



The Scottish Parliament  
Pàrlamaid na h-Alba

## Finance Committee

### Report on the British Sign Language (Scotland) Bill

The Committee reports to the lead committee as follows—

#### Introduction

1. The Finance Committee issued a call for evidence on the Financial Memorandum (FM) of the [British Sign Language \(Scotland\) Bill](#) in October 2014. The Committee received [19 responses](#) to its call for evidence. To explore further the issues raised in the responses the Committee then took oral evidence from Mark Griffin MSP, the member in charge of the Bill, on 4 February 2015.

2. Following the evidence session, the Committee was notified by the Non-Government Bills Unit that an error had been noted in the FM which, in some instances, had omitted the Scottish Parliamentary Corporate Body from the estimated costs. A letter providing the correct figures was sent to the Committee and is attached as the Annexe to this report. The figures quoted in the report reflect the amended estimates.

#### The Bill

3. The Bill “aims to promote the use of British Sign Language (BSL), principally by requiring plans to be prepared and published by the Scottish Ministers and listed public authorities.” These plans “will be reviewed, reported on via the Performance Review report and updated at regular intervals.” Under the Bill the Scottish Government would prepare and publish a National Plan and would also be responsible for producing the Performance Review report. Listed public authorities would prepare and publish an Authority Plan. The Bill sets out a cycle for the production of plans and performance reviews based on Parliamentary sessions. The estimated costs per session are—

	First Session (£)	Subsequent sessions (£)
Scottish Government	80,000 – 140,000	60,000 – 100,000
Six bodies forming part of the Scottish Administration	120,000 – 180,000	60,000 – 100,000
All local authorities	640,000 – 960,000	320,000 – 640,000

<b>Other listed public authorities</b>	1,540,000 – 2,340,000	770,000 – 1,560,000
<b>Total</b>	<b>2,380,000 – 3,620,000</b>	<b>1,210,000 – 2,420,000</b>

### The planning cycle

4. In evidence the member in charge explained that the cycle for production and review of BSL plans did not arise in relation to language planning but that it “relates purely to the political process as I considered that it would be beneficial for the Government of the day to introduce its national plan at the start of the session and then report on the progress at the end of the session.”<sup>1</sup>

5. The written submission from the Scottish Government suggested that this cycle may be too short, based on experience from implementing the Gaelic Language (Scotland) Act 2005 which requires the publication of a plan on a 5 year cycle. The Government commented that—

“Under the timetable set out in the Bill, there is just over a year between the publication of the first authority plans and the first performance review which would leave insufficient time to gather meaningful information on performance, and there is only three and a half years between the publication of the first and the second national plan (three years between publication of the first and the second authority plans).”

6. The Government has suggested an alternative cycle over a period of seven years as follows—

	Timescale suggested in the Bill	Suggested timescale
First National BSL Plan published	May 2017	May 2017
First Authority Plans published	May 2018	May 2018
First performance review published	June 2019	May 2021
Second National BSL Plan published	November 2020	May 2023
Second Authority Plans published	May 2021	May 2024

7. When asked for his views on the proposal, the member in charge told the Committee that—

“There is a balance between scrutinising a Government on its performance and having an appropriate timetable. However, if the Government advisers have had issues with the Gaelic language act, then I am happy to accept that, as I am other amendments suggested by the Government.”<sup>2</sup>

<sup>1</sup> [Scottish Parliament Finance Committee, Official Report, 4 February 2015, Col 17](#)

<sup>2</sup> [Scottish Parliament Finance Committee, Official Report, 4 February 2015, Col 17](#)

8. **The Committee notes that, although any changes to the cycle set out in the Bill may not alter the total costs that would fall on the listed authorities, the period over which these costs were incurred would be extended. The Committee considers that it would be helpful if cost estimates were available that set out the costs that may be incurred by authorities in the relevant financial years if the cycle set out in the table above were to be adopted.**

### **Cost of producing plans**

9. Development of Gaelic plans was used as a comparison for the costs of developing BSL plans. On the basis of reported costs for development of Gaelic plans, the FM estimates that it will cost between £5,000 and £50,000 for an authority to develop and publish an initial Authority Plan. The FM assumes that the average cost per authority will be between £20,000 and £30,000. In subsequent sessions costs of between £10,000 and £20,000 are estimated for listed authorities to update their plans. Paragraph 11 of the FM explains that responses to the Member's consultation on the Bill differed in their assessments of the additional costs that would arise from the Bill and that "this diversity of opinion partly explains why the cost estimates provided...involve such large margins of uncertainty."

