

Response ID ANON-PYJC-FRHC-S

Submitted to Sign Language Bill - Call for Evidence
Submitted on 2025-04-24 09:56:04

Consent and introduction

What is your name?

Name:

[REDACTED]

What is your email address?

Email:

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What is your organisation?

Organisation:

British Deaf Association Northern Ireland

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Do you consent to your submission being published on the Committee's website and included in the Committee's report?

Yes, publish in full.

Clause 1

Do you feel Clause 1 goes far enough in formally recognising BSL and ISL as languages of Northern Ireland?

Yes

Please give details to support your answer.

Text box to enter additional details:

Currently BSL and ISL are only 'recognised' as languages as per announcement made in 2004 by the then Secretary of State, Paul Murphy MP, but there is no statutory provision or protection for the languages as already exists for spoken languages such as Irish or Ulster Scots.

Both BSL and ISL are in regular everyday use for many sign language users and are seen as a language of need, whereby signers have no alternative. BSL or ISL is their first or preferred language.

NI is currently behind the rest of the United Kingdom and the Republic of Ireland which already have legislation in place to recognise and protect their sign languages. It should be noted that all 27 European Union countries have now recognised their national sign languages.

Legislation in place such as the DDA (Disability Discrimination Act) or Equality Act section 75 is not mitigated by the proposal of a Sign Language Act – each law has its own specific role. The Sign Language Act is focused on a minority language group some of whom may also have a disability or face inequality in other ways and still need the protection offered by the above legislations.

Additionally, existing rights (national and international) such as the Human Rights Act 1998 or United Nations Convention on the Rights of Persons with Disabilities are not affected or impacted by the official recognition and enactment in law of a Sign Language Act.

Clause 2

Do you feel Clause 2 goes far enough in promoting the use of BSL and ISL and developing deaf culture?

Yes

Please give details to support your answer.

Text box for entering additional information:

We particularly welcome the approach in the Bill by which language and cultural rights are not framed as being dependent on a medical disability. Of course we face many obstacles in life. But at other times, for example when we meet with other signers, we do not feel disabled in the slightest. For this reason, we are pleased that the Act sits within the Department for Communities, language branch.

With spoken languages, individuals may have a preference to speak in either Ulster Scots or Irish but usually they also have fluent English which allows them to access information, services, social events and so forth even when not in their preferred language. However, for Sign Language users, this is often not the case. Often Sign Language is their only fluent language and accessing English based information is difficult.

We particularly welcome the support in clause 2(1)(c) of the Bill for the development by the deaf community of our culture.

In this context, we want to make a wider point, about how government bodies (across the UK) work with the deaf community on policies and services focussed on sign language. We genuinely appreciate the desire of public bodies and their officials to engage with the deaf community, but we have to say that it does not always feel satisfactory to us. At worst, hearing individuals decide what questions to ask us, listen to our views and then go back into a closed room to make decisions. More often, we engage in "co-production", where we spend time educating hearing officials about our challenges and our aspirations, usually through the medium of their language. Finally, at the point where we think that they understand us, they move on to a new role and we have to start again. We would emphasise the point that "consultation fatigue" is a real thing, especially when the engagement is not in your native language.

Instead, we would wish to see BSL/ISL-focussed services increasingly being planned, delivered and evaluated by members of the deaf signing community. Of course, this will require investment in leadership capacity within the deaf community.

We strongly welcome clause 2(2) of the Bill. Classes for families of Deaf children have been funded by DFC for some years now and research and evidence shows these classes to be instrumental in family dynamics and that there is a strong need for these classes to become a statutory provision. The DFC has led the way with such classes as the only government department within the UK to have provided these classes. BDA are proud to have delivered such classes, and here are some snippets of feedback received from the 2023/24 programme:

"It's part of A's rights as a deaf person to learn sign. And to learn it on her terms.... Really beneficial to learn in her home environment."

"... [he] can sign away to tell us what he thinks, what he needs, what he wants... for example, oh, mommy, I'm sore."

Are there any other approaches (apart from providing for the availability of classes) that could help to meet the objective of the greater use and understanding of BSL and ISL?

