

Evidence to the Education and Culture Committee

British Sign Language (Scotland) Bill

Introduction

Colleges Scotland and College Development Network (CDN) are jointly responding to the *BSL (Scotland) Bill* consultation on behalf of members.

Scotland's colleges have a wealth of experience in making individual and anticipatory reasonable adjustments to their services and arrangements to meet the needs of students who are deaf or hearing-impaired. These form part of the colleges' duties in respect of the Equality Act 2010.

These adjustments include the use of technology and medical advances (e.g. digital radio and cochlear implant technology), the provision of communication support workers with Sign Supported English (SSE) skills and engaging the services of BSL signers. Colleges take account of the specific needs of individual students in planning and delivering this professional level of support, including those whose first language is BSL. College staff are also provided with awareness training so that they understand the adjustments to delivery and teaching required for BSL users. These arrangements have served students well and are highly praised in student evaluations of these services.

Colleges maintain positive relationships with Deaf Associations and agencies to support their planning and delivery. They ensure that BSL and SSE interpreters are themselves supported by academic staff to provide the best quality experience for deaf students. They also engage with local schools to ensure a smooth transition for deaf pupils entering college from school or engaging in school-college partnerships.

We welcome the opportunity to answer the questions put forward by the Education and Culture Committee; these are answered in turn where relevant below.

General Approach

- 1. In the Policy Memorandum, Mark Griffin MSP says he considered a number of alternative approaches to achieve his intention of promoting BSL, for example, by establishing a voluntary code or adapting existing legislation, such as the Equality Act 2010. He concluded that introducing the BSL Bill was the best approach. Do you think we need to change the law to promote the use of BSL and, if so, why?**

Colleges already make reasonable adjustments to meet the needs of students who are deaf or hearing-impaired as required by the Equality Act 2010. The college sector therefore is of the opinion that a law to promote the use of BSL would not substantially change in the way in which they address the needs of individuals who use BSL.

There is also concern that such a law would provide advantages for BSL users (such as access to a wider range of information and support from public authorities) over other deaf and hearing-impaired students who adopt other solutions to overcome their challenges. This could be seen as inequitable by non-BSL deaf and hearing-impaired students.

2. Mark Griffin MSP hopes that the obligations under the Bill will, in practice, “lead public authorities to increase the use they make of BSL and the extent to which they are in a position to respond to demand for services in BSL” (Financial Memorandum, paragraph 4). How realistic do you think this aim is and to what extent do you believe the Bill can achieve this objective?

If public authorities increase their use of BSL as anticipated, then it is likely that BSL users will have greater access to information, advice and support in their life choices. This in turn, would lead to more BSL users seeking entry to colleges and increased demand for support for BSL in colleges.

The use of BSL comes at a considerable cost to colleges as most of them have to engage agency staff to deliver the service. Any significant increase in the demand for BSL interpreters will impact the ability of colleges to deliver the current level of service to its BSL users. Therefore the introduction of a BSL Bill should be paralleled by investment in increasing the provision of BSL interpreters and resources.

3. The Bill is solely about the use of BSL. Could there be unintended consequences for other languages or forms of communication used by the deaf community?

The college sector is of the opinion that there could be unintended consequences for those members of the deaf and hearing-impaired community who are not BSL users. Any diversion of resources to BSL users as a distinct group would mean that colleges are less able to effectively provide other forms of communication for deaf and hearing-impaired users, such as SSE or technology-based solutions. This could have a substantial impact on students’ access to college, their progress and achievement and overall experience at college.

BSL Authority Plans

6. The Bill requires listed authorities to prepare and publish BSL Authority Plans in each parliamentary session. The Bill sets out what a BSL Authority Plan should include (Sections 3(3) and 3(4)). Do you have any comments on the proposed content of the Plans?

The proposed content does not indicate expectations as to level of detail in a BSL Authority Plan. Colleges already monitor and report on their performance in relation to all protected characteristics (as part of the general and specific duties of the Equality Act 2010). The direction of travel in mainstreaming equalities in colleges has been to harmonise the treatment of the nine protected characteristics; therefore this proposal is seen to be undoing that harmonisation by providing separate considerations for a single group. In addition, the resources required for the preparation and monitoring of a BSL plan will remove valuable and scarce BSL expert resources from frontline delivery. The college sector would rather BSL resources were directed at helping individuals.

7. The Policy Memorandum (see diagram on page 6) explains the timescales for publication of Authority Plans. Do you have any comments on these proposed timescales?

Colleges already have a regular cycle of engagement with the production of plans related to their duties under the Equality Act 2010, so the proposed timescales do not pose particular challenges to colleges.

8. In preparing its Authority Plan, a public authority must consult with those who are “likely to be directly affected by the Authority Plan or otherwise to have an interest in that Plan” (Section 3(6)) and must take into account any comments made to it during the consultation (Section 3(5)). What effect do you think these requirements will have on you or your organisation?

The requirement to consult with those directly affected a college BSL Plan will demand resources of BSL experts. This will divert scarce and expensive resources away from frontline delivery and impact on the quality of service already being delivered to BSL users under other legislation (Equality Act 2010).

Colleges are already engaged in joint planning with local authorities for their provision at regional level, and would suggest that a regional approach to consultation with BSL users and others with an interest in Authority plans would make better sense than individual (and overlapping) public authority consultations.

Financial Implications

4. If the Bill has any financial implications for your college, do you believe that they have been accurately reflected in the FM? If not, please provide details.

Colleges will incur additional costs through use of the services of BSL experts to develop a BSL plan and to engage in the mandated consultation with BSL users.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

The costs of preparing, monitoring and reporting on a BSL plan and carrying out consultations with BSL users are additional to the already substantial costs of meeting the needs of BSL users in colleges.

8. Do you believe that the FM reasonably captures all costs associated with the Bill? If not, which other costs might be incurred and by whom?

Key to the increase in BSL provision by public authorities is a rapid expansion of the number of BSL interpreters. Additional funding is required to support individuals who wish to undertake BSL courses beyond level one. These courses are not always available locally in all areas of Scotland.

Colleges Scotland/College Development Network
2 February 2015