

**Our voices ■ Our choices**

## **Submission to Scottish Parliament Education and Culture Committee: Stage 1, British Sign Language (Scotland) Bill**

Inclusion Scotland is a national network of disabled peoples' organisations and individual disabled people. Our main aim is to draw attention to the physical, social, economic, cultural and attitudinal barriers that affect disabled people's everyday lives and to encourage a wider understanding of those issues throughout Scotland. Inclusion Scotland is part of the disabled people's Independent Living Movement.

Inclusion Scotland supports the General Principles of the British Sign Language (Scotland) Bill. In doing so we recognise that users of BSL are not a homogenous group, including:

- Those for whom BSL is their main or only language.
- Those who use BSL to assist with communications, but not as their main or only language, and may require other forms of communication support.
- Those who use BSL to communicate with family or friends who are deaf or hard of hearing and use BSL.
- Workers who use BSL to communicate with service users.

Inclusion Scotland also recognises that not all deaf or hard of hearing people use or understand BSL and may use other forms of communications support such as lip reading, electronic note takers or palantypists, tactile signing, and text phones (or a combination of these).

Inclusion Scotland supports the principle that BSL should be recognised as a minority language given the protection and status that goes with such recognition. However, our focus is primarily on addressing the barriers to daily living faced by disabled people, including those who are deaf or hard of hearing. This submission therefore concentrates on those aspects of the Bill that relate to accessibility and participation.

### **1 General Approach**

- 1.1 It is generally accepted that public authorities are not making adequate provision to provide accessible communications for deaf and hard of hearing people, whether in BSL or provision of other communications support. This restricts the ability of deaf and hard of hearing people to access services and participate in their communities.
- 1.2 There is a shortage of BSL interpreters particularly but not exclusively in rural areas, which means that deaf BSL users may not be able to get access to support when they need it and may be excluded from participating in community activities and events. The cost of hiring BSL interpreters can also be a significant barrier as financial support is not always available.
- 1.3 Whilst we recognise that the Equalities Act should provide a level of protection to deaf and hard of hearing people, as reasonable adjustment should include provision

of communications support for those who need it, it is clear that this alone has not been sufficient to promote and extend the availability of BSL by public service providers.

- 1.4 In itself, the requirement to produce a national plan and listed authority plans will not necessarily lead to an improved availability of BSL. However, we agree with the Policy Memorandum that placing an obligation on the Scottish Government and listed authorities to prepare plans will heighten the profile of BSL and increase its use in the delivery of public services.<sup>1</sup>

## 2 Duties on Scottish Ministers

- 2.1 As stated above, Inclusion Scotland believes that the requirement on Scottish Ministers to prepare and periodically review a National BSL Plan will help to heighten the profile of and promote increased use by public services of BSL.
- 2.2 The Bill does not give any clear indication of what should be contained in the National Plan other than “to facilitate the promotion of, the use and understanding of the sign language known as British Sign Language”.<sup>2</sup> Inclusion Scotland believes that the National Plan will need to contain accurate assessments of the number of BSL users, the provision of BSL education and training, availability of BSL support, including BSL Interpreters, and an honest appraisal of where the gaps in provision exist and how these will be addressed during the period of the plan.
- 2.3 Clear targets in the plan will be necessary to allow for meaningful monitoring and performance review.
- 2.4 The proposal in the Bill to publish and consult on a draft Nation Plan is not adequate. It is essential that the draft National Plan is drawn up in **coproduction** with BSL users, in order that it fully reflects their priorities and needs.<sup>3</sup> We would argue that this coproduction should be extended to include other deaf and hard of hearing people so that their communications needs are also taken into account.
- 2.5 Inclusion Scotland does not support the proposal to include in the legislation a requirement to assign a Minister with special responsibility in relation to the functions of the Bill. In addition to the reasons outlined in the Scottish Government’s response regarding the collective responsibility of Scottish Ministers, Inclusion Scotland are concerned that having a Minister designated in legislation with a relatively narrow responsibility regarding BSL ignores the other barriers faced by deaf and hard of hearing people, including those who do not use BSL, and the wider disabled community.

