The Scottish Governments Education and Culture Committee has launched a call for evidence as part of its consideration of the British Sign Language (Scotland) Bill. This Government Bill was introduced in the Scottish Parliament by Mark Griffin MSP on 29th October 2014.

**What the Bill seeks to do**

The purpose of the Bill is to promote the use of British Sign Language (BSL). This includes requiring the Scottish Ministers and specified public authorities (known as listed authorities) to prepare and publish BSL plans.

According to the Bill’s Policy Memorandum—

“The intention is that, by placing this obligation on the Scottish Government and listed authorities, the profile of the language will be heightened and its use in the delivery of services increased.”

“The Bill will not, in itself, close any existing service gaps, but will represent an important stepping stone in the process for the development of BSL provision.”

**The Committees Request**

The Committee has invited organisations to answer some or all of the questions below to help it in scrutinising the Bill. You do not have to answer all the questions.

**General approach**

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?

**SAS Response:**

The Scottish Ambulance Service is fully supportive of the need to promote the use of BSL. However we still believe that the key aims could be achieved through the provisions of the Equality Act 2010 and The Equality Act 2010 (Specific Duties) (Regulations) Scotland 2012. Public Authorities are required to develop and publish equality outcomes which reflect the needs of the communities with whom they work and provide services. The needs of BSL users are taken into account in the work we are doing to progress our equality outcomes and will be when the outcomes are reviewed and new ones agreed in 2017. We are still of the opinion that making an amendment to the Equality Act 2010 would be the best approach. We acknowledge that taking a voluntary approach to the promotion of BSL will not necessarily bring the desired results.
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?

*SAS Response:*
We believe that while this is desirable it can be achieved through more effective and rigorous application of the Equality Act.

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?

*SAS Response:*
We believe this is a possibility and while we are unclear on specific consequences at this point an obvious risk is that other forms of language and communication would be marginalised and their users placed at disadvantage.

**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?

*SAS Response:*
No comment

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?

*SAS Response:*
No comment

**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?

*SAS Response:*
The proposed content of the plan seems reasonable however we would reiterate our belief that our recognition, commitment and planned provision to this group are captured in our equality outcomes. We are concerned therefore that an element of duplication may be introduced in the production of these plans.

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?

*SAS Response:*
The timescales for publication of the Authority Plans (circa 24 months after commencement of the session) appear reasonable.
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?

**SAS Response:**

*This requirement will place an additional burden on staff and managers tasked with undertaking the consultation, analysing the output and incorporating these into tangible actions within the plan.*

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?

**SAS Response:**

*No*

Having reviewed the Bill in the context of these questions I have provided responses to the questions I feel are relevant to the business of the Scottish Ambulance Service.

I’d therefore ask the Executive Team to endorse the response to this call for evidence request.

Drew Wemyss

Head of Strategy Implementation