Yes

Please give details to support your answer.

Text box to enter additional details:

To embrace the use of technological advances and initiatives – in partnership with the deaf community. Before Covid, Video Relay Service (VRS) was an underused resource, but the onset of the pandemic meant this had to be introduced and provided quite quickly but has become a valuable and popular resource for the Deaf community.

Increasing the visibility of BSL and ISL in the media would serve to increase the use and understanding of these languages. Whilst this does not fall directly within the remit of the bill, the legislation may positively influence other providers such as the media, who do not have direct obligations with regard to it.

Looking to the longer term, increased visibility of BSL and ISL in schools will also support greater use and understanding of the languages.

BDA understand that building the capacity of the deaf community to design, deliver and evaluate BSL/ISL services will need to be developed, and feel this could be supported through the Government backing proposals and initiatives targeting deaf leadership development. There are current examples of this funded, for example, through City Bridge Foundation in London. We make the point in our first answer on Clause 2 that consultation and co-production can be tiring and economically inefficient in that deaf people have to spend time to educate hearing officials (in their language, not ours) so that they can understand our life experience and our aspirations – and then they move on to new roles. Building leadership capacity within the deaf community would lead more rapidly, effectively and cost-efficiently to improved services and improved outcomes. The Department should pick up this responsibility and set targets and timelines for progress.

Clause 3

Do you think the duty placed on prescribed organisations to make the information and services accessible to members of the deaf community is sufficient?

Yes

Please give details to support your answer.

Text box for entering additional information:

This Bill will place a responsibility on government departments to draw up an Action Plan where they will engage with Deaf people and gain their perspective on what information should be translated and in a priority order. It is accepted that not everything needs a signed translation but generic information that would impact a reasonable percentage of the Deaf community should automatically be translated while more obscure information that would be of interest to only a smaller number of the wider population would not need to be translated unless a request is made by a Deaf individual or

group.

These plans should highlight that the need to make information/services accessible becomes even more crucial in an emergency situation such as what happened with Covid 19. There is not always the time to follow standard processes of procurement or lengthy debating before a decision is made – in crisis situations, decisions must be made quickly and information provided to Deaf people as quickly as possible.

Interpreters should be provided at no cost to the Deaf person. It is important that prescribed organisations actively take on board their responsibilities with regard to this. In some instances, a face-to-face interpreter will be required, whereas in other situations a remote or VRS interpreter can be utilised. Since its introduction to Northern Ireland five years ago within the Health & Social Care (HSC) sector, the Deaf community are becoming increasingly confident with the use of VRS/VRI interpreting.

Given the success of the VRS/VRI service provided by HSC, consideration should be given to expanding this service into a regional service which can be used to provide access to all prescribed organisations. The current HSC contract holders use interpreters from Northern Ireland, which has received positive feedback from the local Deaf community, so regard should be given to continuing this practice in any future contract negotiations. When planning for future interpreting and translating services to be provided remotely, it should be remembered that a high quality of service is paramount, both in relation to client satisfaction, but additionally in relation to cost-effectiveness. One regional contract for all prescribed organisations would give clear oversight.

The BDA would like to see a move towards an ethos of BSL/ISL-focussed services increasingly being planned, delivered and evaluated by members of the deaf signing community. We recognise that this will require support, for example in terms of the development of leadership skills within the deaf community, but a service such as VRS/VRI could be a test for how Deaf people could be central to the tendering process, as their contributions and insights would be invaluable given their first-hand experiences and knowledge.

Clause 4

Do you support the approach taken by Clause 4?

Yes

Please give details to support your answer.

Text box for entering additional information:

The Department for Communities have been involved in the Sign Language discussion as far back as 2004 when the two languages were first given official recognition in the NI Assembly and is best placed to identify the public bodies to be subject to the duties.

In addition, DFC will have a special responsibility under the Act to oversee the implementation and review progress and development while in regular communication with the Sign Language Partnership Group (SLPG) which includes government representation.

Clause 5

Do you support the approach to consultation required in Clause 5?

