Education and Culture Committee

British Sign Language (Scotland) Bill: Call for evidence

Submission from Bilingualism Matters Centre at the University of Edinburgh.

Bilingualism Matters communicates evidence-based information about language learning and bilingualism. We have restricted our answers to questions relevant to this aim. However, given the explicit modelling of the Bill on the Gaelic Language (Scotland) Act 2005, we have also sought the opinions of colleagues working in the Gaelic sector; their comments are clearly labelled as such.

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?

The BSL Bill will provide a much-needed framework for increasing access to information and services for BSL users. The Bill is also the best means of raising the profile, in Scottish society more generally, of BSL as an indigenous manual language with the same linguistic complexity and cultural richness as spoken languages such as English and Gaelic.

Access to information and services for BSL users

(i)

- Current legislation (e.g., Equality Act 2010) requires public authorities to make “reasonable adjustments” when requested by service users – an example of this might be providing BSL interpreters when requested by BSL users.

- However, the Equality Act does not require authorities to promote the use of BSL, a stated aim of this Bill.

(ii)

- Addressing the needs of BSL users through the Equality Act is a reactive rather than proactive solution, wherein the responsibility for requesting access, and for enforcing authorities’ compliance with such requests, is placed on BSL users themselves.

- While some BSL users are highly literate in English, others are not and moreover, are not in a position to become so; a reactive approach to BSL
provision risks only reaching those already in a position to communicate with public bodies through non-BSL channels.

(iii)

- A proactive approach to promoting BSL is also required by virtue of the fact that the majority of deaf children are born to hearing parents who do not use BSL at the time of their child’s birth.
- A reactive approach – whereby authorities respond to requests from current BSL users but do not actively promote BSL outwith these requests – cannot adequately provide BSL resources and information to non-signing parents of deaf children, with the result that many families are denied the opportunity to make an informed decision regarding their child and BSL.

**Increasing the profile of BSL in Scotland**

(iv)

- Years of academic research into language learning have shown that the key to achieving native-like competence in any language – signed or spoken – is receiving sufficient input, particularly in the early years of a child’s life.
- After amount of input, the second biggest factor in achieving linguistic competence is receiving input from a range of different sources. [1]
- Increased visibility and normalisation of BSL – for example, through routine provision of BSL resources in education, health and the media – will therefore not only improve access to information and services for adult BSL users, but will *actively aid language acquisition in deaf children* through exposing children to input from a wider range of different signers.

(v)

- In the case of Gaelic, the Scottish government recognised that Gaelic-specific legislation – the Gaelic Language (Scotland) Act – was required to provide a transparent and accountable framework for promoting the use of Gaelic; similar BSL-specific legislation is also required in order to actively promote the use of BSL in Scotland.
• In the case of BSL, the barriers between legal recognition as a minority language and active promotion are arguably even stronger than those faced by Gaelic, given the common misconception that that BSL is not a “real” language.

• The public perception of BSL is often as a series of “mimes” or “gestures” used to overcome communicative impairment – closer to communication tools such as Makaton than to spoken languages such as English and Gaelic.

• Placing BSL on a similar legal footing as Gaelic will greatly increase the public awareness and understanding of BSL as a vibrant living language with attendant culture, distinct from communication tools such as Makaton.

(vi)

• The Bill will help shift the emphasis of BSL use from disability to language.

• In this way, the Bill can contribute to greater public awareness of members of the deaf/Deaf community as active citizens with individual voices and needs.

How realistic do you think the aim for the Bill is, to increase the use public authorities make of BSL and to respond to demand for services in BSL?

It is clear this is an ambitious Bill, but we believe it is achievable provided that long-term sustainability remains a priority at all stages of implementation.

One key issue will be to increase the numbers of BSL interpreters available and to work closely with public bodies to manage the financial implications of this.

Particular attention may need to be paid to provision of services in those areas (in particular, rural locations) where only minimal BSL resources and knowledge bases are presently available.

Could there be unintended consequences for other languages or forms of communication used by deaf people?

Positive consequences: bimodal bilingualism

• Cochlear implants, though not without controversy, are increasingly common in profoundly deaf children, with this trend likely to continue.
• Results from cochlear implants can be variable, but they are typically associated with increased speech perception and production. [2]

• When cochlear implants are fitted in a pre-linguistic child, it is sometimes claimed that BSL (or other signed language) should be avoided in case it “interferes” with acquisition of spoken language.

• This (mis)conception is reflected in the fact that deaf children with cochlear implants are less likely to be in education with sign language than deaf children without cochlear implants. [3]

• In fact, bimodal bilingualism (using BSL or other signed language as well as a spoken language such as English) is associated with advantages such as increased literacy [4, 5], better awareness of others’ mental states [6], and more developed visual-spatial abilities. [7, 8, 9]

• These advantages are of particular importance when we consider that achievement gaps, particularly in literacy, between deaf and hearing children remain a major concern. [10]

• According to parental feedback, speech is the preferred method of communication at home for 79% of deaf children in Scotland. [10]

• The Bill can and should provide these children with increased access to BSL and more opportunities to use signed as well as spoken language, resulting in more children being able to benefit from the communicative and cognitive advantages of bimodal bilingualism.

Negative consequences: resource allocation

• One potential negative consequence is that the Bill may encourage a perception in the public more generally, and in the listed authorities, that all deaf individuals use BSL.

• Clear guidelines will need to be issued, alongside continued engagement with the listed authorities, to ensure that resources for the deaf community are not entirely allocated to BSL, and that resources are not diverted from other communication tools into BSL provision.
The following answers are based on consultation with colleagues working in the Gaelic sector with the aim of learning from the successes and challenges of implementing the Gaelic Language Act (Scotland) 2005.

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?

“Performance review is definitely an important issue. Reporting and monitoring procedures need to be robust and need to be specified carefully. Ensuring that things are done well and not just done is a trickier area certainly. I don’t think I have the relevant expertise to say how quality should be assured but this point [ensuring that review includes a means of assessing quality and impact on users’ lives, as well as quantity] certainly does need to be taken into consideration.

As for enforcement, I think a system of penalties is appropriate. This is now the case with the Welsh Language Measure 2011 - section 83.”


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?

No comment on the proposed content but, regarding the suggestion in the Government Memorandum (Section 11) that listed authorities might publish a statement rather than a full plan:

“It would certainly be preferable for authorities to publish individual plans. At the moment Gaelic language plans tend to have a number of different sections, including a range of ‘core commitments’ in key areas, as well as a statement of how their actions would help in the implementation of the National Gaelic Language Plan. If you just limit it to the latter [a statement linking to the National plan, but no authority-specific plan] it might end up being relatively cursory. It would certainly be less detailed than the Gaelic plans.”

The Policy Memorandum explains the timescales for the publication of Authority Plans. Do you have any comments on these proposed timescales?

“The five-year planning cycle seems reasonable, though four might work well too. Pushing it beyond five is probably not a good idea. In Ireland there has been a recent push to move to a six or seven year cycle but this seems to be a cost-cutting move, possibly one driven by a desire to outlast the relevant regulators.”
References


