



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Tuesday 5 May 2015

Session 4

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# Scottish Parliament

Tuesday 5 May 2015

*[The Presiding Officer opened the meeting at 14:00]*

## Time for Reflection

**The Presiding Officer (Tricia Marwick):** Good afternoon. The first item of business this afternoon is time for reflection. Our time for reflection leader is Ms Janie O'Neill, who is the headteacher of Coatbridge high school.

**Ms Janie O'Neill (Headteacher, Coatbridge High School):** Presiding Officer, members of the Scottish Parliament, thank you for the opportunity to address you all today.

Coatbridge high has more than 1,100 pupils, and we are honoured to be an integral part of the local community. I have been the headteacher at Coatbridge high for four years, and I have a family connection with the school as my late grandfather Alec Struthers was principal teacher of modern languages there in the 1970s. He is still well remembered by relatives of current pupils for the copious notes that he issued on a relentless basis.

My grandfather would be interested to walk into today's classroom to be met by interactive smart boards and pupils on smartphones and iPads. Yet is there really such a difference between the morning prayers that he delivered in French and German to help his pupils to prepare for their exams, and the active learning methodologies that we use today? I believe that, while our education system has changed in many ways, our core values and beliefs as educators remain the same.

I was reminded of that just before Easter, when I received a parcel from the daughter of a former school captain, John Brackenridge, who started at Coatbridge secondary school in 1934. Included in the parcel was the 1938 school magazine, with a front cover designed by John and costing 3d. The contents of the magazine reinforced to me how little the commitment and dedication of teachers in Scotland has changed. The pages have many stories of pupil achievements, with various similar clubs on offer, although I am not sure what the uptake would be now for bulb growing. Like our current newsletter, the foreword is by the headteacher, and a similar theme was relayed to the pupils in 1938, encouraging them to take a positive attitude to their schooling. The rector at that time wrote:

"Coatbridge Secondary School is providing you with the means by which interests can be aroused and conditions in which social as well as personal qualities can be developed. What are you going to do about it? It rests with

you whether the school is merely going to be a place of stone and mortar or a living centre full of energy and hope to whose inspiration in years to come you will look back with affection and gratitude."

As lifelong learners, we can all reflect on and consider what we will make of the opportunities that come our way. I am reassured to know that we maintain those values 80 years on.

## Topical Question Time

14:03

### Colonsay, Coll and Tiree (Lifeline Flights)

#### 1. Michael Russell (Argyll and Bute) (SNP):

To ask the Scottish Government what action it will take to secure lifeline flights from Oban to the islands of Colonsay, Coll and Tiree, which are to be withdrawn by the operator from 16 May. (S4T-01005)

**The Minister for Transport and Islands (Derek Mackay):** First, I make it clear that the process that is being carried out by Argyll and Bute Council does not affect our own public service obligation routes. We will be increasing frequency on the Glasgow to Barra, Tiree and Campbeltown routes from October, following discussions with the communities concerned. We will also take delivery of the first of our two new aircraft for those routes this Thursday.

In respect of the services that operate in Argyll and Bute, Transport Scotland officials have spoken with the council and with Hebridean Air Services. We understand that both parties have reached satisfactory compromises on a number of points but have not yet reached a final agreement. I am informed that, in the absence of an agreement, the current operator, Hebridean, has had to suspend ticket sales for flights after the end of the current contract period. Although the council indicated on Saturday that it would run a new tender exercise, I understand that it is still exploring options to avoid that, and to avoid any break in services. I know that both parties recognise the lifeline nature of the services and I hope that they can—and I urge them to—reach an agreement shortly.

**Michael Russell:** The minister will know that the dispute is totally unnecessary. I am reassured by his answer. Hebridean Air Services is keen to continue negotiating, but the council issued what can only be described as an inflammatory press release on Saturday, in which it announced a new tender process. Is the minister aware that, as recently as 7 April, Hebridean Air Services was named as the preferred bidder, with a full-marks score for pricing, and that, on 24 April, the council said that it was looking forward to a mutually agreed solution? How can it be that, on Friday afternoon at 4.45, Argyll and Bute Council issued an email to the company that introduced new conditions and refused to accept the tender, given that the service had to be suspended on 2 May under European law? Was that a reasonable and responsible thing for any council to do, given the lifeline nature of the services?

**Derek Mackay:** As in any procurement process, the council must operate within the law. It must also consider any potential state aid implications with subsidies of this nature. Ultimately, the council must decide on a course of action, weighing up the advice and the benefits that the services bring to remote communities. In essence, it is a judgment call for the council taking all the factors into account.

I appreciate Michael Russell's concern about the matter. He has raised the issue with me and I have had a conversation with the council leader and the chief executive. It would have been wrong of me to interfere with a procurement process, but I think that Mr Russell is absolutely right to urge an urgent and satisfactory resolution so that the communities concerned will not be adversely affected. I understand that we appear to be getting closer to an agreement. That being the case, we would all urge Argyll and Bute Council and Hebridean Air Services to reach that resolution and satisfy the local community.

**Michael Russell:** The gap between the parties is £43,000 on a tender worth £700,000, the price of which has remained unchanged since 2001. There is a solution in place that is not affected by state aid—that is a Harry Potter-type spell that Argyll and Bute Council keeps weaving whenever anybody challenges it. I ask the minister to ensure—if he can—that his officials, particularly those in Transport Scotland, play a positive role in helping Argyll and Bute Council to be where it should be: at the negotiating table, ensuring that the matter is resolved before the withdrawal takes place.

**Derek Mackay:** I am more than happy to agree to that. I said to the leader of the council and the chief executive last week that, if our officials in Transport Scotland can assist—not prejudicing any procurement exercise—I would be content for them to do so. Once again, I offer civil servants and officials to support the process as proactively as possible—indeed, to provide brokerage if that is required.

**The Presiding Officer (Tricia Marwick):** Two members want to ask supplementary questions. I say to both of them that the question is about secure lifeline flights from Oban to the islands of Colonsay, Coll and Tiree. Provided that that is what their supplementary questions are about, I am happy to call them.

**David Stewart (Highlands and Islands) (Lab):** I fully share Mr Russell's concerns. Will the minister confirm that if a public service obligation is not used for 12 months, it lapses? Will he ask his officials and Argyll and Bute Council to investigate the use of the regional air connectivity fund, which has helped routes in the Highlands and Islands previously? Does he share my view

that a new European Commission-compliant route development fund will help lifeline services in the future?

**Derek Mackay:** I am more than happy to explore all those points and provide more detail for the member. However—to be frank about the matter—I suspect that the current situation is more to do with the negotiating process than with any other technical matter. Do I think that there is a better way in which to handle such a procurement exercise? The Government has learned lessons from the way in which it has handled its own procurement, but the matter is outwith our control and is about the end of negotiations. I will get back to Mr Stewart with more detail on the areas that he has touched on in his question.

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** Is the minister aware that Hebridean Air Services uses a different kind of fuel for its aircraft from that which is used for almost all other air services in Scotland? Only the Orkney and Shetland services use similar fuel, and only they pay duty on that fuel—no other air service does. That is probably a five-figure sum per year for Hebridean Air Services. Will the minister raise that anomaly with United Kingdom ministers the next time he has the opportunity to talk to them, so that the playing field will be levelled a bit for Hebridean Air Services—and, indeed, for the Orkney and Shetland services?

**Derek Mackay:** I can confirm to the chamber that I was not aware of the fuel specification of the aircraft in question. I do not have the information that the member requires to hand, but I am happy to take his question away and supply him with further information.

## British Sign Language (Scotland) Bill: Stage 1

**The Presiding Officer (Tricia Marwick):** The next item of business is a debate on motion S4M-13046, in the name of Mark Griffin, on the British Sign Language (Scotland) Bill. Members may wish to note that British Sign Language interpreters are present in the chamber and will be signing the debate. Members may also wish to note that the Parliament today received an award from Action on Hearing Loss of a charter mark, which is a nationally recognised accreditation for organisations that offer excellent levels of service and accessibility for people who are deaf or have hearing loss.

