

Advice to the Committee for Communities: Sign Language Bill

May 2025

Introduction

The Commissioner for Children and Young People (NICCY) was created in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland (NI). Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. Under Article 7(4), NICCY has a statutory duty to advise any relevant authority on these matters.

The Commissioner's remit includes children and young people up to 18 years or 21 years, if the young person is disabled or is care experienced. In carrying out his functions, the Commissioner's paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. In exercising his functions, the Commissioner has regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

NICCY welcomes the introduction of the Sign Language Bill to the NI Assembly and are pleased to be able to provide this overview to the Committee for Communities as part of the Bill's Committee Stage.

Children's Rights

The UNCRC sets out minimum standards for children's rights across all areas of their lives such as, civil and personal protection, health, education, welfare. The four guiding principles which flow through the Convention are:

- The right to non-discrimination;
- The right to survival and development to the highest level;
- To their best interests being a primary consideration; and
- To their voice being heard in all matters affecting them.

The UNCRC emphasises that every child has the right to an education that caters to their personality, talents, and abilities, including providing specialised support for children who are d/Deaf or have hearing impairments. This also includes children and young people are not born d/Deaf or with hearing impairments, those who are not identified as d/Deaf as babies or young children and the need for choice in the use of sign language or communication methods. The UNCRC recognises the need for modification to school practices and that training of regular teachers is necessary to prepare them to teach children with diverse abilities and ensure that they achieve positive educational outcomes.

Article 24 affirms that every child has the right to the highest attainable standard of health, including accessing and using appropriate facilities for treatment and care. Under the UNCRC and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), d/Deaf children and young people (and their families) have the right to access appropriate and accessible health care provision and to be educated in an environment that best meets their needs. NICCY emphasizes the importance of the joint reading of Article 24 UNCRC with Articles 7 and 25 of the UNCRPD too. Article 7 outlines the responsibility of the state to ensure that children with disabilities can access and enjoy their rights on an equal basis with other children. Article 25 confirms that persons with disabilities have the right of the enjoyment of the highest attainable standard of health, without discrimination on the basis of disability.

Rights under both Conventions encompass the provision of accessible communication and information whether in the form of sign languages and requiring access to interpreters across health and education settings, captioning or through the use of communication devices such as loop systems or otherwise. The availability of choice is essential.

The UNCRPD provides the right for persons with disabilities to access an inclusive education system at all levels. An inclusive approach implies the provision of support, reasonable accommodation and early intervention so that all learners are able to fulfil their potential. This includes provision of sign language, low-or high-technology communication aids; investment in developing expertise, technology and services in order to promote access to appropriate technology and alternative communication systems to facilitate learning; implementation of measures to recognise and promote the linguistic identity of the d/Deaf community; access to quality services, induction loop technology and captioning; and teacher education that includes learning about the use of appropriate augmentative and alternative modes, means and formats of communication including sign language and d/Deaf culture, educational techniques and materials to support persons with disabilities.

NICCY encourages the Committee to take a child's rights approach in considering this legislation and how best children and young people's rights are protected and promoted through it. We advise that the Committee engage directly with children and young people and their families in relation to the Bill and its impacts. NICCY also encourages the Committee to consider how this Bill and its provisions sit within the Children's Disability Framework for the delivery of services to children with a disability and of relevance healthcare and social care. Furthermore, the Committee should consider the Children's Services Co-Operation (NI) Act 2015 and the Children and Young People's Strategy 2020-2030.

Particular matters on access to information and correspondence has been raised previously, alongside other recommendations and issues, by the Equality Commission NI and the NI Human Rights Commission in furtherance of their role as the 'Independent Mechanism' in NI to promote, protect and monitor the implementation of

the UNCRPD.¹ The Committee for Communities should also consider the UN Committee of the Rights of the Child's 2023 Concluding Observations, the 2017 Committee on the Rights of Persons with Disabilities' Concluding Observations and the 2016 Inquiry into the UK, subsequent follow up reports, and how this legislation ensures recommendations and rights are delivered in NI.²

Commentary on the Bill

We welcome the confirmation that British Sign Language (BSL) and Irish Sign Language (ISL) will be formally recognised and promoted as languages in their own right. The Bill's provisions also include prescribed organisations taking reasonable steps to ensure that the sorts of information and services provided by it are as accessible to individuals in the d/Deaf community as to those individuals who are not in the d/Deaf community.

