

## Consultation Response on the Proposed British Sign Language (Scotland) Bill

I have worked as a professional BSL/English interpreter for over 20 years, initially in London though for the last 11 years I have been based in Edinburgh. I am registered with the NRCPD<sup>1</sup> and a member of ASLI<sup>2</sup>. Currently, like the majority of BSL/English interpreters, I work on a self-employed basis. My response to this consultation is not influenced by, or representative of, any organisation or authority but reflects my own personal and professional perspective.

### ● General approach

#### *Do we need to change the law to promote the use of BSL?*

Yes. Unfortunately there remain a great many barriers to Deaf<sup>3</sup> BSL users' active participation within wider society. Existing legislation has failed to address many of these issues and accessibility to services is inconsistent. Adopting a positive approach in a Bill that promotes BSL and seeks to address issues of linguistic and cultural value may help to change the entrenched attitudes that negatively impact on the way public services are delivered. Implementation of the Bill may also encourage authorities to adopt more innovative approaches and share knowledge and good practice.

There are some quick wins that can be had in improving the delivery of services in BSL. As an interpreter I witness some of the small issues that become major difficulties for Deaf people. I also see how inconsistently accessibility issues are dealt with. Changes that are made to improve the Deaf–friendliness of services frequently benefit other service users too. Sadly many services seem reluctant to change their ways of working – even to the extent that some GP surgeries will not accept or send SMS messages or emails to patients who are unable to use the phone.

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<sup>1</sup> National Register for Communication Professionals working with Deaf and Deafblind People <http://www.nrcpd.org.uk/>

<sup>2</sup> Association of Sign Language Interpreters <https://www.asli.org.uk>

<sup>3</sup> I am using capitalised Deaf to refer to Deaf people who use BSL

However, I believe that to effect real change in the lives of Deaf people, there needs to be a much longer-term focus to the commitment of the Government and listed authorities. The change needed relates to the services available to Deaf children and their families. The majority of deaf people are born to hearing parents and are significantly disadvantaged from birth. If the Government is truly committed to making a positive change in the use and provision of BSL then this is where it needs to start. In my experience many of the Deaf people with the highest English literacy skills are those who come from Deaf family backgrounds and were exposed to BSL from birth. If Deaf infants are encouraged to use BSL this will not prevent them from learning English later, but *not* allowing them access to a language from birth has serious consequences for their ability to acquire any language proficiently. I won't detail the issues here, because others have done it much more eloquently. Professor François Grosjean's 2010 paper 'Bilingualism, biculturalism and deafness' published in The International Journal of Bilingual Education and Bilingualism discusses these issues in detail (<http://dx.doi.org/10.1080/13670050903474051>). There is further useful information openly available on his website:

[www.francoisgrosjean.ch/index.html](http://www.francoisgrosjean.ch/index.html)

Promoting the use of BSL by parents whose baby is diagnosed as deaf through provision of specially-designed BSL classes would be an excellent focus for the National Plan as well as being an excellent starting point for the children and parents involved. This commitment needs to be followed through in primary and secondary education. Currently there are very few Teachers of the Deaf (TOD) who function as good linguistic role models for deaf children who sign. The idea of being taught by someone who is only semi-literate would seem absurd to most of us, but sadly this is the reality for children who use BSL. Therefore it is no great surprise that the educational achievement of deaf pupils continues to be well below average<sup>4</sup>. There needs to be a sustained commitment to changing the ethos and standards of the education of Deaf children.

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<sup>4</sup> For further detail see <http://www.adps.education.ed.ac.uk/>

Such a seismic shift can only occur with substantive legislation and the will of Parliament behind it. The British Sign Language (Scotland) Bill presents the opportunity to allow this shift to begin.

