

**British Sign Language (Scotland) Bill
Education and Culture Committee call for evidence
Response by National Deaf Children's Society**

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1. Introduction

- 1.1. We welcome this opportunity to submit evidence on the British Sign Language (Scotland) Bill (the Bill) and would be happy to support the contribution of deaf young people in any future evidence sessions.
- 1.2. To inform this response, NDCS surveyed 75 members about their experiences of BSL provision in their local area. We also held a consultation session with 9 deaf young people to gather their views on the Bill, 7 of whom have submitted videos to the Education and Culture Committee.

2. Background

- 2.1. The National Deaf Children's Society (NDCS) is the leading charity in Scotland dedicated to creating a world without barriers for deaf children and young people. In Scotland, we have a dedicated team based in Glasgow and led by Heather Gray, Director. The team has a strong focus on addressing the attainment gap that exists for deaf learners. This includes the work we do with our Young Campaigners who are a group of deaf young people aged 14-20 years old. They call for better services and campaign on issues affecting deaf children in Scotland. Our Young Campaigners have submitted their own video response to the Committee as additional evidence to the NDCS written response.
- 2.2. As well as this work, NDCS provides a dedicated Family Support Service across the country. Our current service, Your Child, Your Choices (YCYC) delivers family sign across specific geographical locations. NDCS also commissions research to inform the sector and provides training for professionals as well as running a programme of events and activities for deaf children and their families aimed at building skills and confidence.
- 2.3. NDCS is funded entirely from voluntary income and trusts and foundations in its delivery of services in Scotland.
- 2.4. We know that with the right support, deaf children can achieve equally well to their hearing peers, however we know that a significant gap in educational attainment and life chances exists for deaf children in Scotland. NDCS are working with partners across sectors to address the issues which we know contributes to gaps in life chances and employability outcomes. The Bill is timely in terms of the strong focus on deaf learners created through the national sensory impairment strategy, See Hear.
- 2.5. Our recent research report, [Close the Gap](#), highlighted significant gaps in outcomes for deaf young people across education, training and employment and has also raised concerns about the employability of deaf young people in Scotland, highlighting that the group is under-represented in Higher Education, training and employment. In addition, the research has indicated issues in access to support, information and guidance for deaf young people across the range of post-school settings including college, apprenticeships and the workplace.

- 2.6. NDCS has welcomed the commitment made by the Scottish Government to acknowledge the attainment gap that exists for deaf learners and commit to closing it.

3. Summary of NDCS' position on the Bill:

- 3.1. The aim of the Bill is to promote and raise awareness of BSL. It will mean that national and local government will need to establish Plans that set out how they intend to promote the use of the language. NDCS welcomes the principles of the Bill.
- 3.2. As it stands, the Bill does not provide specific duties around education however it is intended as an enabling framework. It will be down to national and local government to develop Plans and outline the specific actions they will take to promote the use of BSL in schools.¹
- 3.3. We would like these plans to address a number of important issues for deaf learners:
1. Closing the persisting education attainment gap for deaf learners;
 2. Ensuring that children and young people who access teaching and learning through BSL are supported by Communication Support Workers who are able to accurately interpret what the teacher is saying. This requires minimum levels of qualification in BSL.
 3. BSL becoming an accredited school qualification within the full Scottish Credit and Qualifications Framework, and having the same status as other languages;
 4. Improving the availability of Family Sign Language (FSL) which enhances the ability of hearing parents to communicate with their deaf child and promote their development. NDCS Scotland currently delivers FSL courses and understands the lasting impact this kind of support can have on children and families;
- 3.4. It is critical that the aspirations of the Bill are appropriately resourced so they can be fully realised. For example, the delivery of FSL is not routinely funded and will require national and local investment in order to address this gap in BSL service delivery.

