

## Consultation on BSL Bill



### **Foreword**

As Convenor of the Scottish Parliament Cross Party Group on Deafness, I am pleased to introduce this consultation on a British Sign Language (BSL) Bill.

This Bill aims to secure BSL as one of Scotland's official languages, commanding equal respect with English and Gaelic; equally, it endeavours to achieve better awareness of information needs and services for BSL users; to protect the linguistic integrity of the language; and to promote the cultural aspects of BSL and the Deaf<sup>1</sup> community as part of Scottish heritage.

The Scotland Act (1998) gave the Scottish Parliament power to encourage equal opportunities, particularly the observing of the equal opportunities requirements. It also has power to impose duties on Scottish public authorities and public bodies operating in Scotland.

The Scotland Act defines equal opportunities as:

"the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions."<sup>2</sup>

There have been many discussions and consultations with the people of Scotland on how the equalities agenda is moved forward, and Scotland is a world leader on many equality issues. However, it still remains a fact that in Scotland in 2010 – 11 years on from Devolution, Deaf people who use BSL, which is a language in its own right, must rely on disability discrimination legislation to secure access to information and services in their own language. This is the reason that I am prepared to put forward a BSL Bill to the Scottish Parliament.

**Cathie Craigie MSP**

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<sup>1</sup> Either born deaf or become deaf early in their childhood before their linguistic ability has developed.

<sup>2</sup> <http://www.scottish.parliament.uk/s3/committees/equal/>

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## **Background**

British Sign Language (BSL) is the first or preferred language of many Deaf people in Scotland and the rest of the UK. It is a language of space and movement, using the hands, face and head to communicate. Its grammatical structure is quite different to that of English. For many Deafblind people, BSL is also their first or preferred language.

In the UK, BSL is the indigenous manual language in the same way that English is the indigenous spoken language. It is recognised that the primary users of BSL are Deaf. Deaf people who use BSL are part of a recognised cultural and linguistic minority. Unlike people who speak other minority languages, many Deaf sign language users cannot learn to speak English as they cannot hear the language with its subtle differences in regional variations and dialects.

This is outlined in the February 2007 consultation document – A Strategy For Scotland's Languages, where it is described as:

"a real, full and living language that is part of our rich cultural heritage. It has its own vocabulary, structure and grammar, which is different from English, and like spoken languages in Scotland, has its own regional variations and dialects".

However as much as BSL is recognised as a language in its own right, Scottish society and the information and services that are available to its hearing population are not accessible for Deaf people.

The UK Government recognised BSL as an official British language on 18<sup>th</sup> March 2003. However, since then, BSL has not been given any legal protection in either the UK as a whole or in Scotland, which means Deaf people do not have full access to information and services as hearing people do, especially in the areas of education, health, and employment. The fact that so many hearing people have no grasp of BSL substantially disadvantages Deaf people.

## **Position in other countries**

New Zealand, a country that is similar in population to Scotland, had its first New Zealand Sign Language Bill reading in the Parliament in June 2004. The New Zealand Sign Language Act became law in April 2006. The Act is an important step forward as it recognises the language and culture of the Deaf community.

The Act gives Deaf people a right to use New Zealand Sign Language in legal proceedings. It also sets out principles to guide government departments in consulting the Deaf community on matters relating to New Zealand Sign Language and its use by government agencies. The Ministry of Education has developed New Zealand Sign Language in the education Curriculum which creates an opportunity for all students to learn the other official language of New Zealand. The Ministry is also developing The Learning Languages Series, which provides teachers with a multimedia resource specific to each language taught in schools – this emphasises the importance of learning both the language and the culture of those who use it. Each school in New Zealand decides which additional languages will be taught as

well as English, with many schools choosing to teach NZSL as well as English and Maori.

The New Zealand Act also recognises the fact there is a need to train more English/Maori/NZSL interpreters.

A number of other European states have recognised their national sign languages on a constitutional level, including Austria, the Czech Republic, Finland, Portugal, the Slovak Republic, and Spain.

## **Comparison with Finland**

If we compare Scotland with one of these continental European Countries who are leading the way, Finland is the perfect example. The Scandinavian country has approximately the same population as Scotland. In 1995, the Finnish Government added a section to the Finnish Constitution that gave the legal protection to those using Finnish sign language. Recognising the status of Sign Language in the Constitution was a big step towards achieving linguistic equality. The people using Sign Language were, for the first time, seen as a linguistic and cultural group.

The population of Finland is approximately 5.3 million, and there are about 5,000 Deaf people. There are approximately 750 registered Sign Language Interpreters. (Figures from the European Union of the Deaf (EUD) 2009 website: page for The Finnish Association of the Deaf - <http://www.eud.eu/Finland-i-182.html>) This means the ratio of sign language users to interpreters is 1: 6.

Scotland, on the other hand, has a population of approximately 5.1 million, and there are about 6,000 BSL users. (There are no definitive statistics for the number of deaf people in Scotland; therefore the number of BSL users is a projected percentage of the population from figures gathered on an annual basis by RNID form surveys of its membership). There are less than 60 registered BSL/English interpreters, a ratio of 1:100.

