



From: The DALO

Level 9
Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG


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Ms Emer Boyle
Communities Committee Clerk
Room 430
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Dear Emer,

REQUEST TO PRE-BRIEF ON THE SIGN LANGUAGE BILL

Please find attached a written briefing from the Department for Communities' Sign Language Policy and Legislation Branch in respect to the Sign Language Bill.

This is provided in advance of officials attending the Committee meeting on 6 February 2025.

I hope you find this helpful.

Yours sincerely,



Laura Coffey
Departmental Assembly Liaison Officer
Private Office



NI ASSEMBLY COMMITTEE FOR COMMUNITIES WRITTEN BRIEFING

Introduction

1. Although Sign Language is a cross-cutting issue, the Department for Communities is the Executive departmental policy lead for British Sign Language (BSL) and Irish Sign Language (ISL). This function falls under its cultural and linguistic policy remit.
2. The Department provides chair and secretariat roles to the Sign Language Partnership Group (SLPG), a forum comprised of representatives from the Deaf community and Executive departments. The Department's Sign Language Policy and Legislation Branch provided instructions on the drafting of the Bill to the Office of Legislative Counsel.

Background

3. Many hearing people have the false impression that Sign Language is a worldwide, universal language or a visual translation of spoken language. This is not the case. Sign Language differs from country to country in the same way as spoken languages do. Around the world, Deaf people identify themselves as part of a cultural and linguistic minority and view their Sign Language as their 'language of need'.
4. This is reflected in the expanding list of countries which have introduced legislative recognition and statutory protections for their respective Sign Languages, including the BSL (Scotland) Act 2015 and the Irish Sign Language Act 2017. The British Sign Language Act 2022 enacted through Westminster provides for BSL only - ISL is not in the scope of this Act – and it does not extend to Northern Ireland (NI).



1. Uniquely across the UK and Ireland, NI has two signed languages – BSL and ISL – and remains the only jurisdiction without recourse to Sign Language legislation. BSL and ISL are the first or preferred means of communication for people who are Deaf and are used by a significant number of their families and friends. Again, like bilingualism in spoken languages, and influenced by geographical setting, some Deaf Sign Language users may be fluent in both BSL and ISL – particularly in areas where ISL is the dominant signed language such as the north-west.
2. Sign Languages are fully functional languages in their own right which use hand shapes, movement of the hands, body language, facial expressions and lip patterns to convey meaning. They also have their own grammar, vocabulary and idioms completely different from the grammatical rules of the spoken language.
3. For many Sign Language users, spoken and/or written language is their second or even third language. As with all linguistic minorities, members of the Deaf community have varied levels of English. While some Sign Language users are bilingual in both their own Sign Language and English, many have limited literacy skills. This means that misunderstandings can easily arise, especially when using more complex concepts or grammar, or less common words.
4. As such, like many other minority language users, Sign Language users cannot necessarily read or understand information on Government websites or printed leaflets and various types of literature. This is a common occurrence experienced by Deaf signers across various services. It stems from the misrecognition of BSL and ISL as communication tools to augment written English materials. The Bill promotes BSL and ISL as languages of NI and best practice for public bodies will be included in the statutory guidance which is already being taken forward by the Department.



Prevalence

5. In 2012 Parks and Parks published 'A Survey Report of the Deaf People of Northern Ireland' where they describe how, *"...Deaf populations are very difficult to determine because numbers often differ dramatically, based on a counting methodology which includes all people with hearing loss (which generally leads to high numbers) as compared to one that only includes deaf people who use Sign Language as their primary means of communication (which leads to much lower deaf populations)..."*
6. The report references multiple sources of varying data on the prevalence of BSL and ISL users in Northern Ireland, all of which are estimates. What is clear is that, whereas there is robust data for the numbers of deaf and hard of hearing people in Northern Ireland, there is no such data for Sign Language users.
7. Parks & Parks and various other authors cite varying numbers of BSL and ISL users; however the most consistent figures refer to 5,000 deaf BSL and ISL users in Northern Ireland. The Sign Language Framework document based numbers on the Department of Culture, Arts, and Leisure (DCAL) document *Best Practice Guidance on providing public services to deaf people who use BSL or ISL* which estimated that 5,000 of the 17,000 severely or profoundly deaf individuals in Northern Ireland use Sign Language, which is also widely used among their friends and family, and stated that, of the 5,000 who use Sign Language, 3,500 use BSL and 1,500 use ISL.
8. Census 2021 provides statistics for the number of people who are deaf or experience partial hearing loss by broad age band and local council area. With regard to data for Sign Language use in the Census, it posed the question: *'What is your main language? – English - Other, write in (including British/Irish Sign Languages'*.



