



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EDUCATION AND CULTURE COMMITTEE

Tuesday 17 March 2015

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EDUCATION AND CULTURE COMMITTEE

6th 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:

Dr Alasdair Allan (Minister for Learning, Science and Scotland's Languages)

Joanna Hardy (Scottish Parliament)

Hilary Third (Scottish Government)

CLERK TO THE COMMITTEE

Terry Shevlin

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Education and Culture Committee

Tuesday 17 March 2015

Decision on Taking Business in Private

The Convener (Stewart Maxwell): Good morning. I welcome everybody to the sixth meeting in 2015 of the Education and Culture Committee. I remind everybody that all electronic devices should be switched off. Apologies have been received from Siobhan McMahon.

Our first item is to decide whether to take in private item 3, which is consideration of our work programme. Do members agree to take item 3 in private?

Members *indicated agreement.*

British Sign Language (Scotland) Bill: Stage 1

10:01

The Convener: The next item is to complete our evidence taking on the British Sign Language (Scotland) Bill. This will be our final meeting to take evidence on the bill, and we will consider our stage 1 report after it.

As members will be aware, we have received a large amount of information on the bill, including around 150 submissions, many of which are in British Sign Language. We have also received hundreds of comments and views from our British Sign Language (Scotland) Bill Facebook group. I am reliably informed that it now has more than 2,000 members, so that exercise has been quite successful.

I thank everyone who has taken the time to give us their views and comments, which are invaluable for the committee in determining our ability to scrutinise the legislation. I thank everybody who provided comments to us during our evidence-gathering sessions.

I welcome to the meeting the Minister for Learning, Science and Scotland's Languages, Alasdair Allan, and Hilary Third from the equality policy branch of the Scottish Government. Before I invite questions from members, the minister has opening remarks to make.

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): My opening remarks will be brief. I thank the committee for the invitation to speak to it. I am happy to talk through the Scottish Government's position on Mark Griffin's bill, which the Government supports in principle, as members know. I also welcome the opportunity to talk through some of the changes that I think will improve it.

The Scottish Government recognises deafness as a culture and very much recognises British Sign Language as a language. We formalised that in a statement of recognition in 2011.

If the committee will permit me to digress a bit, I am fascinated by the long cultural roots of sign language in Scotland. I was fascinated to learn that Joan, the daughter of King James I of Scotland—not King James I of Britain—who died in 1493, was deaf and used some form of sign language at court. That was recognised officially and interpreters were provided. I mention that because I very much recognise that we are talking about a culture with a long pedigree.

I hope that we can have a positive discussion about the benefits of supporting British Sign Language. Too often we talk about BSL users only as recipients of public services. I pay tribute to the resilience and creativity of the deaf community in Scotland and share the view that some of the deaf witnesses who gave evidence to the committee expressed. As a country, we will benefit from their contribution if we protect, promote, support and value their language and culture.

The committee has heard at first hand from BSL users in Scotland whose personal experience is often far from positive. I understand that witnesses have—rightly—pointed out that profoundly deaf people are covered by equality legislation and human rights conventions that define their disability. However, the evidence suggests that, despite those legal protections, their needs are still not being met. People who are profoundly deaf are often marginalised and excluded because they do not have linguistic access to information, to services or to opportunities and benefits that many of the rest of us take for granted.

I appreciate that the current picture is mixed. I understand that the committee has seen and heard evidence of truly excellent work that is going on to promote and support the use of BSL. I applaud all that, but I fear that it might be the exception rather than the norm, and I recognise that we can and must do a lot more across Scotland.

As I said, the Scottish Government supports the bill's principles. As members know, we have suggested in the Government's memorandum some changes, and I am delighted that Mark Griffin indicated in an earlier evidence session that he supports them. We have been working with him to develop more detailed proposals. I believe that the changes will simplify and streamline the requirements in the bill and reduce any bureaucratic burden on public bodies, while making the bill more action oriented and outcome focused.

I look forward to sharing more of the detail of our thinking with the committee and I look forward to hearing the committee's views.

The Convener: Thank you, minister. We will move straight to questions.

George Adam (Paisley) (SNP): Good morning, minister. I will talk about promoting BSL. A number of organisations and BSL users have said that they support the bill for two distinct reasons—first, that deaf people are not disabled, so disability legislation is not appropriate to meet their needs, and secondly, that the bill will help to preserve BSL as a language and a culture. I have looked at the practices in my constituency office and considered how I can get training for my staff to

meet the needs of deaf constituents who come in. The point about promotion has made me look at how I deal with my business practices, and my staff will be going to training. Is the bill sufficiently clear on what is intended by “promotion”? Who will promote BSL and how will they do that?

Dr Allan: Those questions are reasonable. The important thing about the bill that Mr Griffin has introduced and which we seek to amend is that, to some extent, it leaves the answers to those questions in the hands of the deaf community. The advisory group that will be set up will determine the content of the national plan and I hope that it will have some influence on the priorities of bodies around the country.

The priorities should not be set by politicians. However, I can think of things that we could do better, and I am sure that they will feature in the national plan. They relate to wider public awareness of the existence of BSL and what it is, including awareness that it is a language and not merely a means of signifying the English language.

The bill provides an opportunity for local authorities and others to think about what they can do to provide better services, and it allows us to think more generally about education. We have a great opportunity in the one-plus-two programme that the Government is promoting for modern languages in schools, and the bill allows local authorities and others to think about where BSL fits into that.

George Adam: You said that BSL is a language and that it should be recognised as such. Can we learn any lessons from the Gaelic Language (Scotland) Act 2005? Does it provide relevant examples?

Dr Allan: I know that Mr Griffin looked at the 2005 act, which informed some of his thinking on the bill. As the minister with responsibility for the day-to-day running—if you like—of the 2005 act, I see the many benefits that there have been for Gaelic. A much more co-ordinated national approach is taken to supporting bodies that support the Gaelic language.

The Government's forthcoming amendments learn from the experience that, although it is important for supporting a language to be about plans, it cannot be just about them. As I said, the amendments are designed to ensure that we streamline the process as much as we can, while keeping it effective.

The Convener: I will press you a bit on the promotion of languages. I absolutely accept what you say about the deaf community taking the lead on many issues and on the plans to set up an advisory group. The very first thing that the bill says, at section 1(1), is:

"The Scottish Ministers ... are to promote ... the use and understanding of the sign language known as British Sign Language".

There is clearly a role for the Scottish ministers to promote the language and not just to facilitate its promotion by others. You said that you have some thoughts on that. Will you expand on that and tell us your thoughts regarding the Scottish ministers' role in promoting BSL?

Dr Allan: I agree that central Government has a role. That is why the national plan will be informed by the deaf community, as I mentioned. The advisory group will advise ministers, and ministers will have to have a policy that they implement. That policy will not be implemented only for the Scottish Government; it will also apply to the many government bodies listed.

For instance, that could involve promotion work to explain the importance of BSL and, at an important symbolic level, a recognition that BSL is a language. It could also involve ensuring that government bodies and the Government keep constant track of what we are doing by way of promotion. That ensures that there is a mechanism by which we have to report back on action.

I have mentioned one or two examples, but we could be and are doing much more in education and schools. We can do and are doing much more to challenge all our public bodies on the provision of services, and I hope that ministers will be involved in that nationally.

Liam McArthur (Orkney Islands) (LD): The evidence that we have taken has at times drawn a distinction between the deaf community and the deafblind community. Can you make any observations about whether the deafblind community's specific needs would need to be considered apart from those of the deaf community as a whole and about how that would be reflected in any promotional work on behalf of the Scottish Government or more widely among other public authorities?

Dr Allan: You are right to say that the deafblind community's needs are distinct, for obvious reasons. Although the number of people involved may be smaller, their needs are acute and specific and require one-to-one design.

As for where that fits with the bill, I am determined that the deafblind community will be represented directly on the advisory group. I accept that, however the bill is implemented, it must take account of that community's views.

Hilary Third (Scottish Government): The point is important. As the committee will appreciate, BSL is a visual language, and deaf people who lose their sight need a particular form of communication support so that they can continue

to access the language. As the minister has said, any approach needs to be proportionate. The numbers involved are very small, and the needs of those concerned can differ from one person to the next.

We are committed to working with Deafblind Scotland and other organisations to ensure that the needs of deafblind people are represented on the national advisory group and in the national plan.

Liam McArthur: Does that suggest that what is referenced in the national plan is likely to be very overarching, which will reflect the fact that measures need almost to be specific to the individual?

Dr Allan: I definitely see the national plan referring explicitly to the deafblind community. The deafblind community would definitely be represented on the advisory group.

The Convener: Given what you have just said, does the bill need to refer to the deafblind community?

Dr Allan: As I said, I am giving the undertaking that the deafblind community will be represented on the advisory group. It would be remiss of anyone not to have explicit plans to have the deafblind community involved in the group. I am not so sure that that needs to be in the bill; I am not sure that we can put everything in the bill.

10:15

Chic Brodie (South Scotland) (SNP): What has the BSL and linguistic access working group achieved to date?

Dr Allan: The group has achieved a great deal since 2000, when the then Scottish Executive established it, and I pay tribute to the work that it has done. We would not have reached the point that we are at today or be talking about legislation to give the BSL community status and rights had it not been for the work that the group has done to raise awareness and the work that it did in 2009 on a road map to facilitate that. It has brought us to the point at which it is now possible to have legislation. I give it credit for that.

Chic Brodie: Why then do we need to establish a national advisory group? Will it complement that work or replace it? You have just enunciated the achievements of the working group. Why would we create a national advisory group?

