

**Shetland Community Health and Social Care Directorate.**  
**Response to the Call for Evidence on the British Sign Language (Scotland) Bill.**

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; A voluntary code could be tried in the first instance. Specific legislation in relation to one disability community has the potential to erode aspects of duties under the Equality Act. An alternative approach could be to consider adding to existing legislation, for example that BSL interpretation is provided if required or requested.

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; The proposed Bill would support a consistent national level and quality of service provision across Scotland. This would better support BSL users and give formal recognition to BSL alongside other regional and minority languages.

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; BSL is not the only language used by the deaf community and not all deaf people and their families wish to learn /use BSL. Legislating for BSL does not take account of individual choice. It also has the potential to impact on and have unintended consequences for others who are deaf, deaf blind, or hard of hearing and use other communication formats.

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; The Minister with responsibility should have close working contact with the deaf community (including deaf children and young people), their families and carers to ensure there is a full overview of issues affecting this community.

The Minister should also work with listed authorities when developing the content of a National Plan and Performance Review.

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?

Response; A Performance Review would hold listed authorities to account at a national and local level.

## 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?

Response; Listed authority plans in terms of BSL should be consistent with other requirements of equality and in terms of priorities and outcomes at a local and national level.

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; No comment.

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; Listed authority plans in terms of BSL should be consistent with other requirements of equality and in terms of priorities and outcomes at a local and national level.

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; No suggested changes.

## General Points

Shetland has a small community of BSL language users and consultation will reflect this. Shetland Community Care have provided BSL training to social care staff supporting deaf people, however as needs change, where use of BSL signing is sporadic and with workforce changes it has been difficult to maintain a level of staff able to communicate using BSL. We have contact with individual, fluent BSL signers, some of which are employed by the Local Authority and arrange their use when an interpreter is needed or requested. Ensuring a BSL signer is available in the event of an emergency may pose challenges in the current and under any future legislation.

Access to and possible investment at a national level in development of additional, complimentary and shared resources, i.e. new technology; ‘App’ based and Virtual resources, should be considered to promote use of BSL widely, to share best practice and support people from the deaf community living in remote locations.

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