4. Context

- 4.1. The latest Consortium for Research into Deaf Education 2014 Scotland Report (CRIDE 2014) data suggests there are 3,057 deaf children in Scotland. The latest data on preferred communication methods of deaf children in Scotland (CRIDE 2013) suggests 3% of deaf children solely use British Sign Language (BSL), around 12% use sign language in combination with another language and 0.6% use a sign system other than BSL.²
- 4.2. NDCS believes actual figures of deaf children in Scotland to be higher due to the limitations of the CRIDE survey. However there is currently no complete national data set on numbers of deaf children and young people in Scotland. While information collected through the Pupil Census has improved over the years, this only records information about school-age children and there are still gaps in this means of data collection. Without a basic understanding of the numbers of deaf children and their needs, it is difficult for national and local government to effectively plan service delivery.
- 4.3. The advent of Universal Newborn Hearing Screening (UNHS) in Scotland since 2005 has allowed for earlier diagnosis of childhood deafness. However the improvement of data collection and sharing, or the development of national standards in early years provision has not followed. NDCS has been involved in two pilot Local Records of Deaf

¹ Like that of the [Scottish Government Early Years framework and Collaborative](#)

² Consortium for Research into Deaf Education 2013 Scotland Report

Children projects. These projects have seen positive outcomes with regards to sharing basic information from UNHS with appropriate local agencies in order to plan services effectively. The recommendation from these pilot projects have been a national roll out. NDCS would welcome the opportunity to provide more information on these pilots.

5. Academic attainment

5.1. Latest Scottish Government data (2012/13) shows some concerning downward trends in attainment data for hearing impaired pupils and school leavers:

5.2. While attainment has improved on some indicators – including an increase in overall tariff scores and among those moving into employment after school - there is persisting attainment gap for deaf leavers. The below data illustrates that the numbers of deaf school leavers leaving with no qualifications is increasing, while those entering Higher Education has decreased.

5.3. School leavers with no qualifications

	Hearing Impaired pupils	Pupils with no ASN
2012/13	9.8	0.9
2011/12	8.2	1.1

5.4. School leavers entering Higher Education

	Hearing Impaired pupils	Pupils with no ASN
2012/13	21.8	40.0
2011/12	26.5	38.6

5.5. We know that closing the attainment gap is high on the agenda for the Scottish Government and we were very encouraged by its recent recognition of the attainment gap experienced by deaf learners at the formal debate that took place in the Scottish Parliament on this important issue, led by Kenneth Gibson MSP.

6. Qualifications of Teachers of the Deaf

6.1. There is no national statutory framework of standards for deaf education and as such there is no requirement for Teachers of the Deaf (ToD) to qualify beyond BSL Level 1. According to the CRIDE 2014 Scotland Report, 71% of peripatetic hearing impairment services in Scotland do not have staff who are qualified to BSL level 3 or beyond. There were 6 services with a member of staff with no BSL qualification. These statistics show a need improve the consistency of support across the country and ensure all services are able to meet their service users' needs by having appropriately qualified staff members.

6.2. The Requirements for Teachers (Scotland) Regulations 2005 stipulate that “where ... an education authority employ a teacher wholly or mainly to teach hearing impaired pupils that teacher” must “possess an appropriate qualification to teach such pupils.” There are over 200 ToDs in Scotland and around a third do not hold this mandatory qualification. In addition there is no national oversight of those specialist teachers working with deaf children, such as a Register of Teachers of the Deaf which may be beneficial to identify national inconsistencies and take action to address these. The need to address the issue of inconsistencies in teacher qualifications was highlighted by the Minister for Learning in the recent Parliamentary debate on the educational attainment of deaf children.³

General approach

³ [Scottish Parliament, Official Report, 11 December 2014, p36](#)

- 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?**

Yes. From a rights based perspective, NDCS agrees that legislation is required to ensure that the rights of people using BSL are upheld under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)⁴ and United Nations Convention on the Rights of the Child (UNCRC)⁵. Through our national Family Support Work, we see regular instances where children's rights to fully participate and engage in education and life in their language are not fully upheld.

Education

The UNCRPD's Article 24 clearly and explicitly states that States should realise the right of all person with disabilities to education without discrimination and on the basis of equal opportunity. The article makes explicit mention of the measures states should take to facilitate the learning of sign language and the promotion of the linguistic identity of the deaf community. It is also stated that governments should ensure that education of deaf persons is delivered in the most appropriate languages and in environments which maximize academic and social development. The governments shall also take appropriate measures to employ teachers who are qualified in sign language.

