

British Sign Language (Scotland) Bill call for evidence response

Introduction

The University of Strathclyde recognises the need for a better approach to the support services required by BSL users, and is committed to providing an excellent experience for students and staff who are BSL users. The University takes its current obligations to providing support to BSL users extremely seriously, and recognises the difficulties that many BSL users have in accessing appropriate support and services. The University values (people-oriented, bold, innovative, collaborative and ambitious) drives us to identify and provide appropriate support for all deaf staff and students, as evidenced by our leading role in developing the first [Live Remote Captioning Service](#) in the UK, and providing captions and subtitling services as a standard provision within the university community.

We welcome any national proposal which improves the support for BSL users within our community, and helps provide support to promote the use of, and understanding of BSL.

Question 1

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?

If the intention is to promote better inclusion of students/staff with a specific disability then this approach is already an obligation placed on the University under the specific Public Sector Equality Duty of the Equality Act 2010:

- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it;
- foster good relations between people who share a protected characteristic and people who do not share it.

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If the aim of the proposed Bill is to mirror the commitment to language usage in Scotland provided by the Gaelic Language (Scotland) Act 2005 then a more widespread study into the way a minority language is embedded into the mainstream may be required. Given BSL users do not generally have English as a first or second language (unlike the majority of Gaelic speakers) then it would seem that promotion of a minority language would contradict efforts to provide and promote an inclusive ethos for all deaf (or any other category of Disability under the Equality Act) persons.

Question 2

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?

We believe the ability to "respond to the demand for services in BSL" is an issue, as there is a lack of qualified BSL interpreters, and the associated high cost attached to providing BSL Support. A commitment from government to improve the availability of BSL services would be encouraged.

In addition, it seems presumptive that listed authorities that would be required to provide services are not already doing so in an adequate fashion - has this been established?

The use of a Bill will force authorities to provide action plans, which will include financial allocations so in this sense there would be an achievable outcome to the bill. However, the nature of providing services means that demand will vary across authorities, and on a year to year basis so it is difficult to envisage a clear undertaking above a 'commitment' by any authority to provide an agreed service level - especially if that commitment is underpinned by the use of external BSL interpreting support, which would therefore be the limiting factor.

Question 3

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?

The Bill does not consider the requirements of International Sign Languages, which are not compatible with BSL. It also reduces the focus on other forms of communication support for deaf persons, such as Electronic Note taking, Lip Speaking, Remote Captioning and other forms of manual note taking that are more commonly used in a University setting.

The Bill could however provide greater clarity for authorities on the nature of the construction of BSL, and its differences to the grammatical constructs of English. This difference can be particular problematic when it affects the written English skills of BSL users. However, it would again appear that this issue would already be covered by the Equality Act 2010.

Question 4

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?

This is a matter for consideration by the Scottish Government.

Question 5

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?

The British Sign Language (Scotland) Bill Policy memorandum point 29 appears to pre-empt this question. If it is the case that no statutory sanctions will be applied for non-compliance, then this becomes a rhetorical question. More clarity is required on the status of point 29 below in order to fully answer this question.

29. There will be no statutory sanctions for non-compliance with the legislation; the Performance Review will provide a basis for the Parliament to hold the Scottish Ministers to account, and for Ministers to hold listed authorities to account. The risk of being —named and shamed|| for poor performance should act as a significant incentive for listed authorities.

Question 6

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?

The University has no comments on the content of the plan.

Question 7

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?

The timescales of the plan would make it problematic for a large institution to properly consider, respond and develop the resources and policies to meet its obligations within the proposed one year time period. The University would need to convene a working group to produce outline policy and practice guidelines, which would require Equality Impact Assessment, before moving to identify and secure the required resource allocation and finally approval by the University Court. This process would not benefit from being rushed, and in the first instance may take longer to produce – we would suggest at least 18-24 months period would seem more appropriate.

In subsequent years it could be envisaged that the updates to Authority Plans could be managed more quickly, both with consideration to existing resources and expertise, and with consultation and development of best practice within the sector.

Question 8

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?

This would have minimal effect on our organisation; we would anticipate that any working group considering our authority plan would include significant input from relevant stakeholders, including the deaf community and BSL users.

Question 9

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?

The University would not suggest any changes.

How to submit your evidence

The closing date for responses is **2 February 2015**. All responses should be sent to the Committee clerks at ec.committee@scottish.parliament.uk.

Alternatively, you may use the following address:

Clerk to the Education and Culture Committee
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