



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# EDUCATION AND CULTURE COMMITTEE

Tuesday 24 February 2015



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**EDUCATION AND CULTURE COMMITTEE**  
**4<sup>th</sup> Meeting 2015, Session 4**

**CONVENER**

\*Stewart Maxwell (West Scotland) (SNP)

**DEPUTY CONVENER**

\*Siobhan McMahon (Central Scotland) (Lab)

**COMMITTEE MEMBERS**

\*George Adam (Paisley) (SNP)  
\*Colin Beattie (Midlothian North and Musselburgh) (SNP)  
Chic Brodie (South Scotland) (SNP)  
Mark Griffin (Central Scotland) (Lab)  
\*Gordon MacDonald (Edinburgh Pentlands) (SNP)  
\*Liam McArthur (Orkney Islands) (LD)  
Mary Scanlon (Highlands and Islands) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Carly Brownlie (Scottish Association of Sign Language Interpreters)  
Andy Carmichael (British Sign Language Interpreter)  
Clark Denmark  
Maria Dick (Convention of Scottish Local Authorities)  
James Dornan (Glasgow Cathcart) (SNP) (Committee Substitute)  
Alan Drew  
Professor Rob Dunbar (University of Edinburgh)  
Nigel Firth (NHS Grampian)  
Heather Gray (National Deaf Children's Society)  
Avril Hepner (British Deaf Association)  
Katy Hetherington (NHS Health Scotland)  
Rachel Mapson (British Sign Language Interpreter)  
Frankie McLean (Deaf Action)  
Nicola Mitchell  
Robert Nicol (Convention of Scottish Local Authorities)  
Liz Smith (Mid Scotland and Fife) (Con) (Committee Substitute)  
Professor Graham H Turner (Heriot-Watt University)  
Lorraine Vallance (Heads of Disability Services Group)

**CLERK TO THE COMMITTEE**

Terry Shevlin

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Education and Culture Committee

Tuesday 24 February 2015

[The Convener opened the meeting at 09:32]

### British Sign Language (Scotland) Bill: Stage 1

**The Convener (Stewart Maxwell):** Good morning and welcome to the fourth meeting of the Education and Culture Committee in 2015. I remind all those present that electronic devices should be switched off at all times. We do not want them interfering with the broadcasting system.

I welcome Liz Smith back to the committee—she is replacing Mary Scanlon, who cannot be here this morning. I also welcome James Dornan, who is replacing Chic Brodie, as he also cannot be here. Liam McArthur is on his way, but he is missing at the moment because his plane is late. We hope that he will join us as soon as possible after he lands in Edinburgh.

Agenda item 1 is the continuation of our evidence taking on the British Sign Language (Scotland) Bill. I thank everyone who has submitted evidence to us. We have received numerous BSL videos and written submissions, and our Facebook group now has more than 1,900 members. I thank the clerks and others who have been working on that to support the committee's endeavours in examining the bill.

I welcome our first panel. We have Alan Drew, who is a member of the Scottish Deaf Youth Association; Heather Gray from the National Deaf Children's Society; Avril Hepner from the British Deaf Association in Scotland; Frankie McLean, social care manager at Deaf Action; and Nicola Mitchell, who is a BSL tutor.

I point out that we have three large panels of witnesses today and a lot of work to get through, so I will move straight to questions about the bill from members. If the witnesses wish to respond to any question or have a point to make, please indicate that to me—just nod or wave—and I will ask you to come in.

The first question is from Siobhan McMahon.

**Siobhan McMahon (Central Scotland) (Lab):** The first question should be nice and easy. Is legislation necessary to promote BSL? What specific outcomes could the bill bring?

**Heather Gray (National Deaf Children's Society):** The bill will bring the opportunity to promote the culture of BSL in Scotland and will ensure that BSL has the status of a language. The bill will have a significant impact by shining a light on this very important language.

**Frankie McLean (Deaf Action):** (*simultaneous interpretation from British Sign Language*) The main thing is that we do not see ourselves as disabled. I realise that there are a variety of disabilities out there, but we do not consider ourselves disabled. People are confused about what is covered under things such as the Equality Act 2010, and many people do not consider deaf people to be disabled and therefore covered by that act.

It is difficult to fit linguistic issues into legislation that is designed for disability. The bill is a better model of legislation, as it will promote the use of BSL. That will provide a better opportunity for us to access the services that we need.

The 2010 act is in place, but it does not seem to be successful in respect of deaf people who use BSL. We are still going to hospital appointments and not having access to communication support. That is evidence that the act is not successful, which is why we need the bill.

**Avril Hepner (British Deaf Association):** (*simultaneous interpretation from British Sign Language*) We just want our language, culture, heritage and identity recognised, in the same way as Welsh, Gaelic and other spoken languages are recognised. We want our language to be protected and preserved and we want the risk of its demise to be reduced.

The bill will protect our language into the future. It will show that we belong here and that we have a spiritual home in Scotland. Legislation is important to promote and preserve the language. As members will have become very well aware, BSL is a language. Many years ago, the British Deaf Association published a dictionary, which provides definitive evidence that BSL is a full language that needs to be recognised and accepted alongside the other languages of Scotland.

**Nicola Mitchell:** (*simultaneous interpretation from British Sign Language*) Can I add something about BSL being a language? It is part of our everyday lives and needs to be part of the way in which we access services. Deaf people are hugely frustrated and depressed because of the barriers and problems that we face in getting linguistic access to what is going on. Deaf people want an improved quality of life and improved access to the services that we need.

**Siobhan McMahon:** I understand the points that you make about the language and how it is

important to recognise it as such. However, the bill stops short of defining clear rights for BSL users or duties on public authorities. Is that a limitation of the bill?

Many people have said in their responses to the committee that they see the bill as a stepping stone. Do you believe that it is? Is that enough at the moment?

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) We all agree that we would love to have more. We have had years of problems. To be realistic, we would like to grab the opportunity that has been presented to us. It is a first step, but it is a lot better than what we have. I know that some authorities might be quite concerned and anxious about this, but the bill would be a good and useful first step to get something on the statute book.

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) We can look at the bill as opening the door for deaf people and our language. As Frankie McLean said, it is a first step. The bill is a pioneering piece of legislation for the United Kingdom, so we welcome it with open arms.

We are ready to roll up our sleeves and do the hard work to build on the proposed national plan and on the statements of intent, which have been mentioned, so that authorities have clear work plans about what will work for us. We are prepared to wait for quality; that is important. The community has a very positive attitude to the bill and we want to move forward.

**Nicola Mitchell:** (*simultaneous interpretation from British Sign Language*) I agree with what Avril Hepner and Frankie McLean said. The bill will be an important step towards the improvement of services, which will be gradual. Things will build on the bill. Other organisations might become involved, and we hope that businesses will follow suit. It is the 21st century and it is time for us to move forward.

**Heather Gray:** I agree. It will be important that the national plan has a very clear vision and can be linked to outcomes. It will be vital that the national plan sets the scene and that we have in place the right mechanisms to monitor and review the local plans. The national plan must set out a clear vision to help us to achieve what we need to with the bill. I agree very much that the bill is a stepping stone that all of us welcome.

**The Convener:** I will play devil's advocate, which is one of my favourite things to do. Is the bill anything more than symbolic? It does not provide any more resources, change anything in particular or provide more interpreters or translators. Is it nothing more than a symbol?

**Nicola Mitchell:** (*simultaneous interpretation from British Sign Language*) I hope that the bill will enhance the need for quality interpreters and more interpreters. Universities and colleges need to ensure that their services are accessible.

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) The convener is right that the bill could be symbolic, but it is a powerful symbol, which is why we are all here. We are here and we are using BSL face to face with members. The committee had however many contributions to its Facebook page, which is evidence that the bill is a powerful symbol.

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) The convener asked whether the bill is merely symbolic. What it offers is perhaps a framework or a skeleton that we can put flesh on and develop as time goes on. I hope that the national plan will cascade down to local authorities, but we need a framework or a structure for the ideals, aspirations and, eventually, service expectations.

The bill is about recognising our language and our linguistic rights, and that is the focus, rather than our disability. That is a pretty good symbolic start.

09:45

**The Convener:** I have a follow-up question for Frankie McLean before I bring in the next committee member. At the start, you seemed to suggest that the Equality Act 2010 is not sufficient to meet the objectives that you hope that the bill will meet. Will you expand on that? Why is the 2010 act insufficient to meet the objectives?

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) I have a social work background, and I have personal experience as well, and I see horror stories occurring with deaf people every day. People are going into hospital and waiting for hours or even months without really knowing what is going on with their treatment, and people are having problems with accessing college courses and are withdrawing from college education because there is no provision for them.

Everyday experiences that people take for granted are problematic for deaf people. For example, some deaf people have got into debt because of a lack of understanding of some of the information that has been sent to them in written English. Some deaf people see letters in English and ignore them because they do not understand them. Those people then get into debt and their situation becomes more and more problematic. They end up in crisis before any help is asked for.

Because of data protection rules, it is hard for people to interact with financial services and institutions through a third party such as an interpreter or another representative who acts on their behalf. The 2010 act does not deal with that, and people and organisations have to find ways of working round it. The 2010 act talks about reasonable adjustments, but they are hard to define. Many organisations say that adjustments that might be reasonable for deaf people are too expensive, particularly when it comes to language issues. The adjustments that deaf people need are deemed not reasonable. That is a loophole in the legislation.

If I want to go to a solicitor, who has to pay for the interpreter? I do. Legal aid does not cover that. It covers the cost of the first appointment, but not the interpreting costs. If I want to buy a house, I need to interact with a lawyer. Legal aid does not cover that. What do I do when I want to buy a house?

Those are just quick examples. I could go on for hours and give the committee some horror stories of experiences that deaf people have had.

**The Convener:** Before I bring in Nicola Mitchell and Avril Hepner, I will pursue that. I know that we will get into some of the detail later, but you gave examples of people getting into debt or trying to buy a house and you said that the 2010 act does not help with those day-to-day situations. How will the bill help with them? In what way will it prevent somebody from getting into debt, for example?

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) Awareness of deaf people's language needs is important, and we need to ensure that information is accessible in BSL. We also need recognition that BSL is a language, because people do not understand what it is all about. They might not think of it as a proper language and might consider that it is just people waving their hands around.

People do not consider linguistic issues when they think about BSL. The bill would identify BSL as a language and recognise that the issues for BSL users are to do with language and linguistic access.

We also want to celebrate the richness of the language. At the moment, people and organisations can ignore that. We want to access life through our own language, and legislation that encourages a change of attitude towards the language and identifies it as a language is necessary.

**Nicola Mitchell:** (*simultaneous interpretation from British Sign Language*) I agree with what Frankie McLean said, which matches my personal experience. In going to the bank and sitting down with a financial adviser to deal with transactions

that were to do with my house, I had similar problems in accessing the fundamental information. The people there told me that I had to come back in two weeks, because that was when they could do something, but I needed access to the information right away. I often felt that there were a lot of barriers. It has been difficult for me to deal with those areas of my life.

I faced similar difficulties in dealing with written language and informing people of my language needs when I visited the tax office website. The fundamental lack of awareness in those situations means that people often give up. Deaf people end up having to do things face to face, which takes much more time, so we do not have real equality of access. As Frankie McLean said, the shift in attitude and culture that will be brought about by a promotional bill might well help.

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) The Equality Act 2010 is working for some people, but it is clearly not working for the sign-language-using deaf community. Frankie McLean mentioned reasonable adjustments, whereby services can write things down on a bit of paper rather than provide an interpreter. That means resorting to English and does not give us full access via our preferred language. The bill can state that deaf people should have the provision of services in BSL.

We have talked about reasonable adjustments not working. In 2014, the British Deaf Association carried out a wide-ranging survey—I have it here—into the legal status of British Sign Language and Irish Sign Language. The clear results—the proof is in the report, which I am happy to supply to the committee—show that the 2010 act is not working for sign-language-using deaf people.

In the last paragraph on page 7 of "Legal Status for BSL and ISL", we talk about the important area of education for deaf children. When we ask MSPs and MPs whether deaf children receive their education in sign language, the overall response is, "Well, of course that's the case." However, the Grimes report in 2009 said something that is quite to the contrary—it said that only 8 per cent of teachers of the deaf can sign. That means that 92 per cent of those teachers cannot sign. How are the children accessing their education? How are they setting up the foundations for their wellbeing and their future?

We need an act that states that children should be educated in the language and culture to which they belong, which would give them full access to information. We need a separate act—one that has British Sign Language in its title—to create future access and provision for the deaf community.

**The Convener:** Committee members have several questions that they want to ask, so I will bring them in now.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** Some organisations have expressed concern that the bill will use up scarce resources. The Convention of Scottish Local Authorities submission says that

“there is a risk that it will become an expensive bureaucratic exercise”.

If members of the panel had a choice, would they spend resources on developing plans or would they rather that the resources were spent in another way that might more effectively support BSL users? It is an open question.

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) When we talk about spending, we need to consider the fact that the Government currently spends an awful lot on deaf people. Most deaf people do not work. Although they try to find work, they do not, so they are on benefits; they do not actively contribute to our economy and are excluded from it. An investment now as a result of the bill will therefore save money in the long term on services for deaf people. If deaf people are able to interact with the economy and contribute more to it, savings will be made later on in, for example, mental health services and education.

If we do not do anything now, there will be increased costs later on as a result. If we invest in trying to ensure that deaf people are active members of society and are able to share their experiences and their knowledge with other members of society, we will all benefit.

**Heather Gray:** The bill is timely, as it comes alongside the national sensory impairment strategy and at a time when there is a focus on the attainment gap for deaf learners. As Frankie McLean said, the bill is a stepping stone that allows us to focus on children and young people and on a range of issues for deaf people in Scotland that will help support better outcomes for them and enable investment in the future.

The timing of the bill is very good in relation to other areas of focus, in particular the attainment gap that exists for deaf children and the issues that were raised in the recent survey in Scotland by the consortium for research into deaf education. The issues that were raised were picked up earlier; they include qualifications for teachers of the deaf and consistency of support for deaf learners. There are also issues about timing, the need for the plans to capture absolutely the right issues and the need to have a real focus on improving outcomes for deaf children and, ultimately, deaf adults.

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) As has been said, the spending could be a strategic investment for the long term to save public money. As Frankie McLean said, if we give deaf people a quality start in life, they will contribute.

There is a lot of misdirected and unstrategic spending on the deaf community. We would like there to be cross-department, cross-party joint working so that we target and strategise. There is an awful lot of duplication and repetition of services, for example in the national health service and other public services, in the context of advances in technology and the increase in online services. Such services are not provided in a centralised way, which could easily work in Scotland. We could join the dots between the services so that we would have a comprehensive, cohesive picture and get value for money for each pound that we spend.

I agree whole-heartedly with Frankie McLean that investment now will make all of us—not the deaf community, but the whole of Scotland—better off in the future.

**Colin Beattie:** I am interested in Avril Hepner's point about current spending on BSL perhaps not being spent as wisely as it should be. Can she expand on her comments?

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) There are individual, local plans for how NHS services across Scotland will meet the needs of deaf people. I give the example of access via technology to interpreting services. If we planned things properly in the first place, such services could be provided in a centralised way rather than pots of money being drained locally. I am sure you would agree that there would be economies of scale, so such an approach would make sense. Does that answer your question?