Dr Allan: A simple answer to that question is that I would like to see a body that is much more substantially composed of deaf people. I am not taking anything away from what I just said about the importance of the working group's work, but a substantial proportion of the members of any body

that is at the heart of the new legislation should be day-to-day BSL users who are deaf people. As I mentioned, it should also have some kind of representation on behalf of deafblind people. The advisory group will also have a different function—it will produce a national plan.

What that says about the working group and its future is a discussion for another day. The advisory group will have a specific function and it will be composed in a specific way. With the convener's permission, Hilary Third might want to add to that.

Chic Brodie: Do you intend to keep both bodies going?

Hilary Third: As the minister said, the group was set up by the equality unit in 2000, so it has been running for 15 years. Like any group, it has had its achievements but, from time to time, there is a need to review its functions, purpose and work going forward.

The proposed national advisory group will support the implementation of the bill. It will have specific roles that are quite different from those of the BSL and linguistic access working group. It is important that the right people are around the table. As the minister said, there should be strong representation from deaf BSL users, but the advisory group should also include representation of some of the public bodies that will be subject to the bill. For example, the Convention of Scottish Local Authorities does not sit on the existing group, and it will be important for it to be in a group that helps to inform the national plan.

It is important to create a group that fits the purpose of implementation of the bill. It will then be for the BSL and linguistic access working group to consider what role it might have, given that we will be in a different context.

Chic Brodie: You have talked about the national plan and it is instructive that we have friends here today in the public gallery. Will someone who has technical expertise work on the national plan? For example, those of us who are not deaf can use call centres and, at previous meetings, we have had discussions about how, when deaf people go to a surgery or a local authority office, for example, communication is difficult. If we set up the technology properly, there would seem to be no reason why we could not guarantee communication at that level with the various public bodies. Will you ensure that there is technical and technology expertise on the advisory group?

Dr Allan: That is a relevant point. I am sure that, like me, other members have experience from their constituencies of truly atrocious situations. Historically, there has been a lack of availability of public services for the deaf

community. In essence, people have been unable to visit their doctor with any sense of privacy.

As you mentioned, people have been unable to access anything that involves a call centre, which a lot of private companies increasingly use. People have been left isolated, particularly in rural areas, where the community of BSL users is scattered. Technical solutions have been made available; indeed, the Government has put quite a lot of money into contactSCOTLAND, which provides a number of services online, including a video streaming service.

[The Convener opened the meeting at 10:00]

Liam McArthur: I noted how, as minister for languages, you delphically skipped round the issue of the membership of the advisory group. You will be aware that some witnesses that we have heard from were adamant that the majority of those on the advisory group should be drawn from the deaf community. Are you happy to consider that and support it? Obviously, a range of bodies need to be represented on the group, and it cannot be unmanageably large, but it nevertheless seems important to establish the principle that the majority of the group is drawn from the deaf community.

Dr Allan: I certainly did not intend to be delphic, oracular or anything else. As I have suggested, I am open to all ideas about the composition of the group. However, I certainly think that the group should be composed much more substantially of people from the deaf community than is the group that was referred to earlier. I am perfectly open to the idea of having a majority, although you make the relevant point that a range of bodies need to be represented, including local authorities, as well as service users. All that I can say at this stage is that, in very substantial part, the group should be composed of deaf people.

The Convener: I want to push you on the current group, which is the BSL and linguistic access working group. One of its roles is to improve linguistic access for deaf people and to raise awareness of deaf issues. At the very least, there is an overlap between that group and the proposed national advisory group.

Dr Allan: There may well be an overlap and, as we have discussed, it will be for that group and the Government to consider whether, in future, that overlap is sustainable. I do not take the view that the current group could be used to administer—perhaps “deal with” is a better term—a piece of legislation such as the bill. We certainly would not design a group that did not have the number of deaf people and BSL users on it that it should have, and nor could we use a group that does not include local authorities, as they implement many

of the services and will deal with many of the plans that are involved.

Hilary Third: The BSL and linguistic access working group was set up to look at wider forms of deafness and not just profoundly deaf people who use sign language—it covers sensory impairment and hearing loss as well. It was set up in a different time and for a different purpose. As the minister says, it does not have representation from public bodies that will be subject to the bill. It would be more difficult to redesign an existing group than to set up a new one with a good process in place to ensure that we have strong representation from deaf BSL users—not only those who occupy professional roles but community members.

The Convener: I accept that, but the counterargument is that it is not necessarily about using the existing group to do the national advisory group's job, if I can put it that way. Could the new group that you are about to design—the national advisory group—do not only the role that you envisage in relation to the bill but the work that is currently undertaken by the existing group? Why do you need two groups?

Dr Allan: As Hilary Third and I have tried to indicate, there is the access group. None of these groups exist forever and none are in statute. These are issues that we would have to review. However, we cannot get away from the reality that we need a more formal group to deal with the statutory responsibilities that the bill creates. The Government constantly reviews whether it needs the number of groups that it has, and that group is one of them.

Hilary Third: I have one further point of clarification. The BSL and linguistic access working group is not a Government group. It is not chaired by or owned by the Government. It would not really be for us to say that it should not exist once we establish our group. It was set up by the Government equality unit back in 2000 but we handed over the chairing to the Scottish Council on Deafness in 2011. It would not really be our place to say that that group should no longer exist once we establish the BSL national advisory group.

The Convener: So the Government set it up. Do you fund it?

Hilary Third: We do not fund it. We fund some of the organisations that are represented on it.

Chic Brodie: I understand the rationale behind the creation of the working group. We all agree that BSL should be promoted strongly. Is there not a great danger that that promotion will be diluted by having two fairly significant bodies? Would it not be better to promote BSL via one body?

Dr Allan: I do not want to go over old ground too much, other than to say that the bill makes specific requirements of Government and a body needs to be set up to deal with the specific requirements of the bill. As has been mentioned, the access group is not chaired by the Government. That is a matter for another day—it is a matter that we can certainly discuss. To some extent, it is not a matter for the Government to dictate. However, I am firmly of the view that we need a group that is set up to include deaf people in a much more substantial way than does the other group that you have referred to.

The Convener: I have one final question before we move on. Minister, you just said that we need this group to be established effectively to advise on the bill, or words to that effect. If the group needs to be established in relation to the work of the bill, should it be included in the bill? Should the national advisory group be in the bill?

Dr Allan: My view is that the Government is able to give undertakings on that. If the committee feels that the group needs to be included in the bill, it can offer a view on that. My view is that that is not required. We have set out our thinking about the role of the group—it is in the Government's memorandum—and, for the reasons I have given, we do not feel that it is necessary for it to be in the bill. The committee may take a different view.

Mary Scanlon (Highlands and Islands) (Con): I have heard what you have said to other committee members about the national advisory group and the road map, so I will not ask you to repeat what has already been said.

I am struggling to understand what powers ministers already have to promote BSL. What have those powers already achieved in the past eight years, since the Government came to power? What powers would the bill create that are not already available? I am not seeing that clearly at the moment.

Dr Allan: You may want to address some of your questions to the member in charge of the bill. I am happy to answer as many of them as I can. The Government's role here, as we see it, is to improve a bill that has come from elsewhere.

On your point about what has been done so far without specific legislation, the Government has been working very hard to support BSL on a number of fronts. As has been mentioned, we have worked closely with the BSL and linguistic access working group. Funding has also been allocated in a number of areas to support the infrastructure for the teaching and learning of BSL and to improve engagement with the deaf community more widely.

As I have mentioned, we have been enabling and encouraging schools to think about BSL as a

subject alongside other modern languages, and there has been funding to develop an online interpreting pilot for BSL users, particularly those who want to access public services by phone. Moreover, at a symbolic level, BSL was recognised as a language in a ministerial statement in 2011. We have been doing many things without this bill, but I still take the view that the bill is helpful and, for that reason, the Government is able to support its principles.

10:30

Mary Scanlon: The question that you did not answer, minister, was about specific powers that the bill provides but which you do not already have. In other words, what could you do with the passing of this bill that you are unable to do now?

Dr Allan: One of the things that the bill allows for that does not happen at the moment is for all national and local public bodies to have to think about the existence of BSL and the provision of services in BSL. They would have to make plans and to produce statements on the matter. Some of those organisations might not have thought about that before, but they will have to think about it now. That is a power created by the bill that was not there before and which, again, I think will be helpful.

With the convener's permission, I will ask Hilary Third to respond to the question.

Hilary Third: The minister has made the most important point: the bill requires other public bodies to set out what they will do to improve access to BSL across their services. Government has a very good record of promoting and supporting BSL and has undertaken a number of very significant programmes of work over the past few years, but the significant step taken in this bill is to spread that approach across the public sector. That will have a greater impact on deaf people across the country.

Mary Scanlon: According to the policy memorandum, the bill's main policy objective is to require

"BSL plans to be prepared and published by the Scottish Ministers and listed public authorities."

You have said that you are working hard with BSL groups and that you are engaging, enabling, funding and so on, and I want to do whatever is best to make access to BSL a success. However, with regard to the requirement in the bill to prepare a plan and talk to public bodies, can you not say to them just now, "Can you prepare a plan once a year and let us see what you are doing?" Do you need the bill to ask them to prepare and publish a plan?

Dr Allan: Bodies around the country might be more likely to listen to such a request if it is backed by legislation. I can answer your point about plans in two ways. First of all, although the Gaelic Language (Scotland) Act 2005 deals with other areas such as policy implementation, its encouragement of public bodies to produce language plans has actually changed the behaviour of a number of public bodies with regard to provision for Gaelic.

Secondly, on whether the bill is required for plans to be prepared and published, we have worked with Mr Griffin, COSLA and others to ensure that what we do about plans is proportionate, and I hope that we have all reached the same conclusion that some of this should be streamlined. I do not know whether that is where your question comes from, but we must ensure that this is not just about plans. Indeed, that is why the number of plans in our amendments has been greatly streamlined, with provision only for a national plan. Other organisations might make statements about their activities, but we are not going down the route of having dozens and dozens of individual plans for Government bodies.

