

## British Sign language (Scotland) Bill

### Responses to questions from Inverclyde Education Authority

#### 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?

**RESPONSE:** We think the Bill is very necessary as BSL has been accepted as a minority language within the UK since 2003 but there are still very few authorities/services who publish any of their information in BSL format and many Deaf people are not given access to information/services via BSL interpreting. There is currently little/no requirement for them to do so, therefore, the status quo will remain unless people are required to improve upon this. Within Scotland Deaf people are citizens and entitled to the same rights as all Scottish citizens and under 'The Universal Declaration of Human Rights' Articles 21.1, 21.2, 23.1, 26.1, 26.2, 26.3, 27.1, 29.1 and 30 will not be fully achieved until the Scottish Parliament has the power to require authorities/services to produce information/services accessible via BSL format/interpreting and allow Deaf people to fully develop, partake in and contribute to their local and national communities. The 'Equality Act' 2010 does not provide Deaf people with equal access and Mark Griffin seems aware of its inequalities by approaching this Bill from a cultural aspect.

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?

**RESPONSE:** Within Scotland in recent years similar progress has been made with the expansion in use of Gaelic after the ratification of Gaelic Language (Scotland) Act 2005 (e.g. tourism brochures, NHS leaflets, T.V. programmes, books, college/university/SQA courses, setting up of the Gaelic college etc.) and the same provisions should be available to Deaf people within Scotland. Like Gaelic speakers Deaf people have their own culture and identity and should be offered access to all information/services in a suitable medium i.e. their own minority language, BSL. We think the Bill is correct when it states in the Financial memorandum Paragraph 4 that 'it is not possible to estimate how much additional' costs might be, as different Public Authorities are currently at different stages in fully encompassing Deaf people in their work/services/communities and it would be hoped that when the BSL (Scotland) Bill is passed that good practice will spread amongst all Listed Authorities and that simultaneously the Scottish Parliament will include suitable funding for future expansion of BSL materials/trained communicators within their future budget planning.

At the moment for example NHS produce many public information leaflets in Arabic, Chinese, Easy Read, English, Gaelic, Latvian, Lithuanian, Polish, Portuguese, Punjabi, Romanian, Russian and Urdu but not in BSL. We consider this and situations like this to be unfair towards a minority group of people who have been born in this country and are unable to speak through no fault of their own. Provision of communicators, interpreters and information in BSL format would make an immeasurable difference to the lives of these people, bringing them more into their communities and giving them fuller access to their human rights.

The Education (Scotland) Act 1872, completely ignored Gaelic, and meant generations of Gaels were forbidden to speak their native language in the classroom. People still living can recall being beaten for speaking Gaelic in school. Similarly, in Milan in 1880 the decision at the end of the 'Second International Congress on the Education of the Deaf' was that the Conference all but banned the use of manual communication within schools for the deaf and Deaf teachers of the deaf. People today (2015) can recall being beaten for using sign language in school, and parents are still on occasions told by medical/educational specialists not to use sign language with their children, to insist that they use speech but do not produce the evidence to back this case. It is also only in very recent history that Scotland has acknowledged that Deaf people can be teachers but there are still very few and this is another problem within our society that needs to be re-addressed.

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?

**RESPONSE:** Deaf people who already use oral communication within schools/educational establishments or those who have become deaf in later years are already catered for via the spoken/printed versions of English therefore this Bill should not have any detrimental effect upon them.

The Bill is proposing an alternative to English for the minority group of culturally Deaf BSL users. This will bring the language of BSL to the attention of the nation and spread its use amongst the nation which will in turn highlighting the other forms of 'communication' used by smaller numbers of deaf or deaf/blind people within Scotland. This will be beneficial to them too. BSL received recognition by the British Government in 2003 (March 18) but has not been afforded the same recognition by public authorities and it is time for this to happen now for the benefit of the Deaf population and in turn the whole population of Scotland as this will eventually help this group make a better contribution to our society.

#### 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?

**RESPONSE:** The Minister will be required to keep a close eye on the developments across all Listed Authorities and form a group to assist in this 'policing' to try to spread the good practices and in time encourage all public authorities to improve their provision.

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?

**RESPONSE:** We assume as the designated Minister will be able to be held to account by the Parliament because Scottish Ministers will be held to account then this designated Minister will have the power to ensure the Performance Review will hold the listed authorities to account.

#### 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?

**RESPONSE:** The bill is quite vague which is probably deliberate considering some Listed Authorities are at quite different starting points and this leaves them the ability to start from scratch or continue from their current position. Presumably the first Parliament to produce a National Plan will be in a better position to lead all Listed Authorities as to more detailed requirements of what BSL information standards they wish to see all listed authorities offering/using in the following years.

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?

**RESPONSE:** On first reading it seems a tight but achievable timescale if the Parliament and listed authorities all have Deaf people/representatives of BSL users in mind as their working partners e.g. within Parliament 'British Sign Language and Linguistic access Working Group'. It would seem particularly tight for the first attempt at each of these National/Authority Plans and the Performance Review. Presumably at the second attempt of each plan/review stage committees will have been formed and these and subsequent plans/reviews will be more detailed and achievable. Perhaps it might be better to reconsider the timings for the first session but we understand why Mark

Griffin has tried to encompass it all within one parliamentary session in order to avoid the work becoming a political football, which would be detrimental to the lives of Deaf people who have waited a long time for such a bill as this.

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?

**RESPONSE:** Our organisation would be able to consult with interested parties through public meetings. Employing qualified interpreters to interpret at these meetings would probably not be an expense currently included within the authority’s budget and this might be the first stumbling block.

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?

**RESPONSE:** The Bill allows for future changes and currently we can think of no others.