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Karen McCallion

Sign Language Legislation

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This research paper compares and contrasts recent sign language legislation passed in Ireland and Scotland with proposals for sign language legislation in Northern Ireland.

Key Points

- British Sign Language (BSL) and Irish Sign Language (ISL) are distinct languages, not dependent upon, nor strongly related to spoken English and Irish. There is no universal sign language.
- Disputes exist about the reported size of the deaf community in Northern Ireland. Some figures estimate that approximately 18,000 BSL and ISL users live in Northern Ireland, 7,500 of whom are deaf. The Health and Social Care Board reported difficulties in capturing the numbers of full time equivalent interpreters and the levels of unmet need for interpretation support in Northern Ireland (NI).
- Research shows that people who are deaf experience higher levels of unemployment. A higher proportion of deaf young adults are not in education, employment or training. Deaf people's health is poorer and deaf people's educational outcomes are poorer.
- The Disability Discrimination Act 1995 places a duty on employers and those providing goods, services and facilities to make 'reasonable adjustments' for people with disabilities. Deaf sign language users may therefore have to identify as disabled to access communication services. Proposals for ISL and BSL legislation seeks to recognise sign language users as a cultural linguistic minority.
- The COVID-19 pandemic has highlighted the necessity of adequate ISL and BSL services particularly for public health messaging as well as digital communication services. DfC launched a £430,000 Sign Language COVID-19 Support Fund in November 2020.
- British Sign Language (Scotland) Act 2015 places responsibilities on Scottish Ministers to promote and facilitate the use and awareness of BSL and sets deadlines for the publication and review of BSL plans.
- The Irish Sign Language Act 2017 makes specific references to the use of ISL in legal proceedings, broadcasting and education. It also seeks to regulate interpretation services. The Act acknowledges ISL as the native language of its users and their right to use, develop and preserve ISL. The ISL and BSL legislation proposals for NI also place the right to use, preserve and develop ISL and BSL with the languages' users.
- Cross departmental collaboration is necessary to ensure sustained funding levels are adequate. The NI Sign Language Partnership Group has existed since 2004 to support the co-design of ISL/BSL programmes with ISL/BSL users, deaf support organisations and Departmental representatives.
- Feedback from the deaf community seems to indicate that social media platforms have been used to successfully provide access to ISL and BSL users during consultation processes.
- The Scottish legislation includes provisions for the use of the tactile form of BSL for people who are deafblind. There is no specific mention of this group in the NI BSL/ISL legislation proposals, nor the Irish Sign Language Act.

Executive Summary

This research paper compares and contrasts recent sign language legislation passed in Ireland and Scotland with proposals for sign language legislation in Northern Ireland.

The first part of the paper sets the context for sign language legislation in Northern Ireland. This section includes an overview of key considerations such as data disputes regarding the size of the British Sign Language (BSL) and Irish Sign Language (ISL) user community in Northern Ireland. Also included is a summary of discussions about terminology as well as an examination of the medical, social and cultural attitudes to deafness. The relationship between these different perceptions and the type of protections included in recent sign language legislation is also considered.

The second part of this research explores the sign language policy context in England, Wales, Scotland, Ireland and Northern Ireland. Where protections in England, Wales and Northern Ireland are broadly covered under disability legislation, in Scotland and Ireland, their sign language acts also seek to promote and preserve sign languages. This section also includes information about international conventions such as the Council of Europe (CoE) European Charter for Regional or Minority Languages (ECRML), the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the United Nations Convention on the Rights of the Child (UNCRC). Although the ECRML does not specifically mention sign languages, the types of cultural protections described in this convention are similar to elements of the Irish and Scottish legislation. This section also examines the Disability Discrimination Act 1995 and the Disability Discrimination (Northern Ireland) Order 2006.

The third part of this paper describes the timeline of activity leading up to the British Sign Language (Scotland) Act 2015, the Irish Sign Language Act 2017 and the Northern Ireland Sign Language Framework. Published in 2016, the Sign Language Framework included proposals for ISL and BSL legislation in Northern Ireland. A table comparing related sections from the sign language legislation in Scotland and Ireland with proposals for sign language legislation in Northern Ireland is also included. This table highlights areas where sections of each piece of legislation compares, but also where there are differences in approach.

The concluding part of the paper lists approaches taken in Ireland and Scotland in the co-design and implementation of sign language legislation. This includes considerations such as funding and methods for collaborating with stakeholders from the deaf community and the community's supporting organisations.

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1 Context

In contrast to Scotland and Ireland, Northern Ireland does not currently have a specific piece of legislation on sign language. The New Decade, New Approach agreement states in Annex E (on rights, language and identity) that:

‘A draft framework and policy proposals for legislation on sign language have been consulted on by the Department for Communities. The Parties agree to the process of drafting clauses, commencing with a view to introducing a Bill to the Assembly at the early stage.’

This paper updates the 2014 [briefing paper NIAR 83-14](#)¹ and summarises each section in the Irish Sign Language Act (2017)² and the British Sign Language (Scotland) Act³ 2015.

2 Sign Language Overview

British Sign Language (BSL) and Irish Sign Language (ISL) are distinct languages, not dependent upon, nor strongly related to spoken English and Irish. Sign languages are three dimensional, depending on facial gestures as well as body language to convey meaning.⁴

Sign languages have their own sentence structure and grammar. For example, in spoken English, ‘What is your name?’ is ‘Your name, what?’ when literally translated from BSL. And when you are signing your name in ISL, you sign; ‘My name (and spell the letters of your name)’.⁵

Makaton, popularised by children’s television shows such as CBeebies’ *Mr Tumble*, is a type of Sign Supported English (SSE). Makaton uses gestures from BSL as well as signs and speech. It follows the grammar of spoken English and is not the same as BSL.⁶

¹ NIAR 83-14 Legislation and Policy on Sign Language in the UK and Ireland http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/culture_arts_leisure/14114.pdf. Page last accessed 06.11.2020

² Irish Sign Language Act 2017 <http://www.irishstatutebook.ie/eli/2017/act/40/enacted/en/html#:~:text=IRISH%20SIGN%20LANGUAGE%20ACT%202017%20An%20Act%20to,Be%20it%20enacted%20by%20the%20Oireachtas%20as%20follows%3A>. Page last accessed 06.11.2020

³ British Sign Language (Scotland) Act 2015 <https://www.legislation.gov.uk/asp/2015/11/contents/enacted>. Page last accessed 06.11.2020

⁴ Sutton-Spence, R & Woll, B. 1999. *The Linguistics of British Sign Language: An Introduction*. Cambridge University Press.

⁵ Irish Deaf Association Irish Sign Language <https://www.irishdeafociety.ie/irish-sign-language/> Page last accessed 6.11.2020

⁶ SENSE Sign Language <https://www.sense.org.uk/get-support/information-and-advice/communication/sign-language/> Page last accessed 6.11.2020

A universal sign language does not exist. Unlike speakers of English languages, users of American, British and Australian sign languages wouldn't necessarily understand each other. There are also regional variances, complicating matters such as UK wide provision of interpretation services, an issue that was highlighted at the beginning of the COVID-19 pandemic.⁷ In Ireland, there are variances between the versions of ISL used by male and female users.

2.1 Data

The difficulty of obtaining recent data on the numbers of British and Irish Sign Language users in Northern Ireland was a matter of discussion when the Committee for Culture, Arts and Leisure considered the issue of sign language in November 2014.⁸ Figures from the 2011 Census in England, Wales and Northern Ireland have been disputed by the British Deaf Association (BDA).⁹

Table 1 summarises numbers most commonly quoted for ISL and BSL users in the UK and Ireland.