I do not know whether Hilary Third wishes to say more on the issue.

Hilary Third: Since the Government memorandum was published, our thinking on this has developed, and this is a useful opportunity to spell it out for the committee. We are suggesting that instead of requiring all national listed authorities to produce their own plans we produce a single national plan that will cover all national public bodies that are answerable to Scottish ministers. We think that that will allow us to take a much more strategic and co-ordinated approach to the actions that need to happen at national level and will reduce the number of plans that need to be produced and consulted on and therefore the burden on the public sector. I think that this is quite an important change that we are proposing, and we feel that such an approach is better not only for outcomes but to deal with the bureaucracy involved in producing such plans.

Mary Scanlon: You can see from the colour of my hair that I have been involved in passing quite a lot of legislation since 1999, and what really concerns me here is not the plans or the legislation but the implementation.

I will lump my final questions together. What if after five years one of your listed authorities had not taken any action or done anything? What if people give you nice warm cosy words for your national plan about their intending to make progress, which could be either minimal or huge, and then do nothing? What sanctions will they face? How can you ensure that the bill moves things forward?

Given that the minister also has responsibility for Gaelic, as a Highlands and Islands MSP, I must take the opportunity to applaud the huge and absolutely incredible advances that have been made in access to Gaelic. However, Mark Griffin is on record as saying that he wants BSL

“on an equal footing with Gaelic.”—[*Official Report, Education and Culture Committee*, 16 December 2014; c 2.]

This bill does not do that, so can you tell us what more, in your opinion, needs to be done to put BSL on that equal footing?

I therefore have only two questions. First, what do you do if people ignore your national plan? Secondly, what about equality with Gaelic?

Dr Allan: On your first question, to all our shame, we are starting from quite a low base as far as BSL’s legislative status is concerned. The emphasis in the bill as introduced and in our proposed amendments is very much on carrots rather than sticks, but it is relevant to point out that bodies will have to provide a regular statement on their progress on living up to the national plan. There will also be an opportunity, which I am sure the community will take, to offer an opinion if bodies are not living up to that.

Secondly, on the status of Gaelic—

Mary Scanlon: I am sorry, but is that all there is? If bodies say that they are going to do something but it turns out that one, two or five years later they have not done anything, you will just offer an opinion.

Dr Allan: Bodies will have to provide statements on whether they are living up to the national plan’s principles. I accept that that does not constitute a legislative sanction of the kind that the member might be suggesting, but it is nevertheless progress on where we are just now. At the moment, there is no formal requirement at all on public bodies even to think about the language issues around BSL.

On the question about language status and comparisons with Gaelic, I point out that at the moment English does not have official status, Scots has no defined status and Gaelic has some legal status through the 2005 act. The official status of Scotland’s indigenous languages is, I should say, largely unresolved. My sympathies are very much around ensuring that all language communities make progress, and I believe that even though the bill does not come from the Government it will ensure that progress is made on the status of BSL.

The Convener: Thank you.

I have a question about the duties that the Scottish ministers may have. A proposal was

made that a minister would have direct responsibility for BSL. The Government has committed to doing that, and I believe that Mark Griffin has suggested that the relevant provision could be deleted from the bill—that is my understanding of where the discussions have got to.

If the provision on ministerial responsibility for BSL were to be deleted, how would the link between BSL and a specific ministerial portfolio be guaranteed in the future?

Dr Allan: At the moment, as minister for languages, I have the responsibility, and in any circumstances a minister would take the lead responsibility on BSL.

It is my understanding that there is consensus on this point. The reason for that is that, as you will appreciate, the Government operates on the basis of collective responsibility. On the whole, we do not have legislation that formally identifies that the Government’s responsibility sits with a particular minister, but the fact that we have collective Government responsibility does not take away from the fact that, as minister for languages, I will lead on BSL, and I am sure that that will be the case in future Governments.

Liam McArthur: We are just about to come on to the financial memorandum and some of the implications that flow from that, but I was interested in the comment that Hilary Third made about streamlining the process. Concerns have been expressed about the amount of resources that are expended on the drawing up of plans and statements as opposed to the front-line delivery of services.

Minister, in response to Mary Scanlon, you said that the bill will take us forward by placing a requirement on public authorities to produce a plan or a statement, but if I understood Hilary Third correctly, the streamlining of the process will mean that all those plans or statements will come under the umbrella of a single national plan. That means that ownership of those plans or statements will, at best, be diluted. We could envisage a situation in which authorities would think that the national plan had less to do with them than a statement of intent that had been drafted, owned and consulted on by each of them.

Dr Allan: Let me be clear that when I talk about public bodies that would come under the national plan, I am talking about national Government bodies, so there is a connection there in the first place anyway.

There is a reasoning behind the idea of streamlining the bill in that way. I will give some examples. If we had dozens upon dozens of consultation processes for dozens and dozens of Government bodies on individual plans on BSL,

we could quickly get ourselves into a state of gridlock, given the pressures that exist on relatively small deaf communities and the lack of BSL interpreters. We want all those Government bodies to be involved, but I do not think that it makes sense for us—for some of the reasons that Mary Scanlon alluded to, without wishing to put words in her mouth—to replicate the process endlessly.

Liam McArthur: That is fair, but I think that it is highly likely that the deaf community is going to have different—whether in a nuanced sense or in a substantive sense—issues with different Government agencies. Therefore, the national plan needs to be able to reflect that so that, regardless of the organisation involved, it has ownership of the plan. It also needs to reflect the fact that the priority that is attached to the action points will be slightly different for each of those organisations. If that is not the case, it will become a homogeneous plan that will allow people to duck out of playing their part in helping to deliver.

Dr Allan: Those are reasonable observations. For that reason, the statements that will be provided by the public bodies in question will be flexible enough to take account of the fact that the national plan might have to be interpreted differently by Creative Scotland and Skills Development Scotland, to pick two examples of bodies that are not currently listed, but which we would like to be listed in the bill.

Hilary Third might be able to say a bit more about that.

10:45

Hilary Third: The other point is that we suggest that one of the first tasks for the BSL national advisory group would be to develop agreed national priorities. To an extent, those would determine what some of the actions would be for different national bodies and that would be reflected in the plan.

Colin Beattie (Midlothian North and Musselburgh) (SNP): The requirement that the Scottish ministers and the various listed authorities produce plans and consult on the drafts with BSL users and others is a core feature of the bill. How would public authorities meet the costs for any recommendations that are made in the plans? Would they be expected to do that out of their own resources?

Dr Allan: It should be said that the costings that are in circulation—for instance, the figure of £6 million over four years for the implementation of the bill—refer to the bill as presented rather than as I would like it to be amended. Streamlining the number of plans as I mentioned would take us some way towards reducing the bureaucratic

costs, and we have had a positive conversation with COSLA on some of that.

To turn on its head the question whether additional resources are required to implement the bill, there are obviously additional costs not only at a personal and societal level but for local authorities if we do not get the matter right. One of the consequences of public bodies and local authorities not having to think more formally about services for deaf people is that deaf people are left behind in a way that creates a cost to society through the personal cost to them in educational opportunities and in the attainment gap and employment problems that they face.

Hilary Third: As the minister says, some of our suggestions are designed to reduce the cost to the Scottish Government, its agencies and local authorities. However, our costings are based on the bill as published and not on our suggested amendments, so some further work might need to be done on them.

Colin Beattie: As the plans are crucial, are there any specific items that you expect or want to be included in the national plan or the local plans?

Dr Allan: As I have indicated, I do not want to speak for the deaf community, which I hope will speak clearly in the advisory group. However, I imagine that, at a symbolic level, the recognition of the role, importance and linguistic status of BSL and, at a practical level, what we all do as public authorities to ensure that the opportunities for deaf people improve will be priorities. I certainly think that they are priorities.

The opportunities for deaf people have not been what they should have been. There is an attainment gap in our education system. I regularly meet deaf people who talk about the fact that they do not feel that their needs were considered fully by all the public authorities when it came to promoting careers, jobs and the opportunity for them to gain qualifications. Much more could be done within the wider community to recognise the role that BSL could play among non-deaf people in promoting understanding.

I am sure that those matters will be discussed and that they will be reflected in the advice that will come to me, but the advice is not a matter for me.

Colin Beattie: The national plan will highlight the overarching priorities, and participating authorities will feed into it. Will there be sufficient flexibility in the bill for authorities to deviate from the national priorities if there is a need to do so locally, given that circumstances can differ from area to area? Will the capability to deviate be included?

Dr Allan: Yes. Some of the priorities that the national plan sets out will, as you say, be less

relevant to some of the listed authorities, and there should be scope for authorities to determine how they respond to that.

The national advisory group may offer advice—or perhaps even a template—to bodies and authorities around the country with regard to how they might put together their statements. As I have indicated, there must definitely be scope for those statements to reflect the actual function of those different bodies. They will have to be flexible enough to do that, and to recognise that deaf people will engage with those authorities in completely different ways.

Colin Beattie: I have one last question. Should there be a requirement to consult the listed authorities on the national plan?

Dr Allan: My understanding is that the Government's memorandum refers to conversations between Government and listed authorities on that. Hilary Third might be able to add more detail.

Hilary Third: Yes—we anticipate that developing the BSL national plan would be a participatory process. It would need to involve, as we have said, a wide range of interests round the table at the BSL national advisory group, and we would need to reflect the views in the wider community, not only from deaf people but from a wider range of public bodies than we can fit round the table.

