



RCSLT response to
BSL (Scotland) Bill 2014 – Stage 1 consultation
(Feb. 2015)

Q1: Do you think we need to change the law to promote the use of BSL and, if so, why?

Equality legislation, in theory, imposes a duty to provide communication accessible services.

Evidence from real lived experience however demonstrates communication access is blocked for many people with speech, language and communication support needs (henceforth people with SLCN) including those who use BSL. The impact of barriers to understanding services offered and opportunities and to expressing themselves to those services etc. are well reported for example in Scottish Government Social Research Unit 2007 report “Communication Support Needs: a Review of the Literature” (<http://www.scotland.gov.uk/Resource/Doc/179456/0051018.pdf>) or more recently NHS Education Scotland “Making Communication even Better” initiative and Mystery Shopper Project “Through a Different Door” impact report (2014) (see [Website link: http://www.nes.scot.nhs.uk/education-and-training/by-discipline/allied-health-professions/about-nes-ahp/resources-and-publications/making-communication-even-better.aspx](http://www.nes.scot.nhs.uk/education-and-training/by-discipline/allied-health-professions/about-nes-ahp/resources-and-publications/making-communication-even-better.aspx) and “Through a different door” - [Website link: http://www.nes.scot.nhs.uk/education-and-training/by-discipline/allied-health-professions/resources,-publications-and-useful-links/making-communication-even-better/through-a-different-door.aspx](http://www.nes.scot.nhs.uk/education-and-training/by-discipline/allied-health-professions/resources,-publications-and-useful-links/making-communication-even-better/through-a-different-door.aspx)).

A SLT with expertise in BSL highlights some of the problems faced by BSL users.

“There need to be changes in education, public services, and the media and in politics itself. There is a bit of a postcode lottery when it comes to Communication Support Workers (CSW)...they are not available in Edinburgh Schools but in Midlothian, children have access from nursery to their own personal CSW. Signing Deaf children need to have automatic access to CSWs for examination purposes, rather than have to wait until they leave school. People need to be able to visit their GPs without relying on relations to interpret for them or find that they have been booked into clinics without an interpreter being available.”

RCSLT agree that BSL, as a language in its own right, should enjoy equal status in law to other languages (e.g. Gaelic, French, Spanish, Urdu etc.) and in that sense RCSLT would support a BSL Bill. In some contexts BSL is indeed already regarded as a language of equal status to other languages, for example in Dingwall Academy BSL is taught as a foreign language.

However RCSLT members also believe other forms of communication (e.g. Braille, other augmentative and alternative communication systems such as symbol languages and those used on

“talking machines”) should enjoy equal status in law as formally recognised systems communication between service users and service providers.

RCSLT believe the law should ideally be made more explicit and monitoring of implementation of that law should be strengthened in relation to inclusive communication accessibility for all people with SLCN rather than for one specific group of people with SLCN such as the BSL community. If however it is not the prevailing view that the current Bill should be altered to include wider communities RCSLT recognise there may be value in securing legislative progress for BSL users as a start of broader change in relation to a Scotland which embraces inclusive communication for all.

Also see answer to question 3 below.

Q2: How realistic do you think this aim is and to what extent do you believe the Bill can achieve this objective?

The necessity to develop BSL Plans, supported by a BSL National Plan, would help to drive scrutiny of current BSL related capacity in public services and generate actions for continuous improvement of this provision. There is always potential for the national and local planning process to be over cumbersome, attract low strategic attention (“just another thing”) with no guarantee of significant or noticeable change in investment or quality of provision.

For the Bill to make a difference it would seem necessary for the National Plan to set clear targets for process of developing local plans, provision and outcomes, for example targets relating to;

- involvement of SLCN in creation of local plans;
- the percentage of staff who have received “BSL aware” or wider “SLCN aware” training;
- the communication accessibility of letters sent to users and
- public opinion / experience ratings.