**Colin Beattie:** I think that it does. I understand where you are coming from.

10:00

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) The number of BSL users in different areas varies widely; in some areas there are a large number of deaf people, whereas in others they are very few and far between. I am sure that having a centralised system would be far more cost effective.

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) Another example that might illustrate the issue concerns deaf children in schools across Scotland. There is an awful lot of expenditure on itinerant and visiting teachers of the deaf who cannot sign very well, as I said earlier. Communication support workers are not



trained very well and are giving ineffectual support. If we strategically employed deaf people to support our deaf students, that would be a lot cheaper and more cost effective—and it would give much better outcomes, which is far more important.

As I explained, a lot of the so-called professionals who work in the area do not have the necessary sign language skills to meet the needs of deaf students. We would like to see a system that is able to exploit the potential of the deaf community—our skills and experiences—to bring up our children in the way that they deserve.

**Nicola Mitchell:** (*simultaneous interpretation from British Sign Language*) I totally agree with that.

**The Convener:** Alan Drew is here representing younger people today. Does he have a view?

**Alan Drew:** (*simultaneous interpretation from British Sign Language*) Young deaf people often live very isolated lives, in terms of their family, social life and education. They find it difficult to get good employment outcomes; they are underemployed and they cannot get promotion. I cannot emphasise many areas of improvement. For example, job interviews can be incredibly difficult for deaf people to navigate well. Often employers and educational establishments have an attitude that is extremely unhelpful to deaf people's needs. A bill such as this, which states the language rights of deaf people, will go a long way to improving that.

**Colin Beattie:** What do you understand by the term "promotion of BSL"? What specific things should that entail? What should be included in promotion?

**Alan Drew:** (*simultaneous interpretation from British Sign Language*) As was said earlier, promotion of BSL will prove that BSL is a language. Hopefully, educational establishments and employers will have an attitudinal and cultural shift. That is the first key step.

Promotion can also mean much more of an acceptance of the access needs of deaf people throughout our society.

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) In my experience, it is not only deaf people who can benefit, but hearing people too. Hearing people are usually fascinated when they are exposed to BSL and very keen to learn more, but they have a limited choice of where they can go to do that. They are often disappointed because tuition is not accessible in their locality.

I think that having BSL on the curriculum, for example, would improve the awareness of hearing people. It would improve their language skills, as

they too could become bilingual in English and BSL. That would mean that there would be far more interaction between deaf and hearing people. Hearing people learning BSL would be really useful. It could be fun for hearing people, and it would mean a lot more interaction and involvement in wider society for deaf people. Promotion of BSL would certainly involve promoting the learning of it by hearing people.

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) As I said earlier, the dictionary that the BDA published a few decades ago recognised our language as having its own grammar, syntax and structure, which puts it on a completely equal footing with any other language. We all agree that BSL is a recognised language, and not just gestures or mimes.

Frankie McLean mentioned the national curriculum. It would be terrific for the curriculum to recognise the benefits that learning BSL can confer. Somebody who grows up bilingual has many career opportunities, and not only in BSL. They could work as a social worker or an interpreter within the language group, of course, which would make promotion cost effective, but bilingualism is good anyway.

Deaf people have hearing partners and family members; I do not know whether the committee knows that more than 95 per cent of deaf children are born to hearing families. If we promote the language in the wider community, people who have deaf children will be able to communicate with them on at least a fundamental level. When I think of promotion, I think of the quality of life that the bill would promote.

We keep going back to this point, but the principle of changing attitudes and gaining acceptance and respect for our language on a par with other spoken languages is really important. It means that deaf Scottish people will feel that they truly belong in their own country.

**The Convener:** I ask the witnesses to be brief, as we have a lot to get through.

**Heather Gray:** I wanted to mention Dingwall academy and the one-plus-two initiative there, in which students are learning BSL as a second language. That is perhaps an opportunity, and it is certainly a great example of good practice.

**James Dornan (Glasgow Cathcart) (SNP):** A number of comments to the committee have suggested that the bill could have unintended consequences, primarily in the form of a detrimental effect on the availability of resources to support people with other communication needs. Do you agree? Could deaf people with other communication needs be negatively affected by the bill? If so, in what ways?

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) At present, BSL should be an option for anyone who chooses to use it, but in reality it is not an option because of the lack of resources, support and so on. Families with deaf children often do not take up the option of BSL. As Avril Hepner said, the vast majority of deaf children are born into hearing families, who do not know how to communicate with their child. They do not know where to go to learn BSL, and they are maybe not advised to do so.

Deafness covers a broad range of individuals who communicate in different ways, and not all of them will use BSL. Some will lip-read and speak, for example, and that is fine. However, I am thinking about how many of those people would welcome the opportunity to learn BSL if it was available to them. I am confident that many more people would access BSL tuition if they were able to do so, because hearing loss can have a profound effect on the lives of individuals, and the impact on their ability to communicate can cause a great deal of frustration and often depression.

For example, single parents who lose their hearing have hugely problematic issues communicating with their children. Hearing loss can involve a lot of stress, and people can really struggle in their individual circumstances. Having BSL as an accessible option for more people to learn would benefit a lot of hard-of-hearing people too, as it would give them another choice that could help them to access services. The bill could be very positive for other people.

**The Convener:** Just to interrupt for a second, I think that Mr Dornan's question was not so much about the issues that Mr McLean just mentioned in his response. Many of us recognise the benefits that would result if BSL was widely available. The question was directly about the impact on resources.

If a council's resource allocation for the deaf community or for other communication needs is limited, and there is a fixed pot of money, the question—I am paraphrasing Mr Dornan here—is effectively about what the impact on that pot of money would be if some of it had to be used, under the legislation, for BSL plans and promotion. I am not confident that extra money would be provided to do that. The money would remain the same, but some of it would have to be allocated for promotion and so on. What would be the impact on BSL users of that? I am paraphrasing the question.

**James Dornan:** I was going to come back in and make exactly that point, convener.

**The Convener:** I am sorry. Would Frankie McLean respond directly to that point?

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) I am sorry; I was emphasising the positives and I know that there are concerns about this. The honest answer is that we do not know but when I consider current spending on deaf people, I think that there would be a lot of savings. For example, not much is spent on lip-reading classes at the moment. The spending is the other way around. There is more spending on BSL users than there is on the other groups of deaf people. [*Interruption.*]

**Rachel Mapson (British Sign Language Interpreter):** I am sorry; that was an interpreter's mistake.

**Andy Carmichael (British Sign Language Interpreter):** Frankie's last point was that he believes that, in the suite of services that is available right now, there is much more spending on the other forms of communication than on BSL. That is the status quo.

**The Convener:** No. It is not.

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) No; I will clarify. At the moment, we are not totally sure what the spending is on the other communication methods. I do not think that there is that much spending on them anyway.

**Alan Drew:** (*simultaneous interpretation from British Sign Language*) The BSL bill will make BSL needs more visible. I feel that they are not visible enough within the spectrum of needs and the services to meet those needs.

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) I do not think that there would be any negative effects at all, to be honest. We have to bear in mind the fact that BSL is a language. You are talking about communication tools, such as sign-supported English, which is not a language—it is an artificial communications system—and Makaton, which is for people who have special needs or additional disabilities, perhaps. There should not really be any negative or unintended effects of the bill. Consider the amount of funding that has been given to cochlear implantation over the past few decades—if we can spend money in that direction, we can certainly use a bill to direct people to spending in this way. There should be no negative effects at all.

We are talking about a distinct language and the other services are for people who do not use that language. There are two separate issues and it would be good for us to focus on the language side of things.

We talked about the see hear strategy. Obviously we are supportive of a wide and open attitude to the spectrum of deafness and the services for it, but I strongly believe that a BSL bill

would have no negative unintended consequences.

**Heather Gray:** Our organisation is seeing significant cuts in sensory services right across Scotland. We need to be aware that financial resources could be diverted from the additional support that is required for deaf children in the classroom, for example, particularly for communication support workers, radio aids and improved acoustics. Given the situation across Scotland just now and the constraints on budgets, we need to be cautious about that.

**James Dornan:** May I come back to you on that point, Heather? Do you have any suggestions about how to mitigate those circumstances?

**Heather Gray:** Yes. Some funding could be attached to the bill.

**James Dornan:** I had a feeling that that might be your number 1 response.

**Heather Gray:** I believe that the bill will require funding and resourcing, given that we know that there are inconsistencies and gaps in services across Scotland. Services are working incredibly hard to build capacity and to use resources as effectively as possible, but we are seeing significant cuts to budgets and real pressures on councils. My concern is that it may well be difficult to fulfil the obligations unless financial resources are attached to the bill.

10:15

**James Dornan:** Should the bill include a specific reference to the needs of deafblind BSL users? If so, in what way?

**Nicola Mitchell:** (*simultaneous interpretation from British Sign Language*) Yes, I think that it should, because deafblind people are deaf primarily and then they lose their vision later in life. They are people who rely on BSL.

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) Yes, I think that deafblind communication involves a hands-on, tactile form of BSL, so basically we are talking about BSL—it is just a different form of BSL. I am not a linguistic academic, so perhaps other people can tell me if I am wrong about that.

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) As Frankie McLean said, deafblind people are a distinct group within our community and have their own extra needs. It is important to make sure that they are included. If we are talking about including the deaf community within wider society, we need to consider the deafblind minority within the deaf community as part of that picture.

**Liz Smith (Mid Scotland and Fife) (Con):** As the bill stands, there is a proposal that one minister should have a specific responsibility for BSL. The Scottish Government has come back and said that all ministers should have responsibility because of the collective role that their portfolios play. Should there be a specific minister with responsibility for BSL? If so, what additional benefit could that bring?

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) We would like a minister to be given primary responsibility to oversee the whole picture and to take the lead on BSL, flowing from an act of Parliament. However, in a way, we would like to have our cake and eat it. We would like cross-department and cross-party support for it so that there is a synergy between the head and the heart and the services that are then provided.

We would like that strong overview and leadership so that somebody is accountable for BSL, but we would expect them to delegate those responsibilities across all departments. That would benefit all parts of the equation because there would be a clear road map—a clear strategy—of who is responsible for what. However, we feel that that oversight role is very important. It would also be cost effective. Do not forget that we hope to have a national advisory group that would work in very strong co-operation with all Government departments to ensure that we take the right path in ensuring a better future.

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) I am sure that committee members have been looking in depth at all the paperwork on the bill, so you probably have a much more in-depth knowledge about it than other members of the Parliament. It would be invaluable to have a minister who accrues an in-depth knowledge of BSL, the processes and the needs involved.

**Liz Smith:** If there is a national advisory body and there is also a minister with responsibility for BSL, what will each of their roles be? How will the minister's role differ from the national advisory body's role?

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) A lot of issues need to be discussed and the advisory group would be the place for those discussions, in order to benefit from individuals' experiences and so on. However, the minister is the person who needs to take that overview, summarise the thoughts of the advisory group and present them to Parliament. The advisory group is where the discussions can take place and feed into the process and that will be done through the minister.

**Liz Smith:** Sorry, but I just want to be clear about that answer. If it is the minister's

responsibility to set the priorities, would you expect the priorities to come from the national advisory body?

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) Yes.

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) We have talked about the minister taking the lead in terms of Parliament and legislation, but we would like the majority of members of the advisory group—75 per cent or more—to be experts in the field who have a connection with the community and what is going on, so that they provide a link or bridge to the plans and feed the needs of the community into the strategy. The vast majority of advisory group members—75 per cent or more—should be Scottish deaf BSL users. Obviously, organisations such as COSLA need to be part of the lengthy discussions. However, in terms of formulating a national plan and supporting authorities to implement it, advisory group members could provide a vital link between the national Parliament and all the services that are being rolled out across the country.

I hope that that is clear. Is it?

**Liz Smith:** Yes. However, there must be an expectation that responsibility for BSL will have an impact on other Government portfolios, because it runs across education, health and social responsibility, for example. I am slightly nervous about only one minister having that responsibility, which I think is the point that the Scottish Government is making. Do you see a way forward in trying to ensure that there is collective responsibility in the Government for the issue?

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) I am not sure that I can answer that. We can consider how effective the Gaelic model is. If it is effective, we can perhaps follow that model for BSL, but if it is not, we can do something different.

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) To link to what Frankie McLean just said, if we spread the responsibility around, it will perhaps be spread too thinly. We would like to see some sort of accountability or shared responsibility, if you like. Given that this is a promotional bill, one minister should take the lead over other departments. However, the advisory group would provide a vital link to local authorities and services. As Frankie said, we can look at spoken language models and see whether they would apply to or work for the BSL situation.

**The Convener:** I have a question about an issue that the Scottish Government raised. The Government suggested that the requirement for listed authorities to publish a plan should be replaced by a requirement to publish a BSL

statement. Does the panel feel that a statement would be better than a plan in driving improvement and measuring progress?

**Heather Gray:** I think that it is important that there are plans with momentum and accountability so that we can see what progress there is towards the bill's aims. There is a fear that a statement could be just a tick-box exercise. It is important that, to achieve the bill's aspirations, there are accountable plans and measurable outcomes for assessing progress.

**The Convener:** The Government's response to the bill is that there should be a national plan but that each authority's plan, if you like, would be a statement indicating how the authority would achieve the outcomes that are laid out in the national plan and how it would drive forward its responsibilities. Is there a problem with that model? Do you have any issues with it?

**Heather Gray:** My concern is accountability and keeping the momentum going behind the local plans. It is a question of how accountable the local plans are and of how people will deliver against them. It is critical that the national plan and the national advisory group are explicit on the responsibilities for reporting back. There is a danger of it becoming an exercise that does not produce progress. There needs to be some momentum behind it, and there needs to be accountability for deliverables.

**The Convener:** I am trying to understand this, and I wish to probe the point a little bit more. I understand why you feel like that. You are expressing concern about there being a statement, as opposed to a plan. I am trying to understand why you think that a statement would be worse than a plan. You are saying that a statement would be a tick-box exercise, but a plan would not be. However, a plan could equally be a tick-box exercise if you want to make it like that.

Surely, if a local body has to publish a statement detailing how it will achieve the outcomes in the national plan, as long as the national plan has the detail, that statement from the local authority—for instance—will say how it intends to achieve or make progress towards the outcomes in the national plan. That is not a tick-box exercise; in fact, it is quite a focused way of achieving the outcomes that are laid out in the national plan.

**Heather Gray:** Yes. It is critical that there is a mechanism for reporting back, that there is a sense of intent and measurable action within the statement and that people can see a tangible improvement. There have been a number of examples of statements with no intent and no movement behind them. The important factor is to have intent to deliver the local plans, and the role of the national advisory council or committee, or

whatever it is that is created, is to have some kind of accountability for monitoring that.

**The Convener:** I want to be absolutely clear about this point. I will come to other members of the panel in one moment. The important point is that the principle is to include intent, monitoring, progress and the publication of outcomes. It is all that kind of detail that you are concerned about. Whether it is a statement or a plan is slightly less important; the important thing is that it has to have—

**Heather Gray:** It has to have some accountability.

**The Convener:** Yes. There has to be some solidity behind it, as well as accountability.

**Heather Gray:** Yes, absolutely. Having the national task group is critical to that, and it is important to have momentum behind that, so that there is accountability.

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) The key to the success of the bill is that public bodies should consider what the issues are for them and for the services that they offer. Those will be individual to the different listed authorities. They need to consider carefully what is involved for them.