I anticipate that quite a lot of our work in the first period after the bill is passed, once we have established the advisory group, will focus on engaging and consulting on the national plan. If the plan covers a range of national bodies and has implications for local authorities and health boards, we will need to ensure that they are content with and signed up to the agreed national priorities. COSLA has made the important point that, if the plan is to be acceptable to and meaningful for local authorities, they will need to be part of the process of agreeing the national priorities.

I am seeking a great deal of engagement around the development of the plan, which is why we are suggesting, post the Government's memorandum, that the Government needs a longer period in which to publish its first national plan than the one-year period that the bill specifies. The process of setting up the BSL national advisory group in the right way will take time, and it is important that the first national plan is right and involves a wide range of interests.

The Convener: Liam McArthur has a supplementary.

Liam McArthur: I listened to what the minister said about the fact that the cost estimates reflect what is in the bill as introduced, and not

necessarily what will emerge from the discussions—which appear to be constructive—between the Government and Mark Griffin.

This is my first member's bill scrutiny process—

Dr Allan: And mine.

Liam McArthur: I am interested to observe that, while financial memorandums that come before us for Government bills tend to be an exercise in trying to reassure us that the costs are being kept to an absolute minimum, it seems in this instance that the kitchen sink has been thrown at the bill.

I note that the costs to the Scottish Government are estimated to be up to £140,000 in the first year and £100,000 a year thereafter. I wonder whether that falls into the same category as telling us that every parliamentary question costs however many hundreds of pounds, whereas the questions are actually answered by civil servants and signed off by ministers, and we do not add to the number of civil servants just because we ask more parliamentary questions.

I appreciate that those figures are not necessarily the ones that will emerge in a finalised financial memorandum, but it would be helpful for us to get a better understanding of where they emerged from, not least because—going back to Mary Scanlon's question—the bill does not require or empower the Scottish Government to do much beyond what it is already doing anyway. The bill is more about the responsibility that is placed on other public authorities.

The Convener: I am not sure that that question was a supplementary on the national plan. Gordon MacDonald was going to lead off on the financial memorandum—

Liam McArthur: Sorry—I know that Gordon MacDonald is going to ask about the financial memorandum, but it has already been touched on.

Dr Allan: This has all been pre-arranged. *[Laughter.]*

The Convener: No—but the minister will not be surprised to know that we talk to each other.

Liam McArthur: Surely the minister remembers being a committee member.

The Convener: Does Gordon MacDonald want to come in at this stage?

Gordon MacDonald (Edinburgh Pentlands) (SNP): The only follow-up question that I would ask, bearing in mind that most aspects of the financial implications have been touched on, is whether there is an estimate of the cost of implementing the actions that are set out in the plans. The financial memorandum talks about the preparation of the plans, but there does not seem to be an estimate of the cost of carrying out the

actions that are set out in the plans. Is there such an estimate?

Dr Allan: No. As Mr McArthur said, the figure that we refer to is the Government's estimate of the cost associated with the bill as introduced, which is £6 million over four years. It does not take us into the areas that you have talked about. It is just the cost directly associated with the bill.

My understanding is that the member hopes that the obligations under the bill will, in practice, lead to an increase in the BSL services that are made available by public authorities, but the financial memorandum does not attempt to quantify the things that you talked about.

Gordon MacDonald: If there are to be increased services for BSL users on the back of the bill, additional resources will be required. Will there be any additional resources from the Government to cover that?

Dr Allan: We have had to have—and we have been happy to have—conversations with COSLA, one of which has been about the role of local government in this, as well as the role of national bodies.

I return to the important point—this is not meant to be evasive—that this is not the Government's bill, but that we support its principles. One reason for that is that there is a false economy associated with not doing something for this group of people. That might sound like a general answer but, as I said, and to be clear, the bill's costings do not deal with implementation along the lines that you mentioned.

Gordon MacDonald: Thank you.

The Convener: Liam, do you have another question?

Liam McArthur: In a sense, we have gone beyond the submission on the costings. I am just intrigued that the approach to costings for this member's bill appears to be slightly different from the financial memorandum process for a Government bill. I do not know whether the Government plans to come forward at a later stage with estimated costs, or whether the expectation is that the member who introduced the bill will do that. It would be interesting to know that.

The Convener: We can ask him.

Liam McArthur: Yes.

Chic Brodie: I want to go back to the national plan and the flexibility that appears to be encouraged for interpretation at a local level. On the basis that I abhor the notion of targets, can you tell me what outcomes you expect the national advisory body to monitor? How will it meaningfully review performance and progress towards improved outcomes?

Dr Allan: Statements will be produced by local authorities. I do not think that it would be appropriate for ministers to be in the business of monitoring, as it were, the—

Chic Brodie: I was asking about the national advisory body, which in the circumstances will have to be fairly robust.

Dr Allan: Indeed, but what I am saying is that local authorities will produce statements and it would not be appropriate for the national advisory body or the Government to monitor, as it were, what they do. When it comes to national bodies, there will be that connection with the Government, and we will want to see that their statements are robust and that they show that the bodies want to live up to the national plan.

Chic Brodie: I am sorry to interrupt, but I am now confused. There is a national plan, which we want to achieve nationally. I know that integral parts of that reside with the local authorities, but somebody somewhere will have to review performance to ensure that we are improving outcomes.

11:00

Dr Allan: If Parliament or the member who introduced the bill wanted to introduce a bill that gave powers and provided a mechanism for the kind of system for monitoring progress that Chic Brodie has in mind, that would be an option for Parliament. However, such a system is not what is in the bill. The bill is much more about encouragement; it is much more about carrots than sticks.

The bill as published would require a performance review. The Government's stance is that we would like that to be altered in some ways and amendments will be lodged to that effect. I defer to Hilary Third to talk about some of the changes that are being proposed to the bill in that area.

Hilary Third: As the minister said, the bill as published would require the Scottish ministers to publish a performance review, which would include an account of the measures taken and outcomes attained, and it would highlight examples of best practice and poor performance. However, we are suggesting that we change that provision slightly. Rather than require a performance review, we suggest that the bill should require a progress report. That might sound like just a change in language, but it has important implications.

First, it is very difficult to carry out a performance review in a situation for which there is no baseline and there are no performance indicators in place to measure performance.

Secondly, as the minister said, we have heard from COSLA, which is strongly of the view that it is inappropriate for the Scottish ministers to assess local authorities' performance and that, instead, local authorities are accountable to their communities. For those reasons, we suggested that ministers should publish a progress report that sets out the national picture and gives a flavour of some of the activities that are taking place. That would be different from a performance review, because we accept that it is not appropriate for the Scottish ministers to judge local authorities' performance.

However, we think that over time it would be possible to build in an assessment of national impact and that each progress report could set out national and local recommendations for further improvement.

Chic Brodie: I accept that we do not have a baseline, but that does not mean that we should not specify—perhaps in the bill—a point at which we will determine what the local authority baseline is and measure performance improvement against that.

We have a responsibility to influence change in this area. If one local authority does not follow a national plan, who ensures that it will follow it?

Dr Allan: Local authorities have to answer for their actions democratically and publicly. They have to report on progress, as national bodies do. If they do not do that—if they are not living up to the principles of the national plan and if they are not able to report on substantial progress—they will have to answer not only to the public, but to the deaf community.

Liam McArthur: Chic Brodie just did to my question on performance review what I did to Gordon MacDonald's question on the financial memorandum. "He who lives by the sword...", so to speak.

The evidence that we have had suggests that centrally imposed targets are of questionable value. I would adhere to the democratic accountability point that the minister very fairly made. However, there seems at best to be a patchy amount—some would say a complete absence—of data on performance. Is there anything in the bill, or is the Government committed to doing anything, that will give confidence that the data on performance across the public realm can be monitored over a period, whatever the baseline is, so that the advisory group has something with which to work?

Dr Allan: There is no baseline, but I hope that the eventual legislation will in time contribute to gathering of better information about services around the country and services that are provided

by public authorities. Over time, that would lead to a culture of improvement.

Liam McArthur: We keep going back to the Gaelic Language (Scotland) Act 2005; could anything from that experience and process inform how we chart the progress that is to be made through the bill?

Dr Allan: The 2005 act was set up on a slightly different basis. For example, implementation forms part of the legislation and the legislation set up a formal body—Bòrd na Gàidhlig—which as well as having an implementation role is involved in funding. It is a different kind of beast in that respect. I am not sure that we can make direct comparisons.

Hilary Third: We have started to map local provision and need through the equality in access for deaf people project, which we have funded for the past two years through the Scottish Council on Deafness. The project has three project officers who have been working with public bodies and local deaf communities to produce a picture of provision and need. We will build on and supplement that programme of work so that during the course of the first cycle we will develop a much better picture of provision and need.

Liam McArthur: As we go through this, and bearing in mind your responses to Chic Brodie, it occurs to me that all the way along we have been conscious of the need to manage expectations about what the bill will and will not do. In referring to a performance review, is there a risk that the perception of what the bill can achieve is likely to be different from what public authorities and the advisory group will be able to achieve?

Dr Allan: To some extent, that is why the Government is proposing changes to ensure that there is no mismatch between the language of the bill and the reality, and to ensure that a culture develops of bodies reporting back on progress against the priorities that they have set themselves and against the priorities that the national plan has set for them. The aim is to become much more action-focused and to ensure that bodies are setting themselves a to-do list of things that they can achieve that will be visible and understandable, and which can be readily commented on by the community.

The Convener: The bill contains a process for the cycle of publishing BSL plans, but the Government takes a different view of it. What are your reasons for opposition to what the bill proposes should be done?

Dr Allan: There are a couple of reasons for that. First, the bill sets a timescale of about five years, which is also inherited from the Gaelic Language (Scotland) Act 2005. I am not sure that I can use the Forth railway bridge analogy any more,

because they now use stronger paint. Without taking away from the importance of Gaelic plans, it would be fair to say that a whole body—Bòrd na Gàidhlig—was set up partly to administer the plans. However, no sooner has it concluded monitoring of a body's plan than it is returning to look at the same body's plan again. I am not 100 per cent convinced that five years is the right period. We have suggested seven years, but it might end up being six years in the Government's eventual amendments.

