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Legislation and policy on sign language in the UK and Ireland

1 British Sign Language: Overview

Sign languages are generally separate from the spoken languages of the surrounding hearing communities; different sign languages are also largely mutually unintelligible¹. Hence, there is very little similarity between, for example, British Sign Language, Irish Sign Language and American Sign Language.

There is some dispute about the number of British Sign Language (BSL) users. The 2011 census identified 15,000 people in England and Wales who declare BSL as their first language and 7,000 saying they use another sign language². The Department of Health *GP Patients Survey*, however, estimates that there are 122,000 BSL users³.

While sign language in Britain has been used since at least the sixteenth century, modern British Sign Language is generally considered to have begun in its current form

¹ Sutton-Spence, R & Woll, B. 1999. *The Linguistics of British Sign Language: An Introduction*. Cambridge University Press.

² British Deaf Association. 'British Deaf Association reacts to Census Figures with dismay': <http://www.bda.org.uk/News/108>

³ *GP Patients Survey*: <http://www.gp-patient.co.uk/results/#>

in the eighteenth century⁴. Thomas Braidwood's Academy for Deaf and Dumb opened in 1760 and is considered to have been the first school in Britain to include sign language in education.

However, from the late nineteenth century debates about whether visual sign language or the oral method (whereby deaf people are encouraged to speak and lip read) should be the primary method of communication held back the use of British Sign Language in public life.⁵ Until the mid-1970s, BSL was generally not taught in schools.

The Disability Discrimination Act 1995 states that providers of goods, services and facilities are expected to make 'reasonable adjustments' in providing assistance or making changes to the way they provide the service⁶. In practice, this means that, by law, it is the service provider, not the Deaf person, who must arrange a British Sign Language/English interpreter if one is required.

In spite of these provisions, it was not until 18 March 2003 that BSL received formal recognition as a language in its own right by the UK Government. This was the first time that the language had been formally acknowledged, opening the way for government funding and a formal qualifications structure. A set of British Sign Language qualifications, accredited by the Qualifications and Curriculum Authority, is now provided by the Council for the Advancement of Communication with Deaf People.

In March 2004, the Secretary of State for Northern Ireland announced the formal recognition of BSL and Irish Sign Language (ISL) as formal languages in their own right in Northern Ireland.

In 2009, the UK Government signed the UN Convention on the Rights of Persons with Disabilities, which viewed sign language on a par with spoken languages. This was followed in 2010 by the Equality Act, which harmonised and strengthened the law regarding discrimination against those with a disability⁷. The Act makes it an offence, for example, for an employer to ask questions about the disability of a job applicant, except in specified circumstances. The Equality Act 2010 does not apply in Northern Ireland.

Sign language campaigners continue to seek changes to legislation and service provision. In 2013, an Early Day Motion was put down which noted 'that BSL users still

⁴ Sign Community. 'A brief history of British sign language': <http://www.signcommunity.org.uk/a-brief-history-of-british-sign-language-bsl.html> Page accessed 28.4.14.

⁵ British Deaf Association. 'British Sign Language History': <http://www.bda.org.uk/British%20Sign%20Language%20History> Page accessed 28.4.14.

⁶ Disability Discrimination Act 1995, Section 21: <http://www.legislation.gov.uk/ukpga/1995/50/contents>

⁷ UN Convention on the Rights of Persons with Disabilities: <http://www.un.org/disabilities/convention/conventionfull.shtml>; Equality Act 2010: <http://www.legislation.gov.uk/ukpga/2010/15/contents>

find it hard to access health, education and other services as well as employment due to a lack of public awareness and interpreters⁸.

In 2003, and again in 2011, the British Deaf Association (BDA) published a Charter for British Sign Language which contains a number of pledges to which public authorities are encouraged to subscribe, designed to improve access and rights for Deaf people who use sign language.

BDA is campaigning for further legal changes so that British Sign Language is given the status of a formal minority language in the UK. This would mean that it would have to be protected in the same way as the Welsh and Scots Gaelic languages. BDA is also campaigning so that deaf children have the right to be educated in a bilingual environment if they wish⁹.

2 Sign language policy in Scotland

Data collected from the 2011 Scottish Census indicated that 0.2 per cent (13,000)¹⁰ of the Scottish population use BSL 'at Home'.¹¹ In 2011, Action on Hearing Loss (AOHL) released a report into audiology services in Scotland. The report estimated that 758,000 people in Scotland are deaf or hard of hearing.¹² It has also been estimated that 5,000 people in Scotland are considered deaf blind.¹³

The Scottish Government has taken a number of approaches to support BSL in Scotland. For instance, in 2001 the BSL and Linguistic Access Working Group was set up to produce strategies promoting the use of BSL and raising awareness of it among the public, largely through engagement with relevant organisations and agents.¹⁴ The Working Group has produced two significant reports: 'Scoping Study: Linguistic Access to Education for Deaf Pupils and Students in Scotland' (February 2009) and, 'The Long and Winding Road – A Roadmap to British Sign Language & Linguistic Access in Scotland' (April, 2009). These Reports highlighted issues faced by deaf people and BSL users in Scotland.

During the 2011–2012 periods, the Scottish Executive committed £73,954 to BSL projects; British Deaf Association's 'Building the Capacity of the Deaf Community'

⁸ House of Parliament. 'Early day motion 1167: 10th anniversary of recognition of British Sign Language': <http://www.parliament.uk/edm/2012-13/1167>

⁹ British Deaf Association. 'BDA policy and campaigns': http://www.bda.org.uk/What_We_Do/BDA_Policy_And_Campaigns Page accessed 28.4.14.