14:10

**Mark Griffin (Central Scotland) (Lab):** I congratulate the Parliament on the excellent service that I have always found that it provides for constituents who are deaf and who use BSL as their first language, and I congratulate you on the award that the Parliament has received, Presiding Officer.

For me, this is a happy day. It is a great honour to open the debate on the British Sign Language (Scotland) Bill. I thank the Education and Culture Committee, the Finance Committee and the Delegated Powers and Law Reform Committee for their considered scrutiny of the bill, and I thank all those who have worked so hard to get the bill to this point.

I am delighted with the reaction that there has been to the bill. It is clear from the many submissions that the Education and Culture Committee received that there is a desire for a piece of stand-alone legislation that will promote awareness of and protect the language and its culture.

I thank the Minister for Learning, Science and Scotland's Languages, Dr Alasdair Allan, and his officials for the open and constructive discussions that they have had on the bill. I look forward to working with them in the event that we have—as I hope we will—a successful vote at 5 o'clock.

Members may recall that, back in 2010, the former MSP Cathie Craigie consulted on a proposed British Sign Language bill. Although the aim of my bill differs from that of the one that she proposed to introduce, the work that she and the cross-party group on deafness did went a long way towards informing the bill that we have before us.

British Sign Language is the first language of many deaf people in Scotland. BSL is a visual-gestural language that uses space and

movement—the hands, face and head are used to communicate. It has a different grammatical structure from English. Across Scotland, BSL is the indigenous manual language in the same way as English is the indigenous spoken language. Deaf people who use BSL are part of a recognised cultural and linguistic minority and, unlike people who speak other minority languages, many deaf sign language users cannot learn to speak English, as they cannot hear the language.

The origins of forms of signed language can be traced back to the seventh century. In 1886, “Doctor Marigold’s Prescriptions”, a short story penned by Charles Dickens, was published. The story is about a deaf girl called Sophy who is rescued from her violent father by a man who adopts her and then devises a form of sign language to enable him and Sophy to communicate with each other.

Before I discuss the aim of my bill in more detail, I will mention a specific group of BSL users who use BSL in a different way—people in the deafblind community. It is estimated that 11 per cent of deafblind people use BSL as their first language, and they of course access the language in a distinctive way. There are different names for that method, such as hands-on signing, tactile BSL and deafblind manual, to name but a few. I assure members of the deafblind community that I consider the needs of all BSL users to be equally important, regardless of the way in which they access the language.

At his last appearance before the Education and Culture Committee, the minister stressed that the deafblind community’s needs would be considered in the implementation of the bill and that he was determined that the deafblind community would be represented on the advisory group that will be set up if the bill is passed. I hope that that will reassure members of the deafblind community that their needs have been considered at all stages of the bill’s development and that they will continue to feature prominently in its implementation.

I have discussed with Deafblind Scotland the possibility of an amendment to the bill to guarantee the involvement of deafblind BSL users, and we are actively looking at that as part of stage 2 amendments. We will look to lodge such an amendment once its possible legal consequences have been fully considered.

The bill’s aim is to encourage the use of BSL in Scottish public life and raise awareness of the language among the hearing population. The bill will not give BSL users any rights or impose service obligations on authorities. As such, it is not directly about the service needs of BSL users; its focus is more on promoting the language and all the benefits that will flow from that.

Unfortunately, there remains a lack of awareness and understanding of BSL among the hearing population. That means that deaf people have less access to the same information and services as hearing people, which can often lead to their feeling marginalised, shut out, misunderstood and isolated.

By the same token, society is missing out on the contribution that deaf and deafblind people can make, because they do not have the same access to education and the workplace as hearing people do.

**Mary Scanlon (Highlands and Islands) (Con):**

Given that 90 per cent of deaf children are born to hearing parents, would the member support an amendment that would support family sign language provision? There is no doubt that, if the family can sign, that is an enormous help to the deaf child. There is no Government provision for family needs for BSL.

**Mark Griffin:** That is obviously a big gap in service provision. As Mary Scanlon pointed out, the vast majority of deaf children are born to hearing parents and have hearing siblings and grandparents. I think that there was a commitment to addressing that gap in most if not all parties’ manifestos for the 2011 Scottish Parliament election. I hope that the bill acts as a vehicle for the Government to implement the pledge that was in its manifesto.

In its response to the Education and Culture Committee’s call for written evidence, Children in Scotland said:

“Acknowledging BSL in the strategic approach to the early years is a critical aspect of addressing the inequalities currently experienced by deaf children and young people not least, potentially having a positive impact on reducing the attainment gap.”

That attainment gap is all too evident here in Scotland in the amount of standard grades and highers that deaf pupils obtain and the amount of deaf young people who enter the jobs market. I hope that the bill will make a difference to that.

The minister helpfully encapsulated the purpose of my bill when, at the evidence session on 17 March, he said:

“Too often we talk about BSL users only as recipients of public services ... As a country, we will benefit from their contribution if we protect, promote, support and value their language and culture.”—[*Official Report, Education and Culture Committee*, 17 March 2015; c 3.]

To be honest, I could not have put it better myself, which is why I used that quote. I hope that I have not stolen the minister’s thunder in his speech.

According to the most recent census, there are more than 12,000 BSL users in Scotland. Some people think that that figure might be suppressed because not all deaf BSL users use written



English, so they might not be able to complete the census form.

It is estimated that, in Scotland, 120 children a year are born with a hearing loss and, as Mary Scanlon pointed out, the majority of them are born to hearing parents. A child being born with a hearing loss can have a huge impact on parents, guardians, brothers and sisters, cousins and other family members who are hearing.

A scoping study that Marian Grimes carried out in 2009 on behalf of the Scottish sensory centre in conjunction with the National Deaf Children's Society reported that only 8 per cent of teachers could sign. That means that the other 92 per cent could not sign, which raises the issue of how deaf children are accessing their education. We need legislation that encourages education providers to think about how deaf children can be educated in the language and culture to which they belong. I hope that one of the bill's outcomes will be a greater uptake of the language and greater educational attainment by deaf pupils, so that they can participate more fully in daily life. As things stand, we are all missing out on what deaf and deafblind people have to offer.

Would it not be fantastic if BSL users could access healthcare and housing advice, report a crime at a police station and get advice from their local authority in their own language because the professional who was delivering the service was deaf or deafblind? That is why educational attainment is critical. Data from the deaf achievement Scotland project shows that, in 2010, the unemployment rate for young deaf people aged 16 to 24 was 49 per cent, compared with 19 per cent for all young people. We all have to do better than that; otherwise, we really are missing out.

As part of its consideration of my bill, the Education and Culture Committee set out to ensure that as many BSL users as possible were able to contribute, and it did that by setting up a Facebook page. The use of digital media as an engagement tool is of particular importance to the deaf community, as it allows people to post comments in video and text formats. Since that Facebook group was launched back in December, well over 2,000 people have joined—close to 2,500 people, I think—and hundreds of comments have been posted, many in the form of BSL videos. I thank the committee for its commitment to engaging with members of the deaf community and for giving them the means to participate in a consultation process that is so important to them. I also thank all the people who responded to that consultation. The committee's convener acknowledged how important the views of BSL users were in enabling the committee to scrutinise the bill.

During its scrutiny of the bill, the committee was keen to pin down exactly what is meant by the phrase "promotion of BSL", so I thought that it would be helpful if I clarified what I hope to achieve in relation to that. For me, promotion means approaching BSL as a language and not as a communication tool for the disabled. It means that the language would have a status equal to that of the Gaelic language and would command the same respect and appreciation of its long history and culture. To some extent, we are all familiar with Gaelic because of dual language signposts and because Gaelic appears on many websites. I would like the same for BSL.

