Official Response

SUBJECT: British Sign Language (Scotland) Bill – Call for Evidence
REQUESTED BY: Education and Culture Committee – Scottish Parliament
REFERENCE: OR-2015/01
DATE: 2 February 2015
SUBMITTED BY: David Bradwell, Associate Secretary

This response is a joint submission from the Church and Society Council and the Ministries Council of the Church of Scotland.

Introduction

The Church and Society Council of the Church of Scotland welcomes the opportunity to respond to this call for evidence. The Church has a long term commitment to the Deaf community because we recognise that BSL is a separate language which creates a unique culture among users. For this reason we use “Deaf” instead of “deaf” to indicate a linguistic minority group. The Church of Scotland includes 3 Deaf congregations in Edinburgh, Glasgow and Aberdeen comprising over 200 adherents and the Church of Scotland’s Ministries Council employs a Deaf Development Worker to support the Deaf community. People are willing to travel significant distances to be a part of these congregations which worship in BSL. This expertise has informed our views on the Bill.

The Ministries Council of the Church of Scotland made a supportive response to Mark Griffin MSP’s original consultation in 2012. The Scottish Churches Parliamentary Office has produced a Briefing Paper on this Bill which available in written form here: http://www.actsparl.org/briefing-papers/2014-11-scpo-briefing-paper---british-sign-language-(scotland)-bill.aspx and in BSL on the Church of Scotland YouTube channel here: https://www.youtube.com/user/churchscotland so that information on this Parliamentary discussion is available to BSL users, it has also been shared on other social media platforms.

BSL is a language in its own right, having been officially recognised by the UK Government as being a full independent language in 2003, and is the first and preferred language of many of Scotland’s Deaf and Deafblind population. Deaf people living in our hearing world face barriers in their everyday lives that are caused by a lack of understanding of their language, culture and history. This Bill will provide important steps to ensure that BSL can be promoted as a language in its own right and not a communication support need for disabled people.

The provision of a Facebook page for discussion of this Bill is a welcome development as it allows direct engagement between individuals and the Committee.

Questions
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

Yes.
BSL should be recognised as an indigenous language without a focus on disability.

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?

It will help by requiring plans and actions to be taken. It is a fairly simple and straightforward Bill and its requirements for future reporting mean that developments can be monitored and reviewed. This could pave the way for further improvements.

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?

An increased use and awareness of BSL could lead to greater knowledge and understanding of impairment and communication issues more generally. Recognition of the importance of BSL does not invalidate other methods of communication support.

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?

A Minister should actively engage with the Deaf community, including churches, not just with agencies. A Minister with this remit could be able to keep the ideas of disabled access and that of a language minority separate. If there is no named person to do this then Deaf people could quickly slip into being seen solely as people with hearing loss.

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?

Strong civil society monitoring and engagement should accompany the review process, and where action has not been taken then there is a responsibility on non-governmental groups like the Church and other charities to advocate and campaign for improvement. Monitoring should require genuine consultation with BSL users, it should be noted that social media channels utilising video make more direct engagement between BSL users and Government possible.

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?
Consultation must involve Deaf BSL users in the plans development, implementation and evaluation. This could include Church groups. There has already been learning on the part of the Scottish Parliament in how they consult Deaf people, leading to the use of Facebook and ‘video booths’ to harvest Deaf people’s views. These examples of good practice should continue to evolve and be disseminated to other public bodies.

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?

No comment.

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?

We look forward to engaging on this issue in the future and would aim to be constructive.

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?

No comment.