



Deaf Ex-Mainstreamers Group

For deaf children to have better access to education

Clerk to the Education and Culture Secretary
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

14.1.15

Dear Sir or Madam

British Sign Language (Scotland) Bill

I am enclosing some comments on the proposed Bill. The Deaf Ex-Mainstreamers Group (DEX) is a deaf-led organisation which campaigns for improved access to education for deaf children and for bilingualism in English and British Sign Language, derived from our findings in DEX's Best Value Review (BVR) from deaf users' perspective (2001 to 2004). The BVR has been given as an example of auditing best practice by Boyle, Breul and Dahler-Larsen, world class auditors, in *"Open to the Public: Evaluation in the Public Arena"*.

Since DEX's BVR we have researched Language Planning, a relatively new field of linguistics which focuses on dying or endangered languages: our findings incorporate surveys conducted by the Consortium of Research in Deaf Education (CRIDE), and clearly demonstrates BSL's frightening decline. Approximately 8% of deaf children in the whole of the UK use BSL *"to some extent"* (CRIDE 2014) which we extrapolate to be circa 3,000 deaf children in the UK. This is a massive concern since in future this low number will jeopardise current adult service levels, and prevent deaf children from fulfilling their potential and wellbeing, since for them BSL is a language just as important as spoken languages are to hearing people.

Our research paper on proposed BSL language planning was well received in March 2014 by the LAUD Symposium, an international linguists' conference held biennially, and will be published shortly. Our findings that BSL is indeed a severely endangered language was supported at the conference, led by Martin Pütz, conferences organiser and Head of Linguistics at the University of Landau in Germany. In addition, Bernard Spolsky, Professor Emeritus at the University of Tel Aviv, considers that deaf children are severely endangered too. He is a linguist since 1962, was the associate chair of the Research Center for the Language Sciences, founded and directed the Language Policy Research Centre, has been a Senior Associate at the National Foreign Language Center and Senior Research Scientist at the Center for the Advanced Study of Language, was Editor-in-Chief of the international academic journal Language Policy and

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has written and edited many books and papers. Furthermore, we have had the support of Meirion Prys Jones, Chief Executive of the Network to Promote Language Diversity, a forum to facilitate the sharing of best practice amongst Europe's Constitutional, Regional and Smaller State Language Communities, and Chief Executive of the former Welsh Language Board; and Colin Baker, now retired former Vice Principal of the University of Bangor and world-wide acclaimed expert on bilingualism.

The tested, scientifically proven measurements devised to ascertain levels of language threat are used in our paper to measure level of endangerment and how to reverse language shift. Comparisons are made of world-wide sign languages' recognition and legislation to consider why their language policy is failing in terms of language maintenance. Successful spoken language planning and economic considerations have been included alongside our recommendations for action in our proposed Language Plan.

As the numbers of the older Deaf generation decline, so will BSL, since it does not have the natural method of transmission that spoken languages do: approximately 95% of parents of deaf children are hearing and so do not know BSL. I am, therefore, writing to ask to be involved at an early stage to ensure that any BSL legislation under discussion is not simply requesting improved access to BSL, but will ensure that BSL's status as a severely endangered one is reversed. This can only be done with our effective, linguistically researched language plan, supported as it is by expert linguists. Without this there is no sense at all in working to the suggested format for a BSL Act as it only perpetuates BSL's language decline.

Yours sincerely



Jill Jones, Dip Inst of Management [M.A.]; Member of the Institute of Consulting Chair.

DEAF EX-MAINSTREAMERS GROUP LTD

Brief response to the BSL (Scotland) Bill consultation

What the Committee would like your views on

The Committee's role at Stage 1 of the parliamentary process is to report to the Parliament on the general principles of the Bill – that is, on its overall purpose.

General approach

1. In the Policy Memorandum, Mark Griffin MSP says he considered a number of alternative approaches to achieve his intention of promoting BSL, for example, by establishing a voluntary code or adapting existing legislation, such as the Equality Act 2010. He concluded that introducing the BSL Bill was the best approach. Do you think we need to change the law to promote the use of BSL and, if so, why?

Answer: there needs to be a distinct law for the safeguarding of British Sign Language (BSL) since the Deaf Ex-Mainstreamers Group (DEX) has established that is a severely endangered language which urgently requires a universal language planning approach, rather than a social policy approach.

2. Mark Griffin MSP hopes that the obligations under the Bill will, in practice, "lead public authorities to increase the use they make of BSL and the extent to which they are in a position to respond to demand for services in BSL" (Financial Memorandum, paragraph 4). How realistic do you think this aim is and to what extent do you believe the Bill can achieve this objective?

Answer: This is the approach taken for Welsh and Gaelic spoken languages, and with other minority threatened languages in order to give the language status and recognition, whilst monitoring their usage. BSL, as a sign language, is treated as an "access tool" in order that deaf people can access mainstream goods and services. In this respect the proposed Bill will go some way to promote BSL, but this approach, on the other hand, perpetuates the use of BSL as a "tool" rather than a language with its own uses and values.