Table 1 Numbers of sign language users in the UK and Ireland¹⁰

Jurisdiction	Deaf SL users	Total numbers of SL Users
Northern Ireland	7,500	18,000 ¹¹
British Sign Language	5,000	
Irish Sign Language	2,500	
Scotland	7,000	12,500
England	73,000	127,000
Wales	4,000	7,200
Ireland ¹²	5,000	40,000

BDA estimates 151,000 BSL users across the UK, with 87,000 of these being deaf. The Department of Culture, Arts and Leisure (DCAL) reported in the Sign Language Framework, from the Continuous Household Survey in 2013/14, that 9% of adults in Northern Ireland could communicate using sign language. Of these, 8% used BSL while 1% used other Sign Languages including ISL. In 2016, PhD researcher Sally Gillespie from Queens University, Belfast developed a model to map the numbers of

⁷ BBC NI News Deaf Community Concerned Over COVID-19 Information <https://www.bbc.co.uk/news/uk-northern-ireland-52122929> Page last accessed 6.11.2020

⁸ NIA OR 14 Nov 2014

<http://aims.niassembly.gov.uk/officialreport/minutesofevidencereport.aspx?AgendaId=10170&evidID=6570>

⁹ British Deaf Association Statistics <https://bda.org.uk/help-resources/#statistics> Page last accessed 6.11.2020

¹⁰ British Deaf Association Statistics <https://bda.org.uk/help-resources/#statistics> Page last accessed 6.11.2020

¹¹ DCAL Sign Language Framework 2016 <https://www.communities-ni.gov.uk/sites/default/files/consultations/dcal/Sign%20Language%20Framework%20Document.PDF> Page last accessed 6.11.2020

¹² Irish Deaf Society <https://www.irishdeafociety.ie/irish-sign-language/> Page last accessed 6.11.2020

ISL and BSL users in Northern Ireland. In her thesis¹³. Gillespie noted two population ratios commonly used to estimate the numbers of sign language users. These included;

*'...a 1:6 ratio of people with hearing impairment to the general population, developed by Action on Hearing Loss in 2014, and a 1:1000 ratio of signed language users to the general population, developed by the World Health Organisation.'*¹⁴

In 2019, a briefing paper prepared by the Health and Social Care Regional Communication Support Service included estimates of 5,000 British Sign Language (BSL) users and approximately 2,000-3,000 Irish Sign Language (ISL) service users, living in Northern Ireland.¹⁵ This figure is the most often quoted and has been attributed to the Royal National Institute for the Deaf (RNID).¹⁶

According to Dr Sally Gillespie, the RNID (formerly Action on Hearing Loss) have informally retracted this figure and now state;

'At the moment there are no reliable current figures on how many people in the UK use British Sign Language as their first or preferred language, or how many people in Northern Ireland use Irish Sign Language.'

The National Plans resulting from the Scottish sign language legislation have a number of actions to improve the accurate collection of data about the numbers of BSL users. Recommendations include changes to questions in the 2021 Census.¹⁷

2.2 Terminology

The Scottish British Sign Language National Plan 2017 – 2023, sets out considerations for the use of 'd/Deaf' terminology as follows:

'The term 'deaf' includes people who are deaf, Deaf, Deafblind, deafened and hard of hearing. 'The capital D 'Deaf' is used as a cultural label and refers to people who are profoundly deaf, whose first or only language is sign language and are part of a cultural and linguistic minority known as the Deaf community. The lower case d for 'deaf' includes those who may not know any sign language, are more likely to identify as spoken language

¹³ Gillespie S, Linguistic Demographics, Resources and Deficit of Opportunity: Deaf Signed Language Users in Northern Ireland 2018

¹⁴ Werngren-Elgström M, Dehlin O, Iwarsson S. A Swedish prevalence study of deaf people using sign language: A prerequisite for deaf studies. *Disability & Society*. 2003 May 1;18(3):311-23.

¹⁵ Health and Social Care Board Regional Communication Service Briefing Paper 2019 http://www.hscboard.hscni.net/download/PUBLICATIONS/regional_review_of_communication_support_services/briefing_paper/Generi-RCSS-Briefing-V12092019.pdf Page last accessed 6.11.2020

¹⁶ RNID 2009, Access to Public Services for Deaf Sign Language Users: User Forum Project Report

¹⁷ BSL (Scotland) Act National Plan 2017-2023 Action 1 <http://bslscotlandact2015.scot/public-services/> Page last accessed 6.11.2020

*users and consider themselves as having 'hearing loss'. When talking about both groups at once, the term 'd/Deaf' is often used.'*¹⁸

Academic research suggests that differentiating between 'd/Deaf' people in this manner is unhelpful. Atherton suggests that the distinction infers a superiority of 'Deaf' over 'deaf'.¹⁹ The term 'deaf' will therefore be used throughout this paper, except where 'd/Deaf' features in a direct quotation.

2.3 Perceptions of deafness - Cultural, Social and Medical Models

Before considering the proposals for sign language legislation, it's useful to consider some of the different perceptions of or attitudes to deafness and disability that can influence the choice of legislative approach and the terminology used.

2.3.1 Cultural Model

Many BSL users see themselves as a cultural and linguistic minority community rather than a disability group.²⁰ The term 'Deaf culture' was coined by Carl G. Croneberg when he compared deaf and hearing cultures in his 'Dictionary of American Sign Language' in 1965.²¹ Padden and Humphries have stated that the deaf community have their own behaviours, values, knowledge and fluency in sign language. This led to the concept of 'Deaf Gain'. The cultural model contrasts with the medical perception of deafness as a loss.²² Promoters of the cultural model of deafness support the idea that deaf clubs and schools for deaf people help preserve sign languages and deaf culture.²³

2.3.2. Social Model

According to written evidence submitted by the Law Society of Scotland to a House of Lords Select Committee on the Equality Act and Disability in 2016;

*'...someone is disabled because the norm for society is non-disabled people and so services and facilities are set up to operate for them and not disabled people...if the social model was applied, then the law would start from the premise that it is the norms of society that cause disadvantage'.*²⁴

¹⁸BSL (Scotland) Act National Plan 2017-2023 Ministerial Foreward <https://www.gov.scot/publications/british-sign-language-bsl-national-plan-2017-2023/pages/1/> Page last accessed 6.11.2020

¹⁹ Atherton M. A feeling as much as a place: leisure, deaf clubs and the British deaf community. Leisure Studies. 2009 Oct 1;28(4):443-54.

²⁰ British Deaf Association Legal Status of BSL – ISL 2014 https://bda.org.uk/wp-content/uploads/2017/03/BDA_Legal-status-of-BSL-ISL_11-Mar-2014.pdf Page last accessed 6.11.2020

²¹ Stokoe WC, Casterline DC, Croneberg CG. A dictionary of American Sign Language on linguistic principles. Linstok Press; 1976.

²² Padden C, Humphries T, Padden C. Inside deaf culture. Harvard University Press; 2009 Jun 30.

²³ Inclusion London Cultural Model of Deafness 2014 <https://www.inclusionlondon.org.uk/disability-in-london/cultural-model-of-deafness/the-cultural-model-of-deafness/>

²⁴ HL Paper 117 Written evidence from the Law Society of Scotland (EQD0063) 2016 <https://publications.parliament.uk/pa/ld201516/ldselect/ldgact/117/117.pdf> Page last accessed 6.11.2020

The barriers, attitudes and exclusions that make it difficult for deaf people to enjoy ‘all human rights and fundamental freedoms’²⁵ often result from the design of the environment being the disabling factor. For example, where BSL users have access to sign language, they are disabled less, or not at all. Advocates of the social model of disability also support integration of people with disabilities with their non-disabled peers, as well as promoting the concept of ‘Universal Design’.²⁶

Article 2 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) describes the concept as;

‘Universal design means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. Universal design shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.’²⁷

2.3.3 Medical Model

‘A disability was once thought of, and indeed is often still treated, as the problem which a person may suffer from and which they attempt, as far as possible, to overcome’.²⁸

The medical model supposes that disability such as deafness leads to a reduction in quality of life and therefore the impairment should be ‘fixed’. This way of thinking has led to the promotion of cochlear implants, hearing aids, assistive listening devices and lip reading.

Paragraph 53 of the House of Lords Select Committee paper ‘The Equality Act 2010: The Impact on disabled people’ noted some dispute from witnesses as to whether the wording of the UN Convention on Rights for People with Disabilities (UNCRPD), the Disability Discrimination Act (1995) and the Equality Act (2010) reflected the medical or social model of disability.

According to the British Deaf Association, current legislation in England, NI and Wales, does not protect the cultural and linguistic rights of BSL and ISL users and ignores;

‘...the positive aspects of Deaf Gain, Deaf culture and heritage and sign languages themselves’.²⁹

²⁵ UK Human Rights Act (1998)

²⁶ Mike Oliver (2013). "The social model of disability: thirty years on". *Disability & Society*. 28 (7): 1024–1026.

²⁷ <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-2-definitions.html>

²⁸ HL Paper 117 The Equality Act 2010: the impact on disabled people (2016)

<https://publications.parliament.uk/pa/ld201516/ldselect/lddeact/117/117.pdf>

²⁹ British Deaf Association Legal Status of BSL – ISL 2014 https://bda.org.uk/wp-content/uploads/2017/03/BDA_Legal-status-of-BSL-ISL_11-Mar-2014.pdf Page last accessed 6.11.2020

The BDA's 'Legal Status for BSL and ISL' report published in 2014, highlighted good practice with regards to sign language legislation in New Zealand, Finland, Austria and Hungary.

3 Sign Language Policy Context

3.1 Explicit and implicit forms of sign language legislation

According to the World Federation of the Deaf (WFD), 46 jurisdictions had recognised sign languages in varying ways by April 2017.³⁰ Since this date, Ireland and most recently the Netherlands have passed sign language legislation.³¹

The WFD divides sign language legislation into two categories. Explicit legislation recognises sign languages as a distinct language. Implicit recognition is usually via measures concerning disability access. Many deaf-led organisations dispute the obligation to identify as disabled, in order to access public services.

