



SCOTTISH ASSOCIATION OF SIGN LANGUAGE INTERPRETERS

Central Chambers

Suite 196

Clerk to the Education and Culture Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

93 Hope Street
Glasgow G2 6LD

Phone: 0141 248 8159
Fax: 0141 221 1693
E-mail: mail@sasli.co.uk

28 January 2015

Dear Education and Culture Committee,

British Sign Language (Scotland) Bill

Please find below answers presented by SASLI to the consultation questions.

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?*

SASLI believes the BSL Bill to be the best approach to encourage increased and full accessibility to information, advice and services in BSL for people who request this. The Bill will lead into better awareness of BSL across the general public, higher levels of interest and higher uptakes of BSL classes that will then increase the number of registered BSL/English interpreters to meet communication needs of BSL users in Scotland.

For the majority of Deaf and deafblind people who use BSL, they see themselves as a linguistic minority, and yet several of current legalisation require people to define themselves as disabled before becoming eligible to funding for, and provision of, communication support.

Previous and current legislation have succeeded to a small extent in improving access to information and services in BSL, but many are based on the ability of service providers to provide 'reasonable adjustments' to meet the needs of people with one or more of the protected characteristics, namely

WORKING TO IMPROVE COMMUNICATION

SASLI is a registered Scottish charity SC017305 and a registered company SC359723.

age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. No legal protection is provided for BSL language/linguistic usage. The BSL Bill approach differs to other legislation as it relates to language provision.

The Equality Act 2010 defines the strand of disability as an '*impairment* with a substantial and long-term adverse effect on (the) ability to carry out normal day-to-day activities'. This medical perspective of deafness does not value the quality of life BSL users adapt towards everyday life. SASLI perceives the Bill as a catalyst to change this perception of deafness to a positive and living condition by raising awareness of BSL, promoting a language to enable two-way communication eliminating communication barriers. BSL does not come with reference to the legislative law, under the Equality Act 2010.

SASLI's strapline 'Working Towards Improving Communication between Deaf and Hearing People' reinforces the purpose of the BSL Bill.

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?*

SASLI again sees this as positive action toward Deaf and BSL awareness-raising across the public authorities. Involvement and contribution from BSL users, with personal knowledge and experience, is vital to make this successful and achievable. It is crucial that the public authorities should maintain clear and constant communication channels with local BSL users and, when necessary, local organisations working with BSL users or with links to BSL provision to gain expertise and qualified advice. Other organisations with the expertise and information of BSL and communication support should be contacted if no similar organisation operates locally. The public authority would then be able to re-invest time and money back into the local community, meeting the local needs and promoting social justice.¹

Equally crucial is that an Advisory Group be established to support the Lead Minister designated to lead the BSL Bill comprised mainly of BSL users. SASLI does not perceive the responsibility solely on one Minister is appropriate with the amount of attention and understanding required to ensure the objectives of the BSL Bill are achievable. The responsibility should be shared among Scottish Ministers. The Advisory board will encourage greater success of the Bill in obtaining its objectives with correct guidance and advice.

Additionally, appropriately skilled, experienced and/or qualified people should be consulted and employed to provide advice and information and consult on BSL issues in collaboration with BSL users, when necessary to obtain further

¹ John Rawls, *A Theory of Justice* (1971) 4, "the principles of social justice: they provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of benefits and burdens of social cooperation." (this is for your reference) - Wikipedia

WORKING TO IMPROVE COMMUNICATION

SASLI is a registered Scottish charity SC017305 and a registered company SC359723.

information and expertise. SASLI offers to provide information and advice on use of registered interpreters and other communication support provision where applicable.

SASLI supports the Scottish Government's suggestion that the National Plan and listed Authority plans should include reviews to be available in BSL to ensure full access for BSL users, and that the Financial Memorandum to add costs for BSL translation to the anticipated costs.

Concern is shared with the Scottish Government on the availability of resources to make the BSL Bill possible. Working relationships should be considered between listed authorities, BSL users and other organisations working with BSL provision (locally where applicable) to share limited resources.

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?*

SASLI's awareness-raising work has identified that improved understanding and appreciation of BSL is achievable only when people are more aware about levels of hearing loss and deaf-related issues. This will in turn lead to greater knowledge and appreciation for all groups of deafness, thus leading to positive consequences in raising awareness of other languages and forms of communication used by the deaf community.

Learning English frequently is not a feasible option for BSL users. English is a predominately a spoken and written language whereas BSL is a visual language, which does not need sound for communication. BSL users have individual and separate linguistic needs, arising from communication and spoken/written language barriers, and from others who use different forms of language or mode of communication.

The BSL Bill will not deflect resources from the other groups but will instead raise awareness and value of all languages and forms of communication used by the deaf and deafblind communities.

