

# Response to the call for evidence on the British Sign Language (Scotland) Bill



1. This is Signature's response to the call for evidence from the Scottish Parliament on the British Sign Language (Scotland) Bill. We have only responded to questions relevant to us.
2. Signature is a charity that campaigns to improve the quality of communication between hearing and deaf and deafblind people in the UK. We are the leading awarding body for nationally recognised qualifications in BSL and other deaf communications. We regulate communication and language professionals via the National Registers of Communication Professionals working with Deaf and Deafblind People (NRCPD).

**In the Policy Memorandum, Mark Griffin MSP says he considered a number of alternative approaches to achieve his intention of promoting BSL, for example, by establishing a voluntary code or adapting existing legislation, such as the Equality Act 2010. He concluded that introducing the BSL Bill was the best approach. Do you think we need to change the law to promote the use of BSL and, if so, why?**

3. We think the law needs to be changed to promote the use of BSL because it will increase access to public services and society in general for people whose first language is BSL.
4. Currently, if a service cannot be accessed in BSL the onus is on the individual to take legal action under the Equality Act 2010. Given the difficulty BSL users have accessing services, education and employment, they should not be responsible for making sure the government is fulfilling its legal obligations.
5. A change to the law will increase the responsibility of the government to make sure it is providing equal access. It will help BSL users to know what their representatives are doing to secure access for them.
6. A change in the law will also send the message that access in BSL is not solely a disability issue but one of equality. Many deaf people whose first language is BSL do not consider themselves disabled and do consider themselves a member of a linguistic and cultural minority.

**Mark Griffin MSP hopes that the obligations under the Bill will, in practice, “lead public authorities to increase the use they make of BSL and the extent to which they are in a position to respond to demand for services in BSL” (Financial Memorandum, paragraph 4). How realistic do you think this aim is and to what extent do you believe the Bill can achieve this objective?**

7. We think the Bill will increase the use public authorities make of BSL and the extent to which they are in a position to respond to demand for services in BSL because it will oblige them to consider it and draw their attention to the need.
8. We recognise the extent to which authorities will use BSL and be able to respond to demand for services in BSL will vary according to their constituents. However, a joined up national, regional and local approach will increase the ability of Scotland as a whole to respond.
9. Over time, public authorities will benefit from economy of scale in delivering services in BSL. There will also be an increased demand for interpreting services which should stimulate the market, leading to an increase in the number of interpreters.
10. Whilst we think the legislation could be stronger – ultimately we want the UK Government to ratify the European Charter for Regional or Minority Languages in respect of BSL and give it formal legal recognition – it is a solid foundation for Scotland and the UK.

**The Bill is solely about the use of BSL. Could there be unintended consequences for other languages or forms of communication used by the deaf community?**

11. We think there could be unintended consequences for other languages and forms of communication used by the deaf community because the passage of the Bill could inadvertently make people think all or most deaf people use BSL.
12. Apart from the fact other sign languages are used in the British Isles, such as Irish Sign Language, the majority of deaf people do not use sign language. People who are deaf, deafblind, deafened or hard of hearing may use lipspeaking, notes, sign supported English, English, sign language or a combination in order to communicate.
13. The ability to communicate is equally important for all people. Legislation in one area should not overshadow the needs of another section of the population.
14. However, if implemented well, the Bill represents an opportunity to raise the profile of the problems deaf people face as a result of being excluded from public services and society in

general. When they are considering how to deliver their services in BSL, authorities could also consider the extent to which they provide access for deaf people as a whole.

**The Bill will require the Scottish Government to prepare and publish a BSL National Plan (Section 1) and a BSL Performance Review (Section 5) in each parliamentary session (that is, normally every four years). The Scottish Government will also be required to designate a Minister with lead responsibility for BSL (Section 2). What should this Minister do?**

15. The Minister with lead responsibility for BSL should

- a. work with the BSL and wider deaf community as a friend and champion;
- b. have an overview of issues related to BSL and communication with deaf people;
- c. lead the government's response to issues related to BSL;
- d. set out suggestions for the content of the National and Authority Plans; and
- e. make sure the government and authorities are accountable for the National and Authority Plans.

**The BSL Performance Review provides the basis for the Parliament to hold the Scottish Ministers to account, and for Ministers to hold listed authorities to account. If listed authorities say they will do something relating to the promotion of BSL, will the Performance Review process ensure they are held to account?**

16. The Performance Review process will hold listed authorities to account but we think there needs to be local accountability where appropriate.

17. The aim of the Bill is to promote the use of BSL and increase access to public services in BSL. Local authorities and others with clear regional or local constituencies should therefore be accountable to people who use BSL.

18. Local accountability will not only ensure authorities are held to account but encourage the development of local relationships with the BSL using and wider deaf community. That will help authorities to develop their plans and make sure they respond to local need.