Those authorities will have the national plan, and they can think about how to achieve the aspects of the national plan, but a statement will not indicate that they are really exploring the issues as they experience them in their particular fields. It is important that each authority carefully considers its particular circumstance and what is required in its situation. It must be contextually relevant. It is not about ticking the boxes of the national plan. That can work to a certain extent, but it will be far more effective if there are individual authority plans.

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) The local authority's plans should be focused around action points. The national plan will hopefully make statements of intent with some sort of force behind them, so that the public authorities understand that they need to carry out needs analysis and to follow what is outlined in the statement of intent.

The British Deaf Association has a BSL charter, which already mentions a great deal of those things. Pages 24 to 26 of the committee papers cover the content and context. The BSL charter is a statement of intent. Police authorities, councils and health authorities are encouraged to sign up to the charter—to make a pledge, if you like. There are five central pledges in the charter and its aim is that people will work together strategically, to ensure that the needs of the community are covered.

When we talk about a statement, we really want to see a statement of intent. That last word—intent—is the most important one, because it strengthens the statement. It takes something that exists philosophically and puts it into practice.

10:30

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** We just heard how important it is to have plans in place. However, we heard in some written evidence that information on what should be included in a BSL plan is quite vague and we heard from COSLA that there is a lack of clarity. What should be included in national and local authority plans, so that they can be effective?

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) I could summarise five key areas. The Facebook comments and the other evidence have highlighted that education is key, and the next area is health. Social care, particularly for elderly deaf people who suffer from dementia and other conditions, is next—there is an identified gap in services there. The promotion of leisure and inclusion of deaf people in culture and the arts is the fourth. The fifth area, which is equally important, is employment.

We have mentioned before that deaf children need to be able to access their education in their own language, so that they acquire holistic wellbeing that gives them a sound foundation for their future. We have talked about interpreters in health services, but we have growing mental health issues and we do not have competent councillors. The employment opportunities for deaf people are, as I am sure you will appreciate, woefully inadequate and behind those available to the general population. Those are the five key areas that I would like to highlight.

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) I totally agree with what Avril Hepner has just said, but I would add early years and early intervention. There has to be support for families who have deaf babies. We need to ensure that they get the right support in the early years, to facilitate growth, development and healthy lives thereafter.

**Heather Gray:** In Scotland, we do not have a national programme for family sign, which is vital for supporting the 90 per cent of parents of a deaf child who are hearing and promotes a means of communication in the early years. We know how significant and important the early years are, so I reinforce the point that the early years are critical in the action plans.

**Gordon MacDonald:** Avril Hepner mentioned five or six key areas that should be included in national and local authority plans. Should more

detail on the content of plans be included in the bill?

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) Of course we would like to see a lot more detail—a lot more flesh on the bones—but maybe not more on the face of the bill. The detail belongs more in the national plan, providing the link between the legislation and the practice. Adding early intervention, which Frankie McLean mentioned, would give us six key areas. There needs to be a clear link between those areas and there needs to be prioritisation. We have to think about this as a long-term, iterative process. The world changes and new issues will come up, and we need to be flexible and adaptable.

**George Adam (Paisley) (SNP):** The bill proposes that, in each parliamentary session, a performance review is laid before the Scottish ministers that contains

“an account of measures taken and outcomes attained”.

I read the written submission from the British Deaf Association Scotland, which says:

“If performance review is the chosen evaluation approach it should not be a simple ‘tick-box exercise’, it should have both a formative and summative evaluation component.”

However, COSLA has said that there could be difficulties with local authorities having to report to the Scottish Government on this and it believes that we should go down the community planning partnerships route. If we did that, how could we get a national picture of where things lie with the reviews and the outcomes for BSL?

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) That is a good question. You mentioned the difference between formative reviews—regular iterative reviews that can provide quick fixes and solutions to issues that are identified—and summative assessments that take a longer view of achievements and improvements. It is important that reviews come from the community, so we need to tap into local knowledge about what is happening on the ground. However, the answer is that we need both. Local performance reviews should feed into a national picture.

The BDA is working on a participation project in which we consult people and review our services to the community. That could provide a model for how reviews will work between authorities, councils and the larger context. COSLA states in its submission that it wants this work to be done on a local basis, but we would put an “and” in there, not an “or”. It is important that we get local contributions so that we understand what is happening, but that they are fed into a national picture.

**George Adam:** Are you saying that we need to stick with the idea of a national review but that views should be fed in at the community planning level as well?

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) Yes. We need to look at both. The local stuff would be about everyday access and what is going on on the ground. For that to be effective, it needs to be regular. That is the community planning partnership model that you mentioned, where collaborative data collection provides material for the reviews.

**George Adam:** The only sanction in the bill for an authority that is not performing correctly is naming and shaming. Is that enough or are more sanctions needed to deal with the situation if the national picture shows that some areas are not delivering?

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) That is a tough question. Sanctions might make people more proactive, but they might lead to people setting insubstantial targets in the first place. If they are worried about sanctions, they might just make things easier to achieve.

It is a balancing act, and the review process needs to allow for that. It would be good for authorities to be allowed to aim high and fail, but to be supported in that. If they continually fail, that is when sanctions might need to be brought in. It is a carrot-and-stick act, but I think that you need to tread quite gently to begin with.

**George Adam:** Naming and shaming is the only sanction, so that is what would be used eventually if there is continual non-compliance.

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) Yes, I think so.

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) As Frankie McLean said, when we look at how often failure happens and what support is given when inadequacies have been identified, the focus should be on resolving problems so that we are looking at a positive way forward when issues are identified. Only when authorities are clearly ignoring or disregarding those should there be some sort of sanction. Whether the bill has the strength to do that, I am not entirely sure.

The key is to be supportive in the first few instances. Ultimately, sanctions will be limited, so they would have to be seen as a last resort.

**Alan Drew:** (*simultaneous interpretation from British Sign Language*) We could also look at the best practice or best performance model, so that authorities or organisations that are not doing so well can look to those that are succeeding. That is a constructive, collaborative way of celebrating

success and using it as a blueprint for how other authorities and organisations can improve.

**The Convener:** We are struggling for time, so I will have to ask you to be quick.

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) There are current examples of good practice, but we would like to see some consistency across the nation. It would not be difficult to model and share those examples of good practice.

**The Convener:** I see that Avril Hepner would like to speak, but I have a question that follows on from what Frankie McLean has just said.

The Scottish Government has suggested that the BSL national advisory group could undertake collective consultation on authority plans. That is to avoid local or small groups being swamped by requests to undertake reviews of local plans. What is your view on a collective consultation process, driven from the centre, rather than more localised consultation by lots of different groups, with the danger of certain groups being swamped with requests?

**Alan Drew:** (*simultaneous interpretation from British Sign Language*) Local consultation is good, but we have to consider the potential of people being oversurveyed and things being missed. The collective consultation has some advantages, perhaps in picking up the gaps, but I think that it is a case of “and” rather than “either/or”. In theory, the collective consultation seems like a good idea.

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) First, we would like to say that the Scottish Parliament’s Facebook initiative is an excellent example of being open and outward facing, as well as being consultative in a very cost-effective way. The committee will know how many contributions that initiative has received. We would like to congratulate you on that and to say that it should be an on-going part of the consultation process with the deaf community.

Local consultations can happen but, rather than making them too onerous, we can tap into the expertise of organisations, such as the British Deaf Association. We already have our participation survey going on. We are doing that outreach work in the community. There is evidence and work available that can feed into the process. There is no need to reinvent the wheel constantly and there are good, cost-effective ways for the Government to leverage the expertise from our organisations and use technology, through things such as Facebook, to allow that vital local knowledge to feed up into the plans. It does not need to be expensive, time consuming or onerous. If we are strategic about it, we can have our cake and eat it.

**The Convener:** I have a final question and I am looking for very quick yes or no answers. The timescale suggested by the bill is complicated, so I will read it out:

“The Bill proposes that the national plan should be produced no later than six months after the start of each parliamentary session, and that authority plans should be published no later than six months after the national plan. (For the first set of plans, the relevant periods are 12 months.)”

That to me is a complicated way to do it and I think that the Government agrees. It has suggested a five or seven-year cycle for plans, which is more in line with the Gaelic Language (Scotland) Act 2005. What are your views on that?

**Heather Gray:** I agree that it sounds very complicated. If we have got something that works for Gaelic, we should be adopting that for BSL.

**The Convener:** Does the rest of the panel agree with that?

**Frankie McLean:** (*simultaneous interpretation from British Sign Language*) Yes. If it works, use it.

**Avril Hepner:** (*simultaneous interpretation from British Sign Language*) I do not have a yes or no answer, but I will be brief. We would like to see as much achieved in the first session as possible. When you think of the education of deaf children, five or seven-year plans means five or seven years of their lives, and so all their opportunities could be lost over such a long period. It all depends on which part of the strategy and service provision we are looking at.

**The Convener:** Thank you. That has been very helpful. We have gone a little bit over time, but it has been an informative and welcome experience. I thank the panel for their contributions. The committee has certainly got a lot out of this first panel of witnesses.

10:45

*Meeting suspended.*

10:52

*On resuming—*

**The Convener:** I welcome our second panel. Katy Hetherington is from NHS Health Scotland, Nigel Firth is from NHS Grampian, Lorraine Vallance is a member of the Scottish universities heads of disability services group, Robert Nicol is from the Convention of Scottish Local Authorities, and Maria Dick is from the Forth Valley sensory centre and is also representing COSLA.

We will go straight to questions from committee members.

**Siobhan McMahon:** We heard from the first panel this morning that BSL users feel that it is necessary to put BSL in legislation. Do you agree with that?

**Nigel Firth (NHS Grampian):** Primary legislation is one option. In discussions with NHS Grampian disability groups, BSL users came up with a range of options that I am happy to put forward. A voluntary code of conduct or guidance is a second option, and a third would be to reinterpret or add to existing legislation.

As I am sure members know, the general duty in the Disability Discrimination Act 2005 contains a number of elements, including a legal duty

“to promote equality of opportunity”

for disabled people. Significantly, it also mentions the duty

“to take steps”

to meet disabled people’s needs even if that requires more favourable treatment. The Equality Act 2010 also contains elements that could be used.

The consensus view of our disability groups in Grampian, and of those in Orkney too, is that a sensible first step might be to reinterpret existing legislation using the Equality and Human Rights Commission in Scotland as the primary enforcement body. If that was not sufficient, primary legislation should perhaps be considered.

**Robert Nicol (Convention of Scottish Local Authorities):** I probably agree with that. There are a variety of ways to promote anything. Primary legislation is one way, but there are other mechanisms out there. I would add another option to the ones that have been mentioned: there is Government policy, which can be developed collaboratively. We already have the see hear strategy, which I am sure we will discuss further. Another policy, which the first panel discussed, is the one-plus-two language model.

It is clear that there are a variety of ways in which Government policy and practice can be shaped to promote a particular subject. Primary legislation is not necessarily the only route to deliver something which, as the first panel made clear, it is strongly felt is needed.

**Katy Hetherington (NHS Health Scotland):** I would echo those comments, from NHS Health Scotland’s perspective. We very much support the thinking behind the bill with regard to promoting BSL, and we want to see all our public bodies doing that in order to tackle health inequalities and promote equality in access to health services.

However, we believe that there are levers in the current equality legislation—particularly in the human rights framework, which we may want to

discuss further—with regard to the right to health, and in the human rights-based approach that public authorities could take. By looking at how we could better use those levers, we might achieve the outcomes that the bill is intended to achieve.

**Siobhan McMahon:** In your answers, you have all tended to focus on disability and not necessarily on language opportunities. Frankie McLean on the first panel said that deaf people do not see themselves as disabled, yet every answer that we have heard from you mentions the Disability Discrimination Act 2005 and how we can focus on disabled people. Do you think that there is from the outset a problem in your wishing to view the bill in that way?

**Katy Hetherington:** I recognise completely where the BSL community is coming from on the point about BSL being recognised as a language issue and not as a disability issue, and I think that the human rights framework might provide leverage in achieving that.

Non-discrimination is part of the human rights based approach, and the aspect about realising people’s rights includes doing so on the ground of language. We might be able to look at the human rights framework more closely in that respect.

I cannot speak on behalf of the whole of NHS Scotland, but I know that NHS Greater Glasgow and Clyde, for instance, has a BSL plan in place and that action flows from that. Other boards will have similar plans in place already.

**Nigel Firth:** I quoted the DDA 2005 because that legislation is relevant to what we are discussing. There is no doubt that people who are profoundly deaf from birth are at a great disadvantage. They are a very vulnerable community, or group of communities. It is important that every effort is made to expand opportunities and to address issues; the question is how we go about that. There are ways other than primary legislation.

**Lorraine Vallance (Heads of Disability Services Group):** We recognise the difficulty with the “disability” label, but we worry about the existing support provision that is guaranteed under the Equality Act 2010. That is where our concerns lie: the provision might not exist in the bill.

**Siobhan McMahon:** I am sorry—I missed that.

**Lorraine Vallance:** Support might not be available under the bill.

**Siobhan McMahon:** Okay.

If deaf people are a vulnerable group, I suggest that that is because we are not listening to what the community wants, and that we define what is best for the community rather than hearing what they are telling us is best for them.



We heard in evidence, and we have seen from written submissions and from comments on Facebook, that the Equality Act 2010 and the Human Rights Act 1998 are not standing up at the minute, particularly in the health service, for which we have had examples. We have been given other examples this morning, but provision should be made in the health service.

Katy Hetherington spoke about the human rights framework and the 2010 act, but those things are not being implemented in the way that they should be. A lot of people have said in written submissions to the committee that the legislation could be implemented properly, but that it would mean going to lawyers and going through a formal process, and they are not able to do so given the barriers that they already face.

Do you not see that the bill would, in promoting BSL, help with implementation of the 2010 act and the 1998 act, and would act with that legislation as an add-on rather than acting against it?

**Nigel Firth:** It is quite a sweeping generalisation to say that the needs of profoundly deaf communities are not being addressed by the NHS in Scotland generally.

11:00

**Siobhan McMahon:** No one said “generally”.

**Nigel Firth:** Well, I think you have to look—

**Siobhan McMahon:** I am sorry, but you added the word “generally” to what I said. It would absolutely be a problem if I had said that, but that is not what I said.

**Nigel Firth:** Okay. I stand corrected.

It is important to look at what individual public bodies are doing. Some public bodies are exemplary in their provision and others are perhaps less so. In Grampian, we take advice from the local deaf communities. We have involvement events, and the agenda that we set is their agenda. We do not impose an agenda; we ask what we can do to make our services more accessible to those communities, and what would make life simpler. That is the agenda that we follow.

**Siobhan McMahon:** Yes, but the question that you did not address is this: will the bill add to the Equality Act 2010 and the human rights framework?

**Nigel Firth:** Yes—I think that it would do that, but there are other options.

**Siobhan McMahon:** I understand that, but that was my question.

**Katy Hetherington:** The examples of people experiencing poor access to NHS services are

cause for concern. We hope that it is not the case throughout Scotland, but there have unfortunately been cases in which it has happened. Our thinking is around whether we can ensure that public bodies, including the NHS, follow the Equality Act 2010 requirements better so that we can ensure that the needs of BSL users are addressed. We should focus more on that, rather than developing new plans on BSL. We would like the Equality Act 2010 and the Human Rights Act 1998 to be used better by public bodies, and we are not sure whether the requirement to produce an additional plan would strengthen that.