### *How realistic is the aim of increasing use of BSL by public authorities?*

The idea behind the BSL (Scotland) Bill is admirable. Though some will consider the Bill to be too weak in its present form, I consider it a sensible first step towards achieving a nation in which BSL and those who use the language are respected, valued and included. It is important that the steps taken by the Government are achievable, so it perhaps makes sense not to promise too much too soon; doing so would result in legislation that would be unworkable, end in failure and generate increased frustration rather than positive outcomes. While the wording of the Bill may not have the robust demands many of us would wish to see, I believe the current form of the Bill allows flexibility for it to be strengthened over time as the focus and direction can be developed and refined through future iterations of the National Plan.

### *Could there be unintended consequences for other forms of communication used by deaf people?*

I don't see why there would be any negative consequences to this. The Bill is about BSL not about deafness per se. It is important that the Government and listed authorities recognise that not all deaf people use BSL. However, Deaf people who use BSL need special consideration and provision because the issues that impact on them are unique.

#### **● Duties on Scottish Ministers**

### *What should the designated Minister responsible for BSL do?*

The Minister will be seen as the key individual ultimately representing the Deaf community. The Minister will need to be responsive to the views of the Deaf community and it will be necessary for him/her to be well-informed on issues relating to BSL and the Deaf community. This is not as straightforward as it might seem. Many organisations associated with the Deaf community may look to the political process as a means of extending the

reach of their business. It will be essential for the Minister to have a balanced and informed view of those involved. If the Minister knew, or learned, BSL this would be advantageous.

*Will the Performance Review process ensure authorities are held to account for the implementation of their plans?*

The performance review process should work, but how effective the plans are in achieving change within Scotland will depend on how robust they are in the first place. If authority plans are to be informed and guided by the National Plan then it is crucial that the National Plan is well-constructed and provides a good model for others to follow. Everything depends on the integrity and scope of the National Plan.

### ● **BSL Authority Plans**

*Do you have any comments on the proposed content of the Plans?*

The Bill does not specify too much in relation to the content of the plans and this seems sensible. The Government's own response to the consultation indicates a concern about individual authority plans. However, the listed authorities have very diverse remits and will need to promote their services through BSL in equally varied ways. For example, there will be issues that are pertinent to authorities responsible for predominantly urban or predominantly rural areas, particularly in relation to the size and geographic spread of the Deaf population and how this impacts on service delivery. Similarly, different solutions will be appropriate to delivery of services that are planned for in advance and those that are delivered on an emergency basis, particularly around issues of communication and use of BSL/English interpreters.

What is essential for both the National Plan and the individual authority plans is that policies consider the quality and effectiveness of how their services can be delivered in BSL. The current negotiations surrounding the proposed Framework Agreement (FWA) for interpreting provision by the Crown Commissioning Service at Westminster are an excellent example of how *not* to go about this. This process involves organisations who may stand to profit from the final agreement, and who are not representing the end users of the interpreting services that the agreement will determine, or indeed those who would be

doing the interpreting. Their discussions are focussed predominantly on minimising the cost of interpreting services without consideration of the realities of delivering on this or the potentially catastrophic long-term effects on the Deaf community should the FWA in its draft form be adopted.

Bearing in mind the fundamental importance of Deaf children having access to good BSL role models, and for hearing parents to be able to learn BSL as soon as possible, it would be sensible for relevant listed authorities to ensure their plans contain some provision for this. Any long-term improvement in the lives of BSL users in Scotland hinges on Deaf children acquiring a strong first language as early as possible.

Another aim should be to ensure that BSL classes are available to hearing learners nationwide. Class provision needs to be accessible to adult learners, but it should also be the Government's intention to introduce BSL into primary and secondary mainstream education. This may take time in order to ensure a sufficient supply of appropriately qualified BSL tutors.

*Do you have any comments on the proposed timescales?*

I believe the timescales set out in the Bill are realistic. Given the time it takes for a Bill to become law, those who will be responsible for implementing the Bill have plenty of notice regarding what will be required. The Government and the listed authorities should look to establish efficient systems for consulting and reviewing their plans which will facilitate their ongoing responsibilities for the Bill.