9. Based on responses to this question, the number of individuals aged 3 and over in Northern Ireland who stated that Sign Language was their main language was as follows:
- British Sign Language 539
 - Irish Sign Language 90
 - Sign Language (Not otherwise specified) 20
- (All usual residents aged 3 and over 1,836,615 - Source: Census 2021; <https://www.nisra.gov.uk/system/files/statistics/census-2021-ms-b13.xlsx>).
- Unlike, with the figures for deafness and partial hearing loss, these figures are not available by constituency.
10. Based on the Continuous Household Survey (CHS) 2021/22 one out of every ten adults (10%) in Northern Ireland were able to communicate using Sign Language. For the CHS, adults are defined as those aged 16 and over. (Source: <https://www.communities-ni.gov.uk/publications/engagement-culture-arts-heritage-and-sport-by-adults-northern-ireland-202122>).
11. Given the range of prevalence figures, it would seem prudent to use the DCAL figures as a minimum; in other words, there are at least 5,000 people in Northern Ireland who use Sign Language as their preferred means of communication. It would also be reasonable to assume that there is a minimum of 3,500 people who use BSL and 1,500 who use ISL.

Timeline to the Bill

12. The Deaf community has campaigned for a Sign Language Bill for many years pre-dating the BSL (Scotland) Act 2015 and the Irish Sign Language Act 2017. The Department has worked closely with the Deaf community to co-design the policy which was consulted on as the basis for the Sign Language Bill reflecting the 'nothing about us, without us' ethos. A detailed timeline is attached at **Appendix 1** providing detail on the journey from formal recognition of BSL and



ISL in March 2004 up to Executive approval for the introduction of the Sign Language Bill on 23 January 2025.

13. The proposals for a Bill were included in the draft Sign Language Framework in 2016. Work to progress the Bill has been impacted by periods when the Assembly was not sitting. In addition, the Department's emergency support for the Deaf sector during COVID impacted work to progress the Bill. Upon the Assembly's restoration in February 2024, work commenced on the drafting of clauses when it became increasingly clear that the final agreed provisions of the Bill would have a material effect on the draft Framework and that this should be reflected accordingly.
14. Departmental officials are also aware of other bodies of work within Executive departments which may warrant reflection in a further refreshed draft of the Framework, given its cross-cutting nature. The Committee will be kept informed on work to progress the refresh of the draft Framework and officials will be happy to provide briefing upon its completion.

Provisions of the Bill

15. Minister Lyons wrote to the Communities Chair on Thursday 23 January 2025, to inform him that the Executive had approved the introduction of the Sign Language Bill and that he had written to the Speaker seeking his permission to introduce the Bill on 10th February 2025 or as soon as possible thereafter. An 'in confidence' copy of the Bill was attached to allow the Committee time to consider prior to the pre-introductory briefing from officials.
16. The Bill amounts to 15 clauses providing for official recognition and promotion of British Sign Language (BSL) and Irish Sign Language (ISL) as languages within NI, without prejudice to any established rights or laws in respect to the Deaf community. As Minister Lyons has stated "The recognition of these



languages, as well as the right to develop deaf culture, form the backbone of this bill". A summary of the Bill's clauses is attached at **Appendix 2**.