In the 2014 British Deaf Association report on the legal status of Irish and British Sign Languages a summary of the different approaches to sign language recognition was examined.³² Table 2 summarises the legislative differences.

Table 2 Examples of legislative recognition (BDA, 2014)

Type, status and degree of recognition	Example Countries
Constitutional recognition	Uganda, Venezuela, Austria, Hungary, Finland
Official recognition	New Zealand, Iceland, Latvia, Estonia
Legal recognition. E.g. Sign Language Act Nationally / Devolved Government	Ireland, Netherlands, Brazil, Austria, Cyprus, Spain, Slovakia, Poland, Malta Devolved Governments: Belgium – Flanders and Wallonia Switzerland – canton of Zurich only UK – Scotland
Recognition through 'other' legislation	Germany – Disability legislation France – Education legislation Finland – Language Act; and other legislation Denmark – a range of legislation Sweden – Language Act Lithuania – Disability legislation Romania – a law on sign language

³⁰ World Deaf Federation Legal Recognition of Sign Language by Type of Legislation (2017) <https://wfdeaf.org/news/resources/infographics-legal-recognition-sign-languages-type-legislation/> Page last accessed 12.11.2020

³¹ Maartje De Meulder Sign Language of the Netherlands (2020) https://maartjedemeulder.be/2020/10/13/sign-language-of-the-netherlands/amp/?_twitter_impression=true Page last accessed 6.11.2020

³² British Deaf Association Legal Status of BSL – ISL 2014 https://bda.org.uk/wp-content/uploads/2017/03/BDA_Legal-status-of-BSL-ISL_11-Mar-2014.pdf Page last accessed 6.11.2020

Some access to public services through disability legislation	UK, Italy, Luxembourg, Bulgaria, Switzerland (except canton of Zurich)
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3.2 International Conventions

3.2.1 The European Charter for Regional or Minority Languages³³

The European Charter for Regional or Minority Languages is a Council of Europe treaty that protects and promotes historical regional and minority languages in Europe. The Charter was ratified by the UK Government in 2001. The Charter applies to Irish and Ulster Scots in Northern Ireland. It does not cover sign languages.

The commitments listed in Table 3 under Part II and Part III of the Charter are a useful guide when considering internationally ratified approaches to minority language protections. Many of the sections in both the Irish Sign Language Act and BSL (Scotland) Act compare with the provisions listed in Table 3.

The aim of the Charter is not to establish individual or collective rights. It is framed so as public authorities take positive action without minority language users having to invoke such rights.

Table 3 The European Charter for Regional or Minority Languages

Part II	Part III
Recognition of regional or minority languages as an expression of cultural wealth.	Education
Respect for the geographical area of each regional or minority language.	Judicial authorities
The need for resolute action to promote such languages.	Administrative authorities and public services
The facilitation and/or encouragement of the use of such languages, in speech and writing, in public and private life.	Media
The provision of appropriate forms and means for the teaching and study of such languages at all appropriate stages.	Cultural activities and facilities
The promotion of relevant transnational exchanges.	Economic and social life
The prohibition of all forms of unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger its maintenance or development.	Transfrontier exchanges
The promotion by states of mutual understanding between all the country's linguistic groups.	

³³ European Charter for Regional or Minority Languages (1998) <https://www.coe.int/en/web/european-charter-regional-or-minority-languages>

3.2.2 United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)³⁴

The adoption of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2006 is regarded as a catalyst in the development of recent cases of sign language legislation.³⁵

Article 30 of CRPD states:

‘...persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture’.

The UK ratified the UNCRPD in 2009.³⁶

3.2.3 United Nations Convention of the Rights of the Child (UNCRC)³⁷

This international human rights treaty grants all children and young people (aged 17 and under) a comprehensive set of rights.

Article 30 states:

‘In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.’

The UK ratified the UNCRC in December 1991.

³⁴ United Nations Convention on the Rights of Persons with Disabilities https://treaties.un.org/doc/Publication/CTC/Ch_IV_15.pdf

³⁵ Maartje De Meulder, Joseph J. Murray, and Rachel L. McKee (eds.): The Legal Recognition of Sign Languages: Advocacy and Outcomes. *Lang Policy* 19, 481–483 (2020).

³⁶ UK Gov. UNCRPD: Initial Report on how the UK is implementing it (2011) <https://www.gov.uk/government/publications/un-convention-on-the-rights-of-persons-with-disabilities-initial-report-on-how-the-uk-is-implementing-it>

³⁷ United Nations Convention on the Rights of the Child (1990) <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

4 Domestic Legislation in the UK and Ireland

4.1 Different types of Legislative Recognition

4.2 England

In March 2003, BSL received recognition as a language by the UK Government. This did not provide any statutory rights for BSL. However, a set of British Sign Language qualifications was accredited by the Qualifications and Curriculum Authority and is provided by the charity Signature, formerly known as the Council for the Advancement of Communication with Deaf People (CACDP).³⁸

In 2009, the UK Government signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the Equality Act³⁹ followed in 2010.

The Equality Act 2010 establishes a duty to offer disabled people 'reasonable adjustments' when engaging in education, employment and when accessing services. An example of a 'reasonable adjustment' is the provision of an interpreter.

Sign language campaigners such as the British Deaf Association, continue to seek changes to UK legislation and service provision. In 2013, an Early Day Motion noted that;

*'BSL users still find it hard to access health, education and other services, as well as employment due to a lack of public awareness and interpreters.'*⁴⁰

A market review of communication services was completed by the Department of Work and Pensions in 2017⁴¹. This highlighted a number of key issues with the provision of interpretation services for people who are deaf and hard of hearing. Findings from this market review are summarised in Section 6.4.

An All Party Parliamentary Group (APPG) on deafness was set up in the Houses of Parliament in 2015. The key issues it works on include;⁴²

- Improving television subtitles;
- Increasing NHS provision of hearing aids;
- Raising awareness of deafness and hearing loss;
- Improving adult education and employment opportunities; and

³⁸ Signature <https://www.signature.org.uk/our-heritage> Page last accessed 16.11.2020

³⁹ UK Equality Act 2010 <https://www.legislation.gov.uk/ukpga/2010/15/contents>

⁴⁰ House of Parliament. 'Early day motion 1167: 10th anniversary of recognition of British Sign Language': <http://www.parliament.uk/edm/2012-13/1167>

⁴¹ DWP Market Review of BSL and communication provision for people who are deaf or have hearing loss (2017) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630960/government-response-market-review-of-bsl-and-communications-provision-for-people-who-are-deaf-or-have-hearing-loss.pdf

⁴² APPG for Deafness [All Party Parliamentary Group on Deafness Page last accessed 6.11.2020](#)

- Gaining minority language recognition for BSL.

The APPG on deafness are planning to conduct an inquiry to estimate the economic, social and individual costs of minority language recognition for BSL. At a recent meeting it was agreed that the inquiry would wait until the progress reports from the Scottish BSL National Plans were published. Due to COVID-19, publication has been postponed until October 2021.⁴³

4.3 Wales

In Wales, the main legislative mechanism available to deaf people wanting to access communication support, comes through disability provisions set out in the Equality Act 2010.

In 2011, the Welsh Government made Wales the first jurisdiction in the UK to make the United Nations Convention on the Rights of the Child (UNCRC) part of its domestic law (Rights of Children and Young Persons (Wales) Measure 2011). 'So that parents and siblings can communicate with family members with disabilities' (UNCRC, 2007, p.11). Under the UNCRC families with deaf children are provided with support to learn sign language as a right of children with disabilities.

In response to a petition submitted to the Welsh Government in 2018, a debate on the Petitions Committee Report: To improve Access to Education and Services in British Sign Language, was held in 2019. Following this, an independent review of BSL Provision for Adults in Wales was published in January 2020. Recommendations considered the case for designating BSL as an essential communication skill for parents and carers of deaf children. The report also highlighted the uncertainty of the impact this designation would have upon demand, as well as providers' capacity and funding.⁴⁴

4.4 Scotland

The aim of the British Sign Language (Scotland) Act 2017 is to recognise BSL as an indigenous manual language used by deaf people, rather than as an impairment requiring communication support.

The Scottish BSL legislation follows a similar approach as that used in the Gaelic Language (Scotland) Act 2005. This included, requiring relevant public authorities to produce Gaelic Language Plans. Although the Gaelic legislation established a body to

⁴³ SP OR PQ S5W-32223 1 Oct 2020 <https://www.parliament.scot/parliamentarybusiness/116284.aspx>

⁴⁴Welsh Government Independent Review of BSL Provision for Adults in Wales 2020
<https://gov.wales/sites/default/files/statistics-and-research/2020-01/independent-review-of-bsl-provision-for-adults-in-wales.pdf> Page last accessed 6.11.2020

manage the planning and review process, the responsibility for this activity in the BSL legislation was given to Scottish Ministers and Listed Authorities.

