The Education and Culture Committee invites your views on the British Sign Language (Scotland) Bill.

The Bill was introduced in the Scottish Parliament by Mark Griffin MSP on 29 October 2014.

The Bill and accompanying documents are available on the Parliament’s website at: http://www.scottish.parliament.uk/parliamentarybusiness/Bills/82853.aspx

What the Bill seeks to do

The purpose of the Bill is to promote the use of British Sign Language (BSL). This includes requiring the Scottish Ministers and specified public authorities (known as listed authorities) to prepare and publish BSL plans.

According to the Bill’s Policy Memorandum—

“The intention is that, by placing this obligation on the Scottish Government and listed authorities, the profile of the language will be heightened and its use in the delivery of services increased.”

“The Bill will not, in itself, close any existing service gaps, but will represent an important stepping stone in the process for the development of BSL provision.”

What the Committee would like your views on

The Committee’s role at Stage 1 of the parliamentary process is to report to the Parliament on the general principles of the Bill— that is, on its overall purpose.

The Committee invites you to answer some or all of the questions below to help it in scrutinising the Bill. You do not have to answer all the questions.

General approach

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?

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?

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?
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?

5. 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?

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?

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?

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?

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?

Financial implications

The estimated costs of the Bill are set out in the Financial Memorandum (FM), which can be found at page 7 of the Explanatory Notes. The Finance Committee would welcome any views that could help it to scrutinise the Bill, including answers to the following questions.

Consultation

10. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

11. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

12. Did you have sufficient time to contribute to the consultation exercise?

Costs

13. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

14. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

15. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?
16. Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

Wider Issues
17. Do you believe that the FM reasonably captures all costs associated with the Bill? If not, which other costs might be incurred and by whom?
18. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

Please note that the Finance Committee has specific responsibility for scrutinising the costs of the Bill and so any responses to questions on the financial implications will be passed to that Committee for consideration.

How to submit your evidence

The closing date for responses is 2 February 2015. All responses should be sent to the Committee clerks at ec.committee@scottish.parliament.uk.

Alternatively, you may use the following address—
Clerk to the Education and Culture Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

We welcome responses in written or BSL (video) format, which should be emailed to the above address. Please keep your response as concise as possible. If you are making a submission in written format, we would prefer to receive it in Microsoft Word.

Responses will be handled in accordance with the Parliament’s policy for the treatment of evidence. This information is available in various formats, including BSL video, on the Parliament’s website at: www.scottish.parliament.uk/treatment-of-evidence

What happens next?

After the Committee has gathered responses to its questions about the British Sign Language (Scotland) Bill, it will invite some people to attend a meeting to share their experiences and answer questions about the Bill in person. The Committee will decide who to invite in due course. These sessions are likely to be held in February and March 2015.

Any questions?

If you have any questions about the British Sign Language (Scotland) Bill or how you can give your views on it, you can contact the Education and Culture Committee clerks by emailing ec.committee@scottish.parliament.uk or by calling 0131 348 5222. You can also call using the Text Relay service on 18001 0131 348 5222.
You can find out more about what is involved in giving evidence to a committee in "Appearing before a Scottish Parliament committee". This information is available in various formats, including BSL video.