Some deaf learners have expressed concerns to NDCS that they are unable to communicate with their classroom teacher and in some cases their ToD in their preferred language. Deaf young people have also raised concerns about the inadequate level of BSL they feel those supporting them at school sometimes have. Deaf young people who use BSL as their preferred method of communication require high quality of fluency of support which given the lack of qualification framework for support staff, is not always on hand. It can be frustrating for learners to not feel confident that everything the teacher is saying is being effectively translated to them and they understand everything that is going on in the classroom. As one deaf young person told us, "I sign very fast and I think the ToD is about level 2/level 3 and they struggle to receive what I am saying and also you miss out on a lot of information and I feel as if I'm constantly having to get things repeated to me." (Young person who solely uses BSL).

The role of Communication Support Workers (CSWs) is critical to ensuring that children and young people who rely on signing to access teaching and learning receive accurate interpretation of what the teacher is saying and what is going on in class. Ensuring CSWs in schools and colleges have a minimum level of BSL qualification so that they can effectively fulfil this role is fundamental.

NDCS believes the Bill is an opportunity to strengthen the consistency of qualifications for those working with deaf learners across Scotland, and address issues such as minimum qualifications for ToDs and CSWs, as well as the regulatory framework they work within. This issue was also recently highlighted by MSPs in the parliamentary debate on the issue of the attainment gap for deaf learners. Jenny Marra MSP stated that, "*there needs to be regulation and monitoring to ensure that there are adequately trained teachers of all ages throughout our system to support our deaf and hard-of-hearing children.*"⁶

However given the small number of deaf learners using BSL, it is critical that services address the issue of BSL qualifications creatively, meeting demand of their service users while

⁴ Articles 8,9,21,23,24

⁵ Articles 5,13,23,28,29, 30

⁶ [Scottish Parliament, Official Report, 11 December 2014, p34/35](#)

effectively using available resources. Given the demanding financial environment facing national and local government, there is a need to look creatively at this issue and consider possibilities of national and regional commissioning of communication support and other ways to improve the quality and consistency of provision across Scotland.

Informed Choice

NDCS believes it is essential that families are provided with information and access to the full range of support options and communication methods available to them. Information about these options should be presented to families in their own terms, taking into account their cultural and social background in such a way that enhances a family's ability to make informed decisions which reflect their own culture, values and views and meet the needs of their child. Every family should be given access to information and knowledge so that they are empowered to understand all of the options available to them.

Through our experience of delivering a national family support service, NDCS understands that the provision of information for families with deaf children across Scotland is patchy and inconsistent. A recent survey of parents across Scotland raised concerns about the consistency of information provision they had had about using BSL with their child. While it is positive that approximately 50% of the 75 respondents received information about BSL either at the point of diagnosis or in the early years, 15% only gained this knowledge when their child reached primary school and a worrying 35% said they had never received information about BSL. In terms of where this information came from – around 40% said they received this from either audiology or education services. While 46.8% said they received this from NDCS or through their own research. This shows a clear need to improve the consistency of information provision to families with deaf children about the range of communication options available to them.

Even where families have good access to information, they may not always have genuine informed choice. The decisions some families make with regards to how they communicate with their child may be influenced by the reality of provision in their local area. For example, the lack of local opportunities to learn and be supported in BSL may discourage families from pursuing BSL as a communication method.

Family Sign Language is an area where service provision in the early years for deaf children is extremely inconsistent. Despite 90% of deaf children being born to hearing parents, this type of support is not routinely delivered by local authorities and there is no national programme available.

Case in point: NDCS Family Sign Language

NDCS delivers FSL to families with deaf children in the Early Years. It is the only curriculum in the UK of its kind. It is unique in that the BSL is taught in a child-centred way using vocabulary suitable for a young child. Courses are delivered at times and places to suit families, in a format which is most appropriate to them. The group format offers families a chance to gain peer support and families of children with any level of hearing loss can attend.

FSL has not typically been offered by local authorities due to the limited number of qualified teachers required to deliver the course. Families still require support nonetheless, which varies from area to area. Families typically find out about YCYC and FSL through NDCS contacting them or through proactive professionals. Families also find out about the course through Newly Identified weekends, also run by NDCS.

Findings from our three most recent FSL courses indicate that families are making use of what they learn. 50% of parents reported that their child used sign to communicate with them at the

beginning of courses, in contrast with 88% of parents at the end of the course – 69% of parents felt they understood their child better, and 81% felt their child had a better understanding of what their parents were saying. Parents reported that they had closer relationships with their children, better communication, and less frustration as a result of attending family sign language.

