Dear Colleague

CALL FOR EVIDENCE: BRITISH SIGN LANGUAGE (SCOTLAND) BILL

Thank you for giving NHS National Services Scotland (NSS) the opportunity to respond to your call for evidence. Please find attached our response.

I hope that this information is of assistance to the Committee in its considerations. If you would like clarification on any of the comments made, please contact Louise MacLennan, Head of Public Participation and Engagement, on 0131 275 7457.

Yours sincerely,

IAN CRICHTON
Chief Executive
CALL FOR EVIDENCE

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?

The Equality Act 2010 does protect disabled people and this includes any communication need that they have to enable them to access services of all types (Education, Health, participate in public life)

Access should be defined in the widest sense which includes information and participation. A change in law would not necessarily result in promotion of the use of BSL. The law already exists and the best approach would be to use this existing legal driver to promote change in attitudes and behaviours to support a change in practice where BSL provision would become integrated into services. There are many technological approaches and examples that would support the integration of BSL into services like the online interpretation service provided by NHS24. Rolling out the use of DVD and subtitles in all public information should be adopted.

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?

The Bill is ambitious with this aim and should consider how authorities will fund an increased demand for BSL. The number of trained BSL signers in Scotland must be taken into consideration as if the demand increases for BSL so will the demand placed on the BSL interpreters who are already in great demand providing services to Police, Fire, Education and Health authorities in Scotland. There would be an opportunity to work with NHS National Services Scotland to address national procurement for BSL services in Scotland by providing a consistent service across Scotland to all Authorities; however the demand or planning of BSL services would be for each sector to establish.

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?

The Bill is out for consultation and the views of the deaf community will inform this question.

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?

The minister should ensure that the Scottish Government leads the way and demonstrates that all Scottish Government services and departments are promoting the use of BSL. The minister should ensure that BSL users are represented at Scottish Government level. The minister should have a good understanding and knowledge of deaf issues and why the use of BSL in wider society is important. The minister should ensure that the BSL National Plan is equality impact assessed.

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?

Yes - If the BSL Performance review is built into the NHS Annual Review process and LDP Targets.
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?

This appears to be clear and concise.

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?

The 12 monthly reporting cycles do appear to be generous however has consideration been given to the legal reporting requirements place on public bodies within the Equality Act 2010? NHS Boards will be publishing what progress they have made against the legal requirements set out in the Public Sector Equality Duty in 2015 and again in 2017?

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?

NSS has mechanisms in place to consult and engage with those who would have interest in a BSL plan. Consideration should be given to those equality organisations and deaf communities in Scotland so that a coordinated approach is taken so that they are not overwhelmed by numerous plans to review and to be consulted on at one time. The NHS National Boards have worked in this way before and this approach has worked well.

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 suggestions