

Our ref: GM 1135 2025

From The DALO:

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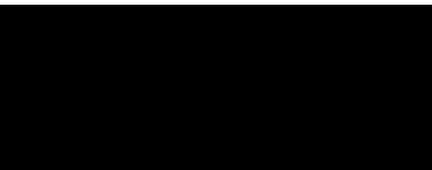
Dear Emer,

SIGN LANGUAGE BILL DELIBERATIONS

Pursuant to your correspondence of 10 November 2025 (your ref: CC/25/369) and of 14 November 2025 (your ref: CC/25/386), I had advised that officials would respond to the Committee's queries at the briefing on 27 November 2025. I further advised that an advance written response would be forwarded in advance of the officials' oral session covering clauses 1 to 4 of the Sign Language Bill. Please find attached the Department's written responses.

I trust you find this helpful.

Yours sincerely,



Laura Coffey
Departmental Assembly Liaison Officer
Private Office

WRITTEN RESPONSE TO COMMUNITIES COMMITTEE QUERIES AND REQUESTS FOR CLARIFICATIONS

As part of its informal deliberations of the Sign Language Bill, the Committee has requested that officials attend for an in-person briefing on 27 November and 11 December 2025. The Committee has also requested some clarifications and requests for further information with regards to clauses 1 to 4 of the Sign Language Bill. The Department has provided responses to the respective questions from the Committee below and will be happy to discuss in further detail at the oral session on 27 November 2025.

Clause 1: Official recognition of sign language

The Committee asked:

Confirmation that all of the Bill includes the Deafblind community. Members queried whether Deafblind should be specifically referenced in clause one or if its inclusion in clause 11, and consequently of ‘*common tactile or non-visual forms of the language as used and understood by some deafblind people*’ in clause 12, assures full inclusion in the Bill.

Department’s response

The purpose of clause 11 is to define – for the purposes of this legislation – who is captured under the provisions of the Sign Language Bill. Therefore, the Department can confirm that Deafblind people who use BSL or ISL are captured as Members of the deaf community under clause 11(1)(b) for the purposes of the legislation.

The Department can also confirm that *the common tactile or non-visual forms of the language as used and understood by some deafblind people*, falls within the definition of different forms of BSL and ISL as set out in clause 12(b). There is therefore no need to specifically reference Deafblind within clause 1.

The Committee asked:

Could the Department clarify and update the EFM accordingly if it considers that the latter assures this?

Department's response

The Department is content that the EFM references at Clause 11(b) Members of the deaf community and clause 12 Different forms of sign languages, sufficiently confirm the inclusion of Deafblind people and their forms of sign language under the legislation.

**Clause 2 : Promotion of interests by lead department
2(1)**

The Committee asked:

Would the Department be minded to amend 2(1) by removing “to such extent (and in such manner) as the Department considers appropriate”

Department's response

The Department holds the policy remit for sign languages in Northern Ireland and is therefore recognised as the lead department for the purposes of the Bill. It is important that the statutory duties imposed under clause 2 are guided by an organisation with a track record of promoting BSL, ISL and Deaf culture. This has been achieved to date by working in partnership with Deaf organisations through the Department's roles of chair and secretariat of the Sign Language Partnership Group - although not limited to these - to increase awareness across Northern Ireland. This includes building partnerships across universities, schools, health and social care, the Arts, and the NI Assembly for example. DfC has also funded BSL and ISL Deaf heritage projects to promote the languages and Deaf culture and delivers a successful Family Sign

Language courses programme which promotes sign language to parents and families who previously were unable to access such family-centred learning.

In addition, the Department has worked with Hands That Talk and the Committee Clerk Team through its funding of the *Bridging the Gap* project to familiarise the Deaf community with the processes and terminology associated with the Assembly and legislation ahead of the Bill's introduction.

Therefore, Department believes it is important that it retains the scope as lead Department as drafted in clause 2 to continue to promote both languages and Deaf culture. The Department will set out how it aims to achieve its duties around promotion of BSL, ISL and Deaf culture within its Sign Language Action Plan and the refresh of the Sign Language Framework.

The Committee asked:

Could the Department include a definition of 'Promote' (also used in 2(2)) under key terms in Chapter 4 to indicate, along with other information, that 'promotion', in terms of deaf culture, is more than ensuring the availability of classes.

Department's response

The Department does not believe that such a definition of promotion *to support or actively encourage* is necessary and would refer the Committee to the previous response for positive examples of the Department's approach to promotion through partnership. Furthermore, the Department will outline actions to promote BSL/ISL and Deaf Culture in the refreshed Framework Strategy and, from this, into its Sign Language Action Plan.

At clause 2(2), the introductory wording "*Without prejudice to the generality of this section..*" sets the context that 'promotion', in terms of deaf culture, is more than ensuring the availability of classes and those provisions at 2(1) also apply.

The Committee asked:

Where ‘the deaf community’ is mentioned, that it reads across to Clause 11 and recognises the deaf community extends beyond sign language users.