3. The Bill is solely about the use of BSL. Could there be unintended consequences for other languages or forms of communication used by the deaf community?

Answer: Absolutely correct to have a Bill solely about BSL. The other languages deaf people use are spoken languages which have their own linguistically natural safeguards (see DEX's Language Planning paper and consultation report submitted to Mark Griffin, MSP).

Duties on the Scottish Ministers

4. The Bill will require the Scottish Government to prepare and publish a BSL National Plan (Section 1) and a BSL Performance Review (Section 5) in each parliamentary session (that is, normally every four years). The Scottish Government will also be required to designate a Minister with lead responsibility for BSL (Section 2). What should this Minister do?

Answer : Establish a BSL Board with the powers and financial budget to oversee BSL with regard to a full language planning agenda, to ensure BSL spread and maintenance, national curriculum and higher education qualifications, research, training, corpus and acquisition linguistics training etc. The Board should consist of linguist experts in Language Planning as well as BSL linguists. There should be some representation from the Deaf community but they must have qualifications and/or expertise in BSL studies. This is why the legislation is better placed in Westminster, with the necessary powers and should be a responsible Secretary of State, working closely across government departments.

5. The BSL Performance Review provides the basis for the Parliament to hold the Scottish Ministers to account, and for Ministers to hold listed authorities to account. If listed authorities say they will do something relating to the promotion of BSL, will the Performance Review process ensure they are held to account?

Answer: This is a process also reflected in the Welsh language revitalisation programme, which has been successful in developing Standards and a tribunal where the Welsh Language Commissioner can hold public authorities to account.

BSL Authority Plans

6. The Bill requires listed authorities to prepare and publish BSL Authority Plans in each parliamentary session. The Bill sets out what a BSL Authority Plan should include (Sections 3(3) and 3(4)). Do you have any comments on the proposed content of the Plans?

Answer: There needs to a requirement that public authorities inform parents/ guardians and families of all deaf and hard of hearing children about BSL and bilingualism, provide training package for families and support children in learning BSL, as with the Welsh Language Act 1993.

7. The Policy Memorandum (see diagram on page 6) explains the timescales for publication of Authority Plans. Do you have any comments on these proposed timescales?

Answer: Guidelines should be written by the BSL Board and realistic timescales set for public authorities to understand and abide by them.

8. In preparing its Authority Plan, a public authority must consult with those who are "likely to be directly affected by the Authority Plan or otherwise to have an interest in that Plan" (Section 3(6)) and must take into account any comments made to it during the consultation (Section 3(5)). What effect do you think these requirements will have on you or your organisation?

Answer : N/A. There needs to be meaningful involvement. Consultation is meaningless unless parties involved have the level of understanding to contribute new concepts, i.e. to the Board. An ongoing Forum with diverse and fluid membership, and with social media access for wider consultation, would address this more consistently and effectively.

9. The Bill (Schedule 2) lists 117 public authorities that will be required to publish Authority Plans. Would you suggest any changes to the list of public authorities?

Financial implications

The estimated costs of the Bill are set out in the Financial Memorandum (FM), which can be found at page 7 of the Explanatory Notes. The Finance Committee would welcome any views that could help it to scrutinise the Bill, including answers to the following questions.

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

Answer: DEX has been considerably involved, having met Cathie Craigie, MSP, and Mark Griffin, MSP, both on two occasions, as well as the Cross Party Group on Deafness to present its views on the proposed Bill. We have also submitted a report as part of the consultation process. Our Language Plan has been produced since then (see covering letter).

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?
3. Did you have sufficient time to contribute to the consultation exercise?

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.
5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

Answer: we would be interested to know how the financial totals were arrived at, and why it should be so costly to print Plans. On-line reports and in BSL would be more cost effective.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?
7. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

Wider Issues

9. Do you believe that the FM reasonably captures all costs associated with the Bill? If not, which other costs might be incurred and by whom?

Answer: As far as the Bill stands costs seem to be captured, with reservations (see Q 5.)

10. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

Answer: To ensure that BSL is safeguarded as severely endangered language, there needs to be an urgent review of this Bill to (a) debate this issue in Westminster, as the Early Day

Motion 606, calls for (b) to understand the importance of the linguistic Language Planning methodology rather than simply a promotional exercise for BSL (c) learning from other sign languages' legislation, and many other reasons outlined already in our BSL Language Planning paper. DEX urges that we are involved in the next stage of discussion to outline our concerns, and share our findings with the Education and Culture Committee.

Please note that the Finance Committee has specific responsibility for scrutinising the costs of the Bill and so any responses to questions on the financial implications will be passed to that Committee for consideration.

Jill Jones, Chair

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