

BRITISH SIGN LANGUAGE (SCOTLAND) BILL

[AS AMENDED AT STAGE 2]

SUPPLEMENTARY FINANCIAL MEMORANDUM

INTRODUCTION

1. This supplementary Financial Memorandum has been prepared by the Non-Government Bills Unit, on behalf of the member in charge of the Bill, Mark Griffin MSP, to accompany the British Sign Language (Scotland) Bill following Stage 2 consideration of the Bill. It has been produced in accordance with Rule 9.7.8B of the Parliament's Standing Orders. It does not form part of the Bill and has not been endorsed by the Parliament. It should be read in conjunction with the original Financial Memorandum and other accompanying documents published to accompany the Bill.

2. The purpose of this supplementary Financial Memorandum is to set out the new expected costs associated with the Bill following Stage 2 amendments.

SUPPLEMENTARY INFORMATION

3. The Bill was amended at Stage 2 in a number of areas, summarised as follows:

- the length of the planning and review cycle was uncoupled from parliamentary sessions, and extended to no more than six years,
- the first BSL National Plan will now be published within two years of the Bill being enacted, rather than one year in the Bill as introduced,
- the list of public bodies subject to the Bill is extended,
- the BSL National Plan will now cover all national public bodies who are accountable to the Scottish Ministers, rather than requiring all public bodies to publish their own plan,
- specific reference to require the Scottish Government to consult with deafblind people who use BSL on the BSL National Plan is included,
- a progress report rather than a performance review will be required and the reference to individual authorities is removed so that the 'naming and shaming' approach which appeared in the Bill as introduced is removed,
- the first progress report is to be published within three years of the first BSL National Plan and subsequent progress reports are to be published at least every six years thereafter,

- there will be a requirement to have all draft and final BSL plans and the draft and final national progress report translated into BSL,
- the requirement to assign a lead minister has been removed.

4. The costs of the Bill as amended are set out below. In addition to providing revised costings arising from these amendments, the Scottish Government has provided costs for supporting public bodies to improve (Table 3) and increasing the capacity of interpreting services to meet increased demand as a result of the Bill (Table 5) which are felt to be essential to the implementation of the Bill.

ESTIMATED COST OF IMPLEMENTING THE BILL AS AMENDED

Production of plans and contribution to the progress report by 106 listed authorities required to publish their own plans

5. The Scottish Government, in drawing up the revised costings for the production of plans and progress reports (see Table 1 below) has used the same estimates and assumptions for the production of plans as were contained in the original Financial Memorandum published alongside the Bill, which allowed for £20k-£30k per authority per session. The upper estimate was used – i.e. £30k per authority per session since the next planning cycle will be six years in length, in the Bill as amended. Table 1 includes a small cost to the Scottish Administration. This covers the cost of two non-ministerial departments (Office of the Scottish Charity Regulator and Scottish Housing Regulator) who are part of the Scottish Administration but will be required to publish their own plans. This is because they are independent regulatory bodies and cannot be directed by Ministers.

6. The Scottish Government disagreed with the original Financial Memorandum, which assumed that the costs of producing plans in subsequent sessions will be lower. These revised figures have assumed the same cost for each session because authorities will need to take forward the actions set out in their plans on an ongoing basis, and address recommendations from the progress report in subsequent plans. They will also need to continue to engage with BSL users in each session.

Table 1: Production of plans and contribution to the progress report by 106 listed authorities required to publish their own plans

Production of BSL plan and contribution to progress report	Cost by financial year (£) (2015/16-2020/21)	Cost over six year cycle (£) (2015/16-2020/21)
Total for all 32 local authorities	160,000	960,000
Total for 72 other bodies	360,000	2,160,000
Scottish Administration (2)	10,000	60,000
Total	530,000	3,180,000

Production of National Plan (covering 41 public bodies) and national progress report

7. The Scottish Government’s cost estimates for producing a single National Plan covering 41 public bodies and the national progress report (see Table 2 below) are drawn from its

assessment of the co-ordination and drafting work that will be required as well as significant activity to engage with BSL users (including deafblind BSL users) on the draft and final National Plan and on the progress report. Account is also taken of the work to establish and support the BSL National Advisory Group which will provide advice to the Scottish Ministers on the content of the National Plan.

8. With the exception of the co-ordination role which includes the cost of additional Scottish Government staff time, all of the activities set out in Tables 2 and 3 will be delivered by the Deaf Sector Partnership made up of five Deaf organisations in the third sector, under the direction of the Scottish Government Equality Unit. The Deaf Sector Partnership will provide support to the national public bodies covered by the National Plan, and to listed authorities required to publish their own plans.

9. The cost of staff time for the public bodies for contributing to the National Plan is not included in these figures. Given the Scottish Government’s significant role in co-ordinating this work and producing the National Plan, the public bodies’ contribution is estimated to be limited to less than five days of one member of staff for each of the 41 public bodies covered (plus the Scottish Government and its Executive Agencies) during the six year cycle. In the Scottish Government’s view, this can be subsumed within current activities at no extra cost. It should be noted, however, that the figures do not include an estimate for staff time or other resources for national public bodies to implement the National Plan, as this falls outside the scope of the Bill.

10. The second row of Table 2 details the new additional cost of supporting delivery of the amendments (at sections 2, 3 and 5A) which place a duty on the Scottish Government to ensure engagement with deafblind BSL users in the implementation of the Bill.

11. Although the National Plan covers the Scottish Administration, NDPBs and NHS Boards with a national remit, the Scottish Government will cover the costs of developing the National Plan. Therefore all the costs in Table 2 will fall to the Scottish Administration.

Table 2: Production of National Plan (covering 41 public bodies) and national progress report

	Cost by financial year (£) (2015/16-2020/21)	Cost over six year cycle (£) (2015/16-2020/21)
Consulting with BSL users on National Plan and progress report	100,000	600,000
Supporting engagement with deafblind BSL users	70,000	420,000
Engaging with national bodies covered by plan	25,000	150,000
Establishing/supporting National Advisory Group	25,000	150,000
Co-ordination (SG staff time)	35,000	210,000
Total cost to the Scottish Administration	255,000	1,530,000

Supporting public bodies to improve engagement

12. The costs set out in Table 3 are for supporting public bodies to improve their engagement with their Deaf and deafblind BSL users, providing practical help to public bodies developing their plans and, ultimately, helping them to improve delivery of information and services in BSL.

13. The figures set out in Table 3 relate to the provision of a central resource to assist all public bodies to meet their duties under the Bill. There will be a benefit for all public bodies, including local authorities and other public bodies as it will reduce their own cost burden but the actual costs will fall to the Scottish Administration.

Table 3: Supporting public bodies to improve engagement

	Cost by financial year (£) (2015/16-2020/21)	Cost over six year cycle (£) (2015/16-2020/21)
Supporting engagement between public bodies and BSL users	100,000	600,000
Supporting public bodies to improve	100,000	600,000
Total cost to the Scottish Administration	200,000	1,200,000

Cost of translating draft and final plans and the national progress report into BSL, and financial year in which costs will fall

14. Table 4 (rows 1 and 2) sets out the cost of translating the draft and final National Plan covering 41 public bodies and the cost of translating the draft and final progress report covering all public bodies. Although the National Plan and the progress report cover a wider range of public bodies than just the Scottish Administration, the work will be co-ordinated by the Scottish Government and so the costs will fall to the Scottish Administration.

15. The Scottish Government expects that the National Plan will be significantly longer and has estimated for the cost of translating a draft and final document of 40-50 pages in length. The costs of translating the national progress report into BSL have also been estimated. This is also anticipated to be a longer document of 40-50 pages. These figures are set out in the first and second rows of Table 4.

16. The Scottish Government estimates an average length of an authority BSL plan as being 10-12 pages, and a rough cost for translation of a document of that length into BSL (around £3,150 per authority). These estimates include the costs of translating both draft and final plans into BSL and are set out in the third row of Table 4.

17. The Memorandum¹ which set out the Government’s formal position on the Bill at Stage 1 suggested that translation costs should be subsumed by the relevant authority since the

¹ The Government’s Memorandum was published as a paper to the Education Committee on 17 March 2015.

Available at:

http://www.scottish.parliament.uk/S4_EducationandCultureCommittee/Meeting%20Papers/EC_Committee_papers_2015.03.17.pdf [accessed August 2015]

requirement does not substantially exceed their current duties under the Equality Act 2010. On further reflection, the Scottish Government has allowed for the upper estimates (£3,150) for each listed authority to translate its draft plan and the same to translate its final plan into BSL and, as the amendment requiring translation of plans does represent a new cost arising as a direct result of the Bill, the Scottish Government has included this in the third row of Table 4.

Table 4: Cost of translating draft and final plans and the national progress report into BSL, and financial year in which costs will fall

	Total cost during six year cycle (£)
Total cost of translation to the Scottish Administration This sum breaks down as follows: Cost of translating draft and final National Plan covering 41 public bodies (SG) (2017-18): £25,000 Cost of translating draft and final progress report covering all public bodies (SG) (2020-21): £25,000 Cost of translating draft and final authority plans for the two non-ministerial departments which form part of the Scottish Administration: £12,600	62,600
Total cost of translating draft and final authority plans for 32 local authorities	201,600
Total cost of translating draft and final authority plans for 72 other listed authorities (excludes the two non-ministerial departments which form part of the Scottish Administration).	453,600
Total cost over six year cycle (£) (2015/16-2020-21)	717,800

Increasing the capacity of interpreting services to meet increased demand as a result of the Bill

18. The SG is currently supporting an online interpreting pilot called contact SCOTLAND which enables Deaf BSL users to communicate with public services by phone, using remote interpreters. During the pilot, demand for the service has increased and the Scottish Government anticipates that it will further increase once the Bill is passed. The cost set out in the first row of Table 5 is based on current investment by the Scottish Government; it is anticipated that this would be required if the pilot were to be rolled out on a permanent basis.

19. The Scottish Government expects that interpreting and translation services will experience increased demand as a result of the Bill and a modest investment has been included in the second row of Table 5 which will to help boost the supply of qualified and registered interpreters and translators in Scotland. Tentative discussions have been held with key agencies about how this investment could be utilised which will be further progressed depending on the outcome of the spending review.

20. The figures in Table 5 relate to the provision of a central resource to assist all public bodies to meet their duties under the Bill. There will be a benefit for all public bodies, including

local authorities and other public bodies as it will reduce their own cost burden but the actual costs will fall to the Scottish Administration.

Table 5: Increasing the capacity of interpreting services to meet increased demand as a result of the Bill

	Cost by financial year (£) (2015/16-2020/21)	Cost over six year cycle (£) (2015/16-2020/21)
Supporting the development of a shared national system for online interpreting	200,000	1,200,000
Increasing the capacity of the interpreting profession	185,000	1,110,000
Total cost to the Scottish Administration	385,000	2,310,000

21. Table 6 combines the figures in each of the preceding tables and summarises the total costs of implementing the Bill as amended at Stage 2 on an annual and cyclical basis broken down by activity.

Table 6: Total cost of implementing the BSL Bill over a six year cycle (2015/16-2020/21)

	Cost by financial year (£) (2015/16-2020/21)	Cost over six year cycle (£) (2015/16-2020/21)
Preparation of National Plan covering 41 public bodies (Table 2)	255,000	1,530,000
Preparation of authority plans covering 106 public bodies (Table 1)	530,000	3,180,000
Supporting public bodies to improve engagement (Table 3)	200,000	1,200,000
Translation of draft and final plans and progress report (Table 4)	Variable (see table 4)	717,800
Increasing the capacity of interpreting services (Table 5)	385,000	2,310,000
Total	1,370,000 plus a variable annual figure for translation, as set out in Table 4	8,937,800

22. Table 7 sets out the total likely annual costs for Scottish Administration, local authorities, and other listed authorities for each year and for the complete six year cycle following enactment of the Bill.

Table 7: Estimate of total costs, by Scottish Administration, local authorities, and other bodies

	Cost by financial year (£) (2015-16 – 2020-21)	Cost over six year cycle (£) (2015-16 – 2020-21)
Total cost for the Scottish Administration	850,000	5,162,600
Total cost for all local authorities	160,000	1,161,600
Total cost for other bodies	360,000	2,613,600
Total cost	1,370,000 plus a variable annual figure for translation, as set out in Table 4	8,937,800

Table 8: Estimate of total costs, by financial year (£)

2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	Total per 6 year cycle
1,370,000	1,370,000	1,395,000	2,037,800	1,370,000	1,395,000	8,937,800

23. Table 8 sets out the overall total likely annual costs across all activity areas for each year in the first six year cycle following enactment of the Bill. In 2017-18, £25,000 is included in the overall figure for translating the draft and final National Plan into BSL. In the 2018-19 financial year, £667,800 is included for translating draft and final authority plans into BSL and in 2020-21, £25,000 is included for translating the draft and final national progress report into BSL.

CONCLUSION

24. The original Financial Memorandum estimated the total cost per parliamentary session to be in the range of £2,380,000 – 3,590,000 in the first session and £1,210,000 – 2,400,000 in subsequent sessions.

25. The revised total costs per cycle (as set out in Table 8) are higher in this supplementary memorandum as the Bill as amended covers a greater number of public bodies and it makes translation of the plans and reports mandatory. Furthermore, the cost of supporting capacity of interpreting services, supporting engagement with deafblind BSL users and of supporting public bodies to develop plans is now included as this is felt to give a more complete picture of the overall financial impact of the Bill.

This document relates to the British Sign Language (Scotland) Bill as amended at Stage 2 (SP Bill 55A (Revised))

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