

South Ayrshire Council
Consultation Response to the Proposed British Sign Language Bill

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| <p>Question 1) Do you support the general aim of the proposed BSL Bill? Please indicate “yes/no/undecided” and explain the reasons for your response.</p> | <p>The Council supports the promotion of BSL and Deaf Awareness, but does not agree to the proposed creation of a further statutory duty. However, it is important to strengthen the support to BSL users (by both Scottish Ministers and public bodies) and to ensure that the improvements in provision, identified by engagement with the sensory impaired community, are progressed in tandem to that of all protected characteristics including the rest of the disabled community. This should be done within the framework of the Scottish Specific Equality Duties.</p> |
| <p>Question 2) Do you believe legislation is required? If not, what other non-legislative means can be followed?</p> | <p>No - The proposed Bill would place a further separate duty on public authorities to develop action plans that would sit apart from those duties for disability equality both general and specific that are already in place. It would set BSL aside from consideration as one of our community languages i.e. not in keeping with our duty to Mainstream equality and diversity.</p> <p>At present Ministers and public authorities have a duty under the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 to:</p> <ul style="list-style-type: none"> • eliminate discrimination and harassment • advance equality of opportunity and • foster good relations <p>across all protected characteristics including disability. Therefore, the requirement to take account of the specific needs of the deaf community - including those using British Sign Language, are already included within existing Scottish Ministers’ and public authorities’ statutory duties.</p> <p>The purpose of the Equality Act 2010 was to simplify and harmonise a wide variety of pre-existing legislation, which required the production and reporting of progress on a range of individual protected characteristic action plans. However, the Gaelic Language Act 2005 was not included within the Equality Act 2010, and the proposed Bill seeks to follow its format and as such could be seen to undermine the equalities progress made to date in moving away from individual action plans and reporting arrangements.</p> <p>Other non-legislative means: Enhanced educational standards that specify what must be provided would help ensure that all pupils’ needs are met, by appropriately qualified and</p> |

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| <p>Question 2 Continued</p> | <p>skilled staff with the correct level of BSL to support learning. At present, within Scottish education, different authority approaches and commitment to providing appropriate provision for BSL-using pupils varies. We are fortunate that there is a Pan-Ayrshire reciprocal agreement in place which includes the option of BSL as a medium of education, although numbers who opt for this are very low.</p> |
| <p>Question 3) What, if any, might be the main benefits of the proposed Bill? Do you see any challenges? Please list these.</p> | <p>As well as supporting BSL users, the promotion of BSL promotes equality and diversity in the wider community. However, the proposed Bill by setting out to create separate requirements in law with different reporting and actions plans may reverse the progress made to ensure that our communities view people with sensory impairments as an integral part of the community. For example, the Gaelic Language Act 2005 was not subsumed into the Equality Act 2010, and with having a small number of Gaelic speakers in our community, it is more difficult and requires determination to encourage our non-Gaelic speakers to support its promotion and to change the perception that this work is a competing demand on resources.</p> <p>There is also a significant issue of how the implementation of the specific duties to set Equality Outcomes, Mainstream Equalities and report progress currently in place would be impacted by direction an oversight by a single minister on one section of the sensory impaired community. Separating out improvement actions and reporting would cause significant confusion. For example, as there is already a statutory requirement to ensure the general duty is progressed for all protected characteristics, would public bodies need to remove BSL activities towards existing equality outcomes and set them aside in separate reporting?</p> <p>There will also be challenges to:</p> <ul style="list-style-type: none"> • timescales for the implementation of any actions to achieve an increase in BSL skills for both professionals and staff, • engagement and consultation of professionals, teaching staff, the hearing impaired community and the other communities within local authority areas. For example, Teachers of the Deaf would need to be consulted as they have a perspective of deaf children's development, recognise their needs and what is required to meet these. <p>As above an appropriate timeframe for such consultation is required to ensure that the opportunity for meaningful improvement in</p> |

