portion of the student body and public. The entity may then qualify for an exemption allowing them to offer less accurate automated captions on other content to save costs.

Legal Action and Random Audits

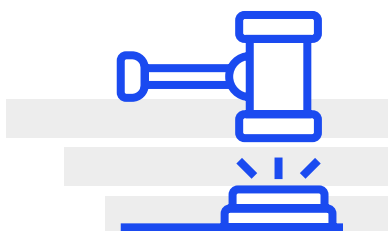
In cases where an institution fails to comply with their captioning requirements, a person who relies on that service could file a lawsuit or a complaint with the Central Digital and Data Office (CDDO)^{[10](#)} or the Equality and Human Rights Commission (EHRC).^{[11](#)} However, it can be difficult for individuals to take on this responsibility or bring large-scale changes. Instead, such disputes often settle with limited case-specific modifications.

The EHRC has the authority to take action and make more significant impacts on accessibility. For instance, the Equality Act of 2006 gives the Commission the power to investigate suspected violations and carry out random audits.^{[12](#)}

When this happens, the target of the audit will need to demonstrate that they are meeting PSBAR's standards or take remedial actions.

An audit will typically begin with a report from the CDDO, which will detail any issues with web content. The institution then has just 12 weeks to respond. Sometimes, the audited entity may resolve many of its shortcomings in that window and complete a plan for future compliance.

If the institution fails to issue an adequate response, the case may escalate to the EHRC. The EHRC has the authority to demand specific changes, seek court-ordered injunctions and request that a court enforce orders leading to unlimited fines for entities that fail to take appropriate remedial actions.^{[13](#)}





Open Communication and Transparency

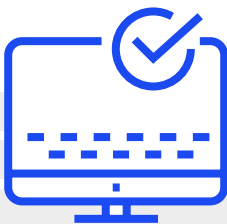
Public entities must make their captioning and accessibility policy readily available.¹⁴ These statements detail whether the institution is compliant, and if it is not, should explain the ways in which it lacks accessibility, and why. There should also be an explanation of how to get alternative resources to accommodate an individual with disabilities and information about how to report a lack of compliance.

It is important to keep that statement up to date and to modify it annually as well as when there are any significant changes to policy or accommodations.

Using Technology to Accommodate the Public and Students

Offering accommodations to individuals with disabilities is easier than ever. Since ASR alone is not enough to meet the UK's requirements, public entities should use a captioning solution like Verbit's, which offers 1-2 layers of human editing on top of its technology. Plus, institutions that use Verbit will see additional benefits, including the ability to upload specific course terminology into the machine ahead of time, so it learns to detect them easily and accurately, making for less manual effort later. Verbit also detects various accents and dialects, an important feature for UK universities and public entities with diverse populations.

Captioning Efforts Pay Off



Captions are a must-have for individuals who are Deaf or hard of hearing. However, many others also benefit. There is evidence that everyone comprehends content better when videos include captioning.¹⁵ For non-native speakers consuming content, captions can also help to avoid misunderstandings and better convey information. For students, captioning can improve classroom performance and promote a superior learning environment.

Public entities can, therefore, better serve everyone while meeting the required accessibility standards. Contact Verbit for more information on captioning that meets the threshold of accuracy needed for peace of mind.