NHS Health Scotland is a national board, and we provide a lot of health information. We have been reviewing our inclusive communications policy and doing a health and equalities impact assessment of the policy. We constantly review the requests that we get for BSL translations, and we hope to be responsive to those. I listened with interest to the discussion with the earlier panel, and we will certainly feed back the issues to our organisation and to the broader NHS equality and diversity network.

**Liam McArthur (Orkney Islands) (LD):** What the witnesses are saying does not seem to be unreasonable, and none of us is in the business of wanting to legislate simply for the sake of it. However, as Siobhan McMahon said, we have the Equality Act from 2010, the DDA from 2005 and a human rights framework that has been in existence for as long as the Parliament has. Although there are undoubtedly exemplars in the health service, in the education service and in a range of other public services across the country, the clear message is that the situation is patchy.

The deaf community is telling us that there is frustration that the patchiness exists despite those legislative levers—which are, let us face it, significantly more substantial than those that are proposed in the bill. The deaf community is saying that the bill offers an opportunity to identify and symbolise the importance that we attach to BSL. Then, through the levers in the Equality Act 2010 and the human rights framework, we should start to see a more consistent approach to improving access for the deaf and hard-of-hearing community. Is not that a reasonable proposition for that community to make?

**Katy Hetherington:** I do not think that it is unreasonable, and I welcome the opportunity to hear the arguments and discussion on that. We just want to flag up our concern: we have existing legislation that covers some of the issues, such as equality in access to NHS services, and it is not working, so will additional legislation that is focused on BSL work in practice?

**Liam McArthur:** A challenge for us has been to manage expectations about what the bill will and

will not do. We have been wrestling with that. From the evidence that we have taken so far, it appears that the plans will not be the levers for making progress, but they will give BSL a status that can then be enforced by praying in aid the Equality Act 2010, the human rights framework and the DDA.

**Nigel Firth:** What Liam McArthur is eloquently expounding perhaps highlights an enforcement and monitoring issue. I agree that there is inconsistency; there is a need to ensure consistency and to enforce the regulations and the legislation that are already in place. I agree that the bill might give a much higher profile to the role of BSL, but it would still be necessary to step up regulatory mechanisms, otherwise the bill could be enacted but take the debate about how to meet the needs of the profoundly deaf communities no further forward.

**Colin Beattie:** I will ask the panel the same question that I asked the previous panel. In their written submissions on the bill, some groups expressed concern that the bill would use up scarce resources. The Convention of Scottish Local Authorities has stated that

“there is a risk that it will become an expensive bureaucratic exercise”.

We are using resources to develop plans. Is that the best use of resources or could those same resources be used to provide better support to BSL users?

**Robert Nicol:** I will start and other people can come in as they wish. The first panel clearly desires more services and more support. They want more translation services and more direct support and access for BSL users. The bill, however, merely creates a mechanism for establishing plans; it does not create a mechanism for establishing additional services. That is the issue, as we see it. Clearly, as Mr McArthur outlined, there is a need to manage expectations about what the bill will achieve. It is a balancing act.

Our clear concern is that, according to the financial memorandum and the Scottish Parliament information centre briefing, the upper end of the cost—granted that that covers everything in the bill—is about £6 million. That not insubstantial amount of money might be better spent in other ways, such as investing in front-line services. Yes—there may be a need for promotion and for giving BSL a status that it has not previously had, but that will not, in itself, necessarily lead to the services that would make a difference to people's lives.

**James Dornan:** Convener, can I come in?

**The Convener:** James Dornan has a supplementary. Do you have more questions, Colin?

**Colin Beattie:** I do, but if James wants to come in on that point, that is fine.

**James Dornan:** Regarding Mr Nicol's comments, I thought that it was pretty clear that the first panel thought that the bill is a very strong symbol in relation to moving forward with BSL. Mr Nicol is right that everybody would like more resources for different services: the first panel made that point. However, nobody on the first panel at any point said that the money would be better spent on more services than on the bill.

**Robert Nicol:** We are asking whether investing money in the bill is truly the best way of getting money for communities and BSL users. We are just outlining an alternative question.

**James Dornan:** My point is that the first panel said that they felt that the bill is the best way forward.

**Robert Nicol:** I do not want to put words in the mouths of the previous panel members, but you asked COSLA a question about whether we think that—

**James Dornan:** You referred to the first panel.

**Robert Nicol:** Yes—but they also talked about the translation services that we would have to spend money on. The bill does not deliver translation services; it allows for plans to be developed. If you are saying that you want to invest money in translation services, that is clearly not covered by the bill.

**The Convener:** I will jump in here to make a point. Much of the criticism of the BSL bill probably repeats criticism of the Gaelic Language Bill when it was first proposed, yet we now have the national Gaelic language plan in place and I see that even in my local train station Gaelic language signs have appeared. Exactly what was predicted seems to have happened—there has been a change in the mood and in the attitude towards Gaelic. People think about it more and they think about what they should do. For example, when they are changing signage or producing material, they think about Gaelic now. Is not that what we are talking about here? The evidence about what the bill could do for BSL if it became an act is what has begun to happen with Gaelic.

**Robert Nicol:** That is entirely appropriate and we are not arguing about the promotional aspects. I suppose that all we are saying is that we must, at a time of scarce resources, be absolutely certain about what we want to do on BSL. All we are doing here is making the point clearly that there is a counterargument to what is proposed. It is for

the committee to balance all the issues and make a judgment.

**The Convener:** Okay. Thank you.

**Colin Beattie:** Moving on from that point, what does the panel understand by the term “promotion” in relation to BSL? What specific things should that entail?

**Nigel Firth:** A basic issue is to ensure that in all areas of Scotland we have sufficient numbers of properly qualified BSL interpreters. Speaking for the north-east of Scotland, I can say that NHS Orkney has one qualified BSL interpreter and NHS Grampian has four, one of whom has not been available to us because of maternity leave. Every five or six weeks there are occasions when we have to rearrange an out-patient appointment for a deaf person because we do not have a BSL interpreter available. My colleagues and members of the deaf communities in Grampian are concerned about not having sufficient BSL interpreters available.

**Colin Beattie:** But is that not more about providing a service as opposed to promoting BSL?

**Nigel Firth:** It is important to promote BSL, but we need to have BSL interpreters available. We can promote a service, but if we do not have the wherewithal to meet the demand for it, that is a very serious issue. It is therefore not just about promoting but about ensuring that we have sufficient BSL interpreters and resources to meet demand. At the moment, there are issues around that.

**Katy Hetherington:** Having listened to the earlier panel, my view is that the point is to promote BSL as a language in its own right. That is certainly something that we at NHS Health Scotland would do anyway as part of our work on promoting inclusive communications in the publications that we produce. When we review our policy on that, we will ensure that our staff are aware that BSL is a language that they are sufficiently trained in understanding. I do not want to speak on behalf of other NHS boards, but I think that staff training would be part of what they do in promoting BSL as a language.

**Colin Beattie:** Moving on—

**The Convener:** Sorry to interrupt you, Colin, but Gordon MacDonald has a supplementary question on this point.

**Gordon MacDonald:** Rightly or wrongly, I get the impression that there is a wee bit of resistance to any more legislation coming through. I am keen to understand, given the views of the first panel, what actions your organisations are currently taking to promote BSL and how effective that is.

**Maria Dick (Convention of Scottish Local Authorities):** I can speak about my local area rather than the national picture.

We promote BSL web clips on the Falkirk Council website. If particular things are happening across the council’s business—not just in social work or education—we have a BSL web clip about them. For example, they might be about bin collection times changing, new bin colours or new bins being issued—the kind of information that is basic but important.

We also offer translation slots. I know that the previous panel talked about not being able to have BSL interpretation of letters. We have an afternoon a week when people can bring letters in and have them explained. We have online interpreting locally, and at a national level the Scottish Government is rolling out its NHS 24 pilot for online interpreting. It is being rolled out to all public bodies from 22 March. That is something that will promote access to BSL for all our service users.

**Nigel Firth:** Within Grampian, we work closely with North East Sensory Services and Aberdeen Action on Disability. We have involvement events, and we do everything possible to make it clear to members of the different deaf communities that BSL interpretation is available. I think that that is very important.

11:15

Within our own staff, we do introduction to BSL training every year. We have staff who have reached levels 1 and 2, not to replace the professional BSL interpreters but to act as communicators who can greet members of the deaf communities when they come to out-patient clinics and help to give them reassurance and support.

In Grampian and on Orkney, local deaf communities are aware of the availability of BSL interpretation services, which we make freely available.

**Lorraine Vallance:** Heriot-Watt University now offers a BSL degree. We also have students studying with us at both masters and PhD level. We encourage people to apply for courses and we ensure that they will be supported. We will be looking further at how easily students can access services.

**Colin Beattie:** I seem to be hearing from the panel that promotion of BSL is somewhat dependent on availability of BSL interpreters, and that the interpretation of the word “promotion” is really about access to services and additional services. Is that how the panel sees it?

**Nigel Firth:** I think that promotion means making sure that members of the local deaf communities are aware that BSL interpreters are readily available in accessing healthcare, and making sure that all members of the communities know that interpretation is there, is readily available to them and is provided by NHS Grampian and NHS Orkney.

That does not come from the cash-limited budget. We spend whatever we need to spend to ensure that members of the deaf communities have effective two-way communication when healthcare is provided.

**Colin Beattie:** Is that not a rather narrow interpretation of promoting?

**Nigel Firth:** I would be happy to hear what you suggest as an alternative to that definition.

**Colin Beattie:** I would be happy to hear what the panel thinks about promoting.

**Robert Nicol:** I think that there are two aspects of promotion. There is the aspect that was talked about earlier in relation to the Gaelic language that tries to build public awareness and knowledge of BSL as a language. That goes on top of the aspect concerned with how people access local services and what is available to them, which has now been outlined. Those are the two aspects of promotion.

The bill might help with the first aspect, which is public awareness of the language. I think that we have sounded a note of caution about what it does to signpost towards services and raise expectations about additional services that might follow on from that local promotion.

There are those two aspects of promotion. We can clearly see that the bill could be helpful for one aspect, and it could even be helpful for the other, but only if you manage expectations about what will actually be delivered in terms of local services.

**James Dornan:** A number of people have suggested that the bill could have unintended consequences for other languages or forms of communication used by the deaf community. Mainly there is concern about a detrimental effect on resources available to support people with other communication needs. Do you have a view on whether the other forms of communication used by deaf people could be negatively affected by the BSL bill and, if so, in what ways?

**Maria Dick:** In our area, we have a contract for communication support, which is for 10 hours of interpreting. That covers BSL, hands-on signing, deafblind manual communication, lip-speaking and note-taking. If we had to take BSL out of that, or deal with it differently, my concern would be that the economies of scale may not be there and it could become more rather than less costly for us.

**James Dornan:** Do you think that separating BSL is a possible result of the bill? Would it not just be that you would have to monitor it?

**Maria Dick:** For me, that bit of the bill is not totally clear. The bill is very clear that it is about BSL, so I am not clear what that will mean for the other communications support needs, of which there are many. Certainly, in terms of our population, there would be a greater majority in the other group that requires note-taking support or other communication aids.

**James Dornan:** Can I just clarify that? Are you saying that BSL plays a minority role in terms of the services that you provide? Correct me if I am wrong, but the panel suggested that BSL was the largest part of those services.

**Maria Dick:** The service that I manage is a cross-sensory impairment service, and within that the numbers for BSL are the smallest. The percentage of time allocated to it would be higher, but the number of people needing the service would be lower, because it is a cross-sensory impairment.

**Lorraine Vallance:** We have similar concerns. At the moment, we are probably in the unique position that we have access to funding, called the disabled students allowance, which provides any support that a deaf student needs, including note takers and equipment such as video cameras. It covers a range of support, and the focus on BSL alone raises concerns for us in that area.

**James Dornan:** Would you need some kind of security around the fact that resources would not be diverted from other services?

**Lorraine Vallance:** Yes. Those resources are directed at the individual. It is their money and funding to use in the best way for their communication. We meet with a deaf student early on, find out exactly what their needs are, and then apply that funding to cover all their needs, not just BSL.

**Nigel Firth:** BSL is obviously very important but, for people with acquired profound hearing loss, lip-reading is also very important. In terms of using BSL, the 3G and 4G mobile phone technology is very important, especially among the younger users. I often see younger BSL users holding the phone and Skyping or Facetimeing and signing to each other. It was suggested that I put forward the idea that some financial support from the Scottish Government for members of deaf communities who want to use such facilities—perhaps towards smart phones to make sure that those tools, which can be quite expensive, are readily available—would be welcome.

**James Dornan:** Okay. I will take you on to another question. Should the bill include specific

reference to the needs of deafblind BSL users and, if so, in what way?

**Maria Dick:** There is a wide variation within deafblindness. The last panel said that people who are deafblind come from a BSL background. My experience is that many of them are visually impaired first, and then become deaf, so that their first language would be English. I think care would need to be taken and it would need to be spelled out as to what part of the deafblind community was being referred to.

**James Dornan:** So you do not see it as a straightforward issue.

**Maria Dick:** It is not straightforward.

**Nigel Firth:** We have no deafblind communicator in Grampian. We had one deafblind communicator who has retired and has made it clear that they no longer wish to provide services. When we require a deafblind communicator, we have to bring them up from the central belt, which involves a great deal of planning.

**James Dornan:** Does that suggest that there is a need for some kind of move on highlighting the importance of deafblind communicators?

**Nigel Firth:** Absolutely, and there is a need for additional training.

**James Dornan:** Possibly through the bill?

**Nigel Firth:** Through the bill or through whatever other mechanism the committee considers appropriate.

**Siobhan McMahon:** If it is the case that you have to go outwith the health board to find communicators, how are you meeting the needs under the DDA and the Equality Act 2010 that you spoke of in response to the first question?

**Nigel Firth:** By bringing up a deafblind communicator from the central belt.

**Siobhan McMahon:** How long does that take for the user? What happens if their health service appointment is an emergency?

**Nigel Firth:** It can take several days. It depends on the availability of the deafblind communicator.

**Siobhan McMahon:** If there is an emergency health situation and everyone is stressed, do you think that it is acceptable to have to wait several days for an interpreter?

**Nigel Firth:** Nobody waits days for emergency treatment.

**Siobhan McMahon:** So you would just go without the interpreter in that case.

**Nigel Firth:** It would be a clinical decision. In such circumstances, there can be assistance from family members, but our preferred option, if there

is time and if circumstances allow it, is to bring a deafblind communicator to Grampian.

**The Convener:** Does not that highlight the problem with the equality of access that we have heard about from the first panel and from many who have contributed to the committee's work so far on the bill?

**Nigel Firth:** What it highlights is the need for training. I would like the degree courses that operate to train BSL interpreters to be fully funded, and I would like the individuals who are undertaking those courses to be salaried during the course of their training, in the same way that nurses in training are salaried. If there was a guaranteed minimum income for three years once they had completed their training—most interpreters tend to be self-employed—we would get more people coming forward to be trained as BSL interpreters and deafblind communicators.

**The Convener:** Are you saying that you currently have a vacancy, or vacancies, both for BSL interpreters and for deafblind communicators?