10. NHS Fife considers that the requirement to develop an Authority Plan is "not about the size of the organisation or the number of BSL users" and it "is difficult to identify why there are such variations in the financial costings."

11. The majority of responses received from local authorities indicate that they consider the estimates provided in the FM to be reasonable. However, the Scottish Government's response states that in initial discussions COSLA "have suggested that the estimates...are too low and that the higher estimate for producing BSL plans should be raised to £40,000 per authority."

12. The Scottish Government has also suggested alternative approaches to this aspect of the Bill. These are to allow for consultation on BSL plans to be carried out jointly by authorities covering the same geographical area or to change the requirement to the production of a BSL statement "setting out how they will work towards agreed priorities set out in the national plan." The Scottish Government submission states the "the focus on publishing plans could create a heavy (and expensive) bureaucratic burden" on listed authorities.

13. The member in charge has indicated that he would be "happy to accept some of the Government's amendments to streamline some of the costs."<sup>3</sup> Clearly, any amendments to the process for producing plans would have an impact on the estimated costs to the authorities undertaking that work.

14. **Given the indication from the member in charge that he would be minded to accept some of the amendments suggested by the Scottish Government, a number of which would have financial implications, the lead committee may wish to invite the member in charge to indicate whether he intends to provide revised cost estimates. In particular, the lead committee may wish to clarify whether the member in charge anticipates that amendments to the Bill might**

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<sup>3</sup> [Scottish Parliament Finance Committee, Official Report, 4 February 2015, Col 15](#)

**trigger the need for a revised or supplementary Financial Memorandum under the terms of Standing Orders Rule 9.7.8B.**

15. Allied to the production of plans, some of the written submissions to the Committee questioned how the duty introduced under the Bill would relate to other initiatives. For example, Midlothian Council set out its view that the FM “assumes a planning process very specifically for BSL rather than incorporating BSL issues into other strategic planning streams associated with inclusion, disability and equality, in particular work associated with the implementation of See Hear<sup>4</sup>.”

16. NHS Fife commented that the FM “does not take into account the development of the Health and Social Care Integrations”. It is of the view that there “is an opportunity to plan on the basis of the new integrated joint bodies and the parent Health Boards and Councils, thus realising an economy of scale.”

17. NHS Lothian and the Scottish Legal Aid Board also commented on potential crossover with existing activities.

**18. The lead committee may wish to seek comments from the member in charge as to whether consideration to initiatives such as health and social care integration or See Hear could be included the development of any amendments to the Bill in relation to the process for producing BSL plans.**

**Publication of plans in BSL**

19. The FM notes that there “is no requirement within the Bill for consultation exercises and plans to be produced in BSL format” and that the cost estimates provided “do not, therefore, include the cost of publication in multiple formats.”

20. A number of the submissions commented on this issue. For example, the Scottish Association of Sign Language Interpreters (SASLI) considered that the lack of any such requirement “contradicts...the main purpose of the Bill in promoting BSL.”

21. The Scottish Prison Service stated its view that it is “reasonable to expect that listed authorities may do so [translate plans into BSL] in order to facilitate consultation and to ensure accessibility of the final plan, and that we would therefore incur this cost.”

22. South Lanarkshire Council acknowledged the discretion that is given in the FM on this issue but comments—

“However, given the nature of the Bill and the requirement to draft a BSL plan, it is felt inappropriate not to take this opportunity to translate it for BSL users. The Council would expect funding to follow the Bill in terms of delivery, consultation and translation of the BSL plan as the requirement is statutorily driven. Funding is not acknowledged in the FM and clarity would be welcomed.”

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<sup>4</sup> See Hear is the Scottish Government’s strategic framework for meeting the needs of people with a sensory impairment in Scotland.