4.4.1 British Sign Language (Scotland) Act

As outlined in the timeline in Figure 1, the first school to use sign language was opened in Edinburgh in 1760⁴⁵. In October 2015, the British Sign Language (Scotland) Act received Royal Assent. Then, in October 2017, the Scottish Government published 'British Sign Language: National Plan 2017 – 2023', setting out 10 long term goals and 70 actions to be progressed by Scottish Ministers by October 2020. Due to COVID-19 restrictions, publication of a progress report has been postponed until October 2021.⁴⁶

Figure 1 British Sign Language (Scotland) Act Timeline

<p>1760 – First school for the deaf to teach sign language, opened in Edinburgh.</p> <p>1880 – Second International Congress on the Education of the Deaf passed resolutions declaring that sign language should be banned in favour of spoken languages. This results in the widespread practice of oralism. Oralism is an educational system of teaching students to lip read, finger spell and use speech.</p> <p>1893 – The Elementary Education (Deaf and Blind Children) Act is passed. School authorities now had to provide education for blind and deaf children aged seven to 16 and resident in their area. This Act accepted the recommendations of the 1880 Congress, leading to an era of Oralism in British deaf schools.</p> <p>1985 – The International Congress on the Education of the Deaf is abandoned by international deaf groups. Deaf delegates joined together and organised an alternative conference.</p> <p>1995 – 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 service. 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.</p> <p>2003 - The DWP in the UK recognised British Sign Language as a language in its own right.</p> <p>2004 - The Northern Ireland Secretary of State recognised Irish Sign Language and British Sign Language as formal languages in Northern Ireland.</p> <p>2009 - The UK Government ratifies the UN Convention on the Rights of Persons with Disabilities, which viewed sign language on a par with spoken languages.</p> <p>2010 - The 21st International Congress on the Education of the Deaf passed a resolution that rejects the motions passed back in 1880.</p> <p>2010 – The Equality Act (2010) passed.</p> <p>2015 – British Sign Language (Scotland) Act passed.</p> <p>2017 – BSL National Plans published.</p> <p>2020 – Publication of interim review reports postponed until October 2021.</p>
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⁴⁵ UCL A History of British Sign Language <https://www.ucl.ac.uk/british-sign-language-history/> Page last accessed 6.11.2020

⁴⁶ SP OR PQ S5W-32223 1 Oct 2020 <https://www.parliament.scot/parliamentarybusiness/116284.aspx>

4.5 Ireland

According to the Irish Deaf Society, ISL developed within deaf communities in Ireland and *'has been in existence for hundreds of years'*. The first school for deaf children in Ireland was opened by Dr Charles Orpen in 1816. Similar to the situation in the UK, spoken rather than signed languages were taught to deaf children from the 1880s, although this did not become a formal State policy in Ireland until 1972.⁴⁷

In 2013, the 'Recognition of Irish Sign Language for the Deaf Community Bill' failed at its second stage reading. Defeated by three votes, the rationale given by the Minister for Disability was 'the need to put the service in place before putting the legislation in place'. According to John Conama, *'the Deaf community assumed this to mean the provision of sign language interpreting services'*⁴⁸. Provision for interpretation services was set out in the National Disability Inclusion Strategy 2017 – 2021⁴⁹ and the Department for Social Protection tasked the Sign Language Interpreting Service with implementation, funded by the Citizen's Information Board. As outlined in Figure 2, the Bill was re-tabled in 2016 and passed in 2017.

Figure 2 Irish Sign Language Act Timeline

1816 - First school for deaf children in Ireland. Established by Dr Charles Orpen.
 1887 - Claremont Institute reports changing from the teaching of sign language to spoken language.
 1972 – Teaching of spoken languages to children who are deaf becomes State policy.
 2009 – Initial drafting of Irish Sign Language Bill, withdrawn for unknown reasons.
 2011 – Council of Irish Sign Language Interpreters established. A professional body, set up to advance the profession, rights and interests of sign language interpreters.
 2012 – Senator Cait Keane proposed a motion calling on the governments of each nation in the British Isles to recognise their signed languages. This motion was passed in Glasgow in October 2012 (British-Irish Parliamentary Assembly, 2012).
 2011 - Second Bill drafted, containing more than 30 clauses, including statutory targets regarding accessibility of television programming and regulation of ISL interpreters, deaf interpreters and ISL teachers and establishment of an Irish Sign Language Council. Also, the Bill included a legal requirement to provide ISL classes for parents of deaf children and making sign language interpreting services, when accessing public services, available free of charge for ISL users.

⁴⁷ Leeson L, Saeed JI. Irish Sign Language: A cognitive linguistic account. Edinburgh University Press; 2012.

⁴⁸ Conama JB. 1 'Ah, That's Not Necessary, You Can Read English Instead': An Analysis of State Language Policy Concerning Irish Sign Language and Its Effects. The Legal Recognition of Sign Languages: Advocacy and Outcomes Around the World. 2019 Jun 17.

⁴⁹ Department of Justice and Equality National Inclusion Strategy 2017 <http://www.justice.ie/en/JELR/dept-justice-ndi-inclusion-strategy-booklet.pdf/Files/dept-justice-ndi-inclusion-strategy-booklet.pdf>

2013 – Draft general Bill presented and failed at the second stage of Seanad Éireann.
 2016 - ISL recognition campaign re-tabled the Bill in July 2016.
 2017 - Irish Sign Language Act was passed in containing 11 clauses covering the recognition of ISL and the right to use it. ISL users' statutory rights to access public services, the setting up of an accreditation and registration scheme for ISL interpreters and children's educational rights. And the right to use ISL in legal proceedings, with provision of access to civil cases being an important change.
 2018 – Ireland ratifies the UNCRPD.
 2020 - The Act is to be reviewed in 2020 and every five years thereafter.

4.6 Northern Ireland

The official recognition of BSL and ISL by the Northern Ireland Secretary of State in 2004 did not provide any statutory protection or legal status.

Currently in Northern Ireland, legislation that protects some of the rights of deaf people include Section 75 of the Northern Ireland Act 1998, the Disability Discrimination Act 1995 and the Disability Discrimination (Northern Ireland) Order 2006. Equal opportunities and discrimination are 'transferred matters' under the Northern Ireland Act 1998. With a few exceptions, the Equality Act 2010 does not form part of the law of Northern Ireland.⁵⁰

Section 75⁵¹ of the Northern Ireland Act 1998 created a statutory duty on public authorities in Northern Ireland to promote equality of opportunity across the nine protected grounds, including disability. Under Section 75, all designated public authorities are required to produce equality schemes stating how they will meet these obligations.

The amendments made in 2006 to the Disability Discrimination Act 1995, as it applies to Northern Ireland included:⁵²

- Extending the definition of disability to cover more people; and
- Extending the scope to include district councils, district councillors, public authorities including their private clubs and provisions in terms of transport.

Section 49A and 49B means public authorities must prepare and submit plans to the Equality Commission detailing actions to:

- Promote positive attitudes towards disabled persons; and
- Encourage the participation of disabled persons in public life.

⁵⁰ Equality Act 2010 <https://www.legislation.gov.uk/ukpga/2010/15/notes/division/2/6> Page last accessed 16.11.2020

⁵¹ Equality Commission for Northern Ireland Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities (2010) <https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75GuideforPublicAuthoritiesApril2010.pdf#:~:text=Section%2075%20of%20the%20Northern%20Ireland%20Act%201998,making%2C%20policy%20implementation%2C%20policy%20review%20and%20service%20delivery.>

⁵² Open University 'Evaluating the Effectiveness of the Disability Discrimination (NI) Order 2006' https://oro.open.ac.uk/40551/1/EvaluatingDisabilityDutiesResearchFindings2010.pdf_ext%3D.pdf#:~:text=The%20Disability%20Discrimination%20%28Northern%20Ireland%29%20Order%202006%20made.more%20people%2C%20extending%20the%20scope%20of%20who%20must

Deaf people in Northern Ireland currently rely on the provisions of the Disability Discrimination Act 1995 to access 'reasonable adjustments' such as interpreter provision. This means that BSL/ISL users must identify as 'disabled' to access essential public services. As previously outlined, deafness as a disability is a medical perspective, whereas many in the deaf community view themselves as a cultural and linguistic minority.

Figure 3 Northern Ireland Bill Proposals Timeline

1846 – Ulster Society for Promoting the Education of the Deaf and Dumb and the Blind opens on the Old Lisburn Road.

1961 – USPEDDB moves to Jordanstown site.

1987 – Total Communication philosophy adopted, incorporating both sign and speech into the classroom.

1995 – Disability Discrimination Act passed.

2004 – Northern Ireland Secretary of State announces formal recognition of ISL and BSL in their own right. This recognition does not provide statutory protection for the languages.