Department’s response:

The Department believes it is important to bear in mind the intent of the Sign language legislation is to provide access to services and to promote Deaf culture which is broadly identifiable by reference to BSL and ISL – but not solely. The co-designed Best Practice will emphasise the importance of sign language to Deaf culture. Clause 11(1) states: *“For the purposes of this Part, the deaf community comprises all people falling within one or more of the following paragraphs...”* and lists members of the deaf community within the scope of the Bill. Clause 11(4) refers to people who would not normally be considered members of the deaf community.

2(2)

The Committee asked:

Clarification that the use of ‘or’ rather than ‘and’ wouldn’t have unintended consequences in terms of promoting one language over another

Department’s response

For the purposes of 2(2), the availability of classes is in the context for the promotion sign language. Classes are currently demand led and the linguistic content is determined by funded providers in the Deaf sector such as BDA, NDCS and Action Deaf Youth who deliver family classes in BSL – not both. Foyle Deaf Association has previously delivered family classes in ISL - not both. It is not the intention that families will be able to avail of classes in both languages. Indeed, 2(b) makes this clear by referencing that such classes are *“to learn (or improve proficiency in) **the Language**”* Replacing ‘or’ with ‘and’ may have the unintended consequence of suggesting that providers would have to offer classes in both BSL and ISL regardless of demand or

need. The Bill at clause 1 is clear that both languages have equal status, and it is on that basis that the Department intends to act.

The Committee asked:

Clarification in relation to who the Department considers to be ‘other suitable persons’

Department’s response

This refers to the current cohort of Deaf BSL and ISL tutors who are not ‘*accredited teachers*’ as defined within the Bill as there is no scheme of accreditation currently. The Department is engaged with existing Deaf tutors to explore options for developing such a scheme. As advised in previous briefings to the Committee, this may take some time.

The Committee asked:

Addition of:

(c) - Deaf adults and their families –

(d) - Children Of Deaf Adults (CODAs)

Department’s response

The Department interprets *Deaf adults* as people who become deafened in later life.

The Department believes there is no need to legislate for such classes as they can be achieved through existing policy under lead departments and public bodies. The Department has been clear that its Family Signing programme is a priority to tackle language deprivation in deaf children and young people hence its inclusion at 2(2). Over 90% of deaf children are born to hearing parents with no experience of sign

language and no signing skills. Therefore, the Department's signing programme provides for family centred learning to address that lack of language.

Deaf Adults and CODAs do not experience the same levels of language deprivation as they will normally have spoken and/or signed language. Therefore, the Department does not consider it appropriate to legislate explicitly for similar classes. The Department believes these matters are better addressed through the refreshed Sign Language Framework Strategy and through the Sign Language Action Plans of prescribed organisations with policy responsibility for deafness.

The Department, in response to approaches from Deaf parents, has previously funded a pilot project through the Southern Health Trust for a homework support for primary school aged CODAs in the Southern Trust area. Deaf parents had raised concerns that their lack of English language command meant they were of limited help to their hearing children with their homework and therefore, this may be more of an issue.

The Committee asked:

How the Department intends to address the issue of 'language deprivation' – evidence received by the Committee suggests that when children are diagnosed with a hearing impairment/as being deaf, a medical model is offered to 'fix' this, however access to sign language learning is not offered.

Witnesses advised this should be offered alongside any medical models to ensure 'the greater use and understanding of BSL and ISL' and to address 'language deprivation'.

Department's response

The Department works closely with organisations such as NDCS, BDA and Action Deaf Youth which deliver the DfC funded BSL classes to parents and families of deaf children and deaf children. The Department is very aware of the parents' concerns and those of the Deaf community that the current medical model does not

consistently sign post parents to sign language as an option to address language deprivation.

The Department refers the Committee to the previous response regarding its Family Signing Programme. The Department is committed to the provision of these classes which it believes can be more widely accessed through better signposting to them by healthcare professionals. Promotion of the benefits of early access to sign language is an issue that the Department intends to address within the refreshed Sign Language Framework Strategy which may be incorporated into the Sign Language Action Plans of prescribed organisations with policy responsibility for deafness such as the Department of Health and HSC Trusts.

2(3)

The Committee asked:

An update from the Department on its discussion with NDCS in relation to raising the age of 19 to 21 or 25. The Committee's collective view is that 25 would be preferred.

Department's response

The Department has received further clarification and rationale for the raising of the age for classes at 2(2) being raised from 19 years of age to 25 years of age from NDCS and will include this for Minister's consideration alongside other issues the Committee has raised.

Committee notes if the 3rd point in 2(2) above is progressed this may not be required

Department's response

Please see the Department's previous comments.

The Committee asked:

Clause 11 Members of the deaf community

During the course of the deliberations in the context of discussions in relation to who is part of ‘the deaf community’, Members wished to explore if the Department was minded to change:

‘For the purposes of this Part...’ to ‘For the purposes of this Bill/Act.’ in order to provide complete clarity.

Department’s response

The use of the term ‘Part’ is standard drafting. However, under Clause 11 the Explanatory and Financial Memorandum clarifies that it does refer in fact refer to the Bill as it states, “For the purposes of this Bill” which we believe provides the clarity the Committee seeks.