**Nigel Firth:** No, we do not employ deafblind communicators or BSL interpreters. Of the ones that we access in Grampian, three are freelance and we have a service-level agreement with each of those three individuals, and the fourth person works for North East Sensory Services and we access that person through North East Sensory Services. There are four interpreters in Grampian, and that is how we ensure that we have access to them.

**The Convener:** Are you currently advertising for a deafblind interpreter and trying to find somebody in the area?

**Nigel Firth:** We have tried to find somebody. We know that the previous individual is not available, and that is why we summon up a deafblind communicator from the central belt.

**The Convener:** Maybe my question was not clear. I understand that the person whom you have used in the past is currently unavailable. What are you doing to pursue a replacement for that person locally in the Grampian area?

**Nigel Firth:** There is no replacement in the Grampian area. We have asked all the various agencies and have sought far and wide. There is no one in Grampian who can fulfil that role.

**The Convener:** There is nobody in the entire Grampian area who—

**Nigel Firth:** —is a qualified and trained deafblind communicator.

**The Convener:** Okay. Thank you.

**Liam McArthur:** Before I turn to the issue of ministerial responsibilities, I would like to pick up on a comment made by Maria Dick about the use of English and the development of sight loss and hearing loss.

Maria Dick referred to publications that are produced and Lorraine Vallance mentioned note-taking support. It struck me that we are talking about BSL as a verbal language. What predominantly is the written language of most users of BSL in Scotland? Is it English?

**Maria Dick:** BSL is a visual language, not a written language. In terms of service delivery, it comes within communication support.

Incidentally, with reference to some of the difficulties that have been experienced in Grampian in getting deafblind communicators, our greatest difficulty in the Falkirk area is in getting lip-speakers—there is a dearth of them. The users of lip-speakers would come from an English-language background and have lost their hearing. There is no course for lip-speakers in Scotland at the current time, and that area is much more difficult for us.

11:30

**Liam McArthur:** Moving on to the issue of ministerial responsibilities, the bill mentions having a dedicated minister responsible for BSL. The Scottish Government has expressed some anxieties around that, pointing to collective responsibility, albeit that the responsibility for the national plan would fall within a particular portfolio and therefore under a specific minister.

I am interested in the panel's views on whether or not a dedicated minister would be a positive or necessary requirement under the bill. If so, what should the specific responsibilities of that minister be, beyond the development of the national plan?

**Robert Nicol:** We do not have a strong view on that. I can see the Government's point of view regarding collective responsibility across portfolios. We have a minister with responsibility for languages at the moment, so there is a potential logical home for BSL within his portfolio. However, we do not have a strong view as to whether there should be clear responsibility given to one minister.

We will probably have some discussion later about what goes in the national plan, which is of interest to us, but the actual ministerial responsibility is for Government to decide—albeit that we have a language minister at the moment.

**Katy Hetherington:** I agree with that. We do not have a strong view on the point.

**Liam McArthur:** The Government has also proposed the idea of a national advisory group or body, made up of ministers, COSLA representatives and representatives of the deaf community. The latter have indicated general support for that, while stressing the importance of ensuring that the group as a whole has a majority from within the deaf community. Do you have any comments on the desirability or effectiveness of such a group and on the balance of its membership?

**Robert Nicol:** The relationship between the advisory group and the national plan is important. It would be helpful to have a national plan that is developed in a consultative way that engages with everybody involved in the BSL community and with service providers. Our strong preference is to develop things on a joint basis, and to do so in as joined-up a way as possible.

The membership of the advisory group would clearly need to represent everyone involved. It is potentially quite a large group, and it is not without its operational challenges, but if there is to be a national plan, there is at least a logic to having an advisory group to advise us on it—albeit that there are some issues about what will potentially be in the national plan and how it might relate to local plans under the proposed legislation.

**Liam McArthur:** Do we need to be alive to the risk of the group getting so big as to be almost unmanageable? Is there a case for saying that the national advisory group should have the scope to assign bits of work and input to others who might not necessarily sit on the group on a standing basis? Is that a model that might work?

**Robert Nicol:** That sort of model works well within government. Having a sub-group, or whatever you want to call it, is pretty tried and tested in civil service practice. I do not think that that would be difficult.

**Liam McArthur:** To be clear, there would not be resistance to the proposition from the BSL community that, whatever the configuration or size of the group, they, as service users, would have a majority on it.

**Robert Nicol:** Others can speak for themselves. Clearly, we would need to know the exact remit of the group and what it is there to do. Once we have that, the membership would follow the function of the group. Clearly, it must be representative of all the interests around the table, and we would make a judgment on that once we see the detail. I do not think that we can go further than that at this time.

**Liam McArthur:** Representatives of service providers will all have official titles and job functions that provide a persuasive case as to why they should be on the group. I suspect that it might be a greyer area for service users. Unless we

accept the principle that there should be an in-built majority of service users, there is a risk that it would be easier for a service provider to justify membership than it would be for a service user. Is that concern fair?

**Robert Nicol:** I can accept that line of argument. All that I am saying is that a potentially large group of people will be around the table, and there is a discussion to be had about the principle of whether there should be a majority of BSL users on the group. We have a stronger view on the national structures that might be set up and how they might relate to local structures, and what the flow of information between them would be. If a national group were to be set up, we would have to look at exactly what its function would be.

I accept your line of reasoning, but we would have to look at everything in the round, once we had the detail.

**The Convener:** I do not know whether you were in the room for the session with the first panel, but I asked it—and I will ask you—about the Scottish Government's suggestion that instead of publishing a plan, listed authorities should publish a statement, which would set out how each authority intended to make progress towards priorities identified in the national plan. What is the panel's view on the question of a plan versus a statement?

**Nigel Firth:** It could be either/or, provided that it fulfilled the primary function, which would be to give BSL the appropriate recognition and provision that it requires across bodies in Scotland. It would be for the committee to decide which would be the best option. The vehicle might be equality outcomes, which all public bodies in Scotland are required to produce under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, which are due to be updated in April. There are a number of vehicles, and it would be for the committee to decide which would be the most appropriate.

**Katy Hetherington:** A statement could be symbolic for how the BSL community wants to see its language recognised and it could set out what an authority plans to do to ensure that it meets BSL users' needs. Previously, public bodies have developed statements such as equal pay statements, which set out what an organisation will do to close the pay gap. A statement could follow something like that; alternatively, it could be much more worked-up, with outcomes attached to it. There are various ways in which it could work.

**Robert Nicol:** What is contained in the document, if you want to call it that, is what is important—what we are saying that we are committing to, whether that is in a plan or a statement. A statement would probably suggest an

intent to deliver something, whereas a plan might suggest that there is something a little more detailed behind it, so the language might be important. I can understand why the speakers on the first panel would err towards a plan rather than a statement, but the heart of the matter is what the document contains, and that is where our questions lie.

**Lorraine Vallance:** Guidance would be needed on what it would contain before we could decide whether a plan or a statement would be best.

**Gordon MacDonald:** I will ask the same questions about what should be contained in the plans as I asked the earlier panel. COSLA has said that there is a lack of clarity around the expected content of the national plan and another written submission said that it was quite vague.

The first panel highlighted six key areas in which it wanted a certain level of service to be specified and measurable outcomes. I am keen to understand what the current panel thinks should be included in the national and authority plans, so that they can be as effective as possible.

**Robert Nicol:** Again, that is a fundamental question and I do not think that I have an answer to it. The previous panel talked about education, health, social care, leisure, employment and early years, which are big areas—there are probably not many public services that are not covered by that. In education, for example, as I know something about that, the issue for us is what additional services the national or local plan for education would unlock that are not being delivered now, and how those would be funded or resourced, not just in terms of money, but in terms of staff time and being able to get suitably trained and qualified people.

The question for us is whether the plans would be a re-articulation of what is already out there, albeit with greater prioritisation and perhaps promotion, or whether they are about unlocking new resources to go into new service delivery. If it is the latter, we are talking about a different sort of legislation that would inevitably need to have further funding to allow it to be delivered properly.

**Katy Hetherington:** For the health service, the plans would be on equity of access, which I suggest is already covered through NHS boards' equality outcomes and their plans on interpretation and communication support for patients.

**Gordon MacDonald:** There has been a suggestion, including from Mr Nicol, that the preparation of plans will divert funds from other areas that currently support the BSL community. Is there an estimate of what the additional costs would be for your organisations? Have you calculated the potential additional cost?

**Robert Nicol:** The only work that we have done is to look at the financial memorandum—we have not done any additional costing. It appears that there would be about £6 million of additional costs. The Government already plans to spend £2 million from 2016 to 2020 on BSL, so that would be an additional cost of £4 million. There is a question about where the additional money will come from. Will the costs be met from existing budgets or through funding from the Scottish Government? If they were met from existing budgets, that would put pressure on something, and a choice would have to be made about whether the money should come from outside the sensory impairment budget or from within it. That would have to be weighed up. The concern for us is that, if there is no additional funding and there are additional responsibilities to comply with, that could divert resources from elsewhere.

**George Adam:** I will ask a similar question to the one that I asked the previous panel. The performance review provision is all about sharing best practice and ensuring that we deliver everything that we want to do. In each parliamentary session, the Scottish ministers will have to undertake a performance review of authority plans, which should include an account of measures taken and outcomes attained. Many of the organisations that are involved think that the performance review is a good mechanism for holding public authorities to account, but COSLA felt that it

“confused the accountability relationships that exist within local government”.

Will you explain that, Mr Nicol?

**Robert Nicol:** The heart of the issue is that local government is not accountable to the Scottish Government. We argue that if there is to be enhanced accountability for service delivery, it should be to local communities. We heard a little about that earlier. We are not saying that there is not a potential need for national planning and co-operation, but we have the ability to translate national priorities into what happens locally, through single outcome agreements, for example. There are mechanisms for translating a national sense of direction into what happens locally. We are concerned about the language of performance review. Who will performance review the local plans? Who will make a judgment as to whether a plan is fit for purpose?

11:45

The bill could cover a range of services, one of which is education. We already have structures for education through which independent scrutiny is brought to bear on service delivery. We have other forms of performance appraisal within authorities as well as externally, through organisations such

as the Care Inspectorate, so what additional structures will we create for the purpose of the bill?

The question for us is: where is it most appropriate for accountability to lie? If there is to be enhanced accountability to BSL users, it should be at the local level, not necessarily at the national level, albeit that there are mechanisms that, to some extent, give us a bit of the best of both worlds.

**George Adam:** However, the BSL performance reviews are for the Parliament to hold the Scottish ministers to account and ministers to hold to account listed authorities, which would include local authorities. Basically, the bill would give everyone the opportunity to be open and democratic.

Being a former councillor, I know how community planning partnerships work. The British Deaf Association Scotland is concerned to ensure that performance review is not just a simple box-ticking exercise but that best practice is shared. If we kept everything at a local level, how could we get a national picture of how things are going? We are all accountable for ensuring that the bill makes a difference.

**Robert Nicol:** There is a difference between, on the one hand, getting a national picture and, on the other, ensuring a direct line of accountability for delivery and making a judgment as to whether a body has succeeded in service delivery.

There are ways of getting a national picture of certain aspects of whatever strategy is implemented and we can choose how to report on that. Our concern lies with how a national organisation such as the Scottish Government would appraise the performance of local organisations such as local authorities on something for which they are closest to the community and the services that it receives. In effect, we would be second guessing who knows best. All that we are doing is flagging that up as a concern for us.

**George Adam:** The British Deaf Association Scotland says that a national performance review would give

“a sense of collective shared mission to achieve the goals of the plans with the community it serves. Authorities would thus become accountable to the BSL community to ensure engagement, involvement, dialogue and continuous improvement.”

Should we not all embrace that and find ways to break down the barriers so that we can all work to deliver it?

**Robert Nicol:** We are not arguing against enhanced local accountability so that local people, whether BSL users or people with another sensory



impairment, can access services, have a genuine say about the services that they receive and play their part in their local processes. We are concerned about the nature of the relationship between the national organisations—of which the Scottish Government is one, as is the national group that could be established—and local decision making, who will make a judgment on whether performance has not been as successful as we would like and what will happen after that. That is the concern that we are flagging up.

**George Adam:** Robert, I am just trying to get my head around the matter. The first panel of witnesses said that the limited sanctions listed in the bill are, in effect, only to say, “Do not do it again,” or, “Must do better.” They said that if there was an issue, instead we should go into the area and try to work together to ensure that things are working. With the best will in the world, are we not being a bit paranoid about the situation?

**Robert Nicol:** I would not say that we are being paranoid. We are an organisation that represents local authorities and all that we stressing is the importance of local accountability. If there is to be a sanction, it should be a sanction by the local community on the local authority through mechanisms that already exist or could be established.

We would have a big concern about a national organisation imposing a sanction on a local authority, and about making a judgment that that is indeed the correct thing to do. That is a very consistent thing for COSLA to argue. It does not apply only in this area and not in others. There needs to be a real and strong connection at the local level between communities and those who deliver services on their behalf.

**Nigel Firth:** The situation within health is different, because health boards are already subject to thorough annual reviews in the annual review process. I see no reason why the needs of the local deaf communities and BSL requirements could not become an integral part of that annual review process. As part of the review process, the minister and the team that is undertaking the review meet local people. It would be quite possible to include local BSL users in the formal meetings process so that there could be an assessment of whether their needs were being met.

However, I would not see that process replacing the routine, on-going involvement of the local deaf communities to find out how well services are being provided and to ascertain their needs. That would continue, but the annual review would be a good opportunity for external scrutiny of how well those needs are being met.

**Lorraine Vallance:** We already have duties under equality mainstreaming. I would not see a difficulty with expanding that to include what benefits we had brought in this area.

**The Convener:** So it could be covered under the current structure that you have in place.

**Lorraine Vallance:** Yes.

**The Convener:** Okay. I have a final question about the timescales. I will not read out the provision again, but the plan must be published six months after the start of a parliamentary session, or 12 months after in the case of the first one. What is your view on the timescales that are proposed in the bill for publication of the national plan?

**Robert Nicol:** Our view is that what is set out is quite complex. There is the initial complexity of fitting in with local elections and things like that, which have slightly different timescales from parliamentary elections. If there is a way of simplifying that, perhaps, as suggested, along the lines of the system under the Gaelic Language (Scotland) Act 2005, we would want to look at that.

I accept and can understand the point that was made about wanting to see progress, but what is outlined in the bill seems quite complex.

**The Convener:** As there are no further questions, I thank you for coming along this morning. We appreciate your taking the time to be here with us to help us to examine the British Sign Language (Scotland) Bill.

I suspend the meeting briefly to allow the next panel to come to the table.

11:53

*Meeting suspended.*

12:02

*On resuming—*

**The Convener:** I welcome our third and final panel: Carly Brownlie, from the Scottish Association of Sign Language Interpreters; Clark Denmark, who is a BSL broadcaster and former academic; Professor Rob Dunbar, chair of Celtic languages, literature, history and antiquities at the University of Edinburgh; and Professor Graham Turner, chair of translation and interpreting studies, Heriot-Watt University.

Professor Dunbar will respond to members' questions in Gaelic, and simultaneous English interpretation will be provided through the headsets. BSL interpretation will also be provided. Anyone in the public gallery who wishes to use the headset for the Gaelic-to-English translation should set their headphones to channel 1.

If we all ready, we will start with questions from Siobhan McMahon.