2004 – DCAL create a Sign Language Partnership Group (SPLG), including representatives from NI Government Departments and deaf organisations. Tasked to agree suitable projects to benefit the deaf community and service providers.

2006 – The Disability Discrimination (Northern Ireland) Order 2006.

2010 – Equality Act 2010 - Equal opportunities and discrimination are “transferred matters” under Section 75 of the Northern Ireland Act 1998. Therefore, the Equality Act does not form part of the law of Northern Ireland.

2010 – Department of Culture, Arts and Leisure (DCAL), commissioned a consultation report on the strategic direction of the SLPG. This report produced a 10-year Roadmap.

2014 – DCAL commissioned a review report to assess the progress of the 10-year Roadmap and an Action Plan to assist the Roadmap.

2014 – Review report and Action Plan accepted by the CAL Committee. Conclusions from the CAL Committee review asserted that Executive powers were required to encourage cross Departmental contribution to the Roadmap.

2015 - Minister announced intention to publish and consult on a framework for promoting sign language that would include proposals for legislation to be taken forward in the new Assembly mandate. Key actions to be taken forward included; pre-consultation, Executive engagement and public consultation.

2016 – Pre-consultations completed. An Executive paper produced, to accompany the Sign Language Framework, with proposals for legislation. A 16-week public consultation process was launched, with framework consultation documents translated into ISL and BSL. A Facebook page dedicated to the consultation was set up so as responses could be submitted in text or by video.

2020 – Annex E of the New Decade, New Approach Agreement states: 'A draft framework and policy proposals for legislation on sign language have been consulted on by the Department for Communities. The Parties agree to the process of drafting clauses commencing with a view to introducing a Bill to the Assembly at the early stage'.

2020 – 28 October, Minister announces £2.5m of funding to be shared between Irish, Ulster Scots and Sign Language sectors. A £430,000 programme of support for sign language development launched.

5 Why does Northern Ireland require its own sign language legislation?

In 2017, the Ministerial foreword to Scotland's BSL National Plan stated:

'BSL is a language in its own right, with its own grammar, syntax and vocabulary. It has its own dialects and rich variation. Most importantly, it is a language which enables many of our D/deaf and Deafblind citizens to learn, work, parent, be creative, live life to the full, and to make their contribution to our communities, our culture and our economy.'

Dr Bronagh Byrne of Queens University has stated that speakers of other languages often have the choice of learning another spoken language. For many deaf people, this choice does not exist and sign language therefore, is a language of need⁵³.

Under Article 33 (2) of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), The Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission jointly perform the role of "Independent Mechanism" in Northern Ireland (IMNI) to promote, protect and monitor the implementation of the Convention. Together with the Equality and Human Rights Commission (EHRC) and the Scottish Human Rights Commission (SHRC), these agencies are designated as the United Kingdom Independent Mechanism (UKIM). The proposals for a sign language Bill for NI supports the fulfilment of Article 30 of the UNCRPD (2006), a convention the UK ratified in July 2009.

'...persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.'

Recent academic research has stated;

- A higher proportion of deaf young adults are not in education, employment or training;⁵⁴
- Deaf people's health is poorer; and⁵⁵
- Deaf women are twice as likely as hearing women to experience domestic violence due to difficulties accessing specialist support systems.⁵⁶

⁵³ Bronagh Byrne Why We Need a Sign Language Act in Northern Ireland (2019) <http://qpol.qub.ac.uk/why-we-need-a-sign-language-act-in-ni/> Page last accessed 6.11.2020

⁵⁴ Department for Communities Sign Language Framework 2016 <https://www.communities-ni.gov.uk/sites/default/files/consultations/dcal/Sign%20Language%20Framework%20Document.PDF>

⁵⁵ BMJ The Current Health of the UK Deaf Community 2014 <https://bmjopen.bmj.com/content/5/1/e006668>

⁵⁶ Women's Aid Deaf Survivors and Domestic Abuse <https://www.womensaid.org.uk/16-days-deaf-survivors-and-domestic-abuse/#:~:text=Deaf%20women%20are%20twice%20as%20likely%20as%20their,laden%20with%20centuries%20of%20oppression%20of%20Deaf%20people.> Page last accessed 6.11.2020

6 How do the proposals compare with Scotland and Ireland's sign language legislation?

Table 4 Comparison of NI proposals with the ISL and BSL (Scotland) Act Sections

	NI Proposals 2016	Irish Sign Language Act 2017	British Sign Language (Scotland) Act 2015
Recognition	Recognition, protection and promotion of Irish Sign Language and British Sign Language	Recognition of Irish Sign Language	Forms of British Sign Language
Responsibility	Minister for Communities shall have assigned special responsibility in relation to the oversight and exercise of the functions under this legislation	Ministers for; Justice and Equality Education and Skills Employment Affairs and Social Protection	Functions of the Scottish Ministers in relation to British Sign Language
Public Bodies	Functions of Executive Ministers in relation to Irish Sign Language and British Sign Language	Duty of public bodies	Ministers and 'Listed authorities' to produce British Sign Language plans
Access to Communication Services			
Justice	Use of Irish Sign Language and British Sign Language in Legal Proceedings	Use of Irish Sign Language in legal proceedings	Listed Authority included in Section 6(1) The Scottish Courts and Tribunals Service
Early Years	To provide for free classes for parents, siblings and grandparents of deaf children To provide for free classes for deafened individuals and their immediate family members	Establish a scheme for the provision of Irish Sign Language classes to— (i) the parents, siblings and grandparents of a child who is deaf, and	Scottish Ministers are to prepare, lay before the Scottish Parliament and publish national plans in relation to British Sign Language
Education	Provision for the continuing educational requirements of deaf children and young people through provision of Irish Sign Language and British Sign Language and to provide for related matters	Educational supports for deaf children	As above And A body which is a "post-16 education body" for the purposes of the Further and Higher Education (Scotland) Act 2005
Interpretation	Provision of Irish Sign Language and British Sign Language Interpreting Regulation of Irish Sign Language and British Sign Language Interpreters and Teachers	Engagement of verified competent Irish Sign Language interpreters	Not included
Broadcasting	Not included	Broadcasting principles	Not included
Events	Not included	Support for access to events, services and activities for users of Irish Sign Language	Not included
Reporting	Not Included	Report of operation of Act	Progress reports

6.1 Recognition

The NI proposals for legislation suggests recognition of ISL and BSL as official languages so as to guarantee services ‘on a par with English’. The proposals also recommend ‘the right to use, develop and preserve ISL and BSL, as well as to develop Deaf culture’.

In Scotland, the aim of the Act is to promote British Sign Language and responsibility for this is with the Scottish Ministers and the Listed Authorities, through the development of BSL plans.

In Ireland, Irish and English are both protected by the Official Languages Act (2003). The Irish Sign Language Act 2017, recognises the ‘right of Irish Sign Language users to use Irish Sign Language as their native language’. And ISL users have ‘the right to use, develop and preserve the language’. However, concerns that the responsibility for promotion and development are not directly attributed to a public body, have been raised by the Irish Deaf Society.

6.2 Responsibility

In both the Scottish and Irish Acts and the NI proposals, one Minister has been given overall responsibility for the achievement of progress. However, each jurisdiction has also acknowledged the cross-cutting nature of sign language protection and recognition.

The Scottish Act is largely focussed on the development of a BSL ‘National Plan’ and BSL plans for ‘Listed Authorities’. The BSL National Plan includes 10 long term goals and 70 actions. The ‘Listed Authorities’ include public bodies such as local authorities, regional NHS boards, colleges and universities. Each are legally obliged to create their own BSL plans within the timelines set out in the Act.

The Scottish Minister for Childcare and Early Years has responsibility for progress with regards to the actions in the National Plan 2017 – 2023. BSL plans are created with support from deaf organisations and stakeholders from the deaf community. The Scottish Ministers responsible for each department oversee the delivery of the plans. A progress report was due in October 2020. However, publication has been postponed until October 2021, due to COVID-19.

In Ireland, the Minister for Justice and Equality has overall responsibility. The National Disability Inclusion Strategy 2017 – 2021⁵⁷ sets out proposals mentioning Irish Sign Language provisions. The provision and Departmental responsibility include;

- Extend hours of Irish Sign Language (ISL) remote interpretation service to evenings and weekends. (Department of Social Protection);

⁵⁷ Department of Justice and Equality Inclusion Strategy 2017 <http://www.justice.ie/en/JELR/dept-justice-ndi-inclusion-strategy-booklet.pdf/Files/dept-justice-ndi-inclusion-strategy-booklet.pdf>

- Resource the Sign Language Interpretation Service to increase the number of trained Sign Language and Deaf interpreters. Put a quality assurance and registration scheme for interpreters in place and provide on-going professional training and development. (Department of Social Protection); and
- Support legislation to ensure that all public bodies provide ISL users with free interpretation when accessing or availing of statutory services. (Department of Justice and Equality).