I welcome the Government's support for the bill. I have been having a constructive dialogue with the minister and officials and I look forward to seeing the detail of the amendments that the minister spoke about in committee.

I thank everyone again for their contributions and their consensual approach. I look forward to hearing from members in the debate and to working with the committee, the minister and his officials to further refine the bill, should it be supported today. I am pleased to move the motion.

I move,

That the Parliament agrees to the general principles of the British Sign Language (Scotland) Bill.

**The Presiding Officer:** I call Stewart Maxwell to speak on behalf of the Education and Culture Committee.

14:25

**Stewart Maxwell (West Scotland) (SNP):** Thank you, Presiding Officer. I, too, congratulate the Parliament on the award that it has just received.

I congratulate Mark Griffin on getting this far. I know what it is like trying to get a member's bill through Parliament, and he has done a great job. It was a lot of hard work, so well done to Mark Griffin.

The fact that the Education and Culture Committee unanimously supports the general principles of the British Sign Language (Scotland) Bill reflects the value that we as a Parliament place on protecting Scotland's linguistic minorities. Before I talk about the committee's findings on the specifics of the bill, I want to say a bit about our approach to the bill and, in particular, our engagement with the BSL community.

Throughout our scrutiny of the bill we sought to engage directly with BSL users and the wider deaf and deafblind community. We wanted to understand the challenges experienced by people whose first language is BSL, to consider what

impact the BSL bill might have on their lives, and to discuss the importance and benefits of using BSL.

We visited Windsor Park school and sensory service in Falkirk, where we met deaf pupils who attended the secondary school. The pupils told us that BSL was important in helping them to communicate with their classmates and friends, which helped them to feel included and involved. We also met members of the sensory services team based in the Forth Valley sensory centre and discussed some of the challenges around the provision of education for deaf pupils.

**Dennis Robertson (Aberdeenshire West) (SNP):** The member is aware that we have signers in Parliament today. Will he perhaps slow down slightly in order that the interpreter can keep up?

**Stewart Maxwell:** I am duly chastised by Dennis Robertson for the speed at which I speak. I have to strike a balance and get through all of what I have to say today. Hopefully, the signers can keep up.

In Edinburgh, we held an open meeting at Deaf Action, where we discussed the bill with adult BSL users. There was enthusiastic support for the bill, even though it was seen as a stepping stone in a long-term project to improve access to services for BSL users.

To enable people to share their views in BSL, we set up a Facebook group, which provided an easy way for people to communicate by posting BSL video clips. The group has attracted more than 2,300 members and been shown to be a good example of how public bodies can be inclusive and accessible for deaf people.

Throughout our work, we published key documents in BSL and our evidence sessions were broadcast with live BSL interpretation. The views of the deaf community have been extremely valuable in helping us to understand the context of the bill. We are grateful to everyone who submitted views and evidence to us.

I now turn to the committee's findings. First, I am grateful to the minister for his response to our report, which he has helpfully provided in time for the debate. While everyone who gave evidence to us agreed with the aim of the bill—to raise the profile of BSL—there were different views about whether the bill was the best way to achieve it. Some public authorities told us that they felt that the existing legislation was sufficient, and they therefore opposed the bill. Most cited the Equality Act 2010—which provides protection for people with certain characteristics, including a disability—as the appropriate mechanism for addressing the communication needs of deaf people. It was suggested that BSL users were already protected under the act, as employers and service providers

have an obligation to anticipate the needs of employees and service users and to make reasonable adjustments for them.

We explored that viewpoint in detail during our open meeting at Deaf Action and in our discussions with witnesses. From those discussions, it became clear to us that the bill is about promoting BSL as a minority language. That is an entirely different approach from using legislation that protects deaf people based on the view that they are disabled.

The British Deaf Association put it succinctly in saying that the Equality Act 2010

“accords rights to individuals to protect them from discrimination but it does not protect or promote BSL as a language.”

The bill is an important step in helping to meet the linguistic needs of BSL users in the same way that previous legislation did for the Gaelic language in Scotland. That is distinct from the protection that is offered by existing equality legislation, which identifies BSL users as disabled.

During our scrutiny process, we were also acutely aware that the bill does not impose obligations on service providers or confer rights on BSL users. We were therefore keen to find out whether the BSL community felt that the bill goes far enough. The clear message that came back was that it is a positive first step to improving services for BSL users.

The preparation of BSL plans is the primary means by which the bill seeks to promote BSL, so those plans are crucial to the delivery of the bill's objectives. From the views that we received, there was general agreement that the planning framework that is proposed in the bill—in which the Scottish Government's national plan sets out priorities that inform and guide the lower-level authority plans—is a sensible and strategic model. For the committee, the most important thing is whether the BSL plans deliver the improvements that the bill aims to achieve, which are to heighten the profile of BSL and to increase its use in the delivery of services. The quality of the national plan will, of course, be crucial in that respect, as it will set the tone for the authority plans.

As I mentioned earlier, we received lots of views and comments on the bill via Facebook and during our informal discussions. BSL users told us about the challenges that deaf people experience when they are accessing services, and they called for BSL plans to address the following key priorities: the promotion of BSL in an education setting; improving access to healthcare and social care for BSL users; improving employment opportunities for BSL users; providing early years support for deaf children and their families; enabling the inclusion of BSL users in cultural and leisure

activities; and recognising the particular communication needs of deafblind people and ensuring that their interests are taken into account.

If the bill is passed, the Scottish Government and public authorities must ensure that their plans are meaningful and reflect the needs of the BSL community. Effective engagement and consultation with BSL users will be crucial to the development of meaningful plans, and we strongly agree with the view that the bill should require BSL plans to be made available in BSL. Frankly, it is inconceivable that plans would not be made available in BSL. I note the Scottish Government's view that the cost of translating BSL plans would now be classed as an additional cost of the bill rather than be subsumed under the existing equality duties, as had been previously suggested.

We also welcome the Scottish Government's proposal to establish an advisory group that will provide advice to the Scottish ministers. As the national plan will set the framework for action on BSL, the advisory group will have a key responsibility in ensuring that the bill is implemented and meets the needs of BSL users. It will be important to ensure that the membership of the advisory group reflects the interests of the BSL community and supports the minister's commitment to ensure that BSL users, including deafblind BSL users, are represented on the group. Their expertise and knowledge will be vital in ensuring that the advisory group provides effective advice and guidance to ministers.

In addition, we suggested in our report that the group's expertise could be of assistance to a wide range of public bodies, not just the Scottish Government, and we would be keen for it to act as a resource that is available to all listed authorities under the bill. We very much welcome the minister's suggestion that that will indeed be the case and that the advisory group will provide guidance on the style and content of authority plans.

The committee supports the proposal to extend the scope of the national plan to include public authorities with a national function that are accountable to the Scottish ministers. We recognise that that will lead to fewer plans being produced and reduce bureaucracy. In our report, we cautioned that incorporating the plans into a single national plan must not dilute public authorities' accountability for delivering the actions that are included in the plan. I note the minister's comments that, in his view, that approach would strengthen the level of accountability and not dilute it.

The important thing for the committee is whether the bill will help to deliver improvements for BSL users. In addition to introducing BSL plans, the bill proposes a performance review that is to be

carried out by the Scottish Government and laid before the Scottish Parliament. The performance review will provide a basis for the Scottish ministers and listed authorities to be held to account on their performance against the actions in their published plans. Therefore, the review element is central to the bill's success.

The information provided by listed authorities in their plans will be used to judge performance. However, as the first cycle of plans will not include such information, that will not take effect until the second performance review and beyond. As the minister has usefully indicated in his response to our report, an alternative approach to collecting information during the first cycle to inform the first performance review will need to be developed.