**Siobhan McMahon:** Is legislation necessary to promote BSL and what specific outcomes and improvements will the bill deliver?

**Professor Graham H Turner (Heriot-Watt University):** (*simultaneous interpretation from British Sign Language*) I just want to let you know that I will sign for only a couple of sentences. I am a BSL user, but in respect of the fact that your first and preferred language is English, I will switch back to using English. Sometimes the deaf community refers to people like me, in a slightly light-hearted way, as “hard of signing”. Out of respect for both sides, I will switch from British Sign Language back to my first language, which is English.

*Professor Turner continued in English.*

Thank you for allowing me to do that, and thank you for the question.

We have heard enough to know that there is a pretty strong view that the existing legislation is not meeting the aspirations and needs of the deaf community. As I said in my written evidence, this is not a new issue; it is a long-standing issue. Since at least 1880, the deaf community has been saying in the UK and in other countries that access to education in sign language is an absolute necessity for the community and that many other aspects of society follow from that. The conference in 1880 that banned the use of sign language in deaf education set the tone for social provision across the board. We have had disability legislation of many kinds since the second world war, but although it has been understood in the UK since the 1970s that British Sign Language is a real and proper language, we are still discussing the problems that the community faces.

As colleagues have said, the Facebook evidence from the community has shown clearly that, despite the committee being told in other evidence that provision is in place and that the existing legislation can serve needs, it is not working. Something a little bit different is required. The bill serves that purpose by creating a clarity of focus on British Sign Language as a language. It is not a disability issue or a deaf communication issue; it is simply a linguistic minority issue, and the bill affords us the opportunity to deal with it in such terms.

**Clark Denmark:** (*simultaneous interpretation from British Sign Language*) To add to what Graham Turner has said, the deaf community has had a very long wait.

Edinburgh should be very proud, because the first deaf school in the world was established here

in 1760. That makes us think, “Hang on—signing was used in 1760?” British Sign Language is not a modern phenomenon, and the research bears that out. Back then, the children were educated in sign language and in English, with the aim of helping them to integrate into society, but the best way for deaf people to access English is through BSL. We have more than 180 years of history here in this city.

This country has the potential to do what the bill sets out to do. The British Deaf and Dumb Association, as it was then—the organisation has a history going back 150 years—had two very clear aims: the preservation of British Sign Language, and an insistence on the use of BSL in education. There have been countless manoeuvres since then to change all that.

Since 1889, we have not had anything clear about service provision in the area of education. Graham Turner mentioned the Milan conference in 1880, one of the resolutions of which banned sign language. That has had a huge knock-on effect. The royal commission in Britain was very much swayed by those arguments, and that has led to many of the problems that are experienced not only in education, but in what comes from education throughout deaf people’s lives.

There has almost been the view that British Sign Language is an inconvenience, yet despite all the barriers, prejudice and oppression, it has shown itself to be a strong, vibrant language that survives. It survives for a reason. There were members of the second panel who said that we have provision, but that provision is clearly not working. The first panel illustrated the failures. I congratulate the Scottish Parliament on at least opening the dialogue and taking the lead in the UK. The deaf community is delighted by this move.

**Carly Brownlie (Scottish Association of Sign Language Interpreters):** (*simultaneous interpretation from British Sign Language*) I support the comments of Clark Denmark and Professor Turner. I am here to represent SASLI. The second panel seemed to look at BSL as a disability issue. We want to remove that view altogether. BSL is a language, a culture and an identity; it is an expressive way of expressing themselves for people who grow up deaf. It also allows us to access information. We do not rely on sound at all; we use a visual language.

The new law that the bill proposes would encourage everyone to see BSL as part of our lives rather than as a tool or something that is added on to our lives; it is part of us. I think that the bill will really help with that and take a lead on that.

**Siobhan McMahon:** As has been said, our previous witnesses suggested that, if we were only to implement the Equality Act 2010 or do a bit more on the human rights framework, we would achieve the same outcomes as we would by implementing primary legislation. Do you agree with that view? If not, why not?

**Professor Turner:** The other legislation that has been referred to today is not about to disappear—it will still exist. The notion is that the BSL bill will work in tandem with existing legislation and help to ensure that existing legislation maintains a clear focus on BSL, alongside the other issues that it deals with.

Earlier, the committee talked about the number of BSL users, the number of lip-speakers that are required and so on. The census showed that there are approximately 12,500 BSL users in Scotland, but nobody in this room can tell you how many of those people are deaf. Nobody knows that. When it comes to knowing what provision is required for the BSL-using community, we are starting from a poor basis. In that context, it becomes easy for the requirements to support that community to be backgrounded, because we know about other communities. We know the number of people with a visual impairment, we know the number of people who use Makaton and so on, but no statistics are available on the number of BSL users who are deaf. That means that it is easy for BSL issues to be clouded, lost and pushed to the back of the queue. The bill is designed to bring those issues to the foreground, when appropriate, alongside the other issues that existing legislation should be able to handle.

**Professor Rob Dunbar (University of Edinburgh):** Tapadh leibh airson a' chothruim a thighinn dhan choinneimh agus Gàidhlig a chleachdadh mar phàirt den fhianais.

Tha mi ag aontachadh gu bheil bile deatamach. Bho shealladh luchd-labhairt na Gàidhlig agus luchd-cleachdaidh na Gàidhlig, tha Achd na Gàidhlig (Alba) 2005 air diofar mòr a dhèanamh a thaobh leasachadh phoileasaidhean ceangailte ris a' Ghàidhlig, agus a thaobh a bhith ag àrdachadh ìomhaigh na Gàidhlig agus tuigse na mòr-chuid mun Ghàidhlig agus mu fheumannan agus mu mhòr-mhiann luchd-labhairt agus luchd-cleachdaidh na Gàidhlig.

Tha mi a' smaointinn gu bheil luchd-cleachdaidh Cànan Soidhnidh Bhreatainn gu math coltach ris a' choimhearsnachd Ghàidhlig. Mar a chualas mu-thrath, chan e dìreach meadhan conaltraidh a tha sa chànan. Tha e ceangailte ri aithne agus fèin-aithne, ri cultar a tha domhainn agus beairteach agus ri cànan a tha a' cheart cho beairteach ris a' Ghàidhlig no a' Bheurla.

Air sàillibh sin, ged a tha reachdan eile ann agus ged a tha a' cheist co-ionannachd air leth cudromach, tha feuman agus tha mòr-mhiann coimhearsnachd na cànan feumach air barrachd. Tha am bile a' toirt dhan choimhearsnachd, dhan Riaghaltas agus do bhuidhnean poblach cothrom poileasaidhean co-òrdanaichte a chur ri chèile gus suidheachadh luchd-cleachdaidh a thoirt air adhart agus gus aithne na mòr-chuid ann an Alba àrdachadh mun chànan, mun chultar agus mu na daoine a tha a' cleachdadh na cànan.

*Following is the simultaneous interpretation:*

First, thank you for the opportunity to come to this meeting and for the opportunity to use Gaelic as part of the evidence that I am giving.

I agree that legislation is essential. From the point of view of Gaelic users, the Gaelic Language (Scotland) Act 2005 has made a big difference with the development of policies that are connected to Gaelic and has highlighted and advanced the status of Gaelic, the understanding of Gaelic and the needs of its speakers.

Users of BSL are similar to the Gaelic community. As we heard, language is not just a means of conversation; it is about identity and a rich culture. Because of that, as a language, BSL is just as precious as Gaelic.

Although there is existing legislation, and the question of equality is important, people in language communities have needs and aspirations and more should be done in that regard. This bill will give the community, the Government and public bodies a policy that will be co-ordinated to develop the situation of users and to raise awareness of the culture throughout Scotland, in the interests of those who use the language.

**Carly Brownlie:** (*simultaneous interpretation from British Sign Language*) I agree that other pieces of legislation are already in place, but they mention things such as reasonable adjustments. How is a reasonable adjustment defined? Who decides what is reasonable—is it us, or the people who are providing the services?

I support the British Sign Language (Scotland) Bill, which will depend not on reasonable adjustments but on real achievements and outcomes. If we go to hospital, we are occasionally asked by a doctor, "Can you lip-read?" If the reply is yes, the doctor says, "That's great," and that is the reasonable adjustment made. However, that is not meeting our needs. I feel that a BSL act would stop that and ensure that BSL is provided for people who want it through the use of an interpreter or in other ways.

12:15

**Clark Denmark:** (*simultaneous interpretation from British Sign Language*) I fully support what the other panel members have said. There is existing legislation on equality and disability discrimination, but from our point of view the legislation is piecemeal because there is not one clear statement of intent about how deaf people who use BSL can access services. That is the stumbling block, and we have already fallen over it.

The level of foreign language provision in this country far exceeds what we have for BSL, which is a British language. Leaflets are translated for foreign language users throughout all the different authorities and service providers. We provide equality in that way, but equality is not provided for the deaf BSL community.

Countries that were old British colonies, such as Australia and New Zealand, have the recognition that we seek for BSL in their legislation. However, we do not have that recognition back in the so-called mother country. Our old colonies are more progressive and pioneering than we are.

It has been a long journey, but it will have been worth it because we can see what is on the horizon. We can see the attitude of this committee and the Parliament, and we want to see that enshrined in legislation. The hows, wherefores and whys can all be addressed in co-operation with the deaf community.

**James Dornan:** It has been suggested that the bill could have unintended consequences that would have a detrimental effect on the resources that are available to support people with other communication needs. Does the panel have a view on that? Could other forms of communication be negatively affected by the proposals in the bill? If so, in what way?

**Professor Turner:** All the responses that the witnesses gave earlier indicated that they clearly understand and recognise that resources are limited and will always be so. The bill as it is framed does not demand that any particular level, quantity or sum of resources must become available; it simply says, "From the available resources, may we please ensure that there is a focus when necessary on BSL?"

The other critical point—I think that Avril Hepner articulated this very clearly—is that the deaf community is saying that it is a willing partner and that it will work closely with the Government, COSLA and all the relevant authorities to manage expectations and use resources appropriately. The community is not asking for the lion's share of resources or anything disproportionate; it is simply asking for it to be ensured that what is available is

used effectively and in ways that the community believes will be of benefit.

**Clark Denmark:** (*simultaneous interpretation from British Sign Language*) The Gaelic comparison is vital in this context. The Scottish Parliament has recognised that Gaelic is part of the rich cultural heritage of this country, and we should do likewise with British Sign Language—the languages are comparable in that context. Quite rightly, a lot of resources have been given to Gaelic in terms of television services and so on, so one could say that it is only fair that BSL is also given resources.

We do not expect to get everything tomorrow, because we understand that it is about a process. As I said, the deaf community has waited for a long time and, from our point of view in Scotland, extra resources will of course be required. However, let us think about the issue positively, co-operatively and more strategically so that we have a true partnership between the deaf community, the Government and service providers. The bill will not impose onerous financial responsibilities and it might just give clarity and focus in a centralised way so that the systems that are already in place are better co-ordinated and so that the money and resources that we have are better spent and focused.

**Carly Brownlie:** (*simultaneous interpretation from British Sign Language*) I do not think that the bill will have a detrimental effect on other types of provision. I think that it will be positive for them because, as we raise awareness of deafness generally, that will have positive effects on other forms of deafness in terms of lip-reading, deafblind communication and so on. The bill will generally raise awareness and benefit other members of the deaf communities.

**Clark Denmark:** (*simultaneous interpretation from British Sign Language*) Could I add something before you bring in Professor Dunbar? The British Government considered the issue of British Sign Language in 2003 and decided not to enshrine BSL in legislation at that time. It recognised BSL, which we were delighted about at the time, but nothing has happened since then. There was a small pool of money and a very tokenistic recognition of BSL and there was a great deal of disappointment in the community stemming from that. We are sitting here 12 years later and, if we are talking about comparing Government expenditure, the amount involved has been about £5 million across the whole of the UK since then. It has not been well done or well co-ordinated because there was no true involvement of the community and no real commitment.

You are probably aware of the spit the dummy campaign, which has been set up as a reaction to the fact that, a decade or so after the legislation,

nothing has really happened. The deaf community has been given little tokenistic sweeteners to pacify us and to shut us up, in a sense. I would hate to see the pattern being replicated here of a small amount of money being given directly without having a big effect.

We have stated that we are willing to work with the Government and with services to develop more cost-effective, centralised, smart and strategic ways of meeting our needs.

**Professor Dunbar:** 'S ann à Canada a tha mi bho thus, agus ann an Canada a tha sinn a-nis cleachdte ri dà-chànanas, aig ìre nàiseanta co-dhiù. Gach turas a tha Pàrlamaidean a' toirt a-steach laghannan air cànanan a bharrachd, bidh cuid de na h-argumaidean ann mu chosgaisean a bharrachd, agus mu bhuaidh nan cosgaisean sin air seirbheisean eile.

Is cinnteach ann an Canada, agus gu ìre ann an Alba, gu bheil beagan chosgaisean an lùib dà-chànanas anns a' chiad dol a-mach. Is ann air sàillibh buaidh eachdraidh a tha sin—air sàillibh nach robh seirbheisean no trèanadh a-riamh ri fhaighinn anns na cànanan sin—ach thar ùine tha na cosgaisean sin a' dol sìos.

A bharrachd air sin, nuair a bhios buidhnean poblach a' fàs cleachdte ri bhith a' toirt sheirbheisean seachad ann an cànan eile, tha e nas fhasa sin a dhèanamh le cànanan a bharrachd. Mar eisimpleir, ann an Toronto, baile mo bhreith, tha mi cinnteach gun tug dà-chànanas aig ìre nàiseanta buaidh air poileasaidhean a thaobh cànanan eile. 'S e baile gu math iomadhachd a th' ann an Toronto an-dràsta le tòrr chànanan gam bruidhinn, ach tha barrachd is barrachd sheirbheisean rim faighinn tro na cànanan eile air sàillibh nach eil daoine ann am buidhnean poblach a' coimhead air seirbheisean ioma-chànanach mar chnap-starra no rudeigin a tha ag adhbhrachadh thrioblaidean seach chothroman.

Tha mi a' smaointinn, leis mar a tha sinn a' fàs nas cleachdte ri dà-chànanas agus ioma-chànanas ann an Alba, gum fàs sinn nas cleachdte ri bhith a' tabhann nan seirbheisean gun a bhith a' dùblachadh chosgaisean gach uair a tha sinn a' bruidhinn air seirbheisean a bharrachd airson choimhearsnachdan cànanach eile.

*Following is the simultaneous interpretation:*

I belong to Canada, originally, where they are accustomed to bilingualism at a national level. Many of the arguments used when Parliaments bring in laws on additional languages are around extra costs and the effect of those costs on other services.

In Canada—and, to an extent, in Scotland—there is some additional cost involved in bilingualism in the first place, but that is for historical reasons, as there were no services or training previously. However, with the passage of time, those costs are reduced.

Also, when public bodies get accustomed to providing services in another language, it is much easier to do that with additional languages. For example, in Toronto, where I was born, bilingualism at a national level had an effect on the development of additional languages. Toronto is a multicultural city where many languages are spoken but more and more services are available in other languages because people in public bodies do not look on multilingual services as being wrong or as causing problems.

As we develop our use of languages and become accustomed to those languages in Scotland, we are more likely to offer those services without doubling the costs as we anticipate for additional services for other language communities.