Secondly—I will ask Hilary Third to say more about it—the timescales in the bill are all focused around the parliamentary cycle in quite a complex way that will need to be simplified if the process is to be workable.

Hilary Third: Our solicitors' advice is that the cycle as set out in the bill is quite complex and that it would be more straightforward to set a timescale in terms of the number of years. I think that the original proposals would, in fact, have worked out to be closer to a four-year cycle. Experience of the 2005 act—that five years is quite tight—is why we have suggested seven years.

It is important to note that the expectation is that actions will be taken in the period between the plan being published and the performance review, or progress report. Anxiety has been expressed by some deaf witnesses that nothing will happen in that period, but our feeling is that that is where all the activity should happen. We want to focus as much as possible of the resource on actions, rather than on the reporting process. As the minister said, we have heard what many deaf witnesses have said and the concerns about seven years being too long. Therefore, we think that the amendments should perhaps introduce a six-year cycle but, within that, the Government would be allowed two years to develop the first national plan, for the reasons that I outlined earlier.

The Convener: My final question is on the list of bodies in schedule 2. Should the bill contain such a list or should the list be separate? At present, the bill says in section 8(3) that the list can be amended by an order that is subject to affirmative procedure. Is that the appropriate procedure to alter the list in the bill, if there is to be such a list?

Dr Allan: It is useful to have a list of bodies in schedule 2, but it is also useful for the list to be amendable by the process that you have just described rather than by the process of amendment to primary legislation, which is a long parliamentary route. It is an important signal to set out a list of bodies. We will amend the list that has been supplied in Mark Griffin's bill because, as I mentioned, it leaves out important bodies.

The Convener: The other part of my question was whether you think that affirmative procedure is appropriate. Would negative procedure be sufficient?

Dr Allan: Affirmative procedure is proportionate if in the future we seek to amend the list of bodies when a new body comes into being or an existing body goes out of being.

The Convener: Thank you for attending, minister—we appreciate your time. We will move on to hear from the member in charge of the bill, Mark Griffin.

11:12

Meeting suspended.

11:15

On resuming—

The Convener: I welcome Mark Griffin to the meeting. Although he is a member of the committee, he is here as the member in charge of the bill. I also welcome his supporting officials from the Scottish Parliament: Joanna Hardy is from the non-Government bills unit and Neil Ross is the principal legal officer.

I invite Mark Griffin to make an opening statement.

Mark Griffin (Central Scotland) (Lab): Thank you for giving me another chance to give evidence to the committee. I have been following the evidence-taking sessions and the fantastic Facebook group that has been set up. The massive quantity of evidence that has been submitted has been really encouraging.

The reasons why I introduced the British Sign Language (Scotland) Bill are partly personal. Two of my great-grandparents were deafblind, and I was brought up hearing stories of how they had raised their children and how they accessed services while having that dual sensory impairment. When I became an MSP, I joined the cross-party group on deafness—I heard the experiences of people on that group and was disappointed that almost three generations later people are experiencing the same difficulties in accessing services, the same difficulties in relation to recognition of BSL and its culture, the same difficulties in accessing medical advice and police services, and the same difficulties in relation to educational attainment. That is my motivation for bringing the bill to Parliament.

There is an appetite for legislation; the consultation found that there is an overwhelming appetite for legislation to put BSL on an equal footing with Gaelic, another of our indigenous languages, following the Gaelic Language

(Scotland) Act 2005. I am speaking not necessarily about an equal legal footing, but in terms of presentation and how Scotland treats its languages. What has come through loud and clear in evidence from BSL users and through the Facebook page is that legislation is required.

At this stage, I am in discussions with the Government on its range of amendments, and I am open to all of them being progressed. We will take a more detailed look at them when they are lodged.

I am happy to take members' questions.

The Convener: Thank you for that.

George Adam: One of the biggest issues that has come up in relation to the bill, and in which the deaf community is interested, is the promotion of BSL, which is already regarded as a language in its own right.

The way in which I represent my constituency is always in my mind. I have already spoken to some of my staff about our learning the rudiments of BSL so that we can better represent our constituents. How will the bill take that a step further? It has affected me because I have seen the evidence—I have seen what has happened—as we have gone through the process. How do we ensure that other public organisations and bodies promote BSL?

Mark Griffin: The duty to promote the language would be an obligation on the Scottish ministers, so it would be for the Government to decide how it would go about doing that. However, what George Adam described is exactly what I hope will happen in the minds of decision makers in public authorities throughout the country: when they draft their statements or BSL plans, they will go through the same thought process and think about how they are providing services to their constituents. I hope that they will think about the taxpayers who rely on their services and how they will provide deaf constituents with the level of service that everyone else expects and has a right to. The BSL plans will get the decision makers to set the ball in motion on actions such as those that you will carry out in your constituency office.

George Adam: We are looking for a culture change. Some mention has been made of the Gaelic Language (Scotland) Act 2005 and you have used it almost as a template. How will learning from what happened with that act help to ensure that the bill works from the get-go?

Mark Griffin: We heard from the minister exactly how use, understanding and awareness of Gaelic have increased because of the 2005 act and the nationally co-ordinated language plan. I hope that that would also happen with BSL.

The minister and officials have been talking to me about how we might amend the British Sign Language (Scotland) Bill to take into account lessons that have been learned from the Gaelic Language (Scotland) Act 2005, including on the length of the planning cycle. The act is the model on which I built the bill, so it makes sense to learn lessons from people who have experience with that previous language act and to amend the bill accordingly.

The Convener: Will you define what is intended by promotion?

Mark Griffin: I have not defined what I mean by promotion. It has been left purely to the Scottish ministers and the Government of the day to decide how much money they will spend on promotion and how they will do it.

The Convener: I realise that you have not defined promotion—that is why I asked. If the bill is passed as it stands, the Scottish ministers

“are to promote, and facilitate the promotion of, the use and understanding of”

BSL. How will we recognise that? How will we know that they have undertaken their duties adequately if we do not have an equal understanding of what promotion is?

Mark Griffin: It will be up to the Government of the day how much money and what resources it puts into promotion of BSL. I have set out what should be done as a standard, which is the production of a national plan with a set of national indicators and national guidance as to what public bodies should do to comply with the plan to increase awareness of BSL and access to services in the language. However, it will be up to the Government of the day to decide what exactly it does.

The Convener: I will push you again on the question, because it is important. If the Government of the day publishes its national plan, will it have fulfilled its duty to promote the language?

Mark Griffin: The Government will have met the first part of its duty, which is to produce a national plan and to promote BSL by identifying a minister with responsibility for BSL. However, that is not the end of the actions. There is a performance review to ensure that the Government itself and public bodies have not simply produced a plan and left it to gather dust on a shelf and that any plans contain outcomes and timetables and a performance review at the end of the cycle to make sure that they have done what they have said that they would do.

The Convener: But does a performance review constitute promotion? I would not have thought so; I would have thought that promotion was different.

Mark Griffin: Promotion is one of the obligations of the minister in question, and the performance review that will be carried out at the end will look at whether the Government and public bodies have met the promotion standards that they have set themselves.

The Convener: Hmm. I call Chic Brodie.

Chic Brodie: Good morning, Mr Griffin. I have to say that I am confused. The intention of the bill, for which you should be commended, goes without question but, following on from the convener's line of questioning, I note that, in the past 14 years, there has been a working group working with the Scottish Government on improving linguistic access for deaf people, and the Government's own memorandum on the bill proposes a national advisory group. What promotion has there been? Forgive me, but let me put this in a business sense. In a business, there is a marketing director whose job is to promote what I am trying to sell and an operational director who has to make everything happen. What drive has there been to promote, market and sell BSL over the past 14 years, and how do you see the national advisory body complementing that work or indeed replacing it?

Mark Griffin: The Government officially recognised BSL in 2011, but I have to say that I have not seen any big public announcements, any nationally co-ordinated public promotion or anything else to boost BSL. It was clear from my consultation that members of the BSL community felt that legislation was the way to go, that it would be a big bold statement by the Scottish Parliament and the Scottish Government if they came out and said that they value BSL as a language and a culture and that the bill would go some way towards showing how valued and supported it was, with further promotion to come.

As for the groups that you mentioned, we heard in the previous evidence session that the BSL and linguistic access working group was set up for a different purpose and, instead of its primary focus being BSL, it covered a whole spectrum of deafness. Moreover, it does not include some of the public bodies that would be expected to implement some of these plans. Initially, I thought that the group could be transplanted into an advisory group in order to save money but, after discussing the matter and getting into the detail of how a national body would operate, I think that the Government is right to propose the establishment of a new national advisory group. I think that that is needed, and it is right to ensure that the public bodies that will be tasked with implementing some of the national plan's objectives are on the board and that they are properly involved, have buy-in and are committed to delivering those objectives.

Chic Brodie: I hear your point about saving money but, frankly, I do not think that that is the issue; the issue is about creating much wider awareness of what you are trying to achieve. In the past 14 years, technology has moved on hugely, but if we are looking at promoting wider cultural requirements, I suggest—and we discussed this with the minister this morning—that we look at the fact that we have call centres for those who are not deaf but have taken no steps to promote technology that might help the deafness community such as Skype or the remote validation of questions that people might have for public services. What makes you think that the bill will make a difference in promoting or selling this issue?

