

Submission from NHS Forth Valley

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?

NHS Forth Valley recognises that BSL as a language has been in use for many years and has a strong cultural identity, however, this requires further recognition to promote/increase both public and professional awareness of the needs of BSL users. The BSL Bill would identify the importance of this requirement and ensure that recognition is given to the importance of services understanding, supporting and engaging with the Deaf community to improve service provision. Whilst the Equality Act 2010 ensures “reasonable adjustments”, what is provided under this adjustment may differ across authorities.

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?

Whilst the intention of the Bill is to heighten the profile of the language and for its use in the delivery of services to be increased, it may be difficult for public authorities to create or maintain a consistent and equal provision across all services or geographical areas. There are a limited number of qualified BSL interpreters available across Scotland, many of whom do not wish to work within healthcare settings due to the complexity and variances across this work. There would require being an acknowledgment of the difficulties of those sitting in rural areas, eg financial cost for travel could negatively affect an authority’s provision, also many interpreters may not be willing to undertake remote work as it lessens their own opportunities to undertake other appointments that day. These areas are often susceptible to limited IT access with poor broadband strength and mobile phone Wifi options.

The Bill must ensure that it does not create an undue pressure for authorities, as this may lead to the use of unqualified or under experienced BSL interpreters being utilised.

It would also be helpful to create an understanding, as part of the engagement process within the Deaf community, that perhaps appointments and provision may require to be negotiated and, as a result, alternative dates/times offered to enable both the appointment and interpretation provision to meet the requirement requested. This can be increasingly difficult within health services when there are waiting times targets, which also require to be achieved.

Under the Equalities regulations many authorities will already be providing

Interpretation and Translation to their local communities, some in partnership with other organisations. It may be helpful for the Bill to consider responsibilities in instances such as this, and for authorities to be given guidance on a shared responsibility within the Bill.

NHS Forth Valley currently provides Interpretation and Translation for Deaf, Deafblind and Hard of Hearing Communities as well as a service for those whose first language is not English. This provision is managed and implemented within one area and has a booking hub which staff and patients can contact directly for information and guidance.

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?

There is a possibility of this happening. Health Services are much more likely to meet with hard of hearing people during their daily provision, many of whom would require extra communication time, but not BSL provisions. There is also a noted increase of those who meet the Deafblind criteria as our ageing population grow, again a very specific communication need not considered as part of the Bill. NHS Forth Valley understands that these groups may not have an as clearly identified language but hope that the needs and provision to these communities would not lessen any by the focus on BSL provision.

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?

It would be important for this Minister (or a deputy) to continue to meet with the BSL communities and the authority areas who have responsibility for providing interpretation. This local knowledge would be invaluable and create a trusting relationship to progress future work. It would also create an opportunity to share best practice and financial saving initiatives across authorities, enabling good working systems to be replicated in a timely fashion rather than recreated in lengthy and costly process. As the Scottish Government operates on a collective responsibility, any agreements for the Bill would be the responsibility of all members and not solely the one identified as lead, to this point it would be in the best interests of the collective ministers to participate in the Performance Review.

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?

This may be very difficult to implement unless further practical checks are made to the information authorities provide. Other concerns are that whilst statistical

feedback may show that services are being provided, the quality and financial accountability relating to the provision may not be accurately captured. For example, cost of missed appointments, no shows, no interpreter available, service user feedback, etc. Without full disclosure, the information may not portray a true 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?

Whilst each organisation will implement its own authority plan, it would be important to have a consistent approach to collecting and submission of data and information across the authorities to enable the findings to be analysed and influence future guidance relating to provision. The ways in which engagement takes place with service users may also differ depending on rural or urban settings, feedback from users would be an essential part of the development of local plans for each authority.

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?

No.

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?

NHS Forth Valley are prepared to engage and consult with those interested or impacted by the BSL Bill, currently annual review of Interpretation and Translation services with Deaf, Deafblind and Hard of Hearing People are already undertaken. We will utilise our knowledge from these events and build upon the work already underway.

As part of this work, we will aim for transparency and mutual expectations, leading to agreed principles and clear objectives, which are co-created.

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?

No.

How to submit your evidence

The closing date for responses is **2 February 2015**. All responses should be sent to the Committee clerks at ec.committee@scottish.parliament.uk.

Alternatively, you may use the following address—
Clerk to the Education and Culture Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

We welcome responses in written or BSL (video) format, which should be emailed to the above address. Please keep your response as concise as possible. If you are making a submission in written format, we would prefer to receive it in Microsoft Word.

Responses will be handled in accordance with the Parliament's policy for the treatment of evidence. This information is available in various formats, including BSL video, on the Parliament's website at: www.scottish.parliament.uk/treatment-of-evidence

What happens next?

After the Committee has gathered responses to its questions about the British Sign Language (Scotland) Bill, it will invite some people to attend a meeting to share their experiences and answer questions about the Bill in person. The Committee will decide who to invite in due course. These sessions are likely to be held in February and March 2015.

Any questions?

If you have any questions about the British Sign Language (Scotland) Bill or how you can give your views on it, you can contact the Education and Culture Committee clerks by emailing ec.committee@scottish.parliament.uk or by calling 0131 348 5222. You can also call using the Text Relay service on 18001 0131 348 5222.

You can find out more about what is involved in giving evidence to a committee in [Appearing before a Scottish Parliament committee](#). This information is available in various formats, including BSL video.