

Submission from Ross Grant

Call for Evidence – BSL Bill

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 basic given right of language has been denied to deaf BSL users for many years and despite the constant changing of legislation, BSL users have continued to be excluded from any such change that has had a real impact on their lives. Yes, I strongly believe the law requires changing but a change of current legislation will not be sufficient. A requirement of an Act of Parliament should be necessary to start the impact of change to the lives of BSL users. I would also argue that if Gaelic can gain its own legislative powers, why can't BSL?

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?

If public authorities are not going to accommodate for BSL then they should not be accommodating for the provision of any other language interpretation. That's the flipside of the above statement. The response to demand will be incredibly difficult given that the ratio of interpreters to BSL users is wholly inadequate and therefore it will be essential that multiple organisations including the Scottish Government to support the aspect of promoting and increasing the number of interpreters to match the demand for services in BSL. I would also argue at this point that realistically, this should be introduced as a language as an option in the national school curriculum and it should be hoped that this creates a route for young people to become qualified BSL interpreters thus matching demand for BSL services.

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?

None whatsoever – it is clear that the Gaelic language is supported hugely by the Scottish Government and whilst I do not see BSL being treated the same, I would still expect the Government to be supporting and promoting the language where possible. This has to come from across Parliament and is supported with a united front. I would argue that all members of the deaf community need to be part of this including deafblind people that use hands-on signing. The benefits of this Bill would have a knock-on effect on increasing deaf awareness and therefore benefits all those in the deaf community.

Duties 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?

I agree with this four year cycle however it is not possible to change a culture and the access to a particular culture in four years. It has to be acknowledged from the beginning that this will take time and through critical analysis, it will get better. The Scottish Government needs to provide a guidance document supported by deaf BSL users and the BSL advisory group. The lead Minister should take responsibility on ensuring that national plans are created and performance reviews are undertaken however there is a need for collective responsibility within the Government to allow for scrutiny across Parliament and across Scotland itself.

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?

That would have been my understanding of it; failure to follow up their own national plans as in what they said they would do, they haven't done is simply a breach of right to the lives of the BSL community despite legislation leading this. A BSL advisory group should be holding the Scottish Government to account thus ensuring that Scottish Ministers are on the right path and being the ultimate role model in which public authorities can relate to. It would be of the expectation that national plans across public bodies include elements of all services that are currently be provided with access to BSL services and promoting the development of BSL services within their own services. If there is doubt on achieving these outcomes such as education, public bodies should look elsewhere such as other local authorities and GASS and support the development elsewhere.

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 proposed content of these plans should consist of matters relevant to BSL users and at the heart of this should be about breaking those communication barriers faced in council offices, GP surgeries, hospitals and so forth. The second strand of this should be based on the education aspect of BSL users and closing down the attainment gap immediately. I fully expect a BSL advisory group consisting of BSL users and those who work in a professional capacity with BSL users to create some common goals that Scottish Ministers should implement in a national plan and objectives set against achieving such goals.

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?

This will be a hugely difficult task but whilst I believe there is a need for regular performance reviews to ensure that the purpose of the BSL Bill is working, the authority plans should remain constant and reviewed at whatever the recommended timescale should be. I believe it should be 5 years in line with the Gaelic Language Act legislation. This should be any less or

any longer and is treated with the same brush as the other language that the Scottish Government strongly supports.

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?

I believe that a number of public authorities will find it extremely difficult to gain access to the BSL community because the system has failed them for so many years. In this aspect, the Scottish Government should provide guidance on this and allow public bodies to develop authority plans. It would be, with hope that BSL users start coming forward and assist a number of public bodies from this point in developing and improving authority plans however the direction needs to be set by the Government and a BSL advisory group.

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?

At this moment in time, I have no suggested changes to make. I am expecting that any bodies that have language plans for Gaelic must also have authority plans for BSL. That would be my understanding of this. The Law Society of Scotland should be supported to create a language plan to ensure that BSL is accessible in environments of criminality.

Financial implications

I am deliberately avoiding the questions relating to finances. I have never commented on any financial assumptions made because the access to a language is a fundamental basic right for every one of us in Scotland whether it is English, Gaelic, Polish and the many languages currently provided, particularly in Scotland’s hospitals. If financial assumptions start being made on the provision of BSL, Scotland’s public bodies should not be accommodating for any other language. It is either public bodies provides provision of language or they don’t do provision at all. Simple as.

Conclusion

An agenda through consultation and effective communication is required and the Scottish Government need to get this right. This will not resolve issues overnight and it could take years but using the current resources of services for BSL users and the professionals could potentially speed up this process. I will state that caution is needed because so much neglect has been inflicted on the BSL community and for so long, they have had no power to instigate change. If this Bill is successful, the BSL community will finally have the power to advance change and caution is required in responding to them.

One of my concerns is if the Scottish Government continues with its confused position in supporting mainstream education which is currently wholeheartedly failing the system for BSL users but supporting the language; how do we ensure that this is rectified at the earliest possible opportunity despite the demand for BSL services nowhere near the level required? There is a need for extra scrutiny on the public bodies of the education sector and if this can be met, it should be met where there is provision available. We cannot afford another 10

years of a failed education system for BSL users and the Scottish Government approach is confused and does nothing to improve the quality of life. I would expect that Scottish Government first National Plan to respond to falling attainment levels and restore the current (and past) provision to re-address this. The Scottish Government should be looking at supporting Donaldson's School, and restore it to its former glory of its provision to BSL students.