17. An Explanatory and Financial Memorandum (EFM) to accompany the Bill has been drafted covering the background and development of the policy proposals, the departmental consultation and financial implications. It also deals with the human rights, equality and regulatory impacts. However, no adverse human rights, equality or regulatory impacts have been identified.

Financial Implications

18. There are no financial costs associated with the Bill proposals at this stage as the Bill creates enabling powers to implement duties which may incur costs at a later date. This may include agreement that each department bids for budget cover for their own identified costs and takes responsibility for any actions that they implement as a result of this legislation. However, the primary financial implications will be for accessibility to public information and services under the principle that access to services begins with access to information. Financial considerations will also be considered through the Sign Language Partnership Group.
19. This will require funding for both BSL and ISL interpreters and translations. For clarity, an interpreter 'transfers' verbal content from spoken English to BSL/ISL and from BSL/ISL to spoken English; whereas a translator 'transfers' written content from English to BSL/ISL and from visual BSL/ISL video to written English.

Regulatory Impact

20. The Bill is aimed at public bodies only so as not to place additional costs on private enterprises or the voluntary and community sector, therefore the Department is satisfied that a Regulatory Impact Assessment is not required.



Conclusion

21. Work towards the introduction of the Bill has been subject to continuous and detailed engagement and consultation with the Deaf community and its representatives, as well as Executive departments. The lack of robust data on Sign Language users and the misunderstanding of what constitutes adequate communication with Sign Language users is indicative of a misunderstanding of what Sign Language is. It is viewed as a communication aid to access information and services provided in English rather than as a functioning language. This misrecognition of BSL/ISL continues to exclude the Deaf community from the services and information taken for granted by their hearing peers.
22. The Sign Language Bill recognises and promotes British Sign Language (BSL) and Irish Sign Language (ISL) as languages of Northern Ireland without prejudice to any established rights or laws in respect to the deaf community. It will provide for greater accessibility to information and services for Sign Language users, supported by the Department's current investment to increase the number of professionally trained and accredited BSL and ISL interpreters.
23. The Department, under its lead policy remit for Sign Language, will continue to engage with the Deaf community and Executive departmental colleagues through the Sign Language Partnership Group. This will ensure that the Deaf community is kept informed of the progress of the Bill and can effect change when the Bill is enacted.
24. The Bill's provisions are cross-cutting and their successful implementation will depend on the support of, and co-operation between, all Departments and their respective public bodies. Work to deliver on the policy intent of greater accessibility may take time as it will require the investment in, and the development of, the infrastructure of support for Sign Language users. The Department is leading on investment in the interpreting and translations



infrastructure. However, this is a cross-cutting issue, and the Department will seek investment from others.

25. Officials will continue to support and inform the committee in its scrutiny of the Bill as it progresses through the various Assembly stages.



Appendix 1

Formal recognition of BSL and ISL until Executive approval for the Bill

1. In March 2004 the Secretary of State for Northern Ireland formally recognised British Sign Language (BSL) and Irish Sign Language (ISL) as languages in their own right. However, this recognition does not provide any statutory protection for the languages. Neither language is covered by the European Charter for Regional and Minority Languages (the Charter). There has been no formal Executive-agreed Policy or Strategy document to date.
2. Following the formal recognition of BSL and ISL the cross-departmental/ Deaf sectoral Sign Language Partnership Group (SLPG) was established. The Department for Communities under its lead policy remit role provides chair and secretariat to the SLPG. The SLPG is comprised of representatives from each Executive department and from the Deaf community. This forum serves as a vehicle for ongoing inter-departmental and Deaf community engagement to explore ways to improve access to services for BSL/ISL users. It will play a central role during the progress of the Bill.
3. In 2010, the then Department for Culture, Arts and Leisure (DCAL), commissioned the 'Consultation Report on the Sign Language Partnership Group (SLPG) Strategic Direction' Report. This report included a 10 year 'Roadmap' which outlined the steps necessary to build the infrastructure of support for BSL and ISL users and their families, suggesting the creation of new Sign Language legislation.
4. In 2014 a review of the 'Roadmap' was carried out by the author of the 2010 report, Deaf consultant Damian Barry. The review process involved meeting groups of stakeholders, including Deaf organisations, service users and Executive departments to gather their views on the progress of the 2010