The Scottish Government has suggested moving away from what the bill describes as a "Performance Review" to what would instead be called a progress report. That is partly because of the Convention of Scottish Local Authorities concern that it would be inappropriate for the Scottish ministers to assess local authorities' performance as it

"suggests a top down, command and control relationship between the Scottish Government and local authorities rather than the partnership relationship which currently exists."

Although the committee understands COSLA's concerns, we did not arrive at a final position on the Scottish Government's proposal and asked for further clarity about how the progress report would operate. We look forward to receiving updates on that from the minister, which we will consider in the context of any amendments that are lodged at stage 2.

On the cycle for publishing BSL plans and performance reviews, the bill suggests that that should be done every parliamentary session. As a result, there are some fairly complex arrangements that take account of, for example, the early dissolution of the Parliament. Therefore, we agree with the Scottish Government that there would be merit in simplifying the process by decoupling the publication cycle from the parliamentary timetable. However, we did not arrive at a conclusion on what length the new cycle should be. Some people suggested to us that five years was too short; others were concerned that extending the cycle any further could mean the loss of more educational opportunities for deaf children. The minister is now proposing a cycle of six years, which we will consider at stage 2.

We accept that there would be benefits in allowing a longer lead-in time for the publication of the first national plan than the bill provides for. An extended timetable would allow the BSL national advisory group to be established, and I think it

likely that the committee would support such an amendment.

We, along with the Government, recognise that the bill could give rise to further cost implications, such as the costs in implementing the plans. Although there are likely to be additional costs, that is not a reason to oppose legislation that seeks to support the BSL community's communication needs. The minister has expressed a similar opinion.

I will mention briefly one other issue that is included in our report: the provision for a minister to be appointed with special responsibility for BSL. We are content with the Scottish Government's suggestion of removing that requirement on the basis of ministers' collective responsibility and the understanding that BSL sits within a ministerial portfolio.

The committee supports the bill's general principles and recommends that the Parliament agrees to them. It is clear that further work is going on behind the scenes to give effect to some of the proposed changes that Mark Griffin and I have highlighted and any that the minister may mention in his contribution.

The committee welcomes that the Scottish Government and the member in charge have shown willingness to work together to develop the bill. We look forward to considering any amendments that are lodged at stage 2.

14:38

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** I, too, congratulate Mark Griffin on proposing the bill and on his positive approach to its development. I also thank Cathie Craigie, whose early work helped to bring the bill to fruition.

It is important to acknowledge that the bill has huge support from MSPs across the political parties and, I believe, from the BSL community, which responded in vast numbers to the consultation and the Education and Culture Committee's call for evidence.

I pay tribute to how the committee engaged with the BSL community as part of its scrutiny of the bill. That included setting up a BSL bill Facebook group, which has more than 2,000 members, and accepting as evidence BSL video clips that were submitted on the Facebook page. That ensured that the stage 1 process was accessible and engaging for the citizens of our country who use BSL.

As we have heard, the Scottish Parliament has been applauded for the approach that it has taken, and rightly so. I, too, congratulate and thank the committee convener, Stewart Maxwell, the deputy

convener, Siobhan McMahon, and all the other members for their detailed and careful consideration of the bill.

As members will be aware, the Scottish Government fully supports the bill. We have suggested some changes that we think will improve it and which Mark Griffin has broadly accepted. I will describe the main changes in a moment, but first it is important for me to say clearly that the Scottish Government recognises the cultural aspect of deafness and recognises British Sign Language as a language. We formalised that in a statement of recognition in 2011.

Last week, I had the opportunity to meet a number of deaf and deafblind BSL users, who described the marginalisation and exclusion that they face daily because they do not have linguistic access to information, services, opportunities and benefits—things that most of us take for granted. Profoundly deaf people who use BSL are, as we have heard, covered by the equality legislation and human rights conventions, which define them as having disabilities. However, the evidence suggests that, despite those legal protections, their needs are still not being met. Although there are examples of good practice to promote and support the use of BSL, we can and must do a lot more across the Scottish public sector to address the issue. I believe that that will benefit not only deaf BSL users, but all of Scotland.

The changes to the bill that we have suggested will, I believe, reduce the bureaucratic burden on public bodies and make the legislation more action orientated and outcome focused. The most significant change that we propose is that, rather than have all public bodies produce their own separate BSL plans, the national plan should cover all public bodies that have a national remit and which are directly accountable to the Scottish ministers.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** That is very much to be welcomed but, in my speech, I want to ask the minister a question about that, so I am preparing him for it. Which bodies in the list of public authorities in schedule 2, if any, would not be covered by the national plan?

**Dr Allan:** I am glad that the member has prepared me for that. All that I can do is to reiterate my point, which is that our view is that the bill and its schedule should outline the bodies that are covered and that they should all be covered by a national plan. If that does not answer the member's question—I can see from her face that it does not—I am happy to speak to her afterwards about that, or to correspond with her.

I turn to another important issue on which we can perhaps seek improvements together. We would like to enable a more co-ordinated strategic approach at national level. I believe that that will significantly reduce the burdens that are associated with the bill. We anticipate that the national plan will include general actions for all national public bodies but will also set out additional actions that are to be taken by specific national public bodies with responsibility for priorities that are included in the national plan.

As I said in the Government memorandum and in evidence to the committee, we intend to establish a BSL national advisory group, which will have a crucial role in advising the Scottish ministers on the content of the plan. Importantly, the group will include a significant proportion of deaf BSL users, including deafblind BSL users and families of deaf children who use BSL.

Effective engagement, when done properly, plays a key role in ensuring that public bodies are accountable to the communities that they serve. That is important for all public bodies but particularly for local authorities, which are not directly accountable to the Scottish ministers. Like the committee, we agree that engagement with the BSL community will help to ensure that the bill delivers real improvements. Indeed, we feel that that will be a more appropriate and effective approach to supporting on-going improvement than merely naming and shaming individual public bodies.

We agree that it will be important to regularly review activity against plans through a progress report that is informed by the national advisory group. We propose that that information should be collected through a self-assessment exercise with feedback from BSL users.

On the subject of authority plans, members might be aware that the Scottish Government has previously suggested that listed authorities should be required to publish BSL statements rather than plans as we felt that statements would be more streamlined and focused. However, on reflection, we accept the committee's view that, in reality, there is no legal difference between a statement and a plan. Instead, we will focus our efforts on using guidance to encourage listed authorities to ensure that their plans are concise and action oriented.

I firmly believe that engaging effectively with the BSL community in Scotland in the months and years ahead will be crucial to helping to ensure that, throughout the public sector, we focus on making changes that will have a positive and lasting impact on the lives of people in that community. We have recently announced funding of £390,000 from the equality fund to five deaf organisations to help that to happen. The

organisations are: the British Deaf Association, the Scottish Council on Deafness, Deaf Action, Deaf Connections and Deafblind Scotland. I thank them for playing what I am sure will be an invaluable role in the successful early implementation of the bill.

If we promote, protect, support and value British Sign Language and deaf culture, we will all benefit from the greater contribution that our deaf citizens can and want to make to our communities, our country and our economy. I look forward to what I hope will be a positive debate about the benefits of supporting British Sign Language, and the benefits of Mark Griffin's bill.

14:47

**Siobhan McMahon (Central Scotland) (Lab):**

It gives me great pleasure to open the debate for Scottish Labour and pledge our support for Mark Griffin's British Sign Language (Scotland) Bill, particularly during deaf awareness week, which we are now celebrating. I thank him for proposing this extremely significant bill and congratulate him on not only bringing it to the chamber but the way in which he has conducted himself throughout the bill's progress. It has not been the easiest of journeys, but I am sure that it will be worthwhile.

As a member of the Education and Culture Committee, I have heard at first hand evidence about why we require the bill and about its likely impact on people's lives if it fulfils its potential. The policy intentions of the bill are quite clear:

"the profile of the language will be heightened and its use in the delivery of services increased."

However, many people—especially public bodies—may see it as an equality issue that is based on disability.

