

BRITISH SIGN LANGUAGE (BSL) BILL – SUMMARY OF GOVERNMENT MEMORANDUM

1. This note summarises the Scottish Government's position on the British Sign Language (Scotland) Bill ("the Bill"), which was introduced by Mark Griffin MSP on 29 October 2014, aims to promote the use and understanding of British Sign Language (BSL).

Scottish Government's position

2. The Scottish Government supports the principles of the BSL (Scotland) Bill, and believes that requiring the Scottish Government and key public authorities to publish information about BSL provision will help promote the use of BSL in Scotland, improve linguistic access for Deaf BSL users, and enable Deaf people who use BSL to enjoy greater participation in daily and public life. We think the following changes would simplify and strengthen the Bill:

- Replace the requirement for listed authorities to publish language plans with a requirement to publish a BSL statement, setting out how they will make progress towards priorities identified in the National Plan.
- Listed authorities should be required to translate BSL plans into BSL.
- The requirement for listed authorities to consult individually on their plans should be reconsidered.
- A BSL National Advisory Group should be established, including a significant proportion of BSL users, to support the Scottish Government and listed authorities.
- The cycle for publishing BSL plans and the performance review should be extended.
- Remove the requirement to assign special responsibility to a lead minister.
- Consider changes to the listed authorities covered by the Bill.

Discussion

3. The Scottish Government welcomes the proposal to place a duty on the Scottish Ministers to publish a **BSL National Plan** as we want to show leadership on this issue. We think it will help improve BSL users' access to public services, and to enable them to participate fully and equally in life in Scotland.

4. We think the BSL National Plan should build on the work of the BSL & Linguistic Access Working Group (BSL&LAWG) which has helped to develop a cohesive approach to improving linguistic access for Deaf people in Scotland. The draft national plan can set out measures for achieving improvements in the priority areas which have been identified by the group. This could address issues such as the educational attainment of Deaf pupils, access to information and public services

in BSL, the shortage of BSL interpreters, teaching and learning of BSL in schools and beyond.

5. Most of the day-to-day services which Deaf people use are provided by public bodies other than the Scottish Government. Therefore the Scottish Government welcomes the duty for listed public bodies to publish **Authority Plans** setting out how they will improve BSL users' access to information and services they deliver. But there is a real danger that the focus on publishing plans could create a heavy (and expensive) bureaucratic burden which may not result in improved access to information and services in BSL. It may be better to require listed authorities to publish a BSL statement, including information setting out how they will work towards agreed priorities set out in the BSL National Plan.

6. The requirement for all public bodies to **consult with BSL users** and those who represent them on their draft plans is problematic, because the BSL community at local and even at national level is small, and there is a real danger of the same few organisations and individuals being swamped. A possible way forward would be for the Scottish Government, in partnership with COSLA and representatives from the BSL sector to set up a BSL National Advisory Group, including a significant proportion of BSL users which would advise on the draft BSL National Plan, and on draft Authority Plans on a collective basis. An alternative way forward would be to encourage locality-based listed authorities to carry out joint consultation on a local BSL plan.

7. The BSL National Advisory Group could also play a key role in gathering updates from listed public bodies and advising Scottish Ministers on the content of the **Performance Review**, based on progress towards the agreed priorities set out in the National Plan.

8. Experience from implementing the Gaelic Language (Scotland) Act 2005 suggests that that the **reporting and review cycle** set out in the Bill could be too frequent. Given that some authorities feel that a five year cycle for Gaelic Language Plans is too short, we would suggest a cycle of seven years.

9. The Bill imposes a duty on the Scottish Ministers to assign a **designated minister** or a Junior Minister as having special responsibility for BSL. This is inconsistent with the collective responsibility of the Scottish Ministers. However, the Scottish Government will assign BSL to a ministerial portfolio, which will in effect give a minister lead responsibility but this will not be set out in legislation.

10. The **list of public authorities** subject to the Bill needs further consideration. We would also like to explore the possibility of groups of listed authorities in geographical areas, or similar listed authorities being able to contribute to a shared plan. This would reduce the burden and cost on public bodies (particularly those serving small numbers of BSL users) and create the possibility for more shared expertise and resources.

Financial implications

11. The Financial Memorandum which was published alongside the Bill estimates the costs of implementing the Bill (the production and publication of National Plans, Authority Plans and performance reviews) of £2,380-,000-3,590,000 in the first reporting cycle, and £1,160,000-2,400,000 in subsequent reporting cycles. This does not include the cost of translating BSL plans into BSL, the cost of supporting a BSL National Advisory Group, or investing in a national shared system for online interpreting. We think that all of these additional costs should be factored in.

12. Taking these additional costs into account, the Scottish Government estimates that the total cost of implementing the Bill over the period 2016-20 is £6,062,800 (using upper estimates) and will need to be considered as part of the next and subsequent Spending Reviews. However, in line with current investment, the Scottish Government would be likely to invest around £2m over the period 2016-20 in BSL. This reduced the new burden to £4,062,800.

13. The Member hopes that the obligations under the Bill will in practice lead to an increase in the use made of BSL by public authorities, but the Financial Memorandum does not attempt to quantify the potential additional costs that may arise as this falls outside of the scope of implementing the Bill.

Conclusion

14. The Scottish Government recognises the importance of supporting BSL as a language, and improving the access which Deaf BSL users have to public services and public information. We recognise that requiring the Scottish Government and key public authorities to develop BSL plans will help promote the use of BSL in Scotland, improve linguistic access for Deaf BSL users, and improve enable Deaf people to enjoy greater participation in daily and public life in Scotland. Ministers are keen to work with the member to explore ways of simplifying some of the provisions to streamline the process of developing BSL plans.

Equality Unit
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