

The following is **South Lanarkshire Council's response** to the BSL (Scotland) Bill call for evidence from the Education and Culture Committee.

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?](#)

South Lanarkshire Council:

- It is felt that the Equality Act and the public sector duties do provide a solid grounding for the Council to meet the needs of the Deaf community and SLC has got in place a formal interpretation and translation policy. However, the Council does recognise one of the biggest difficulties is in identifying where members of the Deaf community live and engaging with them to identify what service improvements are required.

SLC Deaf community representatives:

- Yes because this will identify BSL as a community language used by a linguistic minority and not a disability to be covered by Equality Act. It should be viewed like Welsh/Gaelic.
- Access to basic language skills could be a positive at a time that is difficult for family who are experiencing having a Deaf family member for the first time.
- The Equality Act is not good enough: reasonable adjustments do not appear to be bringing about changes needed.
- Lack of understanding of BSL as a first language and people's inability to use it doesn't ensure access to interpreter and Deaf people may often therefore miss out on key information when services try to communicate through written notes or letter.
- Can lead to difficulties in living an independent life as result of poor communication.
- 'Reasonable adjustment' does not require/mandate use of BSL.
 - Examples – emails/texts/instructions.

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?](#)

South Lanarkshire Council:

- Understanding the size and need of the Deaf population is a key factor in determining how much the use of BSL can be increased. SLC already produces appropriate documentation in BSL, has active engagement with members of the Deaf community through the South Lanarkshire Disability Partnership and Access Panel, but struggles to quantify the size of Deaf community it has and what their needs are in relation to Council services.
- SLC has an active programme of training staff in BSL level 1 and 2 and are currently working with an employee to ensure they can deliver BSL level 3. However, as the demand for BSL on a day to day basis across services is very limited it is difficult to maintain the language skills of those trained.

SLC Deaf community representatives:

- In relation to what SLC may do as part of their plan:
 - shortage of qualified interpreters in Scotland. Could it be part of the school curriculum?
 - Council should be more proactive in promoting the availability of BSL when using services – this could be done by encouraging visits to local DEAF clubs by those delivering key services, although these are diminishing there is a local Hamilton club with 50 members;
 - Continue to employ deaf employees.
- Participants highlighted that public services, even where it is known that an individual is Deaf, are still writing out in English and there is nowhere obvious to take documents to have them interpreted and sometimes it is inappropriate to take it into another provider such as the Council to ask for help as it can be information from the NHS which is not only very personal but also information that someone would want to keep confidential.
- There is a disconnect between the Deaf community and services.

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?](#)

South Lanarkshire Council:

- It should be recognised that there are other forms of communication used in the Deaf community and dependent upon an individual's needs and circumstances these should also be available and supported in the provision of services where appropriate.

SLC Deaf community representatives:

- BSL is a linguistic minority in the same way as Gaelic/Welsh not as a communication method alongside English. By not identifying BSL as a linguistic minority (although not an ethnic language) it would open it up to other communication methods like Makaton in the same way as Braille is to English.
- BSL is its own language (Signed supported English is really English – Makaton is aimed at children).

- More educational tools.
- Focus should be BSL.

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?

South Lanarkshire Council

- The Council would support all ministers being more aware and promoting the needs of those across our communities.

SLC Deaf community representatives:

- Learn how to sign! Do it themselves – not level 1.
- Promote learning of BSL for direct communication.
- Should link with DEAF organisations – Who decides who should represent deaf community?
- Should be stable regardless of party or person.

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?

South Lanarkshire Council

- More detail is required on who will conduct the process and how it will feed into other processes such as those for the public sector equality duties.

SLC Deaf community representatives:

- Unsure what this looks like – Is it council wide?
- Concept is fair.
- Is there a good relationship with deaf community?
- Will evidence be asked for through the schools
- How will the process ensure/know where to target resources to the correct places?

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?

South Lanarkshire Council:

- There should be a link to the requirement to produce equality outcomes as opposed to writing a separate plan.

SLC Deaf community representatives:

- Lots of questions about content, more detail is required.
- Report card on previous plans
- If the plans are not in BSL who has the responsibility for organising, booking and paying or interpreters? Does this lie with a deaf person.
- Plans need to set out a clear policy on access to services via –
 - interpreters
 - signed video
 - Communication Support Workers

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?](#)

South Lanarkshire Council:

- The timescales for producing a plan seem reasonable taking into account the level of consultation and the support that will be required.

SLC Deaf community representatives:

- Sounds to be a long time to produce a Council plan.
- ‘Step by step we will get there’
- ‘Slow as a snail’

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?](#)

South Lanarkshire Council:

- The cost of consultation to meet the varying needs is difficult to quantify as the size, scale and locations of the Deaf community is not properly known.

SLC Deaf community representatives:

- Consultation – open day – centralised otherwise very confusing – might attract more people.
- Much better plan if all the consultation was jointly carried out.

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?

South Lanarkshire Council:

- List should cover those covered by the Equality Act 2010.

SLC Deaf community representatives:

- List covers main key services such as health, police, fire and council.