Parent A (child profoundly deaf, 1 year old):

'We have a profoundly deaf, pre-verbal child – we were at a loss at what to do to communicate with her... I feel there's a real gap for FSL, for us as a family, and for professionals like the nursery staff who look after my child 2 days a week. When the Teacher of the Deaf visited the nursery all the staff were really receptive to what she had to say, and she gave them signing sheets, but again, nothing which helps to link everything together. The staff want to learn to sign, but again there's nothing appropriate for them...'

'It would be fantastic if there was something available to us locally that we could be involved in. I have been on the Family Sign website, which was good, but again, limited... we need someone to coach us through it.'

NDCS recognises that the provision of FSL requires more than one approach. In February 2014 the organisation piloted a 1:1 model for hard to reach families, a first for the organisation. The course has had a significant impact on the family, who were unable to attend a group course due to their geographic isolation and restricted by views of older members of the family, highlighting the need for localised BSL provision:

'We use sign everyday now...She definitely understands what I am saying to her – before she would cry before nursery, because I couldn't explain where we were going, but now she's really happy because she understands. Her little personality has come out and we are even closer than before – she's able to tell me things and I'm able to understand her. I've been talking to my Teacher of the Deaf about how I can continue learning to sign – I'd like to do a qualification and maybe change my career to supporting deaf children.'

The current patchy nature of BSL provision in other early years settings means that in order for children to use BSL as a primary communication method, their parents must be skilled in signing too. This may disadvantage children from hearing families who are learning to sign.

Informed choice is therefore critical for deaf children and young people too. All children, including those who are deaf should have the option to develop BSL skills. Currently, a very small number of children have the opportunity to study BSL at school, and none have the opportunity to develop their BSL skills right through secondary school due to lack of qualifying routes in senior years through SQA.

NDCS works with many deaf young people who have been brought up orally and have raised issues about not being able to learn BSL. Many feel they would like this opportunity to develop their deaf identity as well as helping to communicate with deaf friends. One young person who uses spoken English as well as BSL told us he wanted to see more opportunities for all young people to learn BSL at school, "People don't realise that BSL is an actual language... it would be really nice to have more and more people, especially the school age kids, more aware that BSL... is actually a genuine language that loads of people actually use."

Simple solutions such as pupils who uses BSL as their first/ preferred language accessing funding to enable them to teach hearing pupils and staff to learn BSL are ways to help facilitate social inclusion and participation as well as increasing opportunities for other deaf young people to develop their BSL skills.

NDCS understands the challenges local authorities face in enforcing BSL planning in the early years due to the lack of available courses for professionals and parents and associated training costs. To help overcome these challenges faced by local authorities, NDCS would suggest the following recommendations are at a national level;

- Targets on number of early years workers with BSL qualifications
- National pool of specialist workers
- Every hearing impairment service to have specialist early years workers/TODs with BSL skills
- Establish minimum standards in early years provision and include BSL qualifications
- A BSL qualification aimed at working with young deaf children
- The necessary funding available to deliver Family Sign Language Courses

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?

NDCS believes it is realistic that the Bill will lead public authorities to increase their use of BSL, their understanding of the impact of delivering services in BSL, and greater engagement with their service users who use BSL. This will also result in a positive culture shift by promoting the status and recognition of the language.

However the position of authorities to respond to demand for services in BSL will depend on a number of contributing factors. Particularly the funding available to resource these services, which is not insignificant, together with the current workforce constraints in Scotland of those qualified to deliver services in BSL. There are currently only 80 interpreters in the country. With the current budgetary cuts being faced by existing services, there is concern surrounding the impact that this may have on implementing the aspirations of the Bill.

As previously mentioned, the Bill presents an opportunity to consider consistent quality standards in terms of how services are delivered, and how qualified the workforce is undertaking these roles. Investment into the recruitment and shaping of a fit for purpose workforce in early learning and childcare settings is essential. This should include interpreters and CSWs working in a number of roles such as criminal justice, health.

A workforce mapping exercise should be undertaken to project expected demand and analyse how the current workforce is to meet this. It is likely that the current workforce would be unable to cope with increased demand, and would require strategic investment at a national level to ensure the aspirations of the Bill are met in practice.