There are 51.5 full time equivalent SASLI (Scottish Association of Sign Language Interpreters) registered and trainee interpreters working across Scotland – 39.5 full time equivalent registered and 12 trainees. There are also 10 apprentice BSL/English Interpreters. Additionally there are 3 BSL/English Interpreters living and working in Scotland who are registered only with NRCPD – the National Registers of Communication Professionals working with Deaf and Deafblind People, and a further 9 registered and trainee Interpreters who work occasionally, as they have full time jobs outside the field of Interpreting. The Scottish Government has funded SASLI to provide the £1.5m Building Bridges project. This project is responsible for the apprenticeship scheme that provides a unique opportunity for Deaf and hearing people to train as BSL/English interpreters.

## **The current position**

The Scottish Executive has long recognised that Deaf people face a number of barriers to becoming full and equal members of Scottish society. In 2000, the Executive set up the BSL and Linguistic Access Working Group. The working group

consists of representatives from D/deaf<sup>3</sup> organisations and Executive officials. The remit of the group was to develop a strategy for improving linguistic access for deaf people in Scotland; to raise awareness of deaf issues among policy makers, professionals, service providers, deaf people and the general public; to consider how best to support BSL and D/deaf awareness; and to consider how best to support education and training provision in BSL, deaf studies and linguistic access.

In February 2009, the Scottish Government published a report from the Working Group - Scoping Study: Linguistic Access to Education for Deaf Pupils and Students in Scotland. This scoping study looked at all aspects of how Deaf pupils and students get on within the education system in Scotland. One of the aspects that was looked at was “the risk of isolation in mainstream situations”.

“In many cases a deaf child may be the only deaf child in a class - or in a school. There were examples of schools making good efforts to include individual deaf pupils - particularly at primary stage (for example assemblies on topics related to deafness; pupils and staff undertaking BSL qualifications).” <http://www.scotland.gov.uk/Publications/2009/02/11155449/11>

In August 2009, the Working Group published a report called “The Long and Winding Road - A Roadmap to British Sign Language & Linguistic Access in Scotland.” <http://www.scotland.gov.uk/Publications/2009/07/01102537/0> While it is acknowledged that “the roadmap cannot hope to address all aspects of access for deaf people living in Scotland...it does outline many of the major issues and points to some of the ways towards improvement, particularly in public policy.” The Roadmap also states

“The working group has a robust vision of what needs to be in place to improve linguistic access for deaf and deafblind people and it maintains a determined focus of deploying resources towards long term aims. It envisages a world where deaf people would be automatically afforded the same life chances as their fellow citizens. In such a world:

- families with deaf babies would be supported to meet the linguistic needs of their child at the appropriate age;
- deaf pupils would have the same school attainments as their peers;
- BSL would be offered as an educational tool for deaf pupils who prefer it;
- pupils could study BSL and Deaf culture as a curriculum subject, from primary school through to university;
- all public services would be deaf and deafblind aware;
- deaf and deafblind people would be provided with timely information;
- information would always be provided in a range of accessible formats;
- the implications of deafness would be understood and valued by society.”

The “Creating Linguistic Access for Scotland” report written by SASLI in 2002, states that

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<sup>3</sup> D/deaf organisations – work with one specific group of deaf people, for example Deafblind people, or Deaf BSL users, or people who are Deafened (have acquired hearing loss) or people who are Hard of Hearing, or work with all deaf people.

“Currently deaf people do not have full linguistic access to any single area of life outside of their own community. Their opportunity to be included in such key areas as education, employment, social work services, the justice system, health and medical services is greatly diminished by the lack of linguistic access and the ignorance and discrimination inherent in these systems. While it is unlikely that personnel in any of these areas actively wish to discriminate against deaf people, their lack of knowledge of the linguistic requirements of deaf people may make such discrimination inevitable.”

The position in Scotland in 2009 is still the same as it was in 2002 for deaf BSL users. <http://www.ssc.education.ed.ac.uk/resources/deaf/sasli/intro.html>

### **How can Deaf people have fair and equitable access to all aspects of life in Scotland?**

Deaf people do not have access to the things that hearing people take for granted:

- Television programmes – the majority of TV programmes that have BSL subtitles are broadcast after 11.00pm; there is only one programme on terrestrial TV that is broadcast in BSL for one hour per week;
- Films and theatre – a limited number are made accessible;
- Access to information in their own language; and
- Conversation with people outside the Deaf community and with others, including the people that provide services – in cafes, bars, restaurants, on buses, in shops, health professionals, social services staff – and the “person in the street”. Hearing people pick up a lot of information when listening to other people’s conversations – Deaf people do not have this chance.

As so many aspects of society revolve round the use of language – access to education, health, culture, information, work, services, and interaction with others – Deaf BSL users are excluded by the lack of awareness of and interest in their language from their hearing peers.

