



Education and Culture Committee call for evidence on British Sign Language (Scotland) Bill

Background

The Care Inspectorate is the independent scrutiny and improvement body established under the Public Services Reform (Scotland) Act 2010, which brings together the scrutiny work previously undertaken by the Care Commission, HMIE child protection team and the Social Work Inspection Agency. Our role is to regulate and inspect care and support services and carry out scrutiny of social work services. We provide independent assurance and protection for people who use services, their families and carers and the wider public. In addition, we play a significant role in supporting improvements in the quality of services for people in Scotland.

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?

The Care Inspectorate recognises the importance of BSL and the significant difference it can make in supporting deaf people to communicate. We are committed to ensuring the involvement in our work of service users and carers who have experience of using care and support services.

We recognise that service users within the deaf community should enjoy the same opportunities to have their views heard safely and in confidence, and be able to communicate freely with experienced people who can speak using BSL.

However, promoting the use of BSL through a change in the law may be disproportionate to this stated aim. In our view, the promotion of the use of BSL may be achieved more proportionately through the Scottish Government developing a more robust policy response, as well as more active promotion of the relevant provisions of the Equality Act 2010.

We recognise that many in the deaf community may not wish to be labelled as disabled and, as acknowledged in the supporting documentation to the Bill, they consequently may not wish to use the provisions of the Equality Act 2010. Given that there is scope to focus on the latter issues within the existing legislation, it may be that a more robust implementation of the Equality Act 2010 is a better way forward.

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?

The Care Inspectorate already uses BSL interpreters during inspections to ask questions and interpret the responses of deaf service users. It is our opinion that changing the law is not needed to improve circumstances for service users as we already use BSL and are in a strong position to respond to demand for services in BSL.

However given the small number of services we inspect in this area, it has been suggested by staff that we would benefit from employing inspectors who understand BSL and are skilled at using it, as well as using interpreters.

We would like to note that BSL like any other language has regional dialects and signs specific to certain areas of the country, so any public authority would need to be aware of these differences and make use of local BSL interpreters, responding to any demand for local BSL in services as well as the demand for BSL more generally.

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?

By focusing on the promotion and use of BSL, the result may be that other forms of communication face a diminished value and other conditions may be marginalised. As an example, Makaton uses signs and symbols to help people communicate. We suggest that the focus on BSL may result in a diminished role for other forms of communication.

Furthermore, our inspectors have noted that younger members especially of the deaf community frequently make use of technology, and by focussing on BSL, opportunities may be overlooked to communicate with deaf people in alternative ways.

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?

At this point, the Care Inspectorate has no comments on the proposed content of the plans as any requirements will be taken forward at a future date if the Bill is passed.

If the Bill is passed, the Care Inspectorate would seek to fulfil any requirements in the wider context of our Involving People activity, and in the range of ways which we currently ensure that our activity and the information we write and publish is inclusive and accessible. In 2013/14 we received 118 separate requests for alternative formats or languages.

The Care Inspectorate plans to develop its existing involvement activities as laid out in 'Involving People, Improving Services: The Plan 2012-15'¹ and the Involvement Charter set out in that Plan. This Plan also supports the strategic objectives set out in the Care Inspectorate 'Corporate Plan 2014-18'.² Within the context of communications, strategic objective 3 would apply: "To support people's understanding of high quality, safe and compassionate care by promoting the standards and quality of service they should expect and make sure their voices are heard."

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?

¹ http://www.scswis.com/index.php?option=com_docman&task=doc_download&gid=755&Itemid=378

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http://www.careinspectorate.com/index.php?option=com_docman&task=doc_download&gid=1128&Itemid=100182