## 3 BSL Authority Plans

- 3.1 Similar concerns as relate to the National Plan are also applicable to listed authority plans. In particular we would stress that listed authority plans must be drawn up in **coproduction** with deaf and hard of hearing people.

---

<sup>1</sup> Paragraph 2, Policy Memorandum, British Sign Language (Scotland) Bill

<sup>2</sup> S.1(1) A) British Sign Language (Scotland) Bill

<sup>3</sup> For more information about co-production see ‘All together now - A toolkit on co-production for disabled people and their organisations’, published by ILiS: <http://www.ilis.co.uk/get-active/publications/co-production-toolkit>

- 3.2 It is important to recognise that any public body may have interaction with a deaf or hard of hearing person, whether a service user or an employee, so should have a plan in place to enable this interaction. There may be scope for the National Plan to include good practice guidance for this.
- 3.3 Disabled people are often disempowered as they are excluded from participation and engagement with public bodies because processes, premises and/or communications are inaccessible. Not least to ensure they meet their Public Sector Equality Duties, public bodies should be working with disabled people to identify and remove the barriers to full participation in their communities – whether social, economic, cultural or in the democratic process.
- 3.4 Listed Authority BSL Plans provide an opportunity to address some of the barriers faced by BSL users, but should not be seen in isolation from the barriers faced by non BSL deaf and hard of hearing people and other disabled people.

#### **4 Financial Implications.**

- 4.1 Inclusion Scotland has no specific comments on the direct costs that will arise from the obligations in the Bill to produce National and Listed Authority Plans as outlined in the Financial Memorandum
- 4.2 However, we believe that it is essential to recognise that there will be significant financial consequences if the plans are to deliver the intended improved profile and use of BSL.
- 4.3 As noted at 1.2 above, one of the fundamental problems faced by deaf and hard of hearing people is the lack, and the cost, of BSL Interpreters and electronic note takers. As an inclusive organisation, Inclusion Scotland is aware that it can be difficult to get a BSL Interpreter or an electronic notetaker at short notice and of the cost of these services, including cancellation fees. However, we make every effort to ensure that these are available when required to so that deaf and hard of hearing people can fully participate in our engagement and other work.
- 4.4 We would expect one of the key actions in the National Plan will be to address this shortfall by supporting the training of more BSL Interpreters, palantypists and electronic note takers to increase the pool available to deaf and hard of hearing people and to ensure these are available when needed to access public services.
- 4.5 Other costs might include increasing the use of BSL translations of information and consultation publications, training more frontline staff to be able to communicate using BSL, and increasing the number of teachers in mainstream education who can teach using BS, including teaching BSL to non-BSL users in schools.
- 4.6 It is vital, however, that support in the form of BSL translation and interpretation is not at the expense of support for other forms of accessible communication for deaf and hard of hearing people, and for other disabled people who may need other forms of accessible communications, such as easy read or braille.

#### **5 Conclusion**

- 5.1 **Inclusion Scotland supported the General Principles of the British Sign Language (Scotland) Bill. In particular we recognise that the Bill may help to**

**improve the access to public services and participation and engagement in the social, economic, cultural and democratic life of the community for many deaf and hard of hearing people who use BSL. However, we also recognise that not all deaf and hard of hearing people use BSL, and their needs and priorities also have to be taken into account when developing the BSL plans proposed by this Bill.**

If you have any questions on this submission, or for further information, contact:

**Iain Smith;  
Policy & Parliamentary Officer,  
Inclusion Scotland**

Hayweight House, 23 Lauriston Street, Edinburgh, EH3 9DQ  
0131 281 0862; Email: [iain@inclusionScotland.org](mailto:iain@inclusionScotland.org)  
Visit our website: [www.inclusionScotland.org](http://www.inclusionScotland.org)