

SCOTTISH PARLIAMENT EDUCATION AND CULTURE COMMITTEE
CALL FOR EVIDENCE ON THE BRITISH SIGN LANGUAGE BILL

Education Scotland Response

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 British Sign Language (Scotland) Bill aims to promote the use of BSL through the requirement of a BSL National Plan by Scottish Ministers and Authority Plans by listed public authorities. In carrying out these duties, it is hoped that there will be a better understanding across Scotland about BSL and its status as a language for deaf people. A new law has the potential to achieve the intended aims. However, the impact of this law in achieving the aims will depend on the quality and relevance of the actions within both the National and Authority Plans, and the extent to which listed public authorities successfully implement these actions.

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 aims set out within the Bill are laudable and achievable. The extent to which each public authority achieves these aims will depend on the approaches they adopt in devising the aims within their Authority Plan and the subsequent monitoring of the plan in terms impact and improvement.

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?

Deaf people use a range of communication approaches, including speech and BSL. In meeting the requirements of the Bill and in ensuring National and Authority Plans improve access to services for all, it would be expected that Scottish Ministers and listed public authorities recognise and acknowledge BSL within the wider context of good practice for all in the deaf community and take account of the range of communication approaches used.

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 Scottish Ministers and listed public authorities work towards the requirements of the Bill, the role and remit of the Minister will evolve and may include aspects of reviewing the impact of the Bill on the deaf community and the performance of authorities in meeting the requirements

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?

It is hoped that the Performance Review Process will help listed authorities meet the requirements. This may be achieved in a number of ways including identifying good practice and innovative approaches to help all authorities ensure that their actions result in improvements for BSL users, the deaf community and the wider population.

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?

The guidance in relation to the content of the plan seems appropriate. Listed authorities should ensure that actions within the plan will be linked to objectives in relation to the use of BSL. Listed authorities should, within their plans, be clear as to how objectives will improve access for BSL users and how there will be a better understanding of BSL for the deaf community and hearing community.

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?

The timescales as set out in the Policy Memorandum appear appropriate.

8. In preparing an Authority Plan a public authority must consult with those who are likely to be affected by it, or who have an interest in it. The plan must take into account any comments made during consultation. What effect do you think these requirements will have on your organisation?

Consultation with those directly affected will be vital in ensuring actions within plans are relevant, measurable and result in improved outcomes for BSL users and the wider community. It would be expected that all organisations, including Education Scotland, consult with relevant stakeholders and take account of their views in meeting the requirements of the Bill.

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 public authorities included in the list are appropriate. Whilst there is no obligation under the Bill for other organisations to publish similar plans in relation to BSL, it is hoped that they recognise the benefits to BSL users and use the Bill to identify how their organisation can improve services for the deaf community.

Education Scotland
30th January 2015