

Submission from Scottish Fire and Rescue Service

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?

Response: The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 provisions for equality outcomes could provide an avenue for public bodies to implement BSL related outcomes, objectives and outputs. Applying the Regulations appropriately with regard to equality outcomes, impact assessments and the pursuit of the general equality duties should already be enlisting public bodies in promoting the use of BSL. As part of the Call for Evidence the Committee may wish to consider why existing legal frameworks and directives have proved insufficient.

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: Public bodies already have a duty to make a reasonable adjustment for individuals accessing public services and employment. Where public services are already fulfilling their legal obligation the publication of their plan on how they deliver these duties may increase awareness of its availability and in turn increase the frequency with which it is requested and accessed. The paragraph goes on to state that the actual financial impact on public bodies cannot be estimated. It has the potential to be substantial if existing arrangements for the provision of BSL interpreters remains constant with no increase in the number of trained interpreters.

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: Nil response

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?

Response: Nil response

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?

BSL Authority Plans

Response: The performance review process outlined seems like a reasonable approach to holding listed authorities to account.

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: This seems like a reasonable requirement. It is welcome that the plan allows for the listed authority to outline the nature of its functions and the extent to which BSL is an appropriate provision in the execution of these functions.

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: Whilst it is understood that the timing of the national plan must influence the content and timing of the authority plan there is the potential that BSL planning will become somewhat distinct from other authority planning and performance cycles. It would be useful to have some degree of flexibility in the timing of setting plans to allow the BSL activities to be aligned with the authority's normal corporate planning activities thus providing a greater synergy with the authority's overall business functions. The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 require listed authorities to mainstream equality into their normal day-to-day activities and their normal corporate reporting cycles. The proposals outlined in the Bill may alienate BSL planning and initiatives from the normal corporate reporting cycles and thus not be a fully mainstreamed activity.

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: The Scottish Fire and Rescue Service is a national body, providing services at a local level appropriate to local needs with a legacy of effective community involvement. It would be of benefit to the Scottish Fire and Rescue Service, and other organisations with similar operating demands, to have the flexibility to co-ordinate their consultation exercises with other listed authorities and use representative sample data from "affected" individuals and groups.

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: Nil response.

Financial implications

The estimated costs of the Bill are set out in the Financial Memorandum (FM), which can be found at page 7 of the Explanatory Notes. The Finance Committee would welcome any views that could help it to scrutinise the Bill, including answers to the following questions.

10. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

Answer: No.

11. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

Answer: Not applicable

12. Did you have sufficient time to contribute to the consultation exercise?

Answer: Yes

Costs

13. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

Answer: The range quoted is quite broad and it is reasonable to expect the Scottish Fire and Rescue Service to be able to complete the consultation and publication of the plan within the range outlined. There is the potential that the likely cost to the Scottish Fire and Rescue Service will fall towards the higher end of the range outlined due to the national remit and scope of the Service. It would be beneficial on the grounds of best value if the Bill contained provisions for relevant bodies to co-ordinate their consultation exercises to allow for partnership engagement (in line with response to question 8).

14. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

Response: See response to question 13.

15. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

Response: The Scottish Fire and Rescue Service will fulfil its legal obligations with the respect to the consultation and publication of a BSL plan. Flexibility within the Bill to allow collaborative consultation and representative sample consultation would facilitate the pursuit of best value. The cost of providing BSL services has not been included within the Bill and it is possible that these costs could be substantial to listed authorities under current arrangements for the provision and payment/subsidy of BSL services.

16. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

Response: See response to question 15.

Wider Issues

17. Do you believe that the FM reasonably captures all costs associated with the Bill? If not, which other costs might be incurred and by whom?

Response: As with questions 15 and 16 the costs associated with consultation, preparing and publishing a BSL plan are accounted for within the scope of the Bill. The most significant cost implications are not covered by the Bill and these are the ongoing costs associated with the provision of BSL services.

18. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

Response: As above .

Please note that the Finance Committee has specific responsibility for scrutinising the costs of the Bill and so any responses to questions on the financial implications will be passed to that Committee for consideration.