11:30

Mark Griffin: There are two separate issues there. The Scottish Government has used technology: an online video interpreter service for NHS 24. That has been in operation for a while and the Scottish Government is now rolling it out to other public services. That service has been promoted within the BSL community so that BSL users know that it exists. That is about promoting a particular service that is of use to BSL users, but the bill is also about the wider promotion of BSL as a language and culture. Rather than promoting the availability of services, we are promoting the value of BSL as a culture to wider Scotland. BSL users and deaf people face educational attainment issues and underemployment issues, and we need to make sure that we value the community economically and culturally. That is different from promoting an individual service that is focused purely on BSL users.

Chic Brodie: I was using that as an example. Promotion covers a spectrum of activities. My confusion comes back to promotion, the bodies that promote BSL and how we review performance—somebody will come back on that—because we can say that we have promoted BSL but, at the end of the day, we are looking for improved outcomes.

Mark Griffin: That comes through improved promotion. If we tell a health board or a local authority that—

Chic Brodie: You just used the word “tell”.

Mark Griffin: I am not talking about telling them what to do. Telling or informing a public body about the issues that a particular BSL user faces—issues to do with educational attainment, access to the jobs market or mental ill health because of isolation—and the costs that will fall on the body down the line in increased benefits payments or provision of mental health services is promotion of the issues around BSL and the

actions that public bodies will need to take to ensure that they get service delivery right so that, down the line, we save money and reduce some of the burden. That is also part of promotion.

Chic Brodie: Thank you.

The Convener: I will clear up one tiny point. In your earlier answer to Mr Brodie, you said that the bill says that ministers have to promote BSL and the culture. I am not aware that the bill says anywhere that ministers have to promote the culture; it is just BSL.

Mark Griffin: I am sorry. The bill says that ministers are

“to promote ... the use and understanding of the sign language known as British Sign Language”.

The Convener: That was just for clarity.

Liam McArthur: It is interesting that you picked up on that, convener. We are all aware that there is the letter of the law and the spirit of the law and, whatever we enact, the expectation will be that it is approached in good faith. I presume that the intention is that, over time, promotion will mean different things, whether because technological advances allow us to do things differently or because the baseline changes and, therefore, what is needed to promote BSL beyond that is different from what was needed previously. To reflect that, is there a need to ensure that promotion is not defined too rigidly, and that there is a role for the national advisory group in keeping feet to the fire over successive years as the need and opportunities for promotion may change?

Mark Griffin: That is exactly it. We will have a low baseline, and we are looking for continuous improvement and promotion. That is why the bill is not prescriptive on promotion or on what would be included in the national plan. As you say, the Government might wish to take a set of actions to move us to the next level, with a performance review to reflect on what has or has not worked, followed by a revision and then another revision and so on as we go through the cycle of reviews. As you have set out, it is about providing flexibility to review what exactly has gone on and to reflect on that in the next cycle.

Liam McArthur: Presumably, you will be encouraged by the fact that, despite there being no specific reference in the bill to promoting the culture of BSL, the minister referred specifically to the need proactively to recognise and promote BSL as a language with its own cultural identity. In a sense, the bill is already achieving some of that work even before we have enacted it.

Mark Griffin: The language and the culture go hand in hand. As you suggested, I welcomed the minister's comments. The Government clearly has a very good appreciation and understanding of the

BSL community and of deaf culture, particularly among deaf BSL users, and I welcome that.

Liam McArthur: Finally, I will mention an issue that I raised with the minister this morning. Do you see the need for the bill to refer specifically to the needs of the deafblind community, or is that aspect perhaps better reflected in the national plan as a route for delivering more tailored arrangements for meeting the needs and aspirations of that community?

Mark Griffin: When I talk about BSL, I use the term to encompass all users of British Sign Language, whether they are hearing, deaf or deafblind. It is intended to cover all those people. I know that there are particular difficulties for people who are deaf and use BSL and go on to become blind as well. I am discussing with Deafblind Scotland whether we could lodge an amendment to bring that issue into the bill, but even if we do not come up with one, I am reassured by what the minister said about ensuring that deafblind people in particular are represented on the advisory body.

The Convener: I am sorry to pick up this point again. You just said that, in your view, the term “BSL” includes those who are deafblind, but there is no definition of BSL in the bill. The definition that you gave is not necessarily my understanding of the term, although it may well be something that grows out of the bill and shapes what public bodies do.

Mark Griffin: There is no definition in the bill. BSL is the common use of signing, whether that is hands-on signing for deafblind signing, or signing as it is interpreted by other deaf BSL users.

The Convener: Are you saying that what those who are deafblind are using is defined as BSL?

Mark Griffin: It is a form of British Sign Language.

The Convener: Is it? Okay. Thank you for that. Mary Scanlon can go next.

Mary Scanlon: First, I give Mark Griffin credit for his motivation in promoting the bill. Family background and experience is one of the best motivations that any of us can have, so I say well done to him for getting to this stage.

Mark, I do not know whether you heard the questioning of the minister in the previous evidence session. Will you just explain briefly what the bill will provide that is not currently available?

Mark Griffin: Are you talking about services?

Mary Scanlon: Yes. What are we achieving with the bill that is not currently available?

Mark Griffin: There is currently no national plan for British Sign Language. At present, public bodies are not obliged to produce plans for

delivering services to BSL users. The direct impact of the bill is that those plans will be produced. In the plans, I would expect the Government and public bodies to set out exactly what their priorities are for providing services and promoting BSL within their own budgets and according to local needs.

Mary Scanlon: We heard from the minister today that local public authorities will not all be producing a plan and that there will be one national plan that will take into account what local authorities will do. I am just concerned to ensure that the bill does not become a bureaucratic tick-box exercise; I want to be satisfied that it will bring forward progress in the provision of support and services for deaf people.

That concern leads me to the policy memorandum. Paragraph 10 states:

"In August 2009, the Working Group published a report, *The Long and Winding Road—A Roadmap to British Sign Language & Linguistic Access*".

We already have a report, whether we call it a report or a plan. At paragraph 11 of the policy memorandum there are eight recommendations from the report—I will not read them out; I am sure that you are familiar with them. That report was produced six years ago, which coincidentally matches the timeframe for the plan under the bill. On how many of those eight recommendations do you feel that progress has been made? Has the previous report been a success in terms of implementation?

Mark Griffin: The fact that I am promoting a bill to put things on a statutory footing is my answer to that. Although that body of work and the recommendations were excellent, if the recommendations had been implemented and there had been improvement in areas such as support for families with deaf children, deaf attainment and deaf and deafblind awareness in public services, I would have been more than happy with that progress, and I would not have seen the need for the bill.

Going back to your first point about the discussion in the first evidence session today, I do not know whether this came across properly, but the minister was saying that only bodies that are under the direct control of the Government and have ministerial direction would be subsumed in the national plan, whereas public authorities, health boards and local authorities would still produce their own plans, even under the amended version of the bill that the Government has proposed.

Mary Scanlon: Thank you—I was hoping that you would say that.

The 2009 report was made in good faith; the recommendations are excellent and seem to cover

a wide range of issues. If you are saying, six years later, that progress has been slow—if that is fair—how do we know that the plan that you are specifying in the bill will ensure that progress is made? We could be sitting here six years later, in 2021, saying, "Well, not much has happened there." I asked the minister what would happen if people just say, "We'll make progress here, here and here, and we will do this," but they do nothing. That would be another six years wasted, with no further progress. I am trying to get an answer on that. I am not asking you to bring out sticks rather than carrots, but we have already had the carrot, and nothing has worked.

What is it about your bill that will ensure improvements for the deaf community? I appreciate that there are quite a few members of that community in the public gallery, and I am sure that they are looking for an assurance that the bill will be more meaningful in improving service support, but I do not see how progress in that respect can be guaranteed when not much progress has been made following the report that was produced six years ago.

11:45

Mark Griffin: The 2009 report was a stand-alone piece of work. What I am proposing is a national plan and plans in which public bodies set out their priorities. Subsections (3) and (4) of section 3 set out exactly what public bodies are expected to include in their plans, including outcomes and timescales. At the end of the parliamentary session, it is for those public bodies to provide a performance review of exactly where they are with respect to the outcomes that they agreed and to their own plans.

That is an addition. The public will themselves have access to a performance review so as to hold their local authority to account. A minister will be able to hold a public body over which the Scottish Government has authority to account in relation to why, in its performance review, it has not met the ambitions and aims of the plan that it had drafted six years earlier.

Mary Scanlon: Single outcome agreements for local authorities provide quite a good analogy. I have been concerned about care for the elderly, home care, mental health and various other issues in the Highlands and I have looked at the single outcome agreements, which are 4 to 6 inches thick. They might say, for instance, that progress will be made on reducing class sizes, and one school in Drumnadrochit might have one class with one fewer pupil, and that is seen as progress. I am frightened that we might be raising expectations, and I want to ensure that those expectations are achieved. I have seen too many recommendations that have not been fulfilled and

there are no sanctions. An opinion will be offered and another six years might be given to make things better but, in the meantime, generations are losing out.

Is there something that we could introduce at stage 2 that would make the implementation of the plans more successful, robust, user friendly and supportive of the deaf community?

Mark Griffin: The Government is already proposing an amendment on consulting on public bodies' plans and translating them into BSL. That is a strengthening provision.

The main way of ensuring that public bodies do what they say they will do in their plans will be through the deaf community scrutinising those plans and the bodies' performance. There will be an element of naming and shaming—of reputational risk to public bodies that do not carry out the services and functions in a way that—

Mary Scanlon: So the checks and balances do not lie with parliamentarians; it will be for the deaf community to come forward and name and shame.

Mark Griffin: There would be a performance review. Authorities would review their own performance and feed that back through a national performance review. The deaf community are able to lobby the minister and their own local authority or councillor. If it is a national body, they can lobby their MSP, and the body would be named and shamed. I hope that the prospect of damage to its reputation would be enough to ensure that it carried out the actions that it had agreed and set itself.