In terms of developing effective models of education in BSL, they are already out there. It is a case of sharing best practice. NDCS has created Quality Standards for deaf children and young people on both resource provision,⁷ and specialist teaching and support services.⁸ There are also many successful examples of effective practice in supporting deaf learners and cases where resources are being used creatively to deliver the best possible service.

Case in point: Windsor Park School and Sensory Service Deaf children and young people in Falkirk are supported by Windsor Park school and a Peripatetic Service from diagnosis to

⁷ [NDCS Quality Standards: Resource Provision for deaf children and young people in mainstream schools](#)

⁸ [NDCS Quality Standards: Specialist teaching and support services](#)

school leaving age. Pupils attending Windsor Park are taught through Total Communication (speech, audition, lip reading, Sign Supported English) with BSL being introduced at an early stage to facilitate the pupils' communication variations and needs.

Windsor Park has a primary 7 initiative and Cluster 1+2 languages. Pupils are supported in the mainstream schools (Bantaskin Primary school and Falkirk High) according to individual needs, communication needs and ability. There are 3 classrooms within Falkirk High School and deaf pupils follow mainstream curriculum as much as they are able. Deaf pupils have personalised timetables, extended & personalised transitions, make their individual Choice Options and sit national qualifications

Windsor Park employs fully qualified staff committed to providing a quality service. A profoundly deaf Sign Language Tutor provides sessions 2 days a week for primary and secondary deaf pupils, teaching support staff, family members and all associated agencies working with deaf children. He also provides deaf awareness and sign language classes for hearing pupils within the cluster schools. This can be extended to education staff, front line staff and members of the community. Over the past 15 years he has taught over 1000 people, some of which have gone on to achieve BSL Level 1 & 2.

We believe the Bill has the ability to provide the necessary framework to improve these opportunities to learn BSL in schools and the routes through which pupils can gain qualifications in BSL. The 1 + 2 language initiative to promote the learning of languages in primary school provides a clear model through which BSL could be included. Developing these opportunities would have the benefit of strengthening and enriching the inclusive education experiences of all children and young people.

It may often be the case that local authorities want to provide services in BSL but are constrained by factors such as lack of budget and availability of local expertise. However a lack of understanding of the importance of delivering services in BSL, with a recognition of the status of the language, also means that these barriers are not pragmatically approached and overcome resulting in the very patchy and inconsistent nature of service provision in BSL across Scotland.

It is therefore of concern that NDCS has become aware of a Scottish local authority who is moving away from BSL by replacing it with Signalong.

Case in point: Signalong:

Formed by the charity, Signalong Group, Signalong is primarily designed for children and adults with learning disabilities. Although emphasis is placed on how it can be used in a variety of situations.

The charity provide materials that include a mixture of BSL, adapted BSL, signs local to the Kent area and their own signs.

Reasons why Signalong may be attractive to local authorities include:

1. It is relatively quick to train in Signalong, and considerably less expensive than BSL tuition. For example a 6 session CPD course.
2. Signalong offers support materials for the whole curriculum, including the Oxford Reading Tree series. This means that in theory a support worker can learn signs relevant to the curriculum by following a Signalong book, rather than learning BSL signs through tuition and/or experience.

3. Signalong are happy to receive commissions to produce support materials, and do so relatively cheaply. This means that local authorities can effectively get support and materials for anything they are missing from the curriculum.

However NDCS is concerned that, whilst it is similar, Signalong is not BSL. It is not consistently recognisable Scottish BSL, so a child who uses BSL would most likely find it confusing to have communication support in Signalong. Signalong also emphasise that their method is intended for use with speech, so for those learners using only BSL this would present quite a challenge.

NDCS is concerned that without the Bill being made into legislation, there is increasing risk of more authorities taking approaches like this. NDCS appreciates the benefits that Signalong may bring to many children and the need to ensure a range of sign systems are available to meet differing needs of deaf children. However it is important that the promotion and status of BSL as a language with its attached culture is not lost. This is why national level guidance and investment into BSL provision in the early years is essential.

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?

Deafness and communication support needs exist on a spectrum. There is no evidence that BSL is incompatible with the development of English or the use of sign supported English, or cued speech. The importance is that parents need to have choice across the options.