*Should there be any changes to the list of public authorities?*

The current lists looks to be a good starting point. I would imagine that the list of authorities is something that will need to be reviewed by each elected Government.

**● Financial implications**

I am not in a position to judge the financial considerations listed in the Bill. Implementing the Bill, and effecting change for Deaf BSL users in Scotland, will come at a cost. The

Government should be aiming for long-term benefit. By enabling greater participation in society there could ultimately be a return on that expenditure from the income tax derived from increased employment within the Deaf community. Improved access to education and healthcare is likely to result in better health outcomes for the Deaf population and lead to reductions in expenditure in health and social care budgets. The key to achieving these long-term benefits is transforming the way Deaf children are educated – and an acceptance that education in BSL can be the most effective method.

It is really positive to see the Scottish Parliament trying to engage directly with Deaf BSL users through the consultation process for the Bill. Setting up a Facebook page and encouraging comments and feedback in BSL is a welcome start to the further consultation with the Deaf community that will be an essential element to making the Bill a success.

However, it is essential that any material relating to the Bill, be that the National Plan or authority plans or consultation material, is translated into BSL. It is nonsense for any authority to create a plan that is inaccessible to the very people that plan addresses. There is no need for plans to be long and complex and, if this is the case, the costs of translating them into BSL will not be prohibitive. If the Bill is to have integrity, and to ensure it has the support of Deaf BSL users, it is essential that all plans and other documentation are available in BSL versions.

The Government's response to the Bill mentions the potential problems associated with the consultations required to inform the creation of BSL Plans, particularly the issue of consultation fatigue. The relatively small number of Deaf BSL users who might wish to engage with this process and the geographic overlap of some listed authorities indicates that this could be a cumbersome and problematic issue for many of those involved. Any duplication in individual consultations would not be effective use of public money. The availability of BSL/English interpreters is certainly a practical consideration here, given the current shortage of my profession within Scotland. But these are not insurmountable problems. Authorities will need to give some thought on how these consultations are conducted. It would make sense for listed authorities to work collaboratively where areas of joint interest (geographic or service-related) are identified and where the feedback of the

Deaf community would be relevant to each authority involved. Making good use of existing networks within the Deaf community is an option, though it is important that authorities consider how well these reflect the views of *all* their Deaf constituents. Authorities will therefore need to adopt innovative approaches to the process of conducting, or commissioning, consultations. The same will be true of the review and evaluation phase.

Ultimately it is important that the Bill is not something perceived as problematic by the listed authorities. It is essential that the mechanics of the Bill are workable, because if they are not this will detract from the effectiveness of the Bill and undermine the positive changes that the Bill sets out to achieve.

Much of my submission has rightly concerned issues of linguistic access, but it is important to remember that BSL is also a part of our cultural heritage. It is a beautiful language and the depth and breadth of what it can convey continue to delight me. The work of the BSL Glossary Project<sup>5</sup> shows how the most abstract of scientific concepts can be conveyed brilliantly in signed language, while the performance art of Deaf poets<sup>6</sup> illustrates the wealth of artistic potential within the language.

BSL is a part of our heritage with which many people are unfamiliar, but one that fascinates most once they become aware of it. The BSL (Scotland) Bill also presents opportunities to celebrate the richness of the language and the importance of this heritage. Hopefully the Bill can also be seen as tool for cultural promotion - a means of highlighting the value of the heritage of BSL and its significance to society today.

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<sup>5</sup> This project has been coordinated by the Scottish Sensory Centre. More details accessible at <http://www.ssc.education.ed.ac.uk/BSL/list.html>

<sup>6</sup> An evening of Deaf poetry was hosted at the Scottish Storytelling Centre in 2014 <http://www.scottishpoetrylibrary.org.uk/connect/events/evening-sign-language-poetry-starring-paul-scott>