

Response Form

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: (all responses from the perspective of educators of Deaf Children and Young People from birth to school-leaving age).

No. At present, within Scottish education, different authority approaches to and commitment to providing appropriate provision for BSL-using pupils varies. Having legislation that specifies what must be provided will ensure that all pupils' needs are met, with appropriately qualified and skilled staff with the correct level of BSL to support learning becoming a mandatory requirement of authorities would not be unwelcome. In Ayrshire we are fortunate that the 3 Ayrshires have a reciprocal agreement which includes the option of BSL as a medium of education, although numbers who opt for this are very low. If the Law is changed it should be within the context of existing legislation. However, protection for individuals exists already within the provisions of the ASN Act 2004.

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:

It may be difficult and achieving this may take a long time. Currently it would seem that there is a lack of appropriately skilled people to be able to meet the demand of Sign Language Assistants/ Communication Support Workers/Interpreters, as well as high level signing Teachers of the Deaf. Training would need to be delivered over the long term. Realistic funding would be required to support the delivery of this aim. Further discussion with Community Health and Care Partnerships is required in order to consider the needs of adults.

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:

It should be acknowledged that the majority of the deaf population do not use BSL - they use spoken language. These individuals experience difficulties and challenge with missing auditory information and this should not be overshadowed. Those using BSL can, at least, when appropriate signers are present, access a full language. However, as with all minority languages, few appropriate BSL-users exist. Those adopting an auditory-oral, spoken English approach will continue to have difficulty accessing spoken language due to aiding not replicating normal hearing thresholds, poor acoustics and other factors inhibiting access. Strategies to support deaf children are not just a case of giving BSL access. BSL is used by a tiny minority and only a small part of the differentiation required to support deaf children. Much needs to be done to support the oral deaf community – deaf awareness, appropriate acoustics in new schools and other buildings.

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:

- Identify where the need of access is and how it can be met.
- Ensure provision of access/funding /training to relevant families/professionals.
- Devise policy to indicate to authorities what they are obligated to provide with regard to the deaf pupils' minimum entitlement to support e.g. Teacher of Deaf Level 2 BSL, Communication Support Worker Level 3 BSL.
- Consider national commissioning of staff training and development.

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 will seem that, in terms of review, when it comes to review of provision in deaf education, processes are currently inadequate.

Specialist provision like deaf education is not inspected as a district entity. If it was inspected more often, it might be as part of a mainstream school inspection and therefore it won't be looked at in depth. The professionals conducting inspections may not have specialist knowledge of the sector in order to be able to effectively review it. More thorough inspection processes need to be implemented, by appropriately qualified professionals, in order to truly establish if, and how effectively, deaf pupils needs are being met.

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:

Further consideration should be given as to whether or not a separate plan is required. Local authorities already have accessibility plans and this should be appropriate.

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:

None, other than as it may take some time to allow professionals and staff to become more skilled in BSL, hopefully facilitated as a result of the Bill/Act. There may be little progress after the first review in terms of actual change in provision for deaf people and their access to BSL, given the lead time for staff development and training. This should be acknowledged in any BSL plan, if implemented.

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:

Staff involved in working with children with ASN would need to be consulted. They have a perspective of deaf children’s development, recognise their needs and what is required to meet these. As personalised learning plans already exist, the consultation could help to refine and develop deeper thinking about planning from a wider perspective. Again, these plans exist as the result of existing ASN legislation, therefore don’t require duplication.

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:

No. However, if required, authorities must have a plan suited not only to specialist provision such as bases, units or schools for the deaf but also suited to the vast majority of deaf pupils, who are in mainstream schools where resourcing and specific skills (i.e. BSL competency) are not as concentrated. The plans should include a stakeholder consultation strategy.