In DfC's sign language Bill proposals, Ministerial responsibility for ISL and BSL remains with the Communities Minister. Consultation responses agreed with this approach.⁵⁸ DfC already oversees language policy and has been responsible for supporting sign language provision since 2004.

Paragraph 1.13 of the Sign Language Framework acknowledges that 'a collaborative and effective response is required from all Executive Departments to deliver the sustainable infrastructure'.

In order to achieve 'a collaborative and effective response' Scotland created a National Advisory Group of Deaf-led organisations and members of the Deaf community. And Ireland has an umbrella organisation called 'Deaf Village'.

The Department for Communities had a Sign Language Partnership Group, sometimes referred to as the 'Hands-on Partnership'. This group included representatives from each of the NI Departments as well as deaf community organisations. This group supported the development of the Sign Language Framework and proposals for sign language legislation. The importance of the involvement of Departmental decision makers in this group, was highlighted in the previous Committee briefing in 2014.⁵⁹

6.3 Public Bodies

Scotland's National Plan covers the whole of Scottish Government, as well as 50 national public bodies. Other public bodies, referred to as 'listed authorities' in the legislation, worked with the deaf community and civil society organisations to publish their own plans.

In the Irish Sign Language Act when an ISL user wants to use public services, the onus is on the public body to provide free ISL interpretation to those who cannot hear nor understand English or Irish. The ISL user needs to provide the public body with prior notification. Remote or web based services can be provided, if the ISL user consents.

Similar to the Scottish Act, the NI proposals for BSL/ISL legislation recommend that where public bodies are to produce plans in relation to sign language provision, one of the functions of Executive Ministers in relation to ISL and BSL is the requirement to;

⁵⁸ BDA Sign Language Framework Consultation Response 2017 <https://www.bda.org.uk/wp-content/uploads/2017/03/SignLanguageFrameworkResponse.pdf>

⁵⁹ NIA OR Oct. 2014 <http://aims.niassembly.gov.uk/officialreport/minutesofevidencereport.aspx?AgendaId=10170&evidID=6570>

‘...set down principles to guide the operations of public bodies; making provision for the preparation, publication and implementation of ISL and BSL Plans to execute their functions’.

It is recommended in many of the Sign Language Framework consultation responses, that any plans for ISL/BSL provisions are co-designed, developed and implemented with members of the deaf community. In Scotland, funding was provided for deaf support organisations to work with the Listed Authorities.

6.4 Access to Communication Services

The requirement of public authorities to supply communication support is outlined in the Disability Discrimination Act 1995.

In 2017, the DWP reviewed the UK market for communication service provision for people who are deaf and hard of hearing. For sign language users, key findings included: ⁶⁰

- Demand for communication services is high and growing due to equality and disability measures;
- Unmet demand and inappropriate communication supports for deaf people are common in employment, public services (health, justice), higher education and primary education;
- Government has no provision to measure the volume of demand or scale of unmet demand;
- Insufficient pool of professionals working in the communication support sector, leading to an inappropriate use of lower qualified communication support workers;
- New technology is broadly welcomed by the deaf community. In certain situations, technology cannot replace one to one interpreting support (e.g. medical settings, long business meetings); and
- Wi-Fi availability degrades quality and efficacy of online services such as VRS.

6.4.1 Justice

Section 3.43 of the Sign Language Framework focuses on Legal Proceedings;

‘Provision for the use of ISL/BSL should be provided for in courts, tribunals or bodies before which legal proceedings involving a Deaf ISL/BSL user are held’.

In the proposals, this clause is outlined as;

⁶⁰ DWP Market Review BSL and Communication Provision 2017

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630960/government-response-market-review-of-bsl-and-communications-provision-for-people-who-are-deaf-or-have-hearing-loss.pdf

‘Provision that in legal proceedings an Irish Sign Language and/or British Sign Language interpretation service to be provided for Deaf people where Irish Sign Language or British Sign Language is their primary or preferred language of use at no inconvenience or additional expense to the individual.’

Recent research on the implementation of Article 13 of the UNCRPD in NI, found that a holistic view of the judicial system, beyond the provision of high quality interpretation, was necessary.⁶¹ This included recommendations such as CRPD training for legal professionals delivered by deaf people’s organisations, guidance on available supports to deaf people and accessible information, communications and documents.

In Scotland, there are four actions under the long term goal of BSL users having fair and equal access to the civil, criminal and juvenile justice systems. These included,

- A BSL-led justice advisory group to develop and deliver a programme of improvements;
- The delivery and evaluation of two training programmes for BSL / English interpreters;
- The development and implementation of measures with the Scottish Fire and Rescue Services (SFRS) as well as Police and Ambulance Services to improve access; and
- Improved access to all SFRS emergency and preventative strategies.

In Ireland, the legislation regarding the use of ISL in legal proceedings stipulates that a person may use ISL in any pleading and any court. And every court, in any of its proceedings, has the duty to do all that is reasonable to ensure the choice of use of ISL, and not to disadvantage an ISL user as a result. In October 2020, Ireland had its first juror who used ISL throughout proceedings.⁶²

6.4.2 Family – Early Intervention

The Consortium for Research in Deaf Education (CRIDE), estimated for the year 2018/2019 that there are at least 1,417 deaf children in Northern Ireland. Of the 304 profoundly deaf children, 7 mainly use BSL at school.⁶³

Approximately 90-95% of deaf children are born to hearing parents with limited knowledge of sign language. A lack of language development from birth can impact on a child’s early cognitive development and attachment to their parents. Without early intervention, a young person can develop emotional difficulties and behavioural

⁶¹ BDA Research Report 2019 https://bda.org.uk/wp-content/uploads/2019/12/Research_Report.pdf

⁶² Irish Times Oct. 2020 <https://www.irishtimes.com/news/crime-and-law/galway-woman-makes-history-as-first-deaf-person-to-deliberate-on-irish-jury-1.4370644> Page last accessed 12.11.2020

⁶³ NDCS CRIDE NI Report 2019 <https://www.ndcs.org.uk/media/6062/cride-2019-northern-ireland-report-final.pdf>

problems. Also, research has shown that of those 5-10% of deaf children born to deaf parents, they consistently perform better than deaf children of hearing parents.⁶⁴

The NI proposals for sign language legislation, as well as the Irish Sign Language Act and the Scottish BSL National Plan, sets out the need to provide, at the earliest stage, classes for the parents, guardians, siblings and grandparents of children who are deaf.

In Scotland and Northern Ireland, these classes are largely provided by organisations such as the National Deaf Children's Society. And DfC have supported BSL Levels 1 and 2 for parents in colleges of further education.

Sections 3.18 – 3.20 of the NI Sign Language Framework highlights the importance of offering free sign language classes to families and providing family friendly teaching formats, as well as the choice of formal exam based courses.⁶⁵

6.4.3 Interpretation

The DWP's UK market review of communication services concluded that there is an insufficient pool of professionals working in the communication support sector. Some stakeholders suggested this was due to the expense of interpreter training and accreditation. Also, the appropriateness of interpretation support was raised. Examples described situations where deaf students or deaf employees reported a mismatch between the technical vocabulary their situation required and the level of proficiency offered through interpretation services.⁶⁶

Action 7 of the Scottish National Plan set out the need to review the BSL/English interpreting landscape. In 2019, researchers from Queen Margaret University completed this landscape review. They also identified a lack of appropriate interpreting services, inconsistent standards and unsustainable business models, where problems with public procurement arrangements were slowing the system.⁶⁷

A solution proposed in the NI proposals for sign language legislation is regulation of ISL and BSL interpreter and teacher provision. The 2019 HSC review of communication services in NI, highlighted that there are 40 interpreters in NI, 36 BSL interpreters and 4 ISL interpreters. 87.5% of the 40 live within 20 miles of Belfast or Derry/Londonderry. Also, many of this group work across the HSC, Department for Education, Department of Justice and Department for Communities, through schemes

⁶⁴ BDA Early Years Intervention Report 2017 <https://bda.org.uk/wp-content/uploads/2017/03/BDA-NI-Report-Early-Years-Intervention-for-Deaf-Children-in-Northern-Ireland-2014.pdf>

⁶⁵ Department for Communities Sign Language Framework 2016 <https://www.communities-ni.gov.uk/sites/default/files/consultations/dcal/Sign%20Language%20Framework%20Document.PDF>

⁶⁶ DWP Market Review of BSL and Communication Provision 2017 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630960/government-response-market-review-of-bsl-and-communications-provision-for-people-who-are-deaf-or-have-hearing-loss.pdf Page last accessed 6.11.2020

⁶⁷ BSL Scotland Landscape Review 2019 <http://bslscotlandact2015.scot/wp-content/uploads/2019/11/Landscape-Review-2019-Executive-Summary.pdf> Page last accessed 6.11.2020

such as Access to Work. A key recommendation of the HSC's review was to develop and procure a '*regional standardised model of service provision*'.⁶⁸

Section 7 of the Irish Sign Language Act seeks to regulate the sign language interpretation profession. The Department of Social Protection is responsible for progressing commitments under the National Disability Inclusion Strategy 2017 – 2021. These include;

- extending the ISL remote interpretation service;
- increasing the number of interpreters;
- establishing a quality-assurance and registration scheme; and
- providing on-going professional training and development for interpreters.

