

## Questions

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:** Yes. Experience suggests that the underlying objectives of the Bill are unlikely to be secured in a consistent and coherent manner by voluntary means alone. Adaptation of existing legislation could not only be difficult to secure but could also result in the promotion of BSL being perceived as less important than if secured through specific dedicated legislation.

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 :** Meeting the obligations of the Bill should lead to an increased use of BSL by public authorities as it will increase demand for BSL provision on the part of service users, and in turn raise awareness within public authorities of the need for and benefits of providing BSL services. The ability of authorities to respond to the demand for services will however be dependant on their commitment as an organisation, the resources available – personnel, skills and expertise and funding, and competing priorities within the organisation itself. The above aim is not unrealistic but the extent to which the underlying objectives of the Bill can be achieved may be limited in the current financial climate .

Reference is made in supporting documentation to this consultation of the case for affording BSL a similar status to Gaelic. The promotion of Gaelic is supported by specific funding from Scottish Government - arguably consideration should be given to adopting a similar approach for 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?**

**RESPONSE:** The proposed focus on promoting the use of BSL could have unintended consequences for other languages or forms of communication used by the deaf community should significant resources be diverted to 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. What should this Minister do?

**RESPONSE:** 1) actively pursue development and the subsequent review of the BSL National Plan

2) Provide early and clear guidance to authorities on developing and reviewing Authority Plans

3) Give early consideration to the provision of dedicated funding for authorities to help them meet their obligations under the Bill.

4) Actively encourage and support the development and subsequent review of Authority 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?**

**RESPONSE:** In the absence of sanctions for not delivering on commitments given by listed authorities, naming and shaming of the authorities concerned appear to be the only tools available to Ministers for holding them to account. It is not possible to conclude meantime if this will be sufficient to ensure listed authorities are sufficiently accountable.

### 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:** No.

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.

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:** These requirements will have resource implications for the authority in terms of officer time and the need to secure appropriate expertise to support the consultation process required. However as the Council is committed to inclusive consultation, engagement and involvement with its communities, this would be viewed as an integral to development of the Authority’s Plan. The potential need to moderate the aspirations of the community/ies concerned could however present more of a challenge.

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

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