Yes

Please give details to support your answer.

Text box for entering additional information:

It is imperative that when devising or revising guidance the Department for Communities consults each of the prescribed organisations, ensuring that they feel their contributions are being valued and they are prepared to take on their obligations under the Act.

The Explanatory and Financial Memorandum additionally states that "...the Department may review, issue revised guidance...". This needs to be expanded upon, incorporating either annual or biennial reviews. The mandatory regular reviews would provide opportunities for addition or removal of prescribed, Deaf or other listed organisations from the guidance. There would still be space for more urgent changes to be made, which may be reflective of a specific circumstance such as Covid but could, in addition, reflect learning acquired as a result of the Act being implemented, which would be a natural occurrence as everyone navigates new territory together.

There needs to be greater clarity around the definition of 'at least one person or group appearing to the Department to be acting on behalf of the deaf community', as this could be open to interpretation. The United Nations Convention on the Rights of Disabled Persons provides a route-map for this. Article 4.3 says, "In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations." The meaning of this was clarified in UNCPRD "General Comment 7" which sets clear criteria for "representative organisations", for example that they "are led, directed and governed by persons with disabilities." The BDA clearly meets these criteria, and it may well be that other organisations do too.

While each deaf individual will have a valuable contribution in their own right, it will be important for the Department to hear views reflective of the Deaf community as a whole.

It is vital that the production and revision of guidance involves Deaf representatives and effective engagement with the Deaf community so that any feedback accurately represents their diverse views. BDA were involved in the creation of the British Sign Language (Scotland) Act 2015, and through this experience BDA has been able to provide a clear sense of deaf community input to support the Scottish Government. That said, we should be clear that gathering input at scale comes at a cost for a representative organisation.

Clause 6

Do you support the approach taken in this clause?

Yes

Please give details to support your answer.

Text box for entering additional information:

It is worth noting and taking into account lessons from the 2017 ISL Act. Their midway review found that 52% of public bodies were either not aware of the Act or not aware of their responsibilities under the Act.

As an organisation, the BDA frequently receives questions from government departments and public service bodies asking for advice on how to book interpreters or have their information translated. It is important that we have clear guidance and processes in place so that prescribed bodies are able to actively take on their responsibilities. As an example, a public body may book an interpreter for a client but when they arrive for appointment, they are an ISL user and a BSL interpreter has been booked – this and similar issues can be avoided if there are clear guidelines in place.

It is important to consider how the Action Plans to be developed by each public body should take into account Deaf views through engagement with the deaf community.

We have one comment on the phrase, “advice on best practice for interacting with people who rely for communication on BSL or ISL.” We would make the point that most signers in Northern Ireland will be fluent or confident in either BSL or ISL, but not both. It’s therefore important to ensure availability across Northern Ireland or both BSL and ISL support, though naturally the requirements of the individual deaf person will indicate which interpreter is required.

Do you feel there is anything else this Clause should include?

No

Please give details to support your answer.

Text box to enter additional details:

No additional comments.

Clause 7

Do you support the provision for the Department for Communities to make regulations detailed in Clause 7?

Yes

Please give details to support your answer.

Text box for entering additional information:

We recognise that the Department – and other public bodies – are on a learning journey, so there will be clear benefits to a flexibility in application. Our understanding of effective regulation making will develop over time, so the flexibility of approach seems sensible.

It is important that laws are clear, fair and consistent with public interest and it is deemed appropriate that DFC maintain the ability to make regulations as and when a need has been identified such as: -

Fairness and accountability: to ensure the Act is applied equally to everyone and that there are mechanisms in place for holding public bodies accountable

Preventing harmful consequences: identifying and remedying if there are unintended and unanticipated negative consequences as a result of the Act.

Regulations help to clarify and address practical issues that arise as laws are put into practice.

On the other hand, too much regulation or overly strict regulation can slow down inefficiencies, or limit freedom. The challenge is finding a balance that promotes the public good without being overly restrictive.

Do you support the approach to consultation detailed in Clause 7?

No

Please give details to support your answer.

