

Response Form – NHS Ayrshire and Arran

General approach

Question 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:

NHS Ayrshire & Arran believes that whilst access, provision and promotion of BSL services is important within the existing legislation, namely the Equality Act 2010, provisions are in place which would support the intentions of the BSL Bill.

The Equality Act 2010 already places responsibility on public authorities to have due regards for the need to eliminate unlawful discrimination and advance equality of opportunity. Through this public bodies should already have in place systems to provide interpreters for the Deaf community.

Question 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 NHS Ayrshire & Arran we have (and have had for a number of years) a contract in place with a BSL service provider to provide BSL provision to our service users. This service is accessed, for the most part, numerous times on a daily basis during the working week with emergency access to the service at weekends and out of hours.

With current financial constraints on Health Boards, NHS Ayrshire & Arran has concerns about raising service users’ expectations over and above the existing service provision.

With staffing reductions, NHS Ayrshire & Arran also has concerns about the resource implications for releasing staff for training and also for corporate staff in developing and publishing additional action plans as set out within the Bill.

Question 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:

NHS Ayrshire & Arran believes having a single piece of legislation on BSL could exclude alternative forms of communications. Whilst NHS Ayrshire & Arran recognise BSL as a language in its own right, our view is that in the absence of a BSL interpreter, there are alternative and augmentative communication methods available which could also support BSL users when accessing services, particularly in light of the limited number of qualified interpreters in Scotland.

In our opinion setting BSL provision within the wider Communication Support agenda could lead to more inclusive and person-centred approaches to providing accessible communication for service users.

Duties on the Scottish Ministers

Question 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:

Due to the limited availability of qualified BSL interpreters, alternative means need to be explored such as the use of web based interpreters. This would be particularly useful in GP practices where the onus is not on the service user to be able to use technology.

As mentioned under Question 3, alternative and augmentative communication tools already exist which could be used to complement BSL provision.

Question 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:

It would be hoped that the Review process would hold authorities to account. However, cases of poor performance being raised could be attributed to things outwith their control such as gaining access to a qualified interpreter, timescales for BSL provision being requested etc.

Therefore, the review process will need to take this into account when publicising information and more importantly if reprimanding authorities for performance.

BSL Authority Plans

Question 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 intention to formulate a national plan for public authorities to adopt/adapt rather than each organisation formulating their own would be more beneficial.

As outlined in Question 2, NHS Ayrshire & Arran, in line with the Public Sector Equality Duty of the Equality Act 2010, provides a comprehensive BSL service for our local community and we believe alternative methods and ways in providing this service should be considered to ensure inclusive and accessible communication methods are in place.

Question 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:

No.

Question 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:

NHS Ayrshire & Arran would again require to dedicate additional resource to the consultation and development of these plans which places additional burdens on staff time.

As well as the implications for NHS Ayrshire & Arran, we are concerned about the impact on our local service users given the fact that our partners will also require to consult on their individual Authority Plan. A more streamlined approach to delivering BSL services, in light of the current public sector reform and establishment of Health and Social Care Partnerships should be considered. NHS Ayrshire & Arran feels that the Bill should consider ways in which it can promote better integrated approaches to meeting the needs of BSL users without the need for individual Authority Plans.

Question 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:

See comments under Question 8.