

## Draft

### British Sign Language ( Scotland ) Bill : Call for Evidence

Donaldson's School welcomes the opportunity to give evidence to the Education and Culture Committee in respect of its scrutiny of the British Sign Language ( Scotland ) Bill.

Donaldson's supports the Bill's aim of promoting the use of British Sign Language ( BSL ) including the preparation and publication of a British Sign Language Plan for Scotland that also extends this requirement to certain public authorities to prepare and publish their own British Sign Language Plans.

Our response is set out as follows :

#### General Approach

*Question 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, we would certainly agree that the BSL Bill offers the most effective way to ensure the engagement of all relevant individuals and bodies in regard to its aim of protecting and promoting BSL as an indigenous language with its own defined culture.

*Question 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?*

- Although the objective is worthwhile we believe it will take some time before for the obligations placed on lead public authorities will result in the outcomes projected. The objective appears to be entirely aspirational and its progression is likely to be affected by the likely resource implications required in developing and maintaining services.

*Question 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?*

- Our initial view is that this is unlikely in the short term provided appropriate safeguards are in place. However, we believe that it would be wrong to discount situations or circumstances where "unintended consequences" may, in practice, exist. This is an area that will have to be kept under regular review.

#### Duties on the Scottish Ministers

*Question 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?*

As the aim of the BSL Bill is to raise the profile and promote of British Sign Language we believe The Minister should develop close links with the Deaf community. As part of this process the individual should certainly learn BSL. In promoting the use of BSL we consider that The Minister is uniquely placed to encourage its use within schools and colleges.

*Question 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?*

- The Performance Review process should be open and transparent and we would certainly recommend that such reviews are published. As part of this exercise we would see that consultation with and scrutiny by user groups would provide added value to the overall review arrangements

### **BSL Authority Plans**

*Question 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?*

- The methodology of approach seems straightforward and entirely sensible. Overall the aim should be to ensure continuity and transparency of process and, as such we would support the involvement and participation of BSL users and all other relevant stakeholders in the preparation of draft plans.

*Question 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?*

- We have no comment to make.

*Question 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 believe that effective and meaningful consultation with those who are “directly affected by the Authority Plan” is essential if the proposals contained within the Bill are to meet with success. Consultation frameworks should be sufficiently flexible to meet local needs and circumstances, however, listed authorities will have to be mindful of the need to fully support the likely resource implications involved.

*Question 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?*

- The list appears to be comprehensive and we would not wish to suggest any changes at this stage.

## **Concluding Comments**

The BSL Bill is an important step in the promotion of BSL as an indigenous language with its own defined culture. The successful implementation of the Bill will be very much dependent on the quality of the National Plan and the direction it gives to the subsequent Authority Plans from which meaningful actions should flow.

Consultation, Communication and Education are central to this process. These elements will require to be appropriately resourced.

In addition, we believe that the Performance Review arrangements should not only inform the development of future strategic plans but should also inform and influence the Ministerial direction and scope of National Policy, for example, in terms of access to Education and Health as well as the day to day delivery of services at local level where the impact will be most keenly welcomed and felt.

Laura Battles

Principal, Donaldson's School

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*If you have any questions or wish to discuss this response further, please do not hesitate to contact Harley Rudge ( [hrudge@donaldsons.org.uk](mailto:hrudge@donaldsons.org.uk) ) in the first instance.*