Many times in their verbal and written evidence, witnesses referred to the Equality Act 2010 as a means of dismissing the bill. Some people believe that the Equality Act 2010 should be sufficient to deal with the provision of BSL. However, as Deaf Action said, many people

"are confused about what is covered under ... the Equality Act 2010, and ... do not consider deaf people to be disabled and therefore covered by that act."

The bill is necessary, as it is about a language and, as Deaf Action said,

"It is difficult to fit linguistic issues into legislation that is designed for disability."—[*Official Report, Education and Culture Committee*, 24 February 2015; c 2.]

Many deaf people do not see themselves as disabled and it would be wrong for public bodies to implement decisions that, in effect, do not recognise that view. As the Scottish Association of Sign Language Interpreters stated:

“BSL is a language, a culture and an identity”.—[*Official Report, Education and Culture Committee*, 24 February 2015; c 44.]

That point was further highlighted by the British Deaf Association Scotland, which told the committee in its written submission:

“speakers of other indigenous spoken languages are not required to self-identify as disabled to access their language rights.”

Therefore, it is only right that we treat deaf people as we would any other people who wish to put their language rights into law.

There are estimated to be between 6,000 and 10,000 BSL users in Scotland, and 120 children each year are born with severe or profound hearing loss. We have to start changing how we think about deaf people in our society. It is not acceptable that there are only 80 interpreters for the deaf community in Scotland. That is around one for every 100 deaf people, whereas in Finland—a country that already has a sign language act—the figure is one for every six.

It is horrifying to learn that hearing parents are finding it difficult to communicate with their deaf children because parents cannot get access to BSL classes. That represents a significant number of people across Scotland, given that 90 per cent of deaf children are born to hearing parents. The bill could ensure that those parents get the right help when they require it and that the barriers that are currently in place are removed.

Statistics from the Scottish Council on Deafness found that 77 per cent of BSL users who had visited hospital could not easily communicate with national health service staff. That is a deeply concerning figure, given that we all want our health service to serve everyone in our society. It cannot be acceptable that such a high number of people are unable to communicate with their health professional at such a worrying time in their lives. The bill could change that statistic for the better, if its policy intentions are delivered.

Another topic that the Education and Culture Committee and the Scottish Government have been focusing on is the attainment gap. From evidence on the bill, the committee found that the attainment gap for deaf learners is extremely worrying. Scottish Government figures for 2011-12 show that 36.4 per cent of deaf pupils attained highers or advanced highers, compared with 60.2 per cent of hearing pupils. Scottish Government data also shows that only 26 per cent of deaf school leavers are likely to go on to higher education, compared with 39 per cent of hearing school leavers. Further, as Mark Griffin said, the Grimes report in 2009 indicated that only 8 per cent of teachers of the deaf can sign. That is of major concern to many, and it is not something

that can be addressed by the bill directly, although having access to communication from teachers and other educational professionals may be of some help to many. That must be addressed by the Scottish Government's Education (Scotland) Bill, and I look forward to further discussions on the issue in the coming weeks and months.

Mark Griffin has previously spoken of the postcode aspect of service provision for BSL users. Deaf Services Lanarkshire is critical of current standards of care in its area, saying that

“the provision to the Deaf Community is Dismal”.

The bill would change that not only for the people of Lanarkshire but for people throughout Scotland.

I echo the committee's views when I say that the performance review is critical to the bill's success. The bill provides a mechanism for ensuring that progress is made in delivering tangible improvements for BSL users. I urge the Government to ensure that that aspect of the bill is implemented correctly and with the full support of stakeholders.

It has been made clear by Mark Griffin and organisations that support the bill that it is the first step on the journey to improving the lives of deaf people in Scotland. It will not solve all the problems that deaf people face but it represents an important first step, which the Parliament must take today.

As we heard in evidence, the bill will give deaf people the opportunity to

“access life through our own language”.—[*Official Report, Education and Culture Committee*, 24 February 2015; c 5.]

There can be no stronger point to end on. I look forward to supporting the bill at decision time.

14:52

**Mary Scanlon (Highlands and Islands) (Con):**

The Scottish Conservatives fully support the British Sign Language (Scotland) Bill at this stage. There is something quite special about every party in the Parliament agreeing on such a special bill, which will provide sign language for deaf people, when we are all at loggerheads and fighting battles across the streets of Scotland. However, that is politics as we know it.

I thank Mark Griffin for introducing the bill. He has not only the best intentions for doing so but the best reasons, too. No one has mentioned this so far, so I will. He watched his grandparents struggle with the lack of BSL provision and understanding—he probably thought that, two generations later, things would have improved considerably. It is the comparison between what is available today and what he saw two generations ago that has inspired the bill. We should all

welcome that and commend him for having the courage to bring the bill forward.

It is also worth putting on the record the fact that, as others have mentioned, former Labour MSP Cathie Craigie worked hard on the issue. Indeed, to be fair, in this session of Parliament, Jenny Marra has been a champion of improving deaf people's services and has promoted training and an understanding of deaf people's needs.

While I am giving my thanks, I thank the Scottish Government for responding to the committee's stage 1 report. That is a critical part of parliamentary proceedings, particularly given that some aspects of the bill will be dropped, such as the requirement for a minister with responsibility for BSL, on which agreement has been reached, and that there will be amendments at stage 2. That makes today a mark of progress, with agreement and a full, open and transparent debate.

There is not only agreement from all parties today; we have moved on with updated briefing papers from the Law Society of Scotland, Inclusion Scotland and the National Deaf Children's Society in response to the committee's stage 1 report and the Government's response to it. I have to say that it is unfortunate that the Minister for Sport, Health Improvement and Mental Health has not been able to do that previously at stage 1. I hope that he has learnt from the approach that the Government has taken to the bill, which has been very helpful.

The assurance from the Scottish Government that direct responsibility for the promotion of BSL is included in a ministerial portfolio is very welcome. I would like to think that the bill will succeed in increasing the profile of BSL and its use in the delivery of services. However, I have to say that, at this stage, I am not entirely confident that the bill will make a huge difference, because we need quite a bit more clarity on many of its provisions. If it is vague in any way at this stage, that could mean that it is vague in its implementation.

However, comparisons have been made to Gaelic and the huge success that there has been in terms of Gaelic speakers, Gaelic teachers and access to the Gaelic language in recent years. If BSL makes at least some such progress, the bill will be deemed a success—although there is still much more to do on the Gaelic front.

The main provision in the bill relates to the delivery of national and authority plans, and we need to see more detail about the Scottish Government's suggestion that statements, rather than plans, be produced.

We need clarity on the performance review, which will be critical to the success of the bill by providing a mechanism to ensure that progress is

made in delivering tangible improvements. We also need more clarity on what would be in a progress report. I appreciate that the intention is for the bill to be an important stepping stone in the development of BSL.

Mark Griffin has quite often mentioned the different levels of provision throughout Scotland, which has been referred to as postcode service provision. I think we would all welcome a consistent approach across Scotland.

Inclusion Scotland asked for

“an honest appraisal of where the gaps in provision exist and how these will be addressed during the period of the plan.”

I do not think that that is an unreasonable request; nonetheless, it will be a huge amount of work. Whether there is a plan, a statement or a progress report, a consistent level of service will be quite a considerable commitment.

I am pleased that naming and shaming has been dropped from the bill. I think that carrots always work better than sticks as an incentive mechanism. I feel that some authorities might be starting from a low base of provision, so they might make tremendous progress, whereas others might start from a much higher level of service and not make much progress. If we are looking for a consistent level of service, some are likely to make more progress than others. We need to consider whether we want progress from everyone, even the authorities that are already doing really well. I would like some clarity on that.

I will raise other issues when I sum up.

**The Deputy Presiding Officer (Elaine Smith):**

We turn to the open debate. I ask members who wish to participate to ensure that their request-to-speak button is pressed, please. There will be speeches of six minutes.