If BSL was a curriculum subject offered to all children from Pre School through Primary and Secondary education, more hearing people, children and adults, would have at least basic communication skills when meeting a Deaf person in a social or work setting; and would have a better understanding of what it means to be Deaf and may also want to learn more about the language and be prepared to take classes as adults.

Learning BSL at school could lead to a number of job opportunities working with or supporting other Deaf people. These include:

BSL / English interpreter  
Teacher of the Deaf  
Work within Deaf organisations  
Counsellor for Deaf people  
Equalities work in local or national government.

Communication Support Worker  
Social Worker with Deaf people  
Support work with Deaf people  
Work in the mental health field

There is a widespread belief amongst Deaf people and the organisations that work with and support them that one of the most effective ways of enhancing the recognition and status of BSL and of Deaf people, as well as increasing the number of people who are fluent in the use of the language, would be for BSL to be included as a subject in the school curriculum.

If BSL were on offer to both hearing and deaf children, families and children could decide for themselves if they wanted to learn the language. For some deaf children this could be part of a bilingual approach to education.

A community where several generations of people, both deaf and hearing, have had first hand experience of a range of deaf education systems and have had the opportunity to learn BSL from a young age, would be an inclusive community with access for all.

## **Areas for Consideration**

This Bill aims to secure BSL it as one of Scotland's official languages, commanding equal respect with English and Gaelic, to not only provide full access to information and services to Deaf people but to increase the number of people able to use BSL too.

### **1. Do you believe British Sign Language should be granted legal recognition and protection by the Scottish Government?**

European states such as Finland - whose constitution recognises their sign language, and countries such as New Zealand, that have a Sign Language Act, have improved access to information and services for Deaf people as well as according sign languages with the respect vibrant and living languages deserve. This Bill wants the Scottish Government to adopt British Sign Language as one of Scotland's official languages in law.

### **2. Do you think Deaf people in Scotland should be able to access information and services in British Sign Language?**

This Bill proposes a Duty on public bodies to translate all information produced in English and community languages into BSL and to ensure that all appropriate front line staff are Deaf aware and have BSL skills. It is unfair and unjust that Deaf people are the only people in Scotland whose first language is not English who have to use the Disability Discrimination Act 2005 to access information and services in their own language.

### **3. How can the number of people able to use British Sign Language be increased?**

Education is the most essential area in which there is the opportunity for children to acquire BSL and so develop the use of BSL in Scotland. This consultation paper proposes that there should be provision for BSL:

- To be used in pre-school settings; and

- To be taught at primary and secondary level for all children, in the same way other languages are taught.

To achieve this, this paper proposes that there should be changes made to teacher training qualifications to increase the opportunities for Deaf people to gain a qualification in teaching, including the teaching of language. BSL should also be introduced as a higher education subject, to help increase the number of BSL interpreters as a result of more people learning sign language at school, college, university and at evening classes. Again, opportunities have to be made available for more Deaf people to gain the qualifications needed to become teachers of higher education.

#### **4. Do you agree that the parents, grandparents, siblings and other family members of deaf babies and toddlers in Scotland should have the opportunity to access free BSL classes in order to be able to communicate effectively with the child?**

90% of deaf children are born to hearing parents and into families with little or no previous experience of deafness<sup>4</sup>. At present, if a parent of a deaf child in Scotland wants to access BSL classes to help develop communication with their baby at home, they have to pay for this out of their own pocket. In Sweden, all parents of deaf children are given opportunities to learn their indigenous Sign Language to help develop their child's communication skills. A Sign Language training programme for parents (known as TUFF in Swedish) is available through a special curriculum established by the Swedish National Agency for Education. TUFF is designed to provide parents with functional Sign Language skills so that they can interact with their children and so support their child's development. The rules and procedures for TUFF are contained in Regulation SFS 1997:1158, "Government subsidies for Sign Language training for certain parents."

[www.sdrf.se/sdr/object/files/obj\\_440ea8165f5ff.pdf](http://www.sdrf.se/sdr/object/files/obj_440ea8165f5ff.pdf) .

#### **Responding to this consultation**

You are now invited to respond to this consultation paper by answering the questions which are set out above and making any other comments that you consider appropriate.

Please make it clear whether you are responding as an individual or on behalf of an organisation. If you wish your response to be confidential, please say so. Otherwise it will be available for public inspection, in accordance with the principles of transparency and freedom of information. Confidential responses will be included in any summary or statistical analysis but this will not reveal the identity of any respondent who has requested confidentiality.

If you are a Deaf BSL user, you can send a CD/DVD with your comments on it to me, Cathie Craigie MSP, at the address below.

Additional copies of the paper or alternative formats can be requested using the contact details below and calls via Typetalk are welcome.

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<sup>4</sup> [http://www.ndcs.org.uk/about\\_us/ndcs/index.html](http://www.ndcs.org.uk/about_us/ndcs/index.html)



An on-line copy is available on the Scottish Parliament website  
[The Scottish Parliament: Bills - Proposals for Members' Bills](#).

Responses should be submitted by **29 October 2010** and should be sent to:

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