This Bill is about securing the status and recognition of BSL as a language and NDCS welcomes this. We also understand that an intended consequence of the Bill is to generally raise deaf awareness across public service providers and better meet the needs of all deaf people. As such, there is an opportunity within accompanying guidance to the Bill to support local authorities to understand the communication needs of deaf people, separating out BSL from other sign systems and highlighting the importance of being able to meet the needs of deaf people in their preferred communication method.

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 set the strategic vision for the National Plan and have responsibility for its delivery. The Minister should also have oversight of the delivery of Authority Plans, ensuring that each authority is improving and strengthening its service provision. This must be appropriate to each service and based on a benchmarking exercise of the service in order to track and monitor progress after implementation of the Bill. Support that local authorities may need in developing their Plans in particular areas must be considered. NDCS would welcome the opportunity to support the development of Plans where appropriate, particularly with regards to meeting the needs of children and young people in specialist areas such as early learning and childcare.

There is also a place for a BSL Task group to share best practice and keep up the momentum for the implementation of Plans. This would create a level of accountability as well as make the necessary links with other emerging policy. NDCS would welcome the opportunity to be part of such a group and contribute learning, not just across the UK, but nationally and internationally.

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?

There must be clear guidance produced in order to support authorities to develop their Plans in a way that will allow for effective Performance Review. While Plans should be aspirational and contain a service's vision for provision in BSL, they must also contain clear SMART,⁹ objectives which will lead to the achievement of set outcomes.

It is important that current service provision is benchmarked within a national framework and progress on implementing the plan is routinely monitored to ensure consistency amongst local authorities. The Scottish Government and lead Minister will require support in the scrutiny of these Plans. A BSL Task Group, which contains experts in the field as well as those affected by Plans, should support and innovate this process.

An important aspect to the Performance Review mechanism will be the clear process in terms of actions that are taken if a Plan is found to be unsatisfactory. The Scottish Government should understand and set out the process by which it will determine Plans or aspects of a Plan that are unsatisfactory. Authorities should understand the implications for them if this is found to be the case. NDCS would welcome the opportunity to support authorities in delivering their service Plans successfully and by sharing best practice.

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?

Section 3(4) requires authorities to try to achieve consistency with the National Plan when preparing Authority Plans. NDCS proposes that the National Plan should contain a clear vision and be linked to outcomes such as education and wellbeing. It is vital that deaf children and young people are well represented in formulating these Plans. This is an opportunity for the Scottish Government to set the direction of national priorities in terms of BSL provision to be reflected in local plans. NDCS strongly recommends prioritising education within these Plans to work towards closing the attainment gap for deaf learners. This is in line with the commitment already made by the Scottish Government to close this gap.

While the See Hear strategy contains a valuable overarching framework around service provision, there is little in the way of more detailed quality standards in terms of service provision for deaf people, including those using BSL. For example, despite the introduction of newborn hearing screening in Scotland in 2005, there are no national quality standards or guidance with regards to provision of early years support for deaf children and families. The result is that there is a post code lottery in terms of areas where there are genuine opportunities to be supported in and learn BSL.

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 amended reporting and review cycle set out by the Scottish Government appears to be more realistic and workable. However NDCS recommends that there are steps that should be

⁹ Specific, measurable, achievable, realistic and timebound.

taken more immediately by listed authorities in order to meet the duties of the Bill appropriately. This may include carrying out mapping and benchmarking exercises of their own BSL provision.

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?

NDCS welcomes the opportunity and is committed to facilitating these discussions with deaf children and young people and their families as the leading charity in Scotland working with them. In addition, a recent survey of 75 NDCS members revealed 95% agreed that local authorities should consult with those who are likely to be affected by an Authority Plan. NDCS can support this process through our membership of over 2000 families and professionals; our network of 8 local groups affiliated to NDCS and engagement with our Young Campaigners. There may be a significant and associated impact on NDCS staff and resources as a result of this. These are further explained under question 4 of the *financial implications* section.

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?

We would like to see the list extended to include:

Skills Development Scotland

The Care Inspectorate

The Scottish Social Services Council

Financial implications

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

Yes. We commented as follows prior to the final version of the Bill being laid before Parliament.

“NDCS considers that the Bill will clearly have financial implications for public bodies resulting from the action plans required by the proposed Bill.

These will mainly result from requirements to upskill existing staff or recruit new staff with appropriate skill set to communicate with fluency in BSL; the provision of sign language classes for families; increased cost of interpreter and translation services to support BSL users’ participation in planning policies and services as required by the local action plans.

