



British Sign Language (Scotland) Bill – Call for evidence

This response is from the Scottish Social Services Council (SSSC). The SSSC is a Non Departmental Public Body (NDPB) and was established by the Regulation of Care (Scotland) Act 2001. We are responsible for registering people who work in social services, regulating their education and training and the collation and publication of data on the size and nature of the sector's workforce. We are also the Scottish partner in Skills for Care and Development, the Sector Skills Councils for the care sector in the UK.

Our work increases the protection of people who use services by ensuring that the workforce is properly trained, appropriately qualified and effectively regulated. We aim to protect people who use services, raise standards of practice, strengthen and support the professionalism of the workforce and improve the outcomes and experience of people who use social services. The social service workforce provides care and support for some of the most vulnerable people in Scottish society. These workers often deal with complex care needs and make a real difference to individuals' lives. The social service workforce employs more than 192,000 people in Scotland.

Our vision is that our work means the people of Scotland can count on social services being provided by a trusted, skilled and confident workforce. Our purpose is to raise standards and protect the public through regulation, innovation and continuous improvement in workforce planning and development for the social service workforce.

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?

We believe that the best approach would be to amend the Equality Act 2010.

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 welcome moves to make sure that public bodies are better placed to respond to demand for services in BSL and other alternative formats. We note on our website and individual publications that our materials are available in a range of formats and languages. We currently receive very few requests for our materials in BSL format. Our Codes of Practice for Social Service Workers and Employers are already available in a variety of formats including BSL.

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?

We make no response to this question.

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?

We make no response to this 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?

The BSL Performance Review process should make sure that listed authorities are held to account. The Performance Review process should make sure that the profile of BSL will be heightened and the use of this language will increase.

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?

The BSL Authority plans should use a consistent format. The plans should be reviewed regularly.

We welcome moves to promote the use of BSL. Public bodies should be considering these issues as part of their everyday work. For example, public bodies have developed a set of outcomes which indicate how they are meeting the duties set out in the Equality Act 2010. All public bodies are required to have due regard for the need to:

- eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct
- advance equality of opportunities between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not.

The Equality Act highlights the need to remove or minimise disadvantage suffered by people due to their protected characteristics. Listed authorities must publish reports on mainstreaming the equality duty within their service. They are also required to publish equality outcomes and report on progress towards these outcomes. These activities are monitored by the Equality and Human Rights Commission (EHRC). One option could be to explore the extent to which public bodies' approach towards promoting BSL could be monitored via these reports. For example, the guidance for these reports could include a requirement that public bodies refer to BSL within their mainstreaming reports.

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?

It would be helpful to make sure that the proposed timescales take into account the other reporting timescales for listed authorities. For example, public bodies are required to develop reports which demonstrate the way that they mainstream equalities within their services. These reports are due for publication by April 2015 and in April of every second year after that. A timescale that is consistent with this work would support the development of BSL and equality reports.

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?

We would incorporate any new requirements into our current processes for consulting stakeholders. The new plans will require significant consultation with BSL users and the organisations who represent them. We would aim to undertake this consultation in conjunction with relevant organisations such as the Care Inspectorate. Alternative options could be considered. For example, there could be a requirement for all listed authorities to submit their plans to an organisation. That organisation could undertake the consultation on behalf of all services.

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?

We make no response to this question.