'Roadmap' report. Among the key recommendations of the review, the report included the need for:

- Development of an Executive policy/strategy
- Sign Language legislation

5. Following a briefing by officials to the then CAL Committee, the committee indicated its unanimous support for the 'Roadmap'.
6. The consultation of the draft Sign Language Framework was launched in March 2016 by DCAL Minister Carál Ní Chuilín and contained policy proposals for legislation. The public consultation was extensive and inclusive, representing the first time a public consultation in Northern Ireland was facilitated through BSL and ISL alongside English as the primary languages of response. However, the suspension of the Assembly from January 2017 to January 2020 meant that work to introduce legislation could not proceed.
7. Given the passage of time since its drafting in 2016, it has been considered prudent to carry out a refresh of the Framework. Fundamental to the Framework are the proposals for legislation to recognise and promote BSL and ISL and to safeguard BSL/ISL users' rights as a cultural and linguistic minority to be able to access services in their own language. Therefore, the Bill recognises and promotes British Sign Language (BSL) and Irish Sign Language (ISL) as languages of Northern Ireland without prejudice to any established rights or laws in respect to the deaf community.
8. The Department seconded Majella McAteer, the NI manager of the British Deaf Association – a Deaf BSL/ISL user – from August 2021 to August 2023 to support policy development and to facilitate real-time engagement with the Deaf community. This included the facilitation of meetings and presentations for the Deaf community to discuss and receive feedback on the Bill policy proposals and the draft Sign Language Framework objectives.





Appendix 2

SIGN LANGUAGE BILL

The Bill contains a number of clauses, summarised as follows to provide for:

Clause 1: Official recognition of British Sign Language (BSL) and Irish Sign Language (ISL) as languages within Northern Ireland, without prejudice to any established rights or laws in respect to the deaf community;

Clause 2: Promotion of interests by the lead department - being the Department for Communities (DfC) - to promote: the greater use and understanding of BSL and ISL; the general entitlement of individuals in the deaf community to use BSL or ISL; and the further development of deaf culture by the deaf community through the use of BSL and ISL. The lead department's duty to promote greater use and understanding of BSL/ISL includes an obligation to provide for the availability of classes for their close families, guardians and carers to learn (or improve proficiency in) BSL/ISL;

Clause 3: A duty on all prescribed organisations, to take all reasonable steps to provide access to information and services through the medium of BSL and ISL;

Clause 4: Powers for the DfC to make regulations that will set out all public bodies that will be subject to the duties set out in clause 3;

Clause 5: DfC, having engaged and consulted with the deaf community, must issue guidance of which all prescribed organisations must take account;

Clause 6: That the guidance should address issues of best practice;

Clause 7: The provision for DfC of powers to make regulations in respect to this part of the Bill;



Clause 8: That such regulations must be consulted upon and laid before the Assembly;

Clause 9: That DfC must prepare a report evaluating the impact of the bill within five years of the Bill's commencement and every five-year period thereafter;

Clause 10: That DfC must by regulations make a scheme for the purpose of, or in connection with, the accreditation of (either or both) teachers of BSL or ISL, or interpreters of BSL or ISL;

Clause 11: Provides the definition of members of the deaf community for the purpose of this Bill;

Clause 12: For the purposes of the Bill, reference to BSL or ISL is to either or both of the visual form of the Language as commonly used and understood by deaf people, and the common tactile or non-visual forms of the Language as used and understood by some deafblind people;

Clause 13: That everyday reliance on BSL or ISL refers to someone who relies (wholly or substantially) on BSL or ISL by necessity or for convenience in the course of everyday activities;

Clause 14: This Part of the Bill comes into operation on the day after the day on which this Act receives Royal Assent. The rest of this Act comes into operation on such day or days as DfC may by order appoint;

Clause 15 – States that the Act may be cited as the Sign Language Act (Northern Ireland) 2025.