In light of these financial implications, NDCS is concerned that, in these tight budgetary times with significant emerging cuts for sensory services across Scotland, action plans which may focus on delivering more access to BSL on the school curriculum for all children may divert financial resources from other additional support required by deaf children in the classroom. For example, communication support workers, radio aids, improved classroom acoustics.¹⁰

Guidance accompanying the Bill would need to make clear the status of this legislation as promoting the use of a language which will ultimately benefit deaf children’s access to the world around them, but not something which can be conflated with provisions under the Additional

¹⁰ See [NDCS Deaf Friendly Schools Resource](#)

Support for Learning Acts 2004 and 2009, and the Equality Act 2010, to support all deaf children's access to their school education.”

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

No answer.

3. Did you have sufficient time to contribute to the consultation exercise?

Yes.

4. If the bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

Section 3(6) places a consultation duty in the Bill which would mean engaging with deaf children and young people in order to ensure authorities meet their duty to consult with those likely to be affected by the Plans. Third sector organisations may be asked to support the development of Authority Plans and may strengthen this development if involved, however NDCS is unsure if this staff time and resource has been factored in to the FM.

NDCS would be well placed to support authorities to consult with this group given our membership, youth networks and expertise in this area. The consultation duty is a valuable one and NDCS supports it remaining in the Bill. In order for services to be child and person-centred and fully understand the needs of deaf children much more consultation with them is required. Additionally, the involvement of deaf children and young people in a BSL Task Group, or shadow Task Group, to monitor overall progress is an important consideration.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

Yes – for the development of Plans. However the FM does not attempt to quantify the potential additional costs in terms of delivery that may arise as this falls outside the scope of implementing the Bill. Point 23 in the financial memorandum states:

“The costs associated with implementing Authority Plans, which is not pertinent to this Memorandum, will vary depending on what level of BSL provision each local authority currently has in place and whether or not a local authority decides that further action is necessary following the introduction of the Bill and as a result of the development of its Authority Plan.”

Authorities will need to deliver on their plans and will need to invest into BSL provision in order to do so. In a time of great budgetary pressures, authorities will be faced with difficult decisions about taking resources from one area to invest in another. NDCS proposes that guidance is developed to accompany the Bill which addresses this issue and suggests ways in which listed authorities can efficiently and creatively meet their new duties.

NDCS proposes that more investment from the Scottish Government is required to enhance BSL provision for deaf children and young people. This investment should support authorities to implement their plans and create real change and improvement in outcomes for this group. The Department for Education in England is investing into its BSL provision and some very valuable projects are being funded by the Government such as iSign.

Case in point – I-Sign:

The Department for Education in England (DfE) has significantly invested into improving access to British Sign Language learning and provision for deaf children and young people and their families. Over the next two years £800,000 will fund a consortium of deaf sector organisations to undertake the I-Sign project and many of its objectives would be welcome areas of work in Scotland. The objectives of I-Sign are to:

- Map BSL Learning provision available to families and inform families of the options and support available to them
- Support families with Education, Health and Care Plans in accessing personal budgets to pay for BSL support
- Develop a new Signature CSW qualification for children at Key Stages 3 and 4 in the English curriculum
- Set up a CSW development fund for schools and colleges to support the development of BSL skills of communication support staff
- Train more professionals to deliver FSL courses
- Provide support to local groups and societies to facilitate the establishment of FSL courses.

NDCS believes it is vital that appropriate resources are put in place to ensure the improvement of outcomes and to close the educational attainment gap for deaf learners in Scotland. NDCS recommends that in developing its National Plan the Scottish Government will consider and fund some of the very positive developments that the DfE is funding in England.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

No. See question 4. It is difficult to predict staff resources and capacity requirements in a time of budget cuts. NDCS would need to plan for this in advance, so interim measures would be required.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

No answer.

8. Do you believe that the FM reasonably captures all costs associated with the Bill? If not, which other costs might be incurred and by whom?

See previous answers.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

See answer 5 in terms of the delivery of Plans. Whilst it is not possible to quantify accurately, it is possible to carry out workforce mapping exercise project (see question 2) and cost the

delivery of services based on best practice models that already exist. NDCS welcomes the opportunity to provide more information on such models.

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