¹⁰ 2011 Scottish Census: <http://www.scotlandscensus.gov.uk/news/census-2011-release-2a>

¹¹ English and Scots Gaelic where both approached individually to gauge use and proficiency.

¹² *Hear Me Out* report p5: <http://www.actiononhearingloss.org.uk/~media/Documents/Scotland/Policy%20Research/Research/Hear%20me%20out.ashx>

¹³ Proposed British Sign Language (Scotland) Bill, Consultation, p5: http://www.scottish.parliament.uk/S4_MembersBills/20120730_BSL_Consultation.pdf

¹⁴ Proposed British Sign Language (Scotland) Bill, Consultation p5: http://www.scottish.parliament.uk/S4_MembersBills/20120730_BSL_Consultation.pdf

(£30,000) and their 'Support Network for Advanced BSL Teachers' (£13,954) as well as; the Scottish Association of Sign Language Interpreters' 'Building Confidence' (£30,000).¹⁵

Following formal recognition of British Sign Language by the UK Government in 2003, the Scottish Government recognised BSL in 2011.¹⁶ A proposal for a Bill concerning British Sign Language in Scotland was submitted on 27th July 2012 by Mark Griffith MSP. After successfully completing the consultation phase, the right to introduce a bill has been secured. The bill proposes: to raise public awareness of BSL and promote the use of BSL in everyday life; to require the Scottish Parliament to create a Ministerial role dealing specifically with BSL and deaf culture. It proposes that all Ministers must produce BSL action plans within their area. Ministers would then report their plans to the Scottish Parliament at least twice in a parliamentary session. Under the bill, relevant local authorities would also produce BSL action plans to promote awareness of BSL and promote its use among the public and staff. These plans would be included in the Minister's report to Parliament.

3 Irish Sign Language Policy

The 2011 Irish Census recorded 2,475 users of Irish Sign Language (ISL) in the Republic of Ireland.¹⁷ It has been estimated that for every deaf sign language user, there are nine non-deaf people who know ISL.¹⁸ Using this hypothesis it can be estimated that there is a population of approximately 22,000 people who can understand and use ISL in the Republic of Ireland.

Currently there is no recognition of Irish Sign Language in legislation in the Republic of Ireland, and public services provision in ISL is relatively ad hoc.¹⁹ The Irish Deaf Society has stated that the failure of the state to recognise ISL places at risk the health and well-being of deaf people as they often struggle to avail of vital health and educational services.²⁰

The current Irish Programme for Government 2011–2016 sets out a desire to 'examine different mechanisms to promote the recognition of Irish Sign Language'.²¹ The

¹⁵ Scottish Government 2011. 'Funded British Sign Language projects': <http://www.scotland.gov.uk/Topics/People/Equality/remit/BSL2011-12>

¹⁶ Academy of British Sign Language: <http://academyofbsl.com/index.php/our-history> Page accessed 30.4.14.

¹⁷ Central Statistics Office. *Census 2011*: www.cso.ie/en/census/census2011reports/census2011profile6migrationanddiversity-aprofileofdiversityinireland/

¹⁸ Cronin M & Ó Cuilleain, C. (eds) 2003. *The Languages of Ireland*. Blackrock: Four Courts Press.

¹⁹ Cronin M & Ó Cuilleain, C. (eds) 2003. *The Languages of Ireland*. Blackrock: Four Courts Press.

²⁰ Irish Sports Council. September 2013. 'Irish Deaf Society calls on Government for legal recognition of Irish Sign Language': www.irishsportsCouncil.ie/Media/Latest_News/2013/September/IDS_calls_on_Government_for_legal_recognition_of_Irish_Sign_Language.html

²¹ Department of the Taoiseach. *Government for National Recovery 2011 – 2016* www.taoiseach.gov.ie/eng/Work_Of_The_Department/Programme_for_Government/Programme_for_Government_2011-2016.pdf

Programme for Government Annual Report for 2013 reported that a round table discussion with representatives from the deaf community, together with the relevant government departments had taken place in May 2012. This was to identify possible actions to promote the recognition of ISL for inclusion in the National Disability Strategy Implementation Plan.²²

The National Disability Strategy Implementation Plan 2013–15 specifies two requirements for ISL provision.²³ The Department of Social Protection (covering areas such as employment, child benefit, income supplement, disability and pensions) will support the increased provision of access to sign language interpretation in their offices. The Department of Justice over the life of the implementation plan will co-ordinate sign language interpreting service pilot projects across government. The Department of Justice is also funding the development of an ‘app’ for Irish Sign Language which will use new technologies to facilitate communication.

In 2013 the Recognition of Irish Sign Language for the Deaf Community Bill 2013²⁴ failed at its second stage reading in the Seanad. The intention of this Bill was to provide for the statutory recognition of Irish Sign Language. If it had come into force it would have meant that public bodies would be required to have action plans on ISL.

There would have been a legal requirement to provide classes on ISL for the parents of deaf children. It would also have become possible to use ISL in legal proceedings. It would have made available sign language interpreting services and introduced statutory targets regarding the accessibility of television programming. It would have regulated Sign Language Interpreters, deaf interpreters and ISL teachers and to ensure standards the establishment of an Irish Sign Language Council.

²² Department of the Taoiseach. 2013. *Programme for Government Annual Report 2013: Government for National Recovery*

www.taoiseach.gov.ie/eng/Publications/Publications_2013/Programme_for_Government_Annual_Report_20131.pdf

²³ Department of Justice. 2013. *National Disability Strategy Implementation Plan 2013–2015*

www.justice.ie/en/JELR/NDS_ImplementationPlan_FINAL.pdf/Files/NDS_ImplementationPlan_FINAL.pdf

²⁴ Recognition of Irish Sign Language for the Deaf Community Bill 2013:

<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2013/11313/document1.htm>