

1. Original context

- [The Bill](#) aims to promote the use of BSL by making provision for the preparation and publication of a BSL National Plan for Scotland and by requiring certain authorities to prepare and publish their own BSL Plans in connection with the exercise of their functions.
- Plans will be reviewed, reported on via the Performance Review Report and updated at regular intervals. The intention is that, by placing this obligation on the Scottish Government and listed authorities, the profile of the language will be enhanced and its use in the delivery of services increased.

2. Consultation on the bill

- The [Education and Culture Committee's call for evidence](#) closed on 2 February 2015. To inform NDCS' written response we issued a survey to parents and consulted with our Young Campaigners who have been following the progress of the Bill closely. NDCS also provided oral evidence at the Scottish Parliament session on 24 February 2015.

3. Key issues in NDCS written response

1. Closing the education attainment gap;
2. Minimum levels of qualification in BSL; to ensure deaf learners are supported by Communication Support Workers who are able to accurately interpret what the teacher is saying;
3. BSL becoming an accredited school qualification and having the same status as other languages;
4. Improving the availability of Family Sign Language;
5. Ensuring aspirations of the Bill are appropriately resourced.

4. Key issues in oral evidence

24 February 2015 -

- The first panel spoke of the importance and support for legislation which followed a linguistic/cultural model as opposed to a disability model. The second panel members came from a public bodies perspective and highlighted where best practice already exists. Some concerns were raised about the need for additional plans as proposed by the Bill. There were also concerns that the Bill would not result in the improvement of frontline services that many are hoping for. The third panel again took a strong positive view on the Bill as being supplementary and supportive to other legislation, such as the Equality Act, and outlined importance of the Bill on linguistic grounds.

17 March 2015 -

Scottish Government discussion: Dr Alasdair Allan, Hilary Third

- Fuller discussion on Scottish Government proposed amendments and the content national/local plans including;
 - Role of National Advisory Group (NAG) and differing role from linguistic access group
 - Proposed amendment for listed authorities to produce single national plan
 - Content of Plans tying in with the educational attainment gap that exists for deaf learners
 - Progress reports in place of performance review process

Mark Griffin MSP:

- Fuller questioning of Mark Griffin MSP on the provisions of the Bill and amendments, including:-
 - Discussion on definition of “promotion” within Bill and how the promotion of the language and culture of BSL will be achieved
 - Whether there is a need for legislation
 - Content of plans and how this will be up to the BSL community to set priorities
 - Whether the flexibility of plans will allow deviation from them by local authorities and how there will be a set of recommendations that all public bodies will be required to follow, i.e. their staff being deaf aware
 - Comfortable, in principle, with all Scottish Government proposed amendments
 - Lack of baseline performance data on which to measure progress
 - Ensuring consistency of BSL promotion amongst local authorities
 - Fuller discussion of the Financial Memorandum and actual costs of implementation and delivery

5. Summary of Committee [Stage 1 report](#)

The Committee made the following observations on the specific provisions within the Bill:-

National and authority plans

- The Committee supports the Bill’s proposal to establish a planning framework and agree national plans should be reflected in authority plans. However there were concerns as to whether plans will deliver aims of Bill - to heighten profile of language and increase its use in the delivery of service. The Committee welcomed more information on the Scottish Government’s suggested amendment to produce statements instead of plans before making further comment.
 - **NDCS considers accompanying guidance will be essential as well as the role of the Third Sector and the NAG to ensure local authorities implement overarching, minimum principles in relation to the promotion and use of BSL.**
- The Committee agree that the Bill should require BSL plans to be made available in BSL. They also support the proposal to establish the NAG to develop the national plan together with the Scottish Governments commitment to ensure both BSL and Deafblind BSL users are represented in this group.

- **NDCS recommends the NAG's role is clearly defined and membership based on its function, e.g. high level, influential, skilled professionals who can champion the Bill and take a proactive role.**
- The Committee note the importance of people having an opportunity to contribute to the development of authority plans and to comment on local service provision to help promote local accountability. They also note the importance of effective engagement with the BSL community as the legislation takes effect.
 - **NDCS recommends families and children and young people should be well represented in consultation.**
- The Committee agree with the view of the Finance Committee that the plans could give rise to cost implications for public bodies; however they also acknowledge the role the plans will play in supporting a linguistic minority.

Performance Review

- The Committee state this is critical to the success of the Bill and agree with the approach in the Bill not to include sanctions for noncompliance by listed authorities; however are keen to ensure they are held to account for their actions. Engagement with the BSL community at national and local levels being critical here. There also needs to be a clear process for taking action if a listed authority plan is found to be unsatisfactory. The Committee are unclear on whether Scottish Government proposals for a progress report would meet the aims of the Bill.
 - **NDCS is keen to learn more about Scottish Government suggestions of replacing performance review mechanisms with progress reports which are accountable to local communities. We are interested in the role the NAG could play in ensuring progress is collated and understood on a national level, to inform future National Plans.**

Planning Cycle

- The Committee believe this could be simplified by decoupling it from the parliamentary sessions, and setting a regular timeframe for publishing plans and reviewing progress against them. They note the Scottish Governments suggestion of moving to a six or seven-year cycle and believe important issue here is that progress begins against plans as quickly as possible.
 - **NDCS has concerns that the current planning cycle may not allow for swift implementation of the Bill progress especially in the initial cycle. We will be considering the alternatives to suggest best approaches.**
- The Committee accept that there would be benefits in allowing a longer lead-in time for the publication of the first national plan than provided for in the Bill as this will crucial in setting the framework for all subsequent action on BSL. They consider it vital that sufficient time is available to ensure extensive consultation and engagement is carried out.
 - **NDCS agrees with this extension as it may allow more time for development and consultation.**

Ministerial Responsibility

- The Committee are content for the lead minister requirement to be removed from the Bill.

Listed authorities

The Committee recognise that more public authorities could be added and suggest including all public-facing, service oriented bodies whose duties impact on BSL users.

6. Timescales/next steps

The Stage 1 debate will take place on Tuesday 5 May at Scottish Parliament. Next will be the Stage 2 amendments process followed by the final Stage 3 debate which aims to take place around June before summer recess 2015.

- NDCS will produce a briefing for MSPs ahead of the Stage 1 debate on 5 May.
- NDCS will continue to welcome and support the passage of the Bill through Scottish Parliament.
- NDCS will consider if there are any appropriate amendments to the Bill that would, if passed, enhance its capacity to achieve its vision and aims
- NDCS will continue to support Young Campaigners to be active in sharing their views about the Bill and lobbying decision makers on it.
- NDCS will also continue to produce membership communication to inform children, young people, parents and professionals about the Bill.

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