23. The response provided by the Scottish Government also commented on this point, noting that if plans “are presented in written English they will not be accessible to Deaf BSL users, who are the target audience.” The Scottish Government considers that there should be an amendment to the Bill that requires plans to be translated. The submission noted that this would result in an additional cost which was not included in the FM.

24. In his evidence to the Committee, the member in charge indicated that he would be content to accept the suggestion that the Bill should be amended to require plans to be published in BSL. Estimated translation costs of between £1,250 and £3,150 per plan have been provided. At the upper estimate this would be an additional cost of £365,400 to those bodies producing an authority plan.

**25. The Committee considers that it would be consistent with the aims of the Bill for plans to be published in BSL. In terms of any additional costs arising from such a requirement being introduced, the Committee invites the lead committee to note the Scottish Government’s view that “it is assumed that the cost of translating Authority Plans into BSL should be subsumed by the relevant authority, since the requirement does not substantially exceed their current duties under the Equality Act 2010.”**

### **Implementation costs**

26. The Bill does not prescribe a minimum level of activity beyond the production of a plan as prescribed by the Bill. The FM states that “it will be a matter for public authorities to determine the scope of their activities in relation to BSL, taking account of needs assessment and budgetary considerations.” The FM further states that it is hoped that the Bill will increase the use of BSL by public bodies but explains that “figures cannot be put on any additional costs arising in this way because it is not possible to estimate how much additional activity will be generated and what the nature of that activity will be.”

27. A number of submissions received by the Committee commented on the question of implementation costs and the public expectations that may arise as a consequence of the national and authority plans.

28. For example, Colleges Scotland suggested that the Committee “will want to note that whilst the requirement is to produce a plan only, the publication of such a plan will almost certainly increase public expectation that would require additional funds in future years.”

29. Midlothian Council commented along similar lines noting that expectations “amongst the deaf community will surely be raised...increasing demand on services which will not necessarily be equipped or funded to meet the resulting need.” It goes on to say that given “the current financial climate, it would not seem possible that any new funding could be identified specifically for the implementation of any BSL plan.”

30. North Ayrshire Council considered that “additional costs should be met from central government” in relation to “additional services that may be required as service users put more pressure on LA’s by demanding more services.” South Lanarkshire Council echoed these concerns and considers that “an allocation from

Scottish Government would be required.” The Scottish Legal Aid Board stated that given “the current and ongoing pressures on public spending, SLAB can not currently commit to having the financial means to meet any significant costs arising from this Bill.”

31. The Scottish Government set out its view that “the ‘new burden’ applies only to implementing the provisions of the Bill itself (production of plans and performance review) and not the cost of implementing the actions set out in the plans.”

32. Asked why no implementation costs have been included in the FM, the member in charge explained that—

“No policy direction or particular initiative is set out in the bill that we can put a price on. It will be up to national Government and public bodies to decide on the priorities for their individual constituencies. They have to choose what to put in their plan while having a mind to how they would fund it.”<sup>5</sup>

33. When asked to comment on the specific concerns of some local authorities that they would not be able to meet the costs of supporting the activities arising from the plan, the members in charge stated—

“I understand local authorities’ concern that they are not able to put a figure on the activities that they might be expected to carry out, but that is because there is not yet any national plan... For example, if the Government decided that there should be 24-hour access to all local authorities’ interpreter services and set that out in the national plan, I would expect the Government to set out how it intended to fund those services or how it expected local authorities to meet the cost. It would be up to the Government of the day to fund its policy priorities.”<sup>6</sup>

**34. The Committee appreciates that the Bill itself does not include the implementation of the BSL plans. However, given the aim of the Bill is to promote the use of BSL, the Committee considers it to be important that attention is paid to the concerns about implementation costs that have been raised. The lead committee may wish to invite the member in charge to comment further on this issue.**

### **Costs on other organisations**

35. The FM identifies the costs that would fall on the Scottish Government, local authorities and listed public authorities (including the six identified as being within the Scottish Administration). It does not refer to the costs that may fall on other bodies that may be involved in developing BSL plans.