SASLI however wishes to raise the issue of deafblind people. While the deafblind community welcomes the BSL Bill, they have concerns that the Bill may be seen as an answer to deafblind people's needs as well as other BSL users. As the Bill stands this is not the case. If measures are not taken to meet the very specialist needs of deafblind people, they may be further marginalised. SASLI proposes to include these measures in the National Plan to prevent marginalisation and unintended consequences for deafblind people.

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*

WORKING TO IMPROVE COMMUNICATION

SASLI is a registered Scottish charity SC017305 and a registered company SC359723.

(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?

Insufficient details are available on the role of the lead Minister. The BSL Bill states the responsibility is to be shared among Ministers in the Parliament, though led by a designated Minister. SASLI sees this a substantial workload for the Lead Minister and recommends the responsibility to be shared by all Scottish Ministers, with inclusion of native BSL users, for example, to assist with the work and performance reviews in an advisory approach.

SASLI refers to its initial response during the consultation preceding the Bill, in which an Advisory Board was proposed to assist Scottish Government with the work of BSL with expertise and knowledge. This is still deemed key for the success of the BSL Bill with contribution from BSL users themselves as well as other parties with an interest, expertise and/or knowledge of BSL and communication support.

Each Parliamentary session may see a different Minister leading this work, and time and resources will be required to re-educate the newly appointed Lead Minister in each Parliamentary session. Again, this leads to the reason for the responsibility to be shared among Scottish Ministers. An Advisory Board would act as an additional means to ensure smooth transition of leadership and information in each Parliamentary session.

Awareness and knowledge of BSL and related issues will enable identification, and setting of, benchmarks and progress made by each listed authority. SASLI foresees initial difficulties for the listed public authorities to produce performance reviews within the prescribed timescale during the first Parliamentary session due to time required to produce the initial Authority Plan and establishment of measures to achieve the objectives.

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?*

Local Authority Plans should include information of current provision and identified gaps, and objectives to improve provision and eliminate barriers. Performance Reviews should be utilised to assess the measures made to address the gaps and local needs.

SASLI agrees that identification of good models should be identified and publicised. It is imperative that a range of BSL options are available to suit individual BSL users' communication and linguistic needs. Consideration of different provisions should be made – i.e. face to face interpreters, online video interpreting, translators for webclips and videoclips, for example.

WORKING TO IMPROVE COMMUNICATION

SASLI is a registered Scottish charity SC017305 and a registered company SC359723.

The Review process will encourage increased contact and consultations with Members of Parliament, Members of the Scottish Parliament, local councils and public sectors by BSL users with an increased range of options to access information, services, information and advice.

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?*

The Plans should include, as well as the inclusions in Sections 3(3) and 3(4), procedures how they would publicise information for the BSL community.

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?*

SASLI is aware that the Advisory Board established under the Gaelic Language (Scotland) Act perceives the 5-year cycle of Performance Reviews required under the Act too restrictive.

SASLI foresees the first Parliamentary session may experience similar difficulty in achieving feasible reviews within the prescribed timetable. In addition, each Parliamentary session may see different Ministers and this would require time and resources to ensure process in each Parliamentary session is carried out consistently and fairly while assessing performance reviews of each listed Authority. An extended timetable should be considered.

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?*

The BSL Bill applies directly to people who use BSL as their first and preferred language. It is essential that representation from the BSL community be invited to consultation and that they make up the majority of the consultation audience. Others who ‘have an interest in that Plan’ may include people who do not use BSL as their first language but have knowledge or professional interests in BSL and provision of communication support, such as SASLI. They should be consulted when additional information and expertise is required.

It is imperative to remember BSL users are not only the ones who face barriers in everyday life that have knowledge and information to contribute but also for others who are required to consult, or provide information and

WORKING TO IMPROVE COMMUNICATION

SASLI is a registered Scottish charity SC017305 and a registered company SC359723.

services to BSL users. SASLI agrees that local BSL users should be the main consultation players but they should also work in collaboration with others who play a part in the provision of BSL and communication support. The end findings will be more relevant to needs of BSL users, and at the same time, the Plan can be tailored to the current economic environment and available resources.

It is foreseen that contact will be made between listed authorities and a wide range of organisations providing services for BSL users or provide a service to ensure that the public services are appropriate to the needs of BSL users. A higher workload may be experienced by some organisations to respond to enquiries and consultations for information and advice.

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?*

Public transport providers are not included in the list. Many cases have arisen where communication barriers arise while travelling due to lack of BSL access and awareness. Additionally the Law Society of Scotland is not included in the list.

BSL users are Scottish, and if employed, tax-paying citizens and should be able to access public authorities and agencies when and where required. Agencies such as ACAS and Skills Development Scotland should also be part of the list to ensure human relations services and public employment are accessible to BSL users.

Yours sincerely,

Lesley Crerar
On Behalf of SASLI Board of Trustees