The Sign Language Interpretation Service (SLIS) started this work before the COVID-19 pandemic, completion is expected by 2021.⁶⁹

In the UK, the National Registers of Communication Professionals working with Deaf and Deafblind People (NRCPD) holds registers of sign language interpreters and translators. Their registrants have completed approved courses and agree to continue their professional development. In Scotland, the Scottish Register of Language Professionals with the Deaf Community provides a similar function.

Other professional membership associations for interpreters include; the Scottish Association of Sign Language Interpreters (SASLI) and the Association of Sign Language Interpreters (ASLI) as well as Visual Language Professionals (VLP) Ltd.

6.4.4 Education

[In 2019, CRIDE published](#) its annual report on educational provisions for deaf children in Northern Ireland. Of children who have a severe or profound hearing loss, 83% communicate in the school or educational setting using spoken English, 6% use spoken English together with signed support whilst 2% mainly use British Sign Language.⁷⁰

The Education clause outlined in the NI sign language legislation proposals states:

'Provision for the continuing educational requirements of deaf children and young people through provision of Irish Sign Language and British Sign Language and to provide for related matters'.

⁶⁸ HSC Regional Review of Communication Support Services 2019 http://www.hscboard.hscni.net/download/PUBLICATIONS/regional_review_of_communication_support_services/briefing_paper/Generic-RCSS-Briefing-V12092019.pdf Page last accessed 6.11.2020

⁶⁹ Sign Language Interpretation Service National Forum Response paper 2019 <https://slis.ie/wp-assets-slis/uploads/2019/08/SLIS-National-Forum-Response-Paper-FINAL.pdf> Page last accessed 6.11.2020

⁷⁰ National Deaf Children's Society CRIDE 2019 Survey Report <https://www.ndcs.org.uk/media/6062/cride-2019-northern-ireland-report-final.pdf> Page last accessed 6.11.2020

In the Sign Language Framework, the objectives describing access to educational supports are broadly similar to the Irish legislation.

In Ireland, the Minister for Education and Skills has responsibility for the provision of;

- ISL classes for parents, siblings and grandparents of deaf children;
- ISL support for children attending recognised schools;
- Provision in higher education in terms of teacher training to ensure the sufficient numbers of ISL training placements for teachers of children who are deaf or hard of hearing; and
- Intermittent checking of minimum qualifications of teachers of deaf children.

The Department of Education and Skills also funds a home tuition service, where tutors visit homes of deaf pre-school children and school-going pupils to provide training in ISL for the deaf child, their siblings and parents. In 2019/2020 1,618 classes for children with special needs were provided in mainstream schools in Ireland. 17 of these classes are for students who are deaf. The Department of Education and Skills also provides support for reasonable adjustments to ensure students who are deaf can participate in State exams. The National Council for Special Needs in Ireland also has a 'Visiting Teacher' programme to support mainstream school teachers with Continuous Professional Development (CPD) support through a variety of means. This includes courses in ISL.

In the Scottish National Plans education focused actions include;

- Working with the General Teaching Council for Scotland to remove barriers for BSL users to become registered teachers;
- Review guidance provided to teachers of pupils who use BSL;
- Qualifications in BSL are to be developed with the Scottish Qualification Authority; and
- Education Scotland are to advise educational professionals and support staff on effective engagement with parents who use BSL.

At a webinar⁷¹ hosted by the National Deaf Children's Society in October 2020, it was recognised that supporting parents who are BSL users to have the confidence to get involved in activities such as their child's Parent Teacher Association, was highlighted as a consideration for future work.

⁷¹National Deaf Children's Society BSL (Scotland) Act Five Year Showcase 21 October 2020
<https://www.eventbrite.co.uk/e/bsl-scotland-act-2015-showcase-webinar-event-tickets> Page last accessed 11.11.2020

6.4.5 Further and Higher Education

A 'public body' in the Irish Sign Language Act and a 'listed authority' in the BSL (Scotland) Act, includes universities, colleges or institutes of technology.

In Scotland, higher education institutions must produce BSL Plans and DeafScotland is one of the deaf-led organisations supporting the development and implementation of plans and interim reports for higher and further education institutions.

In Ireland, the Minister for Education and Skills in Ireland launched a new Irish Sign Language Bachelor of Education programme for deaf students in [Dublin College University](#). This pilot course enabled deaf and hard of hearing people who use ISL to become primary school teachers.

The NI Sign Language Framework highlights the supply of ISL/BSL teachers qualifying to meet the demand for sign language classes and ISL/BSL interpreters. In 2014, the Department for Education provided £1.18M funding for an ISL/BSL course at Belfast Metropolitan College, an MA for 11 interpreters in Queens University Belfast and a two-year Post Graduate Certificate of Education course for 15 Deaf ISL/BSL Teachers at Ulster University. This was a one-off funding stream.

6.4.6 Work

As outlined in the NI Sign Language Framework;

'Deaf Sign Languages users experience higher levels of unemployment than their hearing peers while there are considerably higher levels of Deaf young adults not in education, employment or training (NEET).'

Although there are no specific sections regarding Work and Employment in the NI sign language legislation proposals, the Sign Language Framework recommends;

*'...access to Education in the medium of Sign Language and promoting positive attitudes to ISL/BSL users among society in general but among employers in particular.'*⁷²

Specific actions include; 'Deaf friendly work fairs, Deaf Hubs, employer Deaf awareness training and work placements and IT training to improve employability'. Access to Work is a scheme of funding support 'to overcome practical problems caused by disability'. In 2019/20, 80 people listing hearing as a disability, used the Access to Work scheme in NI. Example supports include the attendance of an interpreter at a job interview.⁷³

⁷² Department for Communities Sign Language Framework 2016 <https://www.communities-ni.gov.uk/sites/default/files/consultations/dcal/Sign%20Language%20Framework%20Document.PDF> Page last accessed 6.11.2020

⁷³ Department for Communities Access to Work <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/dfc-access-to-work-ni.pdf> Page last accessed 6.11.2020

In 2017, the DWP market review of British Sign Language and communication provisions included evidence from several of the UK's deaf-led support organisations warning of the high and increasing demand for interpreters. A significant number of submissions to the market review outlined situations where inappropriate support was provided for deaf people by employers, service organisations and agencies. Some evidence submitted to the review suggested that a lack of awareness of available support among deaf people was also a challenge.

Scotland's National Plan outlines support for work, training and social security. The corresponding actions include making career guidance, apprenticeships, in-work support and social security more accessible to BSL users.

In Ireland, the Department of Social Protection is responsible for progressing the commitments under the National Disability Inclusion Strategy including;

- The extension of the ISL remote interpretation service;
- The increase in the number of interpreters;
- The establishment of a quality-assurance and registration scheme; and
- The provision of on-going professional training and development for interpreters.

Work has commenced on the implementation of this programme, completion of which is expected by 2021.

6.4.7 Health

According to a HSC consultation published in 2020; 3,124 face to face BSL and 449 ISL interpreting assignments occurred in NI's Health Services in 2018/19. A minimum of 2-3 weeks' advance notice was required to book an interpreter for a routine appointment. And for complex appointments, where two interpreters are needed, 4-8 weeks' notice were required. Out of hours' access to a sign language interpreter is also noted as a challenge, particularly as sign language interpretation providers do not consistently record statistics on unmet need.⁷⁴

Concerns from the deaf community about access to public health advice during the COVID-19 pandemic, led to the establishment of free remote interpreting services⁷⁵ for British Sign Language (BSL) and Irish Sign Language (ISL) users.

⁷⁴ HSC Regional Review of Communication Support Services 2019
http://www.hscboard.hscni.net/download/PUBLICATIONS/regional_review_of_communication_support_services/briefing_paper/Generic-RCSS-Briefing-V12092019.pdf Page last accessed 6.11.2020

⁷⁵ A Video Relay Service that enables deaf people to telephone any HSC service via a remote BSL or ISL interpreter from a number of locations. The deaf person contacts the interpreter via the service app. Once they are connected, the interpreter telephones the Health and Social Care service provider on the deaf person's behalf.

A Video Remote Interpreting service enabled deaf people to communicate with a HSC professional in person, via an online BSL or ISL video interpreter. The deaf person and the HSC service provider can be in the same location, while the interpreter is online via secure video link on a screen in the office (e.g. a tablet, smart phone, or computer).