Clause 3 Organisations to take reasonable steps

The Committee asked:

For all of Clause 3 – to ask for confirmation that the Guidance will be clear enough to give confidence to the sector in terms of what “reasonable steps” will include.

Department's response

Per clause 6, best practice must be in the guidance, and the Guidance will be co-designed with the Deaf sector. A first draft of best practice that was provided by the British Deaf Association is currently with the Deaf organisations represented on the Sign Language Partnership Group for consideration and final agreement. Therefore, the sector is involved in the drafting of the guidance. This is consistent with the Department's approach at clause 2(3) in relation to consideration of raising the age of children from 19 to 21 or 25 in which we took NDCS guidance on this matter.

Furthermore, that the draft of the Guidance the Committee are due to see in the coming weeks, no later than 4 December, will overview this.

As stated, Guidance will be informed by Best Practice and therefore, the Department has prioritised the drafting of Best Practice with the Deaf sector as the starting point for draft Guidance. The final draft of Guidance will ultimately be informed upon enactment by the sections of the final Act. However, the Department considers the Bill as an access to services Bill informed by clause 3 and has begun work on this key part of the Guidance to reflect this.

The text below - in response to the Committee's next question regarding reasonable steps - contains wording to the effect which will be included within the Guidance subject to Deaf sectoral feedback.

The Committee asked:

Given that 3(1) sets out that every prescribed organisation must take all reasonable steps, which in reality would include affordability and practicability, Members agreed;

To seek assurance from the Department that 3(2)(b) – would not be able to be used as a basis for non-provision of a service.

Department's response

The Bill cannot provide absolute certainty for every scenario. However, the following draft form of words would be included within the Statutory Guidance on providing accessibility to services and information (Clause 3) accompanied by Best Practice.

Clause 3 Requests for access to services and information through British Sign Language (BSL) and Irish Sign Language (ISL) – considerations for prescribed organisations

It is a key public law principle that a public body cannot act unreasonably in the performance of its public functions. The meaning of "reasonable steps" originates in case law which has established an additional layer of common law oversight for public bodies beyond the ensuring of compliance with a public body's statutory powers. Not only do decisions have to comply with the relevant statutory framework, but decisions must also not be so unreasonable that no reasonable decision-maker could have come to them. For example, is a request from a Deaf signer for a BSL or ISL interpreter reasonable? The answer is yes.

A requirement on a prescribed organisation to undertake "all reasonable steps" will broadly entail it exploring reasonable paths and actions to satisfy the request made by the deaf community without requiring the prescribed organisation to overlook or adversely prejudice its own interests. This is however on the strict proviso that the subject organisation has undertaken "reasonable steps" and ideally (in anticipation of future challenge) fully documented the steps it has taken, including advising the deaf signer of the reason(s) for refusal and outlining the organisation's appeals or complaints procedures to follow.

The inclusion of the words "affordability" and "practicability" require a prescribed organisation to focus its mind in a particular way, imposing a stronger duty than simply being reasonable as it adds another layer to its decision-making process which in turn is another avenue for potential challenge.

'Practicability' means, when referring to a task, plan or idea as practicable, people are able to carry it out - it is capable of being effected, done or put into practice. For example, has the deaf signer's request for an interpreter for an appointment at short notice failed due to the unavailability of an interpreter.

'Affordability' is not an automatic opt-out for prescribed organisations to deny accessibility to services and information through BSL and ISL. Clause 3 provides a statutory duty that prescribed organisations must take all reasonable steps so as to ensure that information and services provided by the organisation are as accessible to individuals in the deaf community as they are to individuals who are not in the deaf community through the offering or facilitation of the use of BSL and ISL in accessing information and services..

Prescribed organisations should consider the availability of existing contracts or the establishment of pooled resources for economies of scale to provide for such access to services and information.

Clause 4 Organisations to be listed in regulation

4(4)

Can the term "public character" be more clearly defined and explained in the EFM? (Discussion took place in relation to whether "publicly funded" might be clearer for the deaf community).

4(5)

The intent of clause 4 is to capture key public bodies delivering public services for the deaf community as members of the general public, where there is typically no choice where to go. The term refers to activities that are typically performed by Departments or their public bodies. These functions are expected to be performed directly or indirectly by departments or public bodies, and they involve the use of public funds or the exercise of powers given by law – for example, councils or benefits offices.

However, the inclusion of the reference to public bodies including persons or groups exercising functions of a public character seeks to capture such an entity who is not listed for the purposes of this Bill and may, in the future, provide such public functions.

The Department believes the use of 'publicly funded' is too wide reaching a definition.

Would the Department consider Affirmative resolution procedure when removing a prescribed organisation (except in the event that removal is required purely due to a name change), and

Negative resolution procedure when adding a new prescribed organisation

The Department is in principle content that the removal of a prescribed organisation from the list justifies affirmative resolution procedure whilst the initial listing of organisations, including adding new organisations, is best exercised through negative resolution procedure.