Colin Beattie: At the core of the bill is the requirement for a national plan and for listed authorities to produce a plan. Clearly those plans must have some aspiration within them, so there must be some cost attached to that. Will public authorities be expected to meet those demands?

Mark Griffin: I would not expect a public body to draft a plan with wildly ambitious promises to the deaf community on which it could not deliver. I would expect a public body to produce a plan that was costed and which they could meet within their own budget.

Colin Beattie: So the responsibility would be on the local authority.

Mark Griffin: Unless the Government decided that a particular area needed national attention or focus and provided funding for that. I would expect a public body, in sensibly managing its finances, to fully cost any plan that it produced.

Colin Beattie: The content of any plan that is produced will be vital to achieving the bill's

objectives. What specific things would you expect to see in a plan?

Mark Griffin: I have deliberately left that to the Government, in order to be flexible. That follows on from Liam McArthur's point that progress will be on-going and priorities will change. I have deliberately left it to the Government to set out what it is willing to prioritise and fund. I would rely on the point that the minister made in the previous session: it will be up to the BSL community to set out their priorities for what should be in the national plan.

Colin Beattie: Do you have any expectations? Is there any obvious content at the front of your mind?

Mark Griffin: One of the obvious things would be attainment for deaf pupils and access to services for the BSL community in general. As I said, that is my interpretation. You can be sure that when it comes to consultation on the national plan, I will make my own submission.

The Convener: I have some questions in this area. What is your view of the possibility of public authorities being allowed to deviate from the national plan?

Mark Griffin: The specific wording in the bill is that public bodies should "try to achieve consistency." It has been worded that way specifically to give public bodies the flexibility to adapt to their local circumstances. Parts of the national plan that will apply to local authorities and health boards will not apply to the police service or fire boards. It is right that there is a degree of flexibility so that it is clear that a local authority is drafting its own plan with the needs of its community in mind.

The Convener: Is the bill as currently drafted sufficiently clear to allow deviation from the national plan by a public authority or is further amendment required?

Mark Griffin: I think the wording is clear that an authority

"is to try to achieve consistency".

It is not an outright obligation to duplicate findings. Section 3(4)(b)(ii) states that in drafting their plans, public bodies would have regard

"to the potential for developing the use of British Sign Language in connection with the exercise"

of their own functions. That allows authorities to specifically tailor their plans to their needs.

The Convener: Given the variation between bodies, their responsibilities and their geography, I think we would all welcome their ability to do that. However, the flip-side of that is to ask whether the wording is firm enough. Is the phrase "try to

achieve consistency" sufficiently strong to ensure that we get, at the very least, a base level of consistency across the country? An authority could say, "We tried, but we failed."

Mark Griffin: There will be a set of recommendations in the national plan that will apply to all public bodies, which they would be expected to meet as a minimum. One recommendation in the report that Mary Scanlon mentioned was about staff being deaf and deafblind aware. Particular recommendations would apply to all public bodies, although there would be flexibility for them to tailor their plans to particular services.

Liam McArthur: You will have heard the exchange with the minister about trying to streamline the process of consultation and having a national plan that sits above a range of public authority plans. I am interested in your response to the convener that each public body would need to tailor its plan to reflect its circumstances and the way that the deaf community engages with it. From what the minister suggests, there is a potential risk that, if we have an overarching umbrella, some key principles and themes might emerge but we may not necessarily get the more nuanced or perhaps substantively different approach because each of the authorities will not necessarily have its own plan or statement. Have you discussed that with the minister? Are you comfortable with the Government's suggested approach?

Mark Griffin: I am comfortable in principle with all the Government's proposed amendments so far. We have been in discussions on the fine details of drafting those amendments but, in principle, I am happy with them.

Liam McArthur: You touched on the performance review. From the outset, the committee has been conscious of the risk that expectations about what the bill will achieve could exceed what it is ever likely to achieve. It has been encouraging that the evidence that we have had from the deaf community suggests a high level of awareness and understanding of precisely what the bill will do.

As we discussed in the exchanges with the minister, the performance review is unlike the normal type of performance review that organisations are expected to do. We do not have a great level of baseline data, so it will fall to the organisations to carry out the process of data gathering, and the data will then be centrally assessed by the national advisory group. How do you envisage that process taking place? Is it ever likely to give us the detailed picture of where the strengths and weaknesses are, or are we kind of feeling our way here?

Mark Griffin: On your first point, I do not want to blow my own trumpet, but the process has involved four years of careful expectation management with the BSL community to ensure that people know that the bill is not about simply waving a magic wand and is the first step in a cycle of continuous improvement. That has been taken on board and recognised.

The fact that we have such poor baseline data is another motivation for introducing the bill. We do not know how many BSL users there are in Scotland, although we have a vague estimate that is based on census figures. There is an issue with the census in that it is carried out in written English, so not all BSL users can complete and return the form. As I said, that lack of baseline information is one of the drivers for the bill. I hope that the first national plan and first authority plans will become the baseline. The objectives and timescales that are in those plans will become the baseline against which performance is measured.

12:00

Liam McArthur: Do you see it as important to have centrally available statistics on how different authorities are performing, or is it more important that you have a detailed picture of what is happening—and, equally important, what is not happening—at a local or regional level? Or is it a combination of both?

Mark Griffin: Both national and regional or local bodies need to have a picture of what their populations are so that they can plan their budgets and services accordingly. There is a feeling out there that the needs of deaf BSL users have not been fully identified; otherwise, we would know exactly how many deaf BSL users there are in Scotland.

Liam McArthur: How does that challenge function, coming either from the deaf community or from the national advisory group, drill down into a local situation? There will be areas of the country in which the deaf community is well mobilised as a result of the process that has led up to the bill, whereas in other parts of the country that may not be the case, so in those local authorities and public bodies, the challenge function might not be as intense and, as a result, the services that are available and the extent to which BSL is promoted and supported are not so great. Do you see a national role in ensuring that there is some level of consistency across the country?

Mark Griffin: That is the issue. There are areas in the central belt where there is a critical mass of BSL users to challenge service providers, whereas in more rural areas where there is not the same density of users some people feel that they are not

able to challenge collectively the services that are being provided. That is why a national review is needed. If the representatives—whether the British Deaf Association, the Scottish Council on Deafness or other national bodies—are to be able to do the job that their members expect them to do in scrutinising national performance and the performance of other public bodies, the performance review is critical, as it will ensure that such challenges can be made.

Mary Scanlon: We have heard several times today, from the minister and from you, that there is no baseline performance data on which to measure progress. The officials with the minister said that it would take at least two years to set up the first national plan because there is no baseline data; yet recommendations were made in 2009, in “The Long and Winding Road – A Roadmap to British Sign Language & Linguistic Access in Scotland”. We do not have any baseline data now and I presume that we did not have any baseline data in 2009. Am I right in saying that we have no idea whether any of the eight recommendations have been or are being achieved or whether we are making any progress? Is that fair? You may not be the right person to ask, but I thought that your opinion may be helpful.

Mark Griffin: I can give you an example of that. When I first started work on the bill and we tried to find out how many BSL users there are in Scotland, we got an estimate of around 6,000 based on the numbers that informed that document. However, the latest census figures put the number at around 12,000.

Mary Scanlon: That is quite a difference.

Mark Griffin: That is quite a jump, and it shows how difficult it has been to identify how many BSL users there are in the country. That has knock-on difficulties for the provision of services and baseline data, as you say.

Mary Scanlon: My point is that we cannot measure any progress on the 2009 recommendations because there were no baseline figures, so it appears to have been a fairly meaningless exercise.

Do you think that some progress has been made—anecdotally, if nothing else? My concern is that we need to be much more robust going forward than we have been in the past. Is the 2009 report an example of a well-meaning report that has achieved nothing?

Mark Griffin: The report gives strong recommendations, and it is up to the Government to answer as to whether those recommendations have been fully implemented.

Mary Scanlon: If you do not know the baseline, you do not know where you are going.

The Convener: You said that you had one supplementary, but that was your third question.

Mary Scanlon: Sorry.

The Convener: I am going to move on, because other members want to come in.

Gordon MacDonald: I want to ask about the financial memorandum. In the original financial memorandum, you estimated that the cost would be roughly £20,000 to £30,000 per authority. COSLA has said that it should be roughly £40,000—and that is just for implementing the plans—and the Scottish Government has said that, as the bill currently stands, the cost would be about £6.1 million over a four-year period. Is it your intention, in the light of the discussions that you have had with the Scottish Government, to update the financial memorandum?

Mark Griffin: If, as a result of amendments, the costings associated with a bill substantially change, the standing orders require me to provide an updated financial memorandum. If that is the case, a new one will be provided.

Gordon MacDonald: Do you have a better handle on what the costs would be if the bill was amended so that there was just one national plan?

Mark Griffin: There would only ever be one national plan.

Gordon MacDonald: If it is done on a regional basis and a lot of authorities sign up to the regional element of that plan, do you have any estimate of what the cost would be?

Mark Griffin: We have not done any work on any amendments. The financial memorandum provides a cost for the bill as it stands. We would need to go away and do further work if a revised financial memorandum was required.

Gordon MacDonald: The bill as it currently stands does not include the cost of implementing the actions set out in the plans. Given that you obviously expect a level of promotion, even if it is just the minimum, do you intend to estimate the potential cost of implementing the promotional activity in public authorities?

Mark Griffin: That will be for public bodies. They will need to set their own priorities within their own budgets. The financial memorandum sets out the cost impact of the bill itself. I am not in a position to put an estimate on what a local authority or health board might choose to do.

Gordon MacDonald: You said in earlier answers that you expect a cycle of continuous improvement. What kinds of continuous improvements do not have cost implications?