These provisions were to help with access to NHS111 and HSC services during the COVID-19 emergency. However, a recent survey highlighted the communication difficulties faced by deaf people in using remote GP services, the RNID concluded;

‘While the introduction of remote appointments is a necessary response to the Covid-19 pandemic, without accessible alternatives remote appointments could exacerbate the existing health inequalities for people who are deaf or have hearing loss.’⁷⁶

6.5 Reporting Progress

In the Scottish legislation a two-year deadline is set for the publication of the National Plan and following its publication, a three-year deadline for the completion of subsequent progress reports.

In Ireland, a three-year deadline was set for the Act to come into operation. This date is 24th December 2020.

In Part 4 of the NI Sign Language Framework, section 4.3 sets out that Departments will publish implementation plans and monitoring reports. Section 4.5 also suggests that the Framework is reviewed and revised or replaced.

A recent point raised by Senator Mark Daly in 2019 noted;

‘Timelines are important because things do not get done without them. If the Bill required the Government to undertake a report without placing a timeline on it, I guarantee that the report may or may not be done in 2020.’⁷⁷

7 Further Considerations

7.1 Culture, Arts, Sport and Heritage

Section 9 of the Irish Sign Language Act describes the provision of funds

‘...to facilitate users of ISL to access social, educational and cultural events and services (including medical).’

Ireland’s Sign Language Interpreting Service (SLIS), funded by the Citizens Information Board (CIB) prepared draft guidelines for this scheme in 2018. A pilot ‘social fund’ is being administered by SLIS and the outcome of this pilot will inform more detailed

⁷⁶ RNID Access to remote GP appointments 2020 https://rnid.org.uk/wp-content/uploads/2020/11/Access-to-remote-GP-appointments-during-COVID-19-report_FINAL.pdf

⁷⁷ Oireachtas Debates Archive 2019 <https://debatesarchive.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/seanad2019052900002#FF00300>
Page last accessed 6.11.2020

proposals and future annual funding requirements from the Department of Social Affairs.

The Scottish BSL National Plan lists several actions outlining culture and arts provisions for BSL users, these include;

- Access culture and art;
- Pathways for careers in culture; and
- Training for staff in tourism centres about the video relay service 'contactSCOTLAND' to help deaf and deafblind BSL visitors to Scotland access the service.

7.2 Broadcasting

The COVID-19 pandemic highlighted the differences of sign language interpretation provision in each jurisdiction in the UK. In both Scotland and Wales, onscreen sign language interpreters signed 2m away from Ministers and health experts. And in NI, two interpreters were included for ISL and BSL. Early in the pandemic, BSL users in England considered legal action, following a lack of sign language interpretation at 10 Downing Street announcements⁷⁸.

As outlined in the NI Sign Language Framework,

'although there is provision for subtitling of programmes, (...) many ISL/BSL users can't necessarily understand written English with the same fluency as hearing people'.

The Irish Sign Language Act's Broadcasting Principles refer to the 2009 Broadcasting Act⁷⁹ that places a requirement on listed broadcasters to;

'...promote the understanding and enjoyment by – (i) persons who are deaf or have a hearing impairment' and provide access via sign language on a regular basis, at popular as well as other times and 'for news and news-related matters'.

In 2018, over 100 people protested outside of RTE sites about the lack of ISL interpreters featured on programmes⁸⁰ and in 2020, the Irish Deaf Society spoke out about the ad hoc nature of ISL interpreter provision for Government press conferences.

7.3 Democracy

In Scotland, the National Plan sets out actions for Local Authorities, Scottish Parliament, political parties and the Electoral Commission to provide access to BSL

⁷⁸ BBC News 2020 <https://www.bbc.co.uk/news/uk-england-bristol-54400857> Page last accessed 6.11.2020

⁷⁹ Broadcasting Act 2009 <http://www.irishstatutebook.ie/eli/2009/act/18/section/43/enacted/en/html#sec43>

⁸⁰ RTE News 2018 Sign Language Protest <https://www.rte.ie/news/ireland/2018/0830/990580-sign-language-protest/> Page last accessed 6.11.2020

users to participate fully. As well as providing appropriate information on voting and standing for elections, public appointments should be made accessible to BSL users.

Grant Ferguson is Scotland's first elected councillor who is a BSL user. He plans to put his name forward for the 2021 Holyrood elections, with the ambition to become the first BSL user to take a seat in the Scottish Parliament.⁸¹

7.4 Deafblind People⁸²

There are nearly 400,000 deafblind people in the UK⁸³.

BSL users include both deaf and deafblind people in the BSL (Scotland) Act 2017. However, neither the NI proposals, nor the ISL Act mentions this community's form of communication.

7.5 Funding

7.5.1 Northern Ireland

In October 2020, the Communities Minister announced £2.5M to be shared between Irish, Ulster Scots and Sign Language provision. On 4 November 2020, a £430,000 COVID-19 Sign Language Support Fund was launched to support the survival, maintenance and sustainability of the sign language sector.⁸⁴

According to the DfC Annual Accounts for 2018/19, £0.2M was provided to various Sign Language projects aimed at supporting and developing British Sign Language (BSL) and Irish Sign Language (ISL) communities in a linguistic context, in order to improve access to services and promote respect and understanding of BSL/ISL.

These included delivery of:

- Family Sign Language courses to 36 families with deaf children to improve communication within the families;
- Deaf awareness and sign language courses to 23 primary and secondary levels to promote understanding of sign language and increase awareness of the needs of deaf pupils; and

⁸¹The National Sept 2020 <https://www.thenational.scot/news/18732684.snp-councillor-makes-bid-win-holyrood-seat-become-first-deaf-msp/> Page last accessed 13.11.2020

⁸² People are defined as deafblind if they have a severe degree of combined visual and auditory impairment resulting in problems of communication, information and mobility. Most deafblind people are over the age of 60 and have become dual sensory impaired as part of the ageing process. Many have some limited vision and/or hearing. Different forms of communication support are needed by deafblind people, including one-to-one signing by a BSL interpreter or "deafblind manual" - a hands-on approach to BSL that involves a BSL user placing their hands over the hands of the signer, so that they can feel the signs being used.

⁸³ Deafblind 'What is deafblindness?' <https://deafblind.org.uk/information-advice/what-is-deafblindness/#> Page last accessed 6.11.2020

⁸⁴ Department for Communities 2020 COVID-19 Sign Language Support fund <https://www.communities-ni.gov.uk/articles/sign-language-covid-19-support-fund> Page last accessed 12.11.2020

- Deaf awareness and sign language courses to voluntary and community groups to promote understanding of sign language and increase awareness of the needs of deaf people who may access their services and within the community generally.⁸⁵

7.5.2 Scotland

Upper estimates for the likely cost of implementing the provisions in the BSL (Scotland) Act were £6,062,800 for the period 2016 - 2020. [Funding of £1.3m](#) was provided to the BSL (Scotland) Act Partnership over three years to support the implementation of the BSL National Plan. Individual organisations such as NDCS were awarded £65,000 to support the provision of free classes for families of deaf children and the publication of resources.⁸⁶

7.5.3 Ireland

The Irish Sign Language Act 2017 comes into force in December 2020. There were no review documents published, at the time of writing.

8 Legislation Development

8.1 Use of Social Media Platforms

The use of social media platforms such as Facebook supported the submissions of consultation responses in sign language from BSL and ISL users in Scotland, Ireland and Northern Ireland.⁸⁷

8.2 Co-design of BSL and ISL Legislation

Section 5.4 of the [World Deaf Federation's Charter](#)⁸⁸, and [Article 4.3](#)⁸⁹ of the UNCRPD state the importance of co-design with people and their representative organisations in the development and implementation of legislation and policies. This is reiterated throughout the NI Sign Language Framework, Scotland's National Plans and Ireland's National Disability Inclusion Strategy. Since 2004, Northern Ireland's Sign Language Partnership Group with stakeholders from each of the NI Departments, deaf

⁸⁵ Department for Communities 2018/2019 Annual Report https://www.communities-ni.gov.uk/sites/default/files/publications/communities/dfc-1800-annual-report-18-19-web_0.pdf

⁸⁶ Scottish Government Equality Funding 2017 – 2020 <https://www.gov.scot/publications/equality-funding-pecf-2017-2020/> Page last accessed 6.11.2020

⁸⁷ Maartje De Meulder, Joseph J. Murray, and Rachel L. McKee (eds.): The Legal Recognition of Sign Languages: Advocacy and Outcomes. Lang Policy 19, 481–483 (2020).

⁸⁸ World Federation of the Deaf Charter <https://wfd deaf.org/charter/> Page last accessed 12.11.2020

⁸⁹ United Nations Convention on the Rights of Persons with Disabilities <https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#1> Page last accessed 12.11.2020

associations and deaf community has supported the co-design and implementation of plans and programmes of support.