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| | <p>planning and service provision for BSL users is not missed.</p> |
| <p>Question 4) Do you agree with the case for taking specific action to promote BSL (as opposed to other minority languages)?</p> | <p>The need to take specific action for individual community languages is already addressed by the statutory requirement to set equality outcomes and mainstream equality based on the outcome of stakeholder and community engagement. Similarly each community has different demographics and as with the equalities legislation response requirements should have the ability to be proportionate and relevant.</p> <p>It should be acknowledged that the majority of the deaf population do not use BSL- they use spoken language. These individuals experience difficulties and challenge with missing auditory information and this should not be overshadowed. Those using BSL can, at least, when appropriate signers are present, access a full language. However, as with all minority languages, few appropriate users exist.</p> <p>Those adopting an auditory-oral, spoken English approach will continue to have difficulty accessing spoken language due to aiding not replicating normal hearing thresholds, poor acoustics and other factors inhibiting access. Strategies to support deaf children are not just a case of giving BSL access. BSL is relevant to a minority and only a small part of the differentiation required to support deaf children. Much needs to be done to support the oral deaf community e.g. deaf awareness, appropriate acoustics in new schools and other buildings.</p> |
| <p>Question 5) To what extent might this proposed Bill improve awareness of the case for access to free BSL classes for deaf children and their families? What other non-legislative measures might be required?</p> | <p>Other non- legislative measures might include: formal guidance from the Equality and Human Rights Commission Non- statutory Code of Practice National minimum entitlement standards for support for hearing impaired pupils by education authorities.</p> |
| <p>Question 6) Should there be a designated Minister to take the lead on BSL in the Scottish Government or should this be the responsibility of all Scottish Ministers? What benefits or challenges will a designated Minister have for BSL and for Deaf people and what in your opinion should the role of the designated Minister entail?</p> | <p>This should be the responsibility of all Scottish Ministers as part of their Equality Act 2010 duties, supplemented by the oversight of the Equal Opportunities Committee and the Cabinet Secretary for Social Justice, Communities & Pensioners' Rights who has responsibility for equalities.</p> <p>If the Bill proceeds as proposed, the Minister should: -</p> <ul style="list-style-type: none"> • Identify where the need of BSL access is across Scotland and how it can be met. • Ensure provision of access/funding /training to relevant families/professionals. • Establish national minimum entitlement standards for education authorities to ensure the same provision of support to pupils with a |

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| | hearing impairment e.g. Teacher of Deaf Level 2 BSL, Communication Support Worker Level 3 BSL. |
| Question 7) Do you believe an Advisory Board of BSL users should be established, to advise the designated minister or all Scottish Ministers? Please explain the reasons for your answer. | An Advisory Board of BSL users should be established, to advise all Scottish Ministers to promote informed development of legislation and good practice. Such a board could also act as a reference point for specialists in the field as well as supporting the Equality and Human Rights Commission to provide good practice guidance. |
| Question 8) Relevant public authorities will have to develop BSL action plans. Should there be a detailed list of such authorities (for example, the Scottish Government, the Scottish Parliament, health boards, local authorities etc) and if so, which ones should be included and why? Which ones should not? – (See the list of all public bodies on the Scottish Government website: http://www.scotland.gov.uk/Topics/Government/public-bodies/about/Bodies) | <p>Should there be a detailed list of such authorities, similar to that detailed within the Equality Act 2010 Licensing Boards should be excluded and Educations Authorities should be included within local authorities rather than being separated out – this has led to duplication in the presentation of information and reporting.</p> <p>Licensing Boards should not be identified as a listed public body for the purposes of the proposed Bill as the Board is comprised of Elected Members of the Council and staffed by members of the Council.</p> |
| Question 9) What financial implications do you envisage the proposed Bill would have for you or your organisation? What (if any) other significant financial implications are likely to arise? | <p>Additional cost would be associated with the training and BSL resources required to provide universal standards of accessibility e.g. video materials and BSL training classes for adults – including employees.</p> <p>Within Education services it may be difficult and take a long time to increase the use of BSL and to be able to respond to demand for services in BSL as currently it would seem that there is a lack of appropriately skilled people to be able to meet the demand of Sign Language Assistants/ Communication Support Workers/Interpreters, as well as high level signing Teachers of the Deaf. Training would need to be delivered over the long term.</p> |
| Question 10) Do you believe if this proposed Bill becomes law, it will have a positive or negative impact on equality and diversity within your organisation? If you believe it will have a negative impact, how can this be minimised or avoided? | There would be positive impacts for BSL Users. However, the proposed Bill does not address the needs of all the deaf community. Current arrangements are already in place within the Council. For example the Council has set out in its Equality and Diversity Strategy 2013 how it will meet its equality duties and this includes its Equality Outcomes e.g. “Increased provision of accessible and inclusive Council information and communication”. As part of this the Council follows the national guidelines on translation and interpretation, and treats BSL as an alternative language, with interpretation provided upon request |

(as is deaf blind interpretation). When events are being arranged, participants are usually asked if they have any additional requirements to support their participation and any requests for BSL would then be provided by the organising Council service.

Although there are issues with the number of qualified BSL interpreters nationally, Council services mostly use a local firm - Sign Language Interactions, as they provide an excellent standard of service, are very reliable and are recommended by the Council's Disability Resource Centre.

Mitigation

Should the proposed Bill proceed it is important that Education Authorities have an action plan suited not only to specialist provision such as for bases, units or schools for the deaf but also for those pupils in mainstream schools where resourcing and specific skills (i.e. BSL competency) are not as concentrated.

Monitoring Compliance

Monitoring compliance with the proposed Bill should ensure that such specialist provision should be conducted by professionals, with the necessary specialist knowledge of the sector, in order to be able to establish if and how effectively deaf pupils needs are being met.