14:59

**Dennis Robertson (Aberdeenshire West) (SNP):** I thank Mark Griffin for bringing the bill before Parliament. As someone who recently introduced a member's bill to Parliament, I understand the workload that is involved, and he has my sympathy.

This is an important bill and I welcome those in the public gallery, including the BSL users, who are here because they want to ensure that BSL is seen as a language, not as a marker of disability. It is important that we have that distinction. I grew up not really having an aptitude for language at school. My Latin teacher said to me, “Boy, you haven't got a grasp of grammar. You will therefore never acquire Latin.” My name is Dennis but he called me “boy”. As a Doric loon from Aberdeen, I always thought that my grammar was married to

my grandfather. That was my problem with my aptitude for language.

I know very little in the way of French, Spanish or BSL. Quite often, we assume that others will speak our language—the English language. BSL users do not want to be able to speak only to one another; they want to be understood when they use a public service or any other service. They want to be understood so that they can acquire the same rights and the same respect as anyone else, because BSL is a language, not a marker of disability.

It has been said that society finds it difficult to understand the difference between using BSL and having a disability, so we should ensure that the bill gets to stage 3. The bill requires slight amendments, which Mark Griffin acknowledges. However, it also requires—and has done since its inception—input from those who use BSL, and he has listened and engaged. I know that because, as the deputy convener of the cross-party group on deafness, I have listened to the groups that have come to the Parliament to engage with him.

Consultation is important but, of itself, consultation means nothing unless we move forward with actions, because actions speak louder than words. That takes me to the louder than words award that Delia Henry, Scotland director of Action on Hearing Loss, presented to the Parliament today. That award was achieved not by box-ticking but because the Parliament is leading the way on accessibility and on trying to ensure that deaf, deafblind and hard of hearing people have access to information within the Parliament. We should also congratulate Aneela McKenna, the Parliament's equalities manager, on the award.

In my previous job, I had the privilege of working with people who were deaf, deafblind, hard of hearing, blind or partially sighted—people who were considered to have sensory impairments. I also had the privilege of ensuring that all staff—reception staff, social workers, support workers and volunteers—had an awareness of BSL at level 1, although many went on to level 2, so that they could engage with BSL users who came in to use the service. The way in which the staff—who initially had no knowledge of BSL—took to the language was remarkable. They took to it in a way that I did not in my schooldays. They were able to see the benefit of using the language and they saw the awareness and gratitude of people who used or were reliant on BSL.

Mark Griffin is taking the bill forward for people who use BSL. However, it is not just for the deaf community; it is for society. Society needs to be aware of and learn BSL as a language.

15:06

**Margaret McCulloch (Central Scotland) (Lab):** I welcome the opportunity to speak on the British Sign Language (Scotland) Bill. By requiring Government and public authorities to put in place BSL plans the bill could help to develop an infrastructure and services to support British Sign Language, and it will deliver a fairer deal for the people who use BSL to communicate.

The proposals in the bill are right in principle; on that basis, I hope that it proceeds. I believe that the bill has the potential to improve the quality of life for a significant linguistic minority in our society. The bill will not only help to promote awareness of British Sign Language and the needs of those who use it, but will encourage accessible government, active and inclusive citizenship and the growth of the culture that surrounds that rich and wonderful language.

I pay tribute to Mark Griffin for introducing the bill and for securing support from members from across the chamber, and I congratulate all the BSL users and champions of the language who have campaigned for change. In the last parliamentary session, Cathie Craigie promoted a member's bill on British Sign Language, but it fell when Parliament dissolved. The proposals that are before us now are not identical, but it is clear to me that many deaf people and BSL users are not satisfied with the status quo and continue to demand change.

We are debating the bill today only because of the conviction and persistence of those who have been steadfast in their belief that a new law would help to protect and promote the language. For them and for those whom they represent, I hope that we can agree on the principles behind Mark Griffin's bill and move a step closer to legislative change.

The bill will require Scottish ministers to facilitate the promotion of BSL through a national plan for the language, and it will also require the authorities that are listed in schedule 2 to the bill to develop their own plans. That is not simply a bureaucratic exercise, but is a means of focusing minds in all levels of government on meeting the needs of people who use BSL. In working with BSL users, government and public authorities will have to consider how they use BSL in delivery of services, and how they will develop the language.

The bill is not overly prescriptive; it will not require that BSL be taught as a modern language in schools, for example, and it will not require teachers to have a BSL qualification. However, the bill is crafted so that such initiatives could be included in BSL plans. Those plans would, of course, be subject to performance review.



The bill does seek to put BSL on an equal footing with Gaelic, which is another rich and wonderful language that has a measure of protection in Scots law. We are not approaching the issue principally as an equalities issue: it is about a language that is used by a linguistic minority being more widely understood and promoted.

Let us be clear about the importance of the Equality Act 2010 for people with disabilities and people who are deaf. Our equalities legislation is to be valued. However, I draw members' attention to the consultation submissions from the British Deaf Association in Scotland, which says:

"Currently language rights for BSL are only offered under the aegis of disability legislation, however speakers of other indigenous spoken languages are not required to self-identify as disabled to access their language rights. The Equality Act (2010) does not make specific reference to BSL and it is therefore the subject of case law".

BDA Scotland goes on to say that

"The Equality Act ... accords rights to individuals to protect them from discrimination but it does not protect or promote BSL as a language."

I believe that there is a gap in legislation that the bill addresses. Article 3 of the United Nations Universal Declaration of Linguistic Rights confers on any member of a linguistic community the right to use their own language and to be taught or to receive information in that language. Article 5 of the declaration asserts that

"the rights of all language communities are equal".

The bill is in keeping with the spirit of that declaration and would sit alongside equalities legislation, not in place of it. It would provide a platform on which we can build the further growth and greater development of British Sign Language.

I am, of course, aware that the needs of all people who are deaf or who are affected by hearing loss are not identical; for example, deafblind people, who are registered blind, cannot make use of a visual language, so their needs are different. They would typically use tactile British Sign Language or deafblind manual variations on BSL. Meeting those needs can be more resource intensive because it requires one-to-one communication. In the past, when improvements for BSL users have been achieved they have not necessarily benefited deafblind people in full. However, it is important to note that Deafblind Scotland supports the British Sign Language (Scotland) Bill. It recognises that the bill will improve the experiences of deaf people.

**Dennis Robertson:** Will Margaret McCulloch take an intervention?

**Margaret McCulloch:** I am really tight for time—but thank you.

There is scope within the bill to address the needs of deafblind people, too.

I see from evidence that was received by the Education and Culture Committee that some respondents to its call for evidence were concerned that a focus on British Sign Language could detract from other methods of communication that are used by deaf people and by people who have experienced hearing loss. For example, Deaf Action highlighted the use of lip-speaking and the need to continue to train and recruit skilled note-takers. However, Deaf Action is supportive of the bill, as are most organisations that advocate for deaf people. None of the concerns that have been expressed strikes me as a barrier to the bill's progress. Indeed, I see from the Education and Culture Committee's report that the member in charge and the Government have been commended for their collaborative approach.

Continuing in that spirit, I am sure that Mark Griffin will be able to deliver a bill that carries broad support both in Parliament and outside it. The Scottish Council on Deafness described the bill as a "promoting and enabling catalyst." I agree with that. The bill can help us to secure broader recognition of BSL, and it can substantially improve the lives of people who use that wonderful language. Let us allow the bill to progress and give BSL the status and the support that it deserves.

15:13

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** I welcome the opportunity to discuss the British Sign Language (Scotland) Bill. As a member of the Education and Culture Committee, I have had the opportunity to consider the proposals in the bill. I congratulate Mark Griffin on the progress of the bill to date. I also thank Deaf Action for arranging a visit to its offices in Edinburgh to meet members of the deaf community. I found that to be very helpful for understanding everyday issues facing BSL users.

