



The Scottish Parliament  
Pàrlamaid na h-Alba

Education and Culture  
Committee  
The Scottish Parliament

Secretary  
Scottish Parliamentary Corporate Body  
The Scottish Parliament  
Edinburgh  
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30 January 2015

## **The Scottish Parliamentary Corporate Body Response to the British Sign Language (BSL) Scotland Bill Call for Evidence**

Please find below the response by the Scottish Parliamentary Corporate Body (SPCB) to the questions posed by the Education and Culture Committee to help with the scrutiny of the BSL Bill.

In providing support to Members with their parliamentary duties the SPCB does make available services such as BSL and other forms of communication support to ensure the Parliament is accessible to everyone. The evidence provided is therefore based on the services already provided and offers a view where considered appropriate to do so without anticipating the Parliament's decision in respect of the proposals.

The SPCB can assure the Committee that if Parliament agrees to the proposed legislation the SPCB will put in place all the procedures required to comply with the legislation.

**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?**

The Equality Act (2010), as it stands, protects deaf people from discrimination and requires public bodies to remove barriers and any substantial disadvantage that could impact on deaf people. However, BSL goes further than the Act – it is recognised as a language in its own right, and for deaf people BSL is very much part

of its culture and community. BSL is different to other languages as people who are born deaf cannot learn English as a second language. Many deaf people do not see themselves as disabled – they see the language as the barrier and believe that by encouraging the use of BSL more widely it will improve the level of awareness among the hearing population and improve deaf people's participation in public life.

The Corporate Body recognises BSL as a language and it is already included in our Languages Policy. We are proactive about BSL and do more than provide it for individual based communication support. We regularly provide our staff with BSL Level 1 and 2 training and for any debate on deaf issues we will always have a BSL interpreter in the Chamber if there is one available at the time. We also provide BSL interpreters for many of our public events and have a range of publications available in BSL. Any Scottish Parliament publication is available in BSL on request.

We consider that if BSL is promoted widely through public services and the use of BSL is encouraged in public life, this can only enhance the life experiences of deaf people living in Scotland.

**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?**

We think the aim is achievable but there are some issues the Committee may wish to consider in terms of to what extent the obligations under the Bill can be met.

At present the Corporate Body provides BSL for different needs such as providing a BSL interpreter for someone coming to visit or giving evidence to a committee, organising BSL interpreted events (Festival of Politics) and providing BSL interpreters for any deaf issues being debated in the Chamber. However there are many challenges with providing this level of service. We have great difficulty in trying to secure a BSL interpreter, particularly at short notice. We have a contracted service for BSL interpreters but when they cannot provide the service we look elsewhere and this can take up a considerable amount of time trying to source a freelance interpreter. The reason we have such difficulty is due to the limited number of BSL interpreters available in the country.

The policy memorandum refers to only 80 interpreters available in Scotland which may not meet the demand of the proposals from the Bill. With this in mind, the Committee might wish to consider whether more subsidised places should be offered for the BSL qualification level 3. The other option is for public bodies to consider bringing BSL interpreters in house to support the delivery of service but this will have an additional cost.

**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?**

As I hope the Committee will appreciate we can only answer this from an SPCB perspective on the use of our resources in the Parliament. The provision we currently have in place covers all forms of communication used by the deaf community and if there is a request for lip reading, palantypists, BSL or any form of communication support we will, where practicable, provide the level of service required. With BSL however, we have been proactive in encouraging its use among staff and making sure that any debate on deaf issues are available in BSL because we know that many BSL users do not use English and will not be able to access our information in any other way. People who have developed hearing loss through age might be more likely to rely on lip reading or other forms of communication support rather than BSL but the difference is that they can also access our information in English.

It may be perceived by non BSL deaf people (people who lip read, use palantypists and subtitles/captions etc.) that BSL is being given more attention with this Bill. In respect of ourselves, as a Corporate Body, we would therefore review all of our provision at the same time to ensure that no other deaf groups feel excluded.

**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?**

The Committee might wish to consider the role of the Minister in ensuring that plans are produced on time and public bodies are provided with specific detail on what would be expected in producing these plans.

**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?**

The policy memorandum highlights that the Minister will have no enforcements power should there be a failure to comply with the Act, that the Minister only has the opportunity to name and shame and that this should be enough. The Committee may wish consider further how this name and shame process will work and against what criteria public bodies will be assessed to show non-compliance with the law. The Committee may also wish to consider whether there should be an advisory board to support the Minister in the performance review process. Where it is considered non-compliance has occurred, the Committee may wish to look at whether the enforcement route should be specified as being through the Scottish Public Services Ombudsman, for example, and/or the courts.

**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?**

As referred to under Q4 above, the Bill sets out high level categories of the information to be covered in the Plans. It would be helpful if Ministers were required to provide more detailed guidance on the content.

On the publishing of plans, the Bill does not require for these plans to be produced in BSL format. However to engage with deaf BSL users, we would want to publish the plan in a BSL format, particularly if BSL users are involved in the development of the plans. The Committee may therefore wish to consider making it a requirement for all plans to be produced in BSL format.

The explanatory note refers to the cost of the development of plans but there will also be costs associated with delivery. We would need to think about what resources were required to be allocated to the delivery of the plan.

**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?**

The timescales for production of the plans looks reasonable. Most public authorities produce reports using the financial year as the basis rather than a parliamentary session and the Committee may wish to consider if this might be simpler to implement, albeit still on a 4 or 5 year cycle, from the perspective of the planning of any relevant expenditure.

**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 Corporate Body has a track record of working with the deaf community and we would consult widely on the plan with groups around Scotland. We would be seeking to build partnerships through this process and involve deaf people in the decisions we take. Working collaboratively with deaf groups can only have a positive impact both for the organisation in terms of improving our policies and infrastructure and for the deaf community in making sure their views are being heard.

The Committee should be aware that with a limited number of organisations representing deaf people in Scotland, consultation on the plans might lead to consultation fatigue. Consideration could be given to allocating funding to deaf

groups to help public bodies in developing their plans. Effective consultation does, of course, require additional resource on both sides.

**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?**

No suggested changes.