**The Convener:** I will pick up on something that Professor Dunbar said. I represent the Parliament in Brussels on the Committee of the Regions and I spend quite a lot of time in Brussels using headphones and translation services. One of the big arguments in Brussels every time I go there is about the vast cost of translation. At no point has that cost been reduced in any way whatsoever. In fact, one of the arguments in these times of austerity is about the amount of money from the budget that is spent on translation services and interpretation. Are you really saying that it would be realistic to keep costs of this minimal and that they would effectively reduce over time? That is not what I see when I go to Brussels.

**Professor Dunbar:** Tha cùisean eadar-dhealaichte anns a' Bhriuseil. Tha na cosgaisean ceangailte ri eadar-theangachadh achdan an Aonaidh Eòrpaich, eadar-theangachadh ann an iomadach cànan airson luchd na Pàrlamaid Eòrpaich, luchd a' Choimisein agus mar sin air aghaidh, agus tha sin rud beag eadar-dhealaichte bho sheirbheisean dhan t-sluagh—mar eisimpleir, foghlam.

Tha daoine a' bruidhinn air na cosgaisean a bharrachd a tha an lùib foghlam tro mheadhan na Gàidhlig, ach nam bitheamaid a' coimhead air foghlam tro mheadhan na Gàidhlig ann an dòigh eadar-dhealaichte, chan eil sinn a' bruidhinn air cosg airgid air a' Ghàidhlig ach cosg airgid air foghlam. 'S ann dìreach tro mheadhan cànan eile a tha e.

Tha sin fìor mu sheirbheisean eile—mar eisimpleir, seirbheisean bhon t-seirbheis slàinte. Nuair a bhios cuideigin feumach air seirbheisean

tro chànan eile, tha iad a' faighinn na h-aon seirbheis ach tro chànan eile.

Tha cosgaisean an lùib a bhith a' trèanadh dhaoine aig a bheil na sgilean airson na seirbheisean sin a thoirt seachad, ach chan eil an aon seòrsa dùblachaidh an lùib sin 's a tha an lùib a bhith ag eadar-theangachadh achdan anns a' Phàrlamaid agus rudan mar sin. Cha chreid mi gum bi sin aig mullach prìomhachasan coimhearsnachd na Cànain Soidhnidh Bhreatainn idir.

*Following is the simultaneous interpretation:*

In Brussels, the costs are associated with translation of European acts and translation services in many languages for European parliamentarians, people on the Commission and so on. That is a little different than providing services to the community, such as education.

People talk about the additional costs of Gaelic-medium education, but if we look at Gaelic-medium education differently, we are not talking about spending extra money on Gaelic. We are talking about spending on education; it is just that that education is done through the medium of a different language.

That is true of many other services, such as health services. When somebody needs to receive a service through another language, they get the same service but it is delivered through the medium of another language.

There are costs associated with the training of people who have the right skills to deliver those services but there is not the same sort of multi cost as is the case with translation of parliamentary acts and so on. I do not think that would be at the top of the community's priorities in relation to British Sign Language.

**Professor Turner:** We have heard a lot in the evidence about concerns about the cost of interpreting. One of the beauties of the bill is that it encourages us to think about access to services, which might mean, for example, the use of interpreters, and promotion of the language.

On the promotion side, we can do an awful lot more than we have been doing, which will mean that the costs of interpreting do not have to escalate. The rationale for that is the one that the deaf community has consistently articulated, generation after generation. Rather than using interpreters, we wish to have services provided to us directly in BSL, preferably by people who are members of the signing community themselves. If promotion begins with educating families in using sign language so that deaf children have the best possible start from the home with their families, those deaf children have the best chance of

growing up to be highly competent, skilled professionals, like Clark Denmark, Carly Brownlie and Avril Hepner. The committee has heard and seen the quality of their evidence.

It is very clear that it is perfectly possible to imagine a deaf community that is making that kind of contribution to Scottish society across the board. It starts with the promotion, and the access issues will need to be maintained, but they will stay in their place.

**The Convener:** Thank you. I will bring Siobhan McMahon back in. I interrupted you, Siobhan.

**Siobhan McMahon:** I will finish by asking James Dornan's final question because he has had to leave. He asked the panel members whether the bill should include specific reference to the needs of deafblind BSL users. If so, in what way? Do you have an opinion on that?

**Clark Denmark:** (*simultaneous interpretation from British Sign Language*) It is obviously an important issue. I have many deafblind friends and colleagues.

We want to be clear when we use the expression "deafblind" because there is a difference between deafblind and blinddeaf. We talk about deafblind people as belonging to our community as deaf people who have lost their sight. Blinddeaf people are those who, as the second panel said, grew up with English and then lost their hearing. Those two groups are very distinct and have almost opposite needs.

Somebody who grows up with perfectly good sight might lose their sight for a number of different health reasons. The most prevalent of those in our community is Usher syndrome. About 6 per cent of the deaf community has that retinitis pigmentosa plus deafness syndrome. That is a substantial number. They already use sign language and then encounter difficulties later and need tactile, hands-on and other communication methods. It is essential that the bill addresses them as equal participants in all of this.

12:30

**Carly Brownlie:** (*simultaneous interpretation from British Sign Language*) SASLI also has a group of deafblind interpreters and we feel strongly that they are part of our community. People who can communicate using hands-on signing and the manual alphabet are an equal part of the community and we work in partnership.

**Siobhan McMahon:** Finally, the second panel spoke about disability and the disabled, rather than seeing this as an issue to do with language and the cultural aspects that Professor Dunbar spoke about. Do you think that the bill will go a long way towards establishing BSL as a language,

rather than something that people see as a disability issue?

**Carly Brownlie:** (*simultaneous interpretation from British Sign Language*) Yes, I believe that it will change attitudes of people generally, especially those who know very little about BSL in society. At the moment, people learning BSL are perhaps meeting a deaf person for the very first time. They are learning the language but they do not have that mind view—they think of it as a disability first. Once BSL becomes much more widespread and people learn the language earlier and at a younger age, it will influence people's attitudes so that they see BSL as a language rather than just a way of communicating or a disability tool. That is something very separate for us.

Our hearing peers help us—they can sign—but in general society, we feel that BSL is very separate.

**Clark Denmark:** (*simultaneous interpretation from British Sign Language*) I want to add to what Carly Brownlie has just said. You heard earlier this morning that the deaf community does not accept the disability label and we see ourselves as a linguistic minority or community. This does not need to be an either/or situation. We are not going to say that we are not disabled; we understand that we cannot hear and that that creates barriers to how we access society. However, that is the secondary issue for us. The bill recognises that we put our language, identity and culture first. We accept our disability in society, but it is important that what the bill does is put the language first, and that is right. That recognises our linguistic minority identity.

**Carly Brownlie:** (*simultaneous interpretation from British Sign Language*) That is why you have had a lot of submissions on Facebook from deaf people, who recognise that that is important for us.

**The Convener:** I will have to ask members and panellists to be brief, if at all possible.

**Colin Beattie:** I would like to explore the effectiveness of the Gaelic Language (Scotland) Act 2005 in promoting Gaelic. Are there any useful lessons learned that could be included in the BSL bill?

**Professor Dunbar:** Tha leasanachadh bho Achd na Gàidhlig (Alba) 2005 agus a cur an-gnìomh. Ann an dòigh, tha e ro thràth a bhith cinnteach mu bhuaidh na h-achd a thàinig a-steach ann an 2006. Chaidh na ciad phlanaichean a dhèanamh ann an 2007 no 2008. Mar sin, tha eachdraidh na h-achd car goirid ach tha a' bhuaidh a thug na planaichean agus an achd air foghlam mu dheidhinn na Gàidhlig agus foghlam anns a' Ghàidhlig gu math cudromach.

Tha sin cudromach ann a bhith a' cur air adhart na Gàidhlig agus Cànan Soidhnidh Bhreatainn.

Mar a chì sinn anns a' Phàrlamaid seo fhèin tro shoidhnichean agus shanasan, tha a' Ghàidhlig nas fhaicsinniche agus, air sàillibh sin, tha fios aig barrachd dhaoine gu bheil a' chànan ann agus gu bheil i ga bruidhinn. Le sin, tha barrachd aithne ann an Alba gu bheil coimhearsnachd a tha iomadhathte agus beò ann. Tha mi smaointinn gu bheil na rudan sin nas cudromaiche.

Cuideachd, cha chreid mi gun deach cuideam gu leòr a chur air seirbheisean tro mheadhan na Gàidhlig. Na mo bharrail-sa, tha rud beag cus cuideam ga chur air eadar-theangachadh de dh'aithisgean bliadhnail agus rudan mar sin. Tha na rudan sin cudromach gun teagamh gus inbhe na cànan ardachadh, ach is dòcha gum biodh barrachd cuideam air seirbheisean dhan t-sluagh a tha a' cleachdadh na Gàidhlig cudromach. Sin far an cuirinn fhìn prìomhachas, agus tha sin gu math cudromach anns an fhianais a chuala sinn an-diugh agus anns an fhianais sgrìobhte.

Mar sin, tha na rudan a dh'àrdaich aithne agus tuigse mun choimhearsnachd, mun chultar agus mun chànan gu math cudromach. Tha foghlam anns a' chànan—do dhaoine aig a bheil a' chànan ach do luchd-ionnsachaidh cuideachd—agus an uairsin ciamar a thèid againn air seirbheisean nas fheàrr a thoirt seachad gu sònraichte cudromach dhan choimhearsnachd seo.

*Following is the simultaneous interpretation:*

There are lessons to be learned from the Gaelic Language (Scotland) Act 2005 and putting it into effect. In many ways it is a little too early to be certain of the effect of the act. It came into force in 2006 and the first plans were made in 2007 and 2008, so the history of the act is relatively short. The effect that the plans and the act had on education about Gaelic and education in Gaelic is particularly relevant. That is very important in promoting the Gaelic language and it is a similar situation for British Sign Language.

As we can see in the Parliament, through signage and advertisements, Gaelic is much more visible and, because of that, people know that the language exists and is spoken. There is better identity and acceptance in Scotland that there is a multicultural community and a living community. Those things are more important.

I do not think that enough emphasis was put on services through the medium of Gaelic. In my opinion there is a little too much emphasis on translation of annual reports and such things. Without doubt, such things are important in raising the status of the language, but putting more emphasis on the services for people who use Gaelic is very important and that is what I would

prioritise. The evidence that we have heard today and the written evidence show that that is very important.

The 2005 act has raised awareness and understanding in the community about our language and culture. Education in Gaelic, learners of the language and also services—how we can deliver better services in the language—are very important to our community.

**Clark Denmark:** (*simultaneous interpretation from British Sign Language*) I am sure that you are all very familiar with the Martin Luther King speech, “I have a dream.” I will tell you now: like every other human being, we have dreams.

Professor Dunbar was talking about services and what is going on in television and so on. There is some BSL provision on television, and some cultural programming such as “See Hear”—not the Government see hear strategy; they are two different things. That programme has been going since 1981 and is one of the longest-running community programmes in the world. Where other programmes come and go, that flagship of the BBC has been widely recognised as an essential service.

However, we pay the same television licence fee as everyone else, and it is quite right that we expect perhaps not equity of service but something more than half an hour a week for only 20 weeks a year. Such programming is vital, because it is the cultural expression of deaf people that allows us to identify with cultural institutions and artefacts that celebrate our life, language and culture. It allows us, rather than being sad or depressed, or hidden in the corner as disabled people, to celebrate and enjoy our deaf art, theatre and poems—all the things that we can contribute and add to multicultural life in Britain.

Again I congratulate the BBC, which in 1989 set up programming to allow people to learn sign language instead of having to take courses. We know that people in Britain struggle to learn French and German, but the programme, with an accompanying book, was really popular.

We have such a beautiful, vibrant and exciting language to learn, and we could have seen the floodgates open. They did in a way, as a result of the BBC's programme, but we want that to happen now in a positive, progressive way. It was the deaf community's responsibility to respond to that interest, and we did so by training British Sign Language tutors to meet the huge explosion in demand.

Individuals have also made a difference. For example, Princess Diana was a great advocate and ambassador for British Sign Language as the patron of the British Deaf Association. She raised the profile of our language because she could sign

a little bit, and she provided such a great role model. That encouraged even more people to come to our community, and promoted BSL in the most wonderful way.

We have talked about existing legislation, and adding to it, and discussed what is and what is not working. The Communications Act 2003 contains a 100 per cent requirement for captioning, which is very important for the huge hearing-impaired and hard-of-hearing community whose first language is English.

However, people in the deaf community who do not access the world through English have struggled. We have invision interpreters to address the part of the 2003 act that gives us 5 per cent of all television programming across all channels. That works out at 94 hours a week, which is positive, but those programmes are broadcast at 2, 3 and 4 o'clock in the morning. They are not highly visible, and are not celebrating our language and putting it out there. Unless you are a deaf insomniac, you will not be taking advantage of that programming.

Education is the most important issue. I have a dream of a BSL channel, although that might not become a reality. I would like to get up at 7 o'clock in the morning and, like my hearing counterparts, access what is going on in the world: home affairs and foreign affairs. I would like to get my access to the news directly through sign language before I go to work at 9 o'clock. I would like my kids to be able to access children's programming or educational programming. We could make available in a cost-effective way that suite of services, which would include leisure programmes and chat shows. Of course we want that kind of equity, because we have those needs. The cultural life of deaf people is to be celebrated. What I have outlined is a dream, but it is a dream that is achievable over time.

**The Convener:** We have to move on, because we have a lot of questions to get through in virtually no time at all.

**Gordon MacDonald:** I will ask about the content of BSL plans. My questions are similar to those that I asked the two previous panels. What should national and local authority plans include in order to be effective? Should the bill include some detail on the content of plans?

**Professor Turner:** I will answer your second question first. The way in which the bill is constructed is entirely appropriate, because we do not want to prejudge what the climate might be, what resources might be available and what the priorities might be for successive Governments. The bill sets a framework and gives us an opportunity to address the priorities of the day, which is as it should be. There is not a strong



lobby asking for more detail about plans to be included in the bill.

The key thing about the planning process is that it is participatory. I was delighted that the Scottish Government's "One Scotland—the Government's Programme for Scotland 2014-15" states clearly in paragraph 238 that

"We want to draw more people more deeply into the way that the decisions that matter to them are taken. We want Scotland to be an open and truly engaging country, where the creativity and wisdom of all its people help to shape our future."

That is exactly what the deaf community is asking for. A planning process that affords the BSL-using community the opportunity to contribute and to engage in civic activism in exactly the way that the programme anticipates is precisely what the community is talking about.

This all puts some of the previous discussions in a very different light. As soon as we talk about comparisons between BSL and Gaelic, we recognise that we are a long way away from asking questions about disability and resources around disability. For example, nobody says, "Can we afford to support Gaelic? If we do so, Makaton users will be disadvantaged." That gives us a clear idea of being in different territory altogether as soon as we view BSL users as a linguistic minority. It also encourages us to recognise that we are not talking about deaf people's needs. Do not pass the legislation because deaf people need you to do it; do it because Scotland wants it and Scotland will be a better nation for it.

**Professor Dunbar:** Am faod mi facal no dhà a ràdh mu Achd na Gàidhlig (Alba) 2005? Tha e car coltach ris a' bhile seo. Chan eil an t-uabhas ann an Achd na Gàidhlig mu shusbaint nam planaichean, ach tha dà rud anns a' bhile a tha gu math cudromach agus, tha mi a' smaointinn, air thoiseach ann an iomadach dòigh air Achd na Gàidhlig.