Many d/Deaf children and young people face social exclusion as direct result of linguistic exclusion which can adversely affect their access to education, employment, healthcare and public services generally as the Explanatory and Financial Memorandum (EFM) does highlight, and there must be appropriate, accessible information provided to all children and young people in line with their rights.

The Bill enables regulation making powers through secondary legislation and places duties on prescribed organisations and public bodies (Clauses 3 and 4). Given this, there is limited information on what the Department considers to be prescribed organisations and NICCY would welcome information on who that would be, bar the mentioned NI Departments. We therefore cannot provide specific comment on the appropriateness fully without this information or Schedule.

I note that Clause 2(3) sets out an obligation for the Department for Communities to promote greater use and understanding of BSL or ISL via access to sign language classes for children, young people and their wider family circle applies to children under 19 years of age. NICCY encourages the Committee that to consider that children and young people may require this beyond 19, to 21 as a minimum or beyond. We note that the National Deaf Children's Society supports d/Deaf young people up to the age of 25.

Under Chapter 2 the Bill sets out the duties on the Department to issue guidance. We consider the issuing of guidance as crucial, however, NICCY are concerned about the inclusion of the following phrasing in clause 5:

(3) Whenever devising (or reviewing) guidance under this Chapter, the Department must consult—

(a) each of the prescribed organisations, and

¹ For more information, please see: [ECNI - UNCRPD - Addressing Inequality, Equality Commission NI](#)

² UNCRC, 'Concluding Observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland' (2023) (Available at: [Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland ;](#), accessed on 29.5.25)

(b) at least one person or group appearing to the Department to be acting on behalf of the deaf community.

Firstly, d/Deaf children and young people themselves are not mentioned in the list of those who are to be consulted in the devising or reviewing of guidance which we consider of key importance in line with their Article 12 rights. NICCY is also concerned that this provision seems to ‘restrict’ or ‘allows’ consultation with at ‘least one person or group appearing to the Department to be acting on behalf of the deaf community’ and would welcome clarity on what this means. It would not be appropriate for one person or group to act on behalf of the d/Deaf community.

Whilst outside the aims of this Bill, NICCY wishes to highlight to the Committee that it is crucial that d/Deaf children’s right to health and education is recognised, protected, and promoted on an equal basis with their peers. We are aware that there are barriers to accessing and using healthcare services for d/Deaf children and their families, as well as in educational provision.

Families that my Office have engaged with have informed me of the challenges they had encountered when undertaking assessments, diagnosis, and seeking support from the Health and Social Care system. NICCY has been informed as to the difficulties and extensive costs in accessing sign language learning programmes / classes, for both d/Deaf children and their families, particularly within a geographical context, with families feeling provision for sign language instruction and learning with the Health and Social Trust regions is inadequate.

Teachers of the d/Deaf and other specialist educational professionals and qualified tutors are crucial in providing early intervention and improving outcomes for d/Deaf children. It is crucial to build the workforce to ensure that pathways exist for children, young people and their families to access support. NICCY welcomes the inclusion of Clauses 2 and 10 to ensure that classes for d/Deaf children are taught by accredited teachers or other suitable persons. NICCY also draws the Committee’s attention to the urgent need for increased investment in the early years, a critical time in d/Deaf children’s learning and development, and in particular their development of language and communication skills. NICCY also agrees with the calls for examinations in sign language, from GSCE onwards.

d/Deaf children have a right to receive support they require to facilitate their effective education and enable them to fulfil their potential on an equal basis with others. This must be paired with timely access to specialist support. The Committee should also consider work with the Committee for Education and Health relating to systematic issues and barriers for d/Deaf children and young people and their families. The Committee should also consider what data is available disaggregated on educational and health outcomes for d/Deaf children and young people.