In the RCSLT view the Bill is more likely to have impact at local strategic planning levels were it to create obligations to plan for all SLCN groups at a local level (see answer to Question1 above). The advantages of such an approach would be;

- It would build on Scottish Govt. investment thus far in policy such as “Principles of Inclusive Communication” (<http://www.scotland.gov.uk/Resource/Doc/357865/0120931.pdf>). The 2011 “Principles of Inclusive Communication” are already at least mentioned in Public Sector Improvement Framework.
- Help to rationalise and incentivise (by delivering economies of scale) public authorities approach to making provision for people with SLCN – including people who use BSL.
- Deliver equal benefit across larger populations of people with SLCN.
- Make for more efficient and effective law making by reducing the call for a different bill for every group of people with SLCN all of whom have a common cause in improving provision for SLCN – whatever the cause of that SLCN.

RCSLT emphasise in saying above that if it is not the prevailing view that the current Bill should be altered to include wider SLCN communities RCSLT recognise there may be value in securing legislative progress for BSL users as a driver of broader change in relation to a Scotland which embraces inclusive communication for all.

Q3: Could there be unintended consequences for other languages or forms of communication used by the deaf community?

Yes. See answers to questions 1-2 above.

Already public authorities typically only recognise people with sensory impairment as having SLCN and respond accordingly with a relatively narrow and perfunctory provision of large print or audio versions of information – although even this response is not consistent. That is they think they have dealt with the SLCN of their local population if they offer information in large font, Braille and audio tape.

RCSLT have anxieties regarding the anticipated consequences of the Bill

- Scottish government and public authorities will continue to take a narrow view of the SLC support needs of the populations they serve and this view could be even further narrowed.
- Scottish government and public authorities will continue to take a narrow view of how they can and should support the population of people with SLCN who they serve and this view could be even further narrowed.
- Investment in inclusive communication access and support will become even more skewed towards one way of communicating with just one section of the SLCN population at the cost of even greater exclusion for those people who have equally disabling SLCN but don't benefit from the use of BSL.

Q4: What should the Minister do?

Duties set out in draft Bill would seem relevant.

RCSLT would request following addition to Section 1: (6)

(c) Providers of services engaged in promotion, the use and understanding of BSL.

Speech and language therapy services are engaged on a day to day basis in the use of sign languages including BSL and are likely to be key stakeholders in the BSL national plan and indeed local BSL plans.

Q5: Will the performance review process ensure listed authorities are held to account?

No – not as currently written.

RCSLT would suggest the Ministers National Plan should set targets or define expected outcomes (at level of individuals and organisations). The Wellbeing indicators and Health and Well Being Outcomes (as set out in CYP Act and Joint Working (Public Bodies) Act) would seem relevant here.

RCSLT would further suggest that Performance Review reports (Section 5, (5)) be required to report performance against the targets or expected outcomes set out the national plan.

Q6: Do you have comments on the proposed content of the BSL Authority Plans?

Section 3:

(3)

In addition to that set out in the draft Bill RCSLT would suggest Authority Plans set out

- expected outcomes – at level of individual service users and the organisation (or partner agencies) as a whole
- expected investment over the period of the plan
- key stakeholders in delivery of plan

(4) (a)

RCSLT would suggest listed authorities “*should*” or “*must*” achieve consistency between their plan and the most recently published national plan. Not to do so could negate the purpose of a national plan.

Q7: Do you have any comments on the proposed timescale for production of BSL Authority Plans?

No comment on timescale.

Q8: What effect will requirement to consult with those who are “likely to be directly affected by the Authority Plan or otherwise to have an interest in the plan” have on you or your organisation?

Speech and language therapy services are engaged on a day to day basis in the promotion of, use and understanding of sign languages including BSL and are likely to be key stakeholders in the delivery of local BSL authority plans.

RCSLT would request the following addition –

Section 3: (6)

(c) Providers of services engaged in promotion, the use and understanding of BSL.

Additional Comment: Section 3: (7)

RCSLT suggest that power to revise Authority Plans should be subject to same consultation as the original plan or alternatively this power is removed with revision only being available in the normal parliamentary session timescale. Without this provision it would seem (on RCSLT reading) that plans could be revised as soon as they are published without knowledge of stakeholders.

For further information on this submission please contact

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