An toiseach, tha am bile ag ràdh gum bu chòir do bhuidhnean poblach a bhith a' sireadh bheachdan agus comhairle bho luchd-cleachdaidh na cànan agus tha sin gu math cudromach. Tha a' chomhairle sin cudromach ach tha conaltradh leantainneach cudromach cuideachd. Tha am bile a' feuchainn ris na planaichean nàiseanta fhighe a-steach anns na planaichean aig buidhnean poblach, agus tha an ceangal sin cudromach.

Fo Achd na Gàidhlig (Alba) 2005, tha cumhachd aig Bòrd na Gàidhlig stiùireadh a chruthachadh mu shusbaint nam planaichean, agus tha Bòrd na Gàidhlig air sin a dhèanamh. Tha sin air a bhith feumail do bhuidhnean poblach air sàillibh nach robh iad buileach cinnteach gu dè an cruth a bu chòir a bhith air na planaichean, agus bha ceistean aca mu shusbaint. Shìos an rathad,

bhiodh stiùireadh den t-seòrsa sin feumail, ach dh'fhaodadh sin a thighinn às dèidh don achd a thighinn ann an èifeachd.

Tha an dà phrionnsapal sin—a' chomhairle agus conaltradh leantainneach, air an robh Graham Turner a-mach—anabarrach fhèin cudromach, agus feumaidh sinn ceangal a dhèanamh eadar planadh aig ìre nàiseanta agus aig ìre ionadail.

*Following is the simultaneous interpretation:*

I will say a word or two about the Gaelic Language (Scotland) Act 2005. It is somewhat similar to the bill; there is not a lot in the 2005 act about the substance of plans. However, two things in the bill are very important and are even ahead of the 2005 act.

First, it is important that the bill says that public bodies should seek advice and consult users of the language. It is good to seek such advice, but there should be longer-lasting consultation, too. The bill tries to fit in the national plan with public bodies' plans, and that link is very important, too.

Under the 2005 act, Bòrd na Gàidhlig has the power to issue guidance to public authorities, and it has done that. Since public bodies are not sure about what kind of plans to prepare, national guidance on that would be useful for them after the bill is enacted.

Those two principles are important. There should be advice and consultation, and a link between planning at national and local levels.

12:45

**Liam McArthur:** The witnesses will have heard the questions to the previous panels, so my questions will probably not come as a huge surprise. I will ask about having a minister with specific responsibility for BSL. You will be aware that the Scottish Government has expressed reservations about that and has said that it sees the issue more as one of collective responsibility, although it would sit within a portfolio and would therefore fall to a particular minister to drive forward. Do you have any firm views either way? If there should be a minister with responsibility, what should that minister's duties be?

On the idea of a national advisory group that is made up of ministers, local authorities and other service providers as well as service users, the firm view in the BSL community is that service users should be the majority on that group. What are your views on the desirability of such a group and its make-up?

**Carly Brownlie:** (*simultaneous interpretation from British Sign Language*) SASLI agrees that we need to have an advisory group with a majority of BSL users. The regions of Scotland are diverse.

We have the north, the south and the central belt, which are very different. The north is much more rural and has different needs and services. The advisory group should include people from the regions who can express those different needs.

There should be a lead minister. We need someone who is accountable and who can take the work forward and cascade it to other ministers and departments. That minister should have a strong understanding of BSL in their work—it should not be an afterthought. The minister should take the lead on BSL and cascade things to others. We do not want to be an afterthought for the minister. We want them to be proactive in ensuring that things happen as a result of the bill. The feedback from the advisory group is important in that process.

**Liam McArthur:** As the MSP for Orkney, I welcome that explicit expression of regional diversity. On ministerial responsibility, one idea from the previous panel was to give responsibility to the minister who has responsibility for languages, including the Gaelic language. Would BSL comfortably sit in that remit or does it need to be more explicitly drawn out?

**Clark Denmark:** (*simultaneous interpretation from British Sign Language*) I strongly support Carly Brownlie's points about recognising the country's regional diversity.

On whether there should be a single minister or a cross-department responsibility, I think that it has already been identified that, if there is not a single responsible minister but responsibility is shared across all departments, the levels of expertise, knowledge and background will vary wildly between those departments. One department might address the needs well, while others might not.

We can see pitfalls and potential failures in that system. The best way of working is to have one department and minister with a clear remit that can be ultimately accountable, supported by an advisory group with expertise.

**Professor Turner:** The conversations that have happened in the lead-up to the bill have been broadly clear that the community is fairly relaxed about the Scottish Government's position that the responsibility should be shared and that that is how it needs to be. Equally, when it has been recognised that there is a particular linguistic minority, it would be slightly absurd if the minister who is responsible for languages did not have some role or position in championing the language.

If the bill is successful, there will be a lot of conversations to be had about the advisory panel's exact composition, but that does not need to be decided today or in the immediate future.

I pick up on your use of the term "service users" for deaf people who are part of the panel. Their contribution to the panel would be a great deal broader than that of service users. If we think of deaf people as service users only, we are fixating on the access issues and losing the focus on promotion and on the contribution that the community can make to society in Scotland.

**Liam McArthur:** I take my reprimand in the spirit in which it is intended.

**The Convener:** Professor Dunbar, you are well aware of the process that was undertaken when we considered the Gaelic Language (Scotland) Bill and implemented it as an act. From your experience, will you give us some background knowledge on how plans were introduced, on whether the development of those plans was a particularly onerous process for the bodies that had to produce them and on ministerial responsibility and national advisory boards, which we have just discussed?

**Professor Dunbar:** Is dòcha gun tòisich mi leis a' cheist mu dheidhinn ministear le uallach airson na cànan. Tha ministear airson na Gàidhlig air a bhith againne bho 1999, bhon chiad latha de Phàrlamaid agus Riaghaltas na h-Alba. Tha e anis na mhinistear le dleastanas airson cànanan na h-Alba, ach tha e cudromach gum bi dleastanas aig ministear air choreigin taobh a-staigh an Riaghaltais.

Chanainn-sa gu bheil a' Ghàidhlig agus coimhearsnachd na Gàidhlig air a bhith gu math fortanach leis na ministearan a th' air a bhith againne. Tha am ministear an-dràsta, Alasdair Allan, gu math eòlach air a' chànan agus air ceistean ceangailte ri miann agus feuman ludhd-labhairt na Gàidhlig agus chànanan eile, agus bidh na tha e ag ionnsachadh a thaobh poileasaidh agus cur an gnìomh poileasaidh ceangailte ris a' Ghàidhlig gu math feumail a thaobh poileasaidh ceangailte ri cànanan eile—cànanan soidhnidh am measg chànanan eile. Tha e air a bhith cudromach dhan Ghàidhlig gun robh ministear anns an Riaghaltas air an robh an t-uallach sùil a chumail air gnothaichean.

A thaobh nam planaichean, tha mi a' smaointinn gu bheil iad air a bhith soirbheachail. Tha Bòrd na Gàidhlig air a bhith ag obair gu dlùth le buidhnean poblach, agus a bharrachd air dìreach a bhith ag iarraidh air buidhnean poblach planaichean a chur ri chèile, tha am bòrd a' toirt comhairle agus taic do bhuidhnean poblach. Tha sin cudromach leis mar nach bi bòrd ann, no buidheann gu buileach coltach ri bòrd, fon bhile seo. Feumaidh an Riaghaltas smaointinn air ciamar a thèid conaltradh a chumail ri buidhnean poblach, agus ciamar a thèid cuideachadh agus comhairle a thoirt dhaibh.

Tha comhairle Bòrd na Gàidhlig air a bhith feumail, agus tha cuid de na teagamhan a bha aig cuid de bhuidhnean poblach air an lughdachadh leis an eòlas a th' aca a-nis air a' phròiseas agus air sàillibh na taic a fhuair iad bhon Riaghaltas agus bhon bhòrd. Mar sin, tha siostam airson comhairle, stiùireadh agus cuideachadh a thoirt do bhuidhnean poblach cudromach ann a bhith a' lughdachadh cuid de na teagamhan a th' aca, agus is dòcha cuid de na duilgheadasan a tha iad a' faicinn leis na h-uallaichean ùra a tha seo.

*Following is the simultaneous interpretation:*

Perhaps I should start with the ministerial responsibility for the language. We have had a minister with a responsibility for Gaelic since 1999—since the day that the Scottish Parliament was created. Now he has responsibility for Scotland's languages. It is important that someone in the Government has ministerial responsibility for that.

The Gaelic community has been very fortunate with the ministers that it has had. Alasdair Allan is very familiar with the language and the issues concerning the wishes and needs of speakers of Gaelic and other languages. What he has learned about policy and putting policy into effect for Gaelic would be useful in relation to policy for other languages. It has been important to Gaelic to have a minister with specific responsibility for Gaelic matters.

The plans have been successful. Bòrd na Gàidhlig has worked closely with public bodies and, in addition to asking them to prepare plans, the board gives advice and support to public bodies, which is important. Since there will not be a board or an equivalent body under the bill, the Government should think about how it will consult and keep in touch with people on advice and guidance.

The advice that Bòrd na Gàidhlig has given us has been useful. Doubts that some public bodies expressed have been much reduced by the knowledge of the process that they now have as a consequence of the support that they get from the Government and the board. A system of advice and guidance to public bodies is important in reducing some of the doubts that they might have and some of the difficulties that they might envisage with those responsibilities.

**The Convener:** I will follow up Professor Dunbar's point on consultation. The Scottish Government has suggested that the BSL national advisory group could undertake collective consultation on authority plans for a number of reasons, not least because the Government is slightly concerned about the pressure on individuals and groups to provide advice and to

review the plans. What are the panellists' views on that suggestion?

**Professor Turner:** Are you asking us to respond to the suggestion of statements as opposed to—

**The Convener:** No—I am asking about collective consultation.

**Professor Turner:** As I have indicated, a spirit of consultation is abroad in the country as a whole. That was shown clearly in the 85 per cent turnout for last year's referendum. The country is very proud of that. It values the spirit of consultation and we are looking to develop that.

The key point to add is that we all enter the process looking for a long-term response to the issues. They cannot be addressed in the short term—we have had plenty of evidence to show that attempts to do so have been unsuccessful, one way or another. There is an incremental process of continuous improvement, and the community is keen to engage and participate in that process.

It is perhaps key to bear it in mind that the current position is contrary to some of the evidence that we have heard today. I invite committee members to review the evidence that has been submitted and ask whether they find many instances where deaf people describe the services that are available to them as "exemplary". We have heard that exemplary services are out there. Do deaf people tell members that the services are exemplary? I do not think that they do that often. The community is looking for a process of continuous improvement; it enters into that willingly and in a spirit of partnership.

**The Convener:** What you say about exemplary services might be true, but my experience is that, across the board, not many people come to me as an MSP to talk about exemplary services. It might not be the case that we hear about that end of the spectrum.

My final question, which I asked of today's other panels, is fairly straightforward. Would there be advantages in moving to a five or seven-year cycle for the national plan as opposed to the timeframe that is laid out in the bill?

**Professor Dunbar:** An-dràsta, feumaidh na buidhnean poblach a tha fo uallach plana Gàidhlig a chur ri chèile na planaichean aca ùrachadh a h-uile còig bliadhna, agus tha sin reusanta gu leòr. Bheir e ùine gus am plana a dhealbhadh agus an uairsin bheir e ùine gus am plana a chur an gnìomh, agus tha e cudromach gum bi ùine gu leòr ann, gu h-àraid mu rudan a tha ceangailte ri leasachadh cànan. 'S e rud car toinnte a tha ann. Chan eil e furasta cuid de na rudan a chur an gnìomh gu sgiobalta agus gu furasta. Bheir cuid

aca ùine, gu h-àraid a thaobh trèanadh agus a thaobh foghlam, agus tha e cudromach ùine a thoirt dha na buidhnean poblach na gnìomhan a chur an gnìomh.

Aig a' cheart àm, ma bhios an t-àm ro fhada tha e dualtach leigeil le rudan tuiteam bhon bhòrd, mar gum biodh, agus is e sin an cunnart le tamall a tha ro fhada, ach tha còig bliadhna—is dòcha beagan is còig bliadhna—reusanta gu leòr. Bheireadh sin ùine gu leòr dha na buidhnean na gnìomhan aca a chur an gnìomh agus sgrùdadh a dhèanamh air èifeachd nan gnìomhan. Tha sin cudromach cuideachd. Feumaidh fios a bhith aca co-dhiù a bheil na tha iad a' dèanamh fo na planaichean ag obair agus a bheil rudan air a bhith soirbheachail, agus tha e doirbh sin a dhèanamh a-mach ann an ùine a tha ro ghoirid. Tha e cudromach ùine gu leòr a thoirt dha na planaichean mus bidh plana eile a' tighinn air muin a' chiad phlana.

*Following is the simultaneous interpretation:*

Public bodies that are under an obligation to provide a Gaelic language plan renew their plans every five years. That is reasonable. It takes a bit of time to devise a plan and put it into effect. It is important to allow public bodies sufficient time to do that, especially because language development is a complicated matter. It is not easy to put plans into effect quickly, especially when it comes to training and education.

At the same time, if the period allowed is too long, people are likely to leave things undone for some time. That is the danger in having a cycle that is too long. Five years is a reasonable period. It gives bodies sufficient time to put their plans into effect and to review what they have done. The review is important because the bodies must know whether what they are doing under their plans is succeeding. Some things might be successful; other things might not be as successful. It is quite difficult to discover that if the period is too short. It is a good idea to give bodies sufficient time before the next cycle starts.

**Carly Brownlie:** (*simultaneous interpretation from British Sign Language*) I agree with Professor Dunbar, but we must also get deaf people's views. We have been sidelined and marginalised for too long and have not been involved in the process for parliamentary and council issues and so on.

We need to give deaf people time to make the adjustment in their own mindset, which is a cultural or attitudinal change, so perhaps extending the time would be beneficial. Perhaps there could be a phased approach rather than one that rushed things through, which could lead to the whole process breaking down. I recommend taking a more measured approach.

**Clark Denmark:** (*simultaneous interpretation from British Sign Language*) I support Carly Brownlie's point. It is difficult to say at this point whether five or seven years would be an appropriate timeframe, although the Gaelic experience is perhaps informative and instructive. Five years is quite a long time, especially in an individual's lifespan, but we would like some long-term goals and aspirations to be expressed.

Because there is existing legislation, we are not having to start from the ground up. The deaf community's experience is slightly different from that of the Gaelic community, because our access to core services such as the police and the health service is sporadic and piecemeal—it is not uniform. Carly Brownlie's idea of a phased process might work better. In some areas, I imagine that changes in education would take much longer than changes in face-to-face social services at a local level, for example. The issue is what is workable, and the deaf community is prepared to work with you and to see the process not as a black and white issue but as a more complex one with a lot more grey in it that needs to be discussed.

**The Convener:** I thank the panel for coming along—I was going to say “this morning”, but it is now the afternoon. Thank you very much for your time and your evidence. We will have a lot of things to consider in relation to the bill. For everybody's information, we will consider the bill next on 17 March, when we will take evidence from the Scottish Government and from the member in charge of the bill, Mark Griffin.

*Meeting closed at 13:02.*

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