Mark Griffin: There is no doubt that, if a public body such as a local authority chose to provide

BSL classes to parents of a deaf child—90 per cent of deaf children are born to hearing parents—there would be a cost associated with that. I have not done any work on the costings of a particular policy, because that is just one example and an authority could choose to make a whole suite of improvements. I cannot estimate what those policies would cost, because they may or may not be included in individual plans.

Gordon MacDonald: The bill as published does not include any requirement for plans to be produced in the BSL format, and the financial memorandum does not include the cost of publication in multiple formats. Should that omission be rectified in the bill itself, and should the financial memorandum be updated to reflect that?

Mark Griffin: Because it is a member's bill, and in the knowledge that a bill with low costs was more likely to be supported by the Government and passed, such provisions were omitted to keep costs as low as possible. The Government has suggested an amendment to require all plans and consultations to be translated into BSL, and that is fantastic. I am happy that the Government is willing to propose that amendment to improve the bill.

Gordon MacDonald: Okay, thank you.

The Convener: I am really confused by that answer. My understanding is that the purpose of financial memorandums is not to keep the costs as low as possible so that a bill is acceptable to the Government and Parliament will pass it, but to estimate the proper costs to the public purse of a bill.

Mark Griffin: I am sorry for any misunderstanding. I was talking about the bill itself being designed in such a way that costs would be kept low; I was not talking about artificially amending the financial memorandum to make the costs as low as possible. The provisions within the bill itself were designed in such a way as to keep the costs as low as possible.

The Convener: That helps to clarify things a little. On the basis of what you just said, your estimated costs for the bill itself are £2.5 million or thereabouts, but the Government says that the costs are £6 million. That estimate is based on your bill—okay, it is not the costs of exactly what is in the bill, but what inevitably will follow if the bill is passed. Is that correct?

Mark Griffin: If the Government's amendments are passed—

The Convener: I am not talking about the amendments; I am talking about, for example, the cost of translation services. Even though the bill does not state that public authorities have to

translate everything into BSL, it is inconceivable that they would not do so. Therefore, although that is not in the bill, surely it would be an absolutely obvious and inevitable cost of passing the bill.

Mark Griffin: If they were willing to do that—and we would expect them to be—then yes.

The Convener: I think that that is why some of us are a bit puzzled about the financial memorandum. The Finance Committee's comments, and your answer, are about the financial memorandum being based on what is in the bill. Clearly there are costs, which the Government has identified, that inevitably follow from the bill—even if it is unamended—passing into law. Surely those should have been included in the financial memorandum. I am wondering why they have not been.

Mark Griffin: I will bring in Joanna Hardy.

Joanna Hardy (Scottish Parliament): It goes back to the scope and the ambition of members' bills. They are not Government bills and they have a different character, as Mark Griffin has said. Also, Mark's responsibility under standing orders is to bring forward a financial memorandum that costs everything that is on the face of the bill.

There was a debate during the development of the policy about whether bodies should be compelled to translate everything. The decision came down on the side of not doing that at that time, because of such considerations as financial resources and availability of interpreters and translators. For various interlinked policy reasons, it was decided that the bill would be silent on the question of translation.

The Government has shown that it believes that plans should be translated and that consultations should take place using BSL. Mark is very happy to welcome that. However, it was not quite proper to envisage what kinds of costs might come on the back of the bill but were not on the face of the bill and to set them out in the financial memorandum. It was always a fine line, but that is the reason why we ended up with the memorandum looking the way that it does.

The Convener: I appreciate that there is no compulsion to translate plans, but I think that translation is as obvious as night follows day. I cannot imagine that it would not be done. I understand the point that you are making about members' bills and the fine line, but, if something is absolutely inevitable, it would seem to me that you should have put it in.

Joanna Hardy: I think that Mark Griffin has many ambitions, and the bill could have been 10 times the length, but it had to be a starting point. It had to be realistic and achievable.

I disagree slightly that it is inevitable that BSL translation would be deployed for consultation, but you are right that it falls into the highly likely, or highly desirable, category.

12:15

Liam McArthur: You will have heard me express a degree of interest in the approach to the financial memorandum for a member's bill compared with that for a Government bill. The Scottish Government has rather thrown the kitchen sink at the costings of the bill whereas, with Government bills, we invariably have to tease out of it whether the costs are at the upper end of what is likely.

To some extent, we are dealing with a bill that might change substantially if the amendments that the Government proposes are taken on board. The Scottish Government suggests £140,000 of Government costs in the first parliamentary session of the bill's implementation and up to £100,000 in subsequent sessions. From your discussions with it, do you have a sense of what those additional costs would be? In response to questions from, I think, Mary Scanlon, the minister suggested that the bill would not require a great deal of the Government that it was not already doing.

Mark Griffin: I have not had any discussions with the Government about discrepancies between the two cost estimates; they have purely been about amendments to the bill. The reason for that is that, because of the level of costs associated with the bill, the Government will have to lodge a financial resolution, which a Government minister will have to propose. I assumed that, if it supported the bill, it would have to lodge its own financial resolution and support the costs that would be incurred.

Liam McArthur: The minister made it clear that the estimates in the financial memorandum relate to the costs for the bill itself rather than any knock-on implications for service delivery. One hopes that it would not only be a happy coincidence but an inevitable consequence of passing such legislation that measures that allow individuals to fulfil their full potential do not come at a cost but produce a saving to the public purse across a range of areas. Is that your assumption too?

Mark Griffin: Yes, exactly. I hope that we will realise the ambition of people not being underemployed but achieving their full potential, earning accordingly and contributing to tax revenues and that isolation and associated mental health issues will not be as prevalent so there will be a lower burden on the national health service. If the bill is implemented properly, there should be

savings to the public purse and increased tax revenue.

The Convener: I will go back to the financial memorandum. I have now had a chance to look at standing orders, which say:

"A Bill shall on introduction be accompanied by a Financial Memorandum which shall set out the best estimates of the administrative, compliance and other costs to which the provisions of the Bill would give rise".

That is obviously what was in the back of my mind and concerned me when you discussed the financial memorandum. The bill "would give rise" to the other costs that the Government has identified and, therefore, they should have been in the financial memorandum. Do you disagree with that? Is that not your interpretation of what standing orders say?

Joanna Hardy: In its memorandum, the Government identifies a number of desirables, sets out some activity that is already taking place and comes up with a global figure that is not necessarily at odds with what is in the financial memorandum. It also identifies a number of areas in which cost savings and efficiencies will be achievable, such as through collective consultation.

We cannot hope to come up with a final figure until those amendments are properly drafted, explored and recosted, but I am satisfied that the financial memorandum did what it was supposed to do, which is cost the provisions that are a necessity under the bill—that is, the production of a national plan, the production of local plans and a degree of consultation.

The Convener: My interpretation of standing orders is that the phrase "would give rise" would cover the bits that are not a necessity.

Joanna Hardy: One of the witnesses in a previous evidence session put it very succinctly: he said that the bill is asking bodies to look at their resources and state what they will do within those resources to achieve the aims of the bill.

That always has to be the starting point for a member's bill. The bill's aspiration is not a Government aspiration at present, and it does not come with a budget behind it. The bill is therefore drafted in a way that compels certain authorities and bodies to look to their budget; state what they are already doing and what they could do; start to think about working together; and provide a public record for what is being done and what is planned.

The Convener: Mark, do you want to add to that?

Mark Griffin: No.

Chic Brodie: I hear what Mark Griffin says in promoting the bill.

I will take one costing from the Government memorandum that we have before us. Table 3, which is headed

"Cost to the Scottish Government of supporting a ... National Advisory Group to support implementation of the Bill",

gives the same number for every year. For example, the cost for

"Supporting the development of the second BSL National Plan"

is exactly the same as the cost for

"Supporting the development of the first BSL National Plan".

One would think that we would learn something from producing the first BSL national plan that would lead to much more effective and productive development of the second national plan. I do not know whether inflation is built in to the cost or what the prices are. There has to be a meaningful supportive financial basis for the bill.

Mark Griffin: The financial memorandum sets out where those costs come from in terms of the time that is taken by an official at a particular level in a public body. We have set out a reduced cost for producing subsequent plans, in the expectation that the bulk of the work would be done in the first plan. A performance review at the end of the cycle will inform the production of subsequent plans, and so the cost will be lower. The financial memorandum recognises that things will change.

Chic Brodie: I understand. I apologise—I was looking at the Government numbers. However, as in our discussions with the Government, I just want to understand the methodology that goes into all the costings to support the bill. I will leave the point there.

The Convener: I have one final question, about the cycle for publishing BSL plans and performance reviews. Obviously, there is a difference of opinion between what was originally published and what the minister said today. Can you comment on that, and give us your views?

Mark Griffin: The reason why I set out the timetable in the bill as originally drafted was not—as I said in my previous appearance at committee—because of any knowledge of cycles for national plans or anything else. It was purely so that in the first year of office a Government would produce its plan, and in the final year of office it would review its own performance, rather than having cycles overlapping across different Governments. I thought that that would be the best way to go.

Obviously the minister has extensive experience of working with the Gaelic Language (Scotland) Act 2005. If he has evidence that a longer cycle is

better, I am happy to look at the detail of that, and I am open to an amendment being lodged.

The Convener: Okay—thank you very much. We appreciate your attendance today, and I thank your accompanying officials.

That concludes our evidence taking on the bill at stage 1. Our next step is to report our views to the Parliament, which will be followed by the stage 1 debate on the bill. Our website will provide information on the report and the debate when it is available.

Next, we will consider our approach to a possible short inquiry into the educational attainment of schoolchildren with sensory impairments. As we decided earlier in the meeting, the item will be discussed in private, so I close the meeting to the public.

12:24

Meeting continued in private until 12:59.

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