Text box to enter additional details:

No additional comments.

Clause 8

Do you feel the level of consultation required in Clause 8 is sufficient?

Yes

Please give details to support your answer.

Text box for entering additional information:

The United Nations Convention on the Rights of Disabled Persons provides a route-map for this. Article 4.3 says, "In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations." The meaning of this was clarified in UNCRPD "General Comment 7" which sets clear criteria for "representative organisations", for example that they "are led, directed and governed by persons with disabilities." The BDA clearly meets these criteria, and it may well be that other organisations do too.

While each deaf individual will have a valuable contribution in their own right, it will be important for the Department to hear views reflective of the Deaf community as a whole.

It is vital that the production and revision of guidance involves Deaf representatives and effective engagement with the Deaf community so that any feedback accurately represents their diverse views. BDA Scotland were involved in the creation of the British Sign Language (Scotland) Act 2015, and through this experience BDA has been able to provide a clear sense of deaf community input to support the Scottish Government. That said, we should be clear that gathering input at scale comes at a human and financial cost for a representative organisation.

Clause 9

Do you think evaluating the impact of the Bill in a report every five years is an appropriate length of time?

Yes

Please give details to support your answer.

Text box for entering additional information:

We have considered carefully the desirable period of time before a report is prepared. We are enthusiastic for rapid change in the accessibility of public information and services, in the profile of and respect for BSL & ISL and in the development of deaf leadership capability. We observe that the practice within the UK Government of non-statutory annual reporting has accelerated progress significantly.

We believe that, were prescribed bodies to use skilled and experienced deaf individuals to develop their action plans, then more rapid progress could be made, and we would welcome this. Nonetheless, our interest is in sustained change and in a high-quality programme of change activity. Feedback from the Irish Sign Language Act 2017 indicated that over half of the public bodies were still not fully aware of their obligations at the midway point and this shows that evaluating the impact of the Bill is crucial to identify areas of weakness and ensure progression towards its full goals.

Accordingly, BDA believes 5 years would be a reasonable time period to allow for a formal report to be published, as this would allow time for plans to be developed and initiatives put in place, providing data which would allow for effective evaluation. This would be in line with the time period specified when the BSL (Scotland) Act 2015 commenced.

BDA would, however, highlight the need for annual reports to be submitted to DFC throughout this 5-year period, as this provides a kick-start to the imperative for urgent improvement - if it's measured annually, then Government departments and prescribed organisations in NI will have a greater incentive to increase their performance. This additionally provides the opportunity for support, advice and signposting to be provided, if necessary, to aid in the implementation of such plans. We would also welcome a decision by the Department to publish an interim report after 2-3 years, identifying insight and drawing lessons across all the work under the Act.

Clause 10

Do you support the creation of a scheme for accrediting BSL and ISL teachers?

Yes

Please give details to support your answer.

Text box for entering additional information:

There is a need for a scheme for teachers of BSL and ISL, and it should be based on a model which has already proven successful. There are two models which could be considered:

The first is the Association of British Sign Language Teachers and Assessors (ABSLTA). This is an Association which provides many services for its members and incorporates the idea of Assessors which could be useful within NI. As an Association it is not a registration body, and membership is not mandatory, but it provides support for its members. When comparing a potential teacher model to the current interpreting model, ABSLTA would be similar to ASLI or VLP. The link to ABSLTA is: <https://abslta.co.uk/>

The second model is National Registers of Communication Professionals Working with Deaf and Deafblind People (UK) (NRCPD), which is a regulatory body for language service professionals such as British Sign Language/English Interpreters and Translators, Irish Sign Language Interpreters, Lipspeakers, Notetakers, Speech-to-Text Reporters, and Interpreters for Deafblind People. Whilst membership is not mandatory, it has become the de facto means of establishing the language service professionals' credentials to effectively perform their role, and many providers will only use NRCPD registered individuals. The link to NRCPD is: <https://www.nrcpd.org.uk/index.php>

