



Community Services: Education

**Response to:
Education and Culture Committee
British Sign Language (Scotland) Bill
Call for Evidence**

1. 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?

It is not believed that there requires to be a change to the law to promote the use of BSL. Within education, where children or young people require an alternative means of communication, the requirement to address such needs will be covered by existing legislation such as the Education (Additional Support for Learning) (Scotland) Acts 2004 and 2009. In the Acts there is an expectation that the full range of additional support needs will be assessed and addressed. It would be very difficult to have separate legislation for all aspects of additional support need. Adaptation to the Equality Act or establishing a voluntary code would be a more proportionate step.

2. 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?

Communication in all its forms is a central consideration when meeting the needs of children and young people with a hearing impairment or other difficulty. Education staff already work closely with colleagues in Speech and Language Therapy and specialist teachers within authorities to ensure individual needs are met. There is already a duty on authorities to respond to assessed need which would include a need for services in BSL. There should not be an increase in the use of BSL divorced from an assessment of need. Specific additional legislation should not be necessary to address BSL needs.

3. 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?

There has been significant debate about the relative merits of the forms of communication used by the deaf community. There could be significant unintended consequences for other languages or forms of communication used by the deaf community should this Bill be enacted. There is a possibility that other forms of communication would be devalued or may become less available if authorities are required by law to direct resources to BSL.

Duties on the Scottish Ministers

4. 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?

This question has not been answered as it is not agreed that the legislation or a Minister with lead responsibility for BSL is a positive step, in terms of ensuring equality of access to supports, whatever they may be.

BSL Authority Plans

6. The Bill requires listed authorities to prepare and publish BSL Authority Plans in each parliamentary session. The Bill sets out what a BSL Authority Plan should include (Sections 3(3) and 3(4)). Do you have any comments on the proposed content of the Plans?

This is a significant piece of work and cannot be completed without consultation with stakeholders. The concerns stated above also relate to this point.

7. The Policy Memorandum (see diagram on page 6) explains the timescales for publication of Authority Plans. Do you have any comments on these proposed timescales?

As above.

8. In preparing its Authority Plan, a public authority must consult with those who are “likely to be directly affected by the Authority Plan or otherwise to have an interest in that Plan” (Section 3(6)) and must take into account any comments made to it during the consultation (Section 3(5)). What effect do you think these requirements will have on you or your organisation?

To carry out this work in a meaningful way will take time and significant staff input. The needs of those who may require services in BSL will be spread across, in this case, a large rural authority and may differ from area to area. Support is most effective when needs are identified in relation to individual young people and families.

9. The Bill (Schedule 2) lists 117 public authorities that will be required to publish Authority Plans. Would you suggest any changes to the list of public authorities?

This question has not been responded to as it is not agreed that services should be required to produce specific plans on BSL services.

Should further information on this response be required, please contact Roslyn Redpath, Principal Educational Psychologist

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