

2 February 2015

SCRA written evidence to the Education and Culture Committee

Background

The Children's Hearings System is Scotland's distinct system of child protection and youth justice. Among its fundamental principles are:

- whether concerns relate to their welfare or behaviour, the needs of children or young people in trouble should be met through a single holistic and integrated system
- a preventative approach, involving early identification and diagnosis of problems, is essential
- the welfare of the child remains at the centre of all decision making and the child's best interests are paramount throughout
- the child's engagement and participation is crucial to good decision making

SCRA operates the Reporter service which sits at the heart of the system. SCRA employs Children's Reporters who are located throughout Scotland, working in close partnership with panel members and other professionals such as social work, education, the police, the health service and the courts system.

SCRA's vision is that vulnerable children and young people in Scotland are safe, protected and offered positive futures. We will seek to achieve this by adhering to the following key values:

- The voice of the child must be heard
- Our hopes and dreams for the children of Scotland are what unite us
- Children and young people's experiences and opinions guide us
- We are approachable and open
- We bring the best of the past with us into the future to meet new challenges.

Response

SCRA welcomes the opportunity to provide written evidence to the Education and Culture Committee on the general principles of the BSL (Scotland) Bill. We recognise and support the intent behind the Bill, and agree that public bodies ought to promote the use of British Sign Language and ensure that services are provided in BSL where needed. However, we question whether a separate additional piece of legislation is required to ensure that this takes place.

It is perhaps worth reflecting on the other statutory provisions that apply in this area in relation to the children's hearings system. As a public body, SCRA is subject to the requirements of the Equalities Act and has recently published a first set of Equalities Outcomes. One of these outcomes is to ensure that staff know when and how to access BSL interpretation for those individuals who require it. This outcome is linked to Rule 61(1)(f) of the Children's Hearings Procedural Rules, which requires the Reporter to make arrangements for an interpreter for the child or any relevant person, or take any other step with a view to securing participation of the child or any relevant person in the hearing. Clearly provision of BSL interpretation falls within this category. We therefore already consider ourselves to be under a legal

obligation to ensure that children and relevant persons attending a children's hearing who require BSL interpretation are provided with it. We recognise the sensitivities that some people may feel about identifying as disabled, but it is important to note that, as this obligation stems from the Children's Hearings legislation rather than from the Equalities Act, it does not require any individual to identify themselves as disabled if they do not wish to.

We are committed to ensuring the accessibility of information provided to children and families, taking into account a range of factors. As part of this commitment, we are providing BSL translations of the information films we produce on "Going to a Hearing" and "Going to Court". Once placed online the information is available to anyone who needs it, again regardless of whether or not they identify as disabled.

We are not sure therefore, what the BSL Bill would add in terms of practical impact for BSL users, though we are open to alternative views. It is true that the concept of a BSL plan would be new, but we wonder whether it would simply result in an administrative exercise that reflects things that public bodies are already doing under existing legislation. We note however, that we do not have much experience or knowledge in relation to the status and promotion of minority languages, or indeed the cultural aspects of BSL, and so do not offer any comment about this aspect of the Bill's policy intent.

Conclusion

We welcome the opportunity to explore issues around BSL provision in the public sector, but seek more information and clarification on what the proposed Bill adds to the existing legislative provisions relating to BSL. At present, we would suggest that the necessary culture and practice changes can be achieved without the need for legislation.

SCRA
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