A scheme for teachers is vital, as there is currently no forum in place to allow teachers to network, share ideas, access training and CPD, and support each other. Most BSL & ISL tutors are deaf and have faced significant obstacles in their career paths – a process that includes networked support for quality teaching would support their professional esteem and retention. An affiliated website should be established, which could be used to list the areas of expertise, or domains, of each teacher, as some may specialise in Deaf Awareness/Deaf Equality Training, some in ad hoc teaching through Deaf organisations such as Family Signing in the Home, whilst others may specialise in accredited training programmes but only at specific levels – for example some tutors only teach Level One or Two, whilst other teach Level 6. This list would additionally identify whether they teach BSL or ISL, and the geographical area they cover. We note also that there are different skills in teaching adults compared to teaching children, and that there is a shortage of trained teachers/tutors for each.

This list would simplify the process of finding and procuring teachers for organisations seeking this service.

We would welcome the Department seeking to take forward this work in partnership with other UK governments. Demand for BSL teachers/ tutors is likely to increase, especially with the expected development of the BSL GCSE in England and Wales, and there is benefit in a quality-accreditation for teaching.

Do you support the creation of a scheme for accrediting BSL and ISL interpreters?

No

Please give details to support your answer.

Text box to enter additional details:

A registration body for BSL and ISL interpreters already exists which covers the whole of the UK: National Registers of Communication Professionals Working with Deaf and Deafblind People (UK) (NRCPD). To create a second scheme specifically for Northern Ireland would be an unnecessary duplication which could cause confusion.

Clause 11

Do you agree with the definition of the deaf community provided for in the Bill?

Yes

Please give details to support your answer. Please outline what people or groups you think should be included or excluded and why.

Text box for entering additional information:

We note there is a sensitivity about language here. There is no formal and universal definition of the “deaf community”, so there may be differing views on who is included. No deaf person is required to consider themselves part of a community, no matter how much they have in common with “community members.” Nonetheless, we recognise that the purpose of the definition is to establish entitlements under the Act, and we believe that the proposed wording is appropriate.

Previous definitions of Deaf were based on the medical model, and so some of these categories may initially appear different to what has traditionally been understood as Deaf. We welcome this new approach, which is based on a linguistic and cultural model, and when this reasoning is applied the majority of the categories are logical. The individuals which fall into some of these categories may not always seek or require communication support, but sign language would still be classed as their native language rendering them members of the Deaf community.

Clause 12

Do you agree with the definition of BSL and ISL provided for in the Bill?

Yes

Please give details to support your answer. If you think there are any aspects missing, please outline what you think should be included.

Text box for entering additional information:

The Bill recognises that BSL and ISL are languages in their own right. It is important that this recognition becomes widespread and ingrained in society, demonstrating that, as with any other language, each has its own grammar and syntax, and more uniquely incorporates spatial linguistics which are basic elements of both BSL and ISL. Sign language is an integral element of a cultural and linguistic minority, and when deaf children observe it being used within wider society, it will enable them to identify with and understand their deaf identity.

Clause 13

Do you agree with the definition of “everyday reliance” provided in the Bill?

Yes

Please give details to support your answer. If you think there are any aspects missing, please outline what you think should be included.

Text box for entering additional information:

We support the proposed definition. It is worth saying that deafness is not a matter of absolutes. Many deaf people face barriers every day: health settings, libraries, arts and museums, leisure centres, education and employment all present issues which stem from communication issues – even communication with family members becomes problematic if they don't possess BSL or ISL skills. Deafness can be isolating, and when we consider that 90% of deaf children are born to hearing parents, the importance of programmes such as Family Signing in the Home (or similar accredited courses) is clear.

Other members of the deaf community may have some hearing but will choose, through necessity or convenience, to use sign language. One person may choose to use sign language because they have sound amplification which does not given them perfect hearing. Another may be able to communicate effectively through sharing written notes. But all are - rightly - covered by the definition in the Bill.

Any other comments

Is there anything which you expected the Bill to make provision for which has not been included in the Bill?

No

Please give details to support your answer.

Text box to enter additional details:

If you have any other comments in relation to the Bill please tell us here.

Text box to enter additional details: