

## Response to Call for Evidence

### British Sign Language (Scotland) Bill

#### General Approach

1. NO we do not need to change the law but we could ensure that the Equality Act 2010 is very clear and robust on meeting the service provision for BSL users. Adapting existing legislation would be more reasonable and proportionate.
2. We think this is unrealistic and we do not think the Bill will achieve this objective. **ALL** services should be person-centred and therefore should meet the needs of profoundly deaf patients' requirements. We do not think this is about services being in BSL but about services being safe and effective in being able to meet the individual requirements of all patients. Would Public Authorities have the capacity to have services in different languages as well?
3. YES, a focus on BSL could be at the expense or detriment of others who also may require communication support e.g. deafblind, language and people with other long-term health conditions etc., which impact on their communication needs. BSL is very important but no more important than other language / communication requirements for all patients.

#### Duties on the Scottish Ministers

4. No response to your question as we do not think there should be a separate BSL Bill. We would like to suggest that perhaps there should be a minister for communication and language support needs, who can champion and lead improvement through leadership and commitment to this agenda. We think that the ministers should be doing more around the Equality Act 2010 and the Public Sector Equality Duty. The Ministers already have a duty in place and should be accountable for their duty as set out in the Equality Act 2010 and the Statutory Specific (Scotland) Regulations 2012 (Scottish Ministers Proposals to enable the better performance of the Public Sector Equality Duty 2013 – 2017).
5. Any performance review would hold someone to account if managed and scrutinised properly and it had clear targets, measures and outcomes in place.

#### BSL Authority Plans

Our comments to questions 6, 7, 8 and 9, are that at this time all Public Authorities have a PSED put on them in relation to the statutory requirements of the Equality Act 2010. We are required to engage, involve and consult service users in the services that we provide to ensure they are meeting the needs of all people with a protected characteristic. We think that Scottish Ministers should allow time for all public authorities to meet the requirements of the existing duties. This would enable authorities to show the improvements that have been made and also allow public authorities time to report on the first cycle of meeting those duties by 2017, rather than producing another Bill which is asking public authorities to carry out similar work and performance reviews.

We are also required to Equality Impact Assess our policies, services and functions. We think we should look at using the existing legislation in how we mainstream equality into all our services and use the equality outcomes to enable public authorities to do this.

To add additional duties and performance reviews through another Bill, will deplete the momentum and effort of the work that has already been achieved to meet the requirements of our existing duties as set out in the Equality Act 2010. This work continues and will lead to measurable improvements for all patients who have a communication need. We should be ensuring how BSL services and the needs of BSL patients are being met through these existing duties, which are very robust and effective if managed and reviewed correctly.

NHS Tayside

4 February 2015