36. SASLI commented on this in its submission noting that while the FM anticipates costs for listed authorities, no costs are provided for “ancillary organisations which may be requested to provide information, expertise and advice to meet the objectives. This includes organisations representing, or working with, BSL users and communication support.” SASLI goes on to state that larger “staff numbers and

<sup>5</sup> [Scottish Parliament Finance Committee, Official Report, 4 February 2015, Col 20](#)

<sup>6</sup> [Scottish Parliament Finance Committee, Official Report, 4 February 2015, Col 21](#)

resources will be required to meet the increased demand for information and consultation. SASLI will require to seek both increased and alternative income streams to provide for additional resources required by the Bill.”

37. When this point was put to the member in charge by the Committee, he indicated that it had not been raised with him in the course of the consultation on the Bill but that he would seek to discuss this with SASLI.

**38. The lead committee may wish to seek details from the member in charge as to any subsequent discussions he has had with SASLI on this issue.**

### **Conclusion**

**39. The lead committee is invited to consider this report as part of its scrutiny of the British Sign Language (Scotland) Bill.**

### LETTER FROM THE NON-GOVERNMENT BILLS UNIT

I have discovered an error in the Financial Memorandum for the British Sign Language (Scotland) Bill and wished to draw this to your attention. At Paragraph 27, there are several references to 77 bodies. In reaching this figure, I failed to account for the Scottish Parliamentary Corporate Body and the number should therefore be 78 in each reference and the financial figures quoted also need to be revised. The new paragraph should read:

“27. The 78 other public bodies that will be affected by the Bill vary in size and function, therefore a wide cost range of £5,000-£50,000 is provided. A range for the total combined expenditure of all 78 listed authorities is put at £1,560,000 to £2,340,000, to reflect the fact that most authorities will fall somewhere in the middle of the estimated cost range per plan. This range is based on an assumption that the cost of each plan will fall within the £20,000 to £30,000 range. In subsequent years fewer resources will be required to revise, update and republish plans. Based on an assumption that each subsequent plan will cost in the £10,000 to £20,000 range, the total for all 78 bodies is estimated to fall between £780,000 and £1,560,000.”

This error also affects Table 4 of the Financial Memorandum, which should be as follows:

**Table 4: Cost estimates per session for “other listed authorities”**

Function	Details	Estimated Costs in the first session (£)	Estimated Costs in subsequent sessions (£)
Costs of developing and publishing the plan	Including staff time to prepare, consult on and monitor plans; costs of revising plans where necessary. Publication.	5,000-50,000	5,000-40,000
Total for 78 authorities		1,560,000-2,340,000	780,000-1,560,000

The Summary tables 5 and 6 are also affected and should be as follows:

**Table 5: Total cost estimates per session for Scottish Administration, local authorities and other listed bodies**

	<b>First Session (£)</b>	<b>Subsequent sessions (£)</b>
<b>Scottish Government (see Table 1)</b>	80,000-140,000	60,000 - 100,000
<b>Total for six bodies forming part of the Scottish Administration (see Table 2)</b>	120,000- 180,000	60,000-120,000
<b>Total for all 32 local authorities (see Table 3)</b>	640,000 – 960,000	320,000 - 640,000
<b>Total for 78 other listed authorities (See table 4)</b>	1,560,000- 2,340,000	780,000-1,560,000
<b>Total cost range for all plans</b>	2,400,000 – 3,620,000	1,220,000 – 2,420,000

**Table 6: Total cost estimates averaged per annum for Scottish Administration, local authorities and other listed bodies**

	<b>Annual expenditure in first Session (£)</b>	<b>Annual expenditure in subsequent sessions (£)</b>
<b>Scottish Government</b>	20,000-35,000	15,000 - 25,000
<b>Total for six bodies forming part of the Scottish Administration (see Table 2)</b>	30,000 – 45,000	15,000 – 30,000
<b>Total for all 32 local authorities</b>	160,000 – 240,000	80,000 – 160,000
<b>Total for 78 other listed authorities</b>	390,000 – 585,000	195,000 – 390,000
<b>Total cost range for all plans</b>	600,000 – 905,000	305,000 – 605,000

I apologise for this error and hope that it does not cause the Committee too much inconvenience.