It is estimated that there are in Scotland about 6,500 people who depend on sign language, and about 850,000 people with some form of hearing loss. With that in mind, it is important to note—as the minister has already stated—that the Scottish Government recognised deafness as a culture and formally recognised BSL as a language back in 2011.

However, four years later, deaf people still face problems in their daily lives in doing things that most people take for granted. Many deaf people who contributed evidence via the Parliament's BSL inquiry Facebook page highlighted the barriers that prevent them from accessing basic services, including the fact that sign language is not widely used. Many feel that in education,

health, banking, policing and a range of other services, the lack of BSL interpreters or people who can sign limits their access to basic services, which leaves them feeling isolated. They all expressed a hope that the bill will resolve some of those issues by raising awareness of the needs of deaf people.

The policy memorandum to the bill highlights that it

“aims to promote the use and understanding of British Sign Language, principally by means of BSL plans, which are to be published by Scottish Ministers and specified public authorities.”

However, the Scottish Parliament information centre briefing outlines that

“The Bill does not confer on BSL users any rights or impose service obligations on authorities. As such, the Bill is not directly about the needs of BSL users, nor is it about the needs of a wider group of people with hearing impairments”.

As I said earlier, the Scottish Government recognised BSL as a language four years ago. Through its work with the BSL and linguistic access working group, it published in 2009 a detailed report entitled, “The Long and Winding Road—A Roadmap to British Sign Language & Linguistic Access in Scotland”.

The Scottish Government has already taken steps to promote and support BSL through a number of activities, including providing funding to support teaching and learning of BSL, encouraging schools to offer BSL as a subject alongside other modern languages, and providing funding to develop a pilot online interpreting project for BSL users who wish to access public services by phone.

**Dennis Robertson:** Does Gordon MacDonald agree that we should encourage not only schools, but youth groups such as the scouts, the girl guides and others to learn BSL in order to communicate with people who use the language?

**Gordon MacDonald:** I absolutely agree, and as my son is a scout leader with the blind scout group in Edinburgh, I fully support any initiative to widen access for and to support people who have a disability of some description.

Through those activities, the Scottish Government has increased the profile of BSL, increased the number of interpreters and of deaf tutors who are able to teach BSL to higher-grade level and helped to develop a better understanding of the language.

However, despite all that, BSL users still face difficulties in accessing public services. The bill could make a difference by encouraging and enabling the Scottish Government, key public authorities and the deaf community to promote

and support BSL, to agree national priorities and to set out the specific measurable actions that they will take in order to make progress towards those priorities.

Given that 117 public bodies across Scotland would be required to produce BSL plans, it would be sensible if authorities that work in the same geographical area could explore the opportunities for joint working and reflect those in their initial set of actions. That would reduce the burden and cost on public bodies and it would create the possibility for more sharing of expertise and resources.

The financial aspect is especially important in the current economic climate. From the estimates for producing the initial plans for all public authorities, it appears that the cost will be in the region of £2.4 million to £3.6 million. However, we do not want money that is currently being spent on providing services to the BSL community and to people with hearing difficulties to be redirected in order to produce plans. The plans will be meaningful only if there is an effective review of their implementation with resultant action points.

I support the bill’s aim of promoting BSL, but we must recognise that there are many countries around the world—from Norway to New Zealand and from Greece to Venezuela—that have already formalised recognition of their indigenous sign language in their legal structures.

On that note, I leave the last word to Deaf Action Scotland, which in its written evidence concluded:

“We believe that the BSL Bill will have a positive impact, because it will allow us to move a step closer to BSL language being more widely ‘endorsed’ within society. Although the Bill is primarily concerned with the promotion of BSL and doesn’t impose obligations on service providers or confer rights on BSL users, it does place a duty on 117 public authorities to prepare a BSL Authority Plan that sets out the measures to be undertaken by each authority in relation to the use of BSL and to establish timescales on their achievement. It may not be the Bill that we would have hoped and campaigned for, nevertheless, it represents progress and this is to be welcomed.”

15:20

**Liam McArthur (Orkney Islands) (LD):** I start, as the convener did, by thanking all those who helped the committee to prepare its stage 1 report. In particular, I thank those who gave evidence, especially the BSL users and people from the deaf community. As several members have observed, they engaged enthusiastically and in high numbers. I cannot recall any other meetings of the Education and Culture Committee at which there was standing room only, but that was achieved at various points during our consideration of the evidence. As Gordon MacDonald did, I thank those who hosted our visits—notably, Deaf Action’s golden amber club and the staff and

pupils at Windsor Park school. Those visits were invaluable in giving us all an insight into the issues that underpin the bill. I also congratulate Mark Griffin on his work with the BSL community in delivering its aspirations and on his work with the committee, the minister and officials to ensure that the change is secured.

I confess that I went into the process fixated on issues around access and the issues that Siobhan McMahon related, including attainment levels in education and barriers to employment. However, it quickly became apparent that the bill seeks to achieve something wider than a solution to those problems and that it is not simply a question of providing communication support to deaf people. The supporters of the bill focused on the need to increase recognition of BSL as an indigenous language that has its own culture; understandable parallels have been drawn with Gaelic. It is right that the committee said in its report that, like Gaelic speakers, deaf people have a distinct culture and identity and should be able to access information and services in their first language. That is not exclusive; it is very inclusive. Some examples have been given of parents of deaf children wanting to learn BSL, and on our visit to Windsor Park school the pupils talked about the desire among their hearing peers to learn BSL so that they could communicate, as all children seek to do.

Despite the fact that there is consensus, it is not universal. Concerns were raised about whether the bill's aims are already covered by equality legislation. However, not only is that legislation being applied patchily, but the argument misses the point that equality legislation will do nothing to promote BSL as a stand-alone language. There were also concerns that the rise in expectations may lead to cost pressures through the expansion of services: we may need to keep a weather eye on that.

Nevertheless, the BSL community has been pragmatic about what the bill will achieve. The committee was concerned that the bill may raise expectations unduly, but that concern was put to rest fairly early on. The BSL community has a clearer idea of what the bill will do—and what it will not do—than many of us who considered it had at the outset.

The national and local authority plans lie at the centre of the bill. I was encouraged by the Scottish Government's statement that the plans would provide

"momentum, co-ordination and focus across the public sector to improve BSL users' access to public services and to enable them to participate fully and equally in daily and public life".

The content of the plans is still to be fleshed out, but the input that we have already had from BSL

users shows us the way that the plans need to go. They need to prioritise the promotion of BSL in education settings, including in early-years support, and they need to prioritise improved access to healthcare and improved employment opportunities. They should also recognise, as Mark Griffin did in his speech, the particular and distinct needs of the deafblind community.

Understandably, there was concern to avoid an overly bureaucratic process for delivering the bill's sensible proposals. I think that the minister will lodge amendments that might help to achieve that, including on the proposed use of authority statements rather than plans, and the proposal to have a national plan to cover authorities, on which they will be answerable to the Scottish Government. Those proposals make sense and are a pragmatic response, but sufficient relevant detail will need to be provided and each authority will need to be accountable for the aspects that relate to its work. As the committee's convener said, it is inconceivable that the plans will not be available in BSL.

The advisory group and Parliament will have a vital role to play in holding authorities to account, and there is an argument for a majority of the group's members to be drawn from the BSL community.

There will be people who worry that the bill raises expectations unduly, while others will be concerned that it does not go far enough. However, as we all know, politics is about the art of the possible. From the evidence that we have received, Mark Griffin is to be congratulated on having struck a good balance between what can be achieved now and what can be done in the years ahead. The bill lays the groundwork for future advances

The bill can and—I believe—will help to raise the profile of BSL as a distinct language and to increase its use in delivery of services. That is not a bad achievement, and I look forward to working with my committee colleagues, the minister and, of course, Mark Griffin to make the improvements that will be necessary at stages 2 and 3 in the interests of all those in the BSL and deaf communities in Scotland.

15:26

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** The debate is less than half over, yet I already find myself significantly challenged—I have a whole series of questions that I will have to go away and ask myself after the debate, because it has been informative.

There is some doubt on some issues. Siobhan McMahon said that there are 100 BSL speakers for each of the 80 interpreters, but the situation

might be even worse than that because, according to the Scottish Parliament information centre, the 2011 census tells us that there are 12,533 households in which someone speaks BSL. That would make the figure one interpreter for every 150 houses in which BSL is spoken. Whatever number is relevant, it is clear that the issue that we properly find ourselves debating is challenging and important.

Using visual communication is not alien to any of us. A shrug of the shoulders is immediately recognised as indicating doubt, rubbing the fingers together in a certain way is recognised to indicate money and there is a well-known hand gesture for “Do you want a drink?” We all have our little bits of personal sign language, but BSL is quite different, because it offers a standardised approach that reaches beyond local variation and culture. Equally, BSL is a language that has slang and rude words that people use when they are speaking to one another in a social setting. In that sense, it is genuinely as rich as any other language.

We have heard it suggested that the list of bodies that will be affected by the bill ought to be looked at. It strikes me that, with some of the bodies concerned, the use of sign language—or, indeed, any language—has legal force. For people who are in court or in front of a tribunal, it is important that there is precision. There is a particular need that must be emphasised in that environment, but in social environments and normal day-to-day commerce perhaps less rigour is required. We need to make sure that, when legal force is required, we have people in place to meet that need.

**Dennis Robertson:** I advise Stewart Stevenson that members of the BSL community can usually tell which part of Scotland or Britain someone comes from because of the different way in which they use the language. I was taught BSL by someone from Glasgow, and he had to vary the teaching to take account of some of the language differences in Aberdeen. As BSL is a visual language, I could present, but I could not receive.

**Stewart Stevenson:** I look forward to hearing about the differences between Doric BSL and posh Morningside BSL; perhaps I can do so after the debate.

One or two points have come to me as the debate has developed and I thought about what I might say. Ought we to see, as part of our future planning, a standardised sign that says “BSL spoken here” so that people whose first and preferred language is BSL know where to go? It should be a very simple symbol, by the way, so that someone driving a car can see it in a glance. The letters “BSL” might be good enough alone if they are in a standard format.

A lot of academic research has been done on visual communication. For example, Desmond Morris produced a wonderful book called “Manwatching: A Field Guide to Human Behaviour”, on how we communicate visually. I commend that book to others. I regularly see sign languages during my journeys to Parliament, and, indeed, I have watched BSL conversations in the Parliament chamber’s public gallery that have not attracted the ire of the Presiding Officer, because they have not intruded into the performance here as an oral conversation might do.

People who are visually impaired have huge help, and we can see it. For example, the edges of platforms at railway stations have baubles so that visually impaired people know that they are reaching the edge, and pavements have similar markings. Buses and trains have oral announcements that help the blind. How much are we doing for people who are deaf? So much less. It is important that we consider that there is a category of people in our community with a particular language who have been significantly neglected, compared with others.

When I was a youngster we were taught some BSL in our Sunday school—at least, I think it was BSL; it was certainly sign language of some kind. Alas, not a shred of that has survived into my adult life. As Dennis said, we need to be careful about simple things such as our speaking rate. In the nearly half a million words that I have contributed to parliamentary debates since I came here in 2001, I have averaged 131 words a minute. Do I really need to slow down? Can I speed up? Of course, as Dennis explained to me a minute or two ago in a little aside, there is not an exact mapping of words between the languages. He told me that, for example, BSL does not have a word for “if”. That is actually quite good news because “if” is one of the most destructive words in the English language in certain contexts.

I will close by saying a word or two about the efforts of the proposer of the bill, Mark Griffin, and to congratulate him on his work. We as a Parliament should always be looking at what other Parliaments do. For example, the Australian Parliament has a seven-minute curfew on questions at Prime Minister’s question time. It does not matter whether the Prime Minister is speaking: chop—next question. That is not a bad idea.

We are looking at what Westminster has done in electing committee conveners, but what we can show others is the access that we give for back benchers to legislate. In fact, if every back bencher took the opportunity to do that, there would be 256 bills per parliamentary session. However, there are so many fewer than that because it is a formidably difficult task, engaging a

lot of time and effort. I congratulate Mark Griffin on the work that he has put into the bill and I thank him, if only for raising my awareness and giving me a set of questions that I have to go and ask myself and get answers to later.

**The Deputy Presiding Officer:** I remind members to use full names when they refer to each other, please.

15:34

**Nigel Don (Angus North and Mearns) (SNP):** I, too, congratulate Mark Griffin.

Others have explained the bill process that they went through. I have not been through that process and I am not expecting to go through it, to be honest, because I realise that it is actually quite difficult. However, I think that history is going to tell us that this was an important day. I think that this bill will be seen in 10 or 20 years' time as the first step of quite a number of steps that will get one of Scotland's languages into the place where it should have been for a very long time.

As has already been said—by Liam McArthur, I think—this is the practicable step at this stage, but I am very clear that it is no more than a step. If anybody thinks that this is where we stop, we need to say to them now: "No. You're wrong."

I have met BSL translation in several places in my political career, but one of the most interesting ones was only a few weeks ago, when we looked at the bill in the Delegated Powers and Law Reform Committee, which others will remember. It taught me two things. The first is that we need to speak slowly, because translation is one of those arts. If someone is going to get the real sense of what is being said, they have to be able to think about it. Clearly, translators and interpreters are extremely bright folk, but there is a limit to the rate at which speech can be dealt with and the right gestures put forward.

The second thing that it taught me is that it is important to keep one's voice up. Many people, and I am one of them, tend to drop their voices at the end of the sentence, so listeners do not know what they have said. That is a lesson in public speaking for all of us—use BSL translators and we learn to speak up.

I would like to dwell for a moment on one other thing that has emerged this afternoon, and that is the influence of Cathie Craigie. As has rightly been pointed out, she was significantly involved in a draft bill on the subject in the previous session, and she was also significantly involved in the cross-party group on deafness in session 3, as was I—that might come as news to some. The lesson that I derive from that is how important cross-party groups can be in engaging with a part

of Scottish society, discovering what needs to be done and then, over time, getting something through the legislative process. I also reflect that it has taken quite some time. That might just be the reality, but it suggests to us that we need to persevere.

An aspect of BSL that we have not said much about this afternoon is the marginalisation and isolation of BSL users. We will know from a few moments' reflection that, when someone feels marginalised and isolated, that is a mental health issue. People who want to use a language that the rest of society is not prepared to let them use are immediately being given a mental health issue, never mind a communication issue. I am pleased to note that, in the Government's response, there seems to be a recognition that the costs of the bill and its implementation will probably come back—to some extent at least—in a reduction in some of the health costs that we might otherwise build up for ourselves. That is important. We need to understand that eliminating inequalities at every level within our society has economic benefits to the public purse. It is good for absolutely everybody.

I turn briefly to the national plan. It has been suggested that we might take a bit longer to get that right, and I absolutely endorse that. It seems to me that the first national plan will be the big stepping stone, and if it takes a little longer than we would like to get it right, then, frankly, so what? There is no point in hurrying and getting it less than right. I have no idea what the answer to that is—I could not dream of putting a number on it—but we must be careful to ensure that the first national plan sets out something that everybody understands to be good.

Which authorities should be listed and which people should talk to each other is not something on which I would want to comment. I am grateful that we have an advisory group, and it sounds as though it will stand us in good stead. However, I endorse Gordon MacDonald's comments about avoiding duplication. Can we please ensure that we have a system set up that says, "Here's a template of what you ought to do—adopt it unless you have good reasons for not doing so"? We should say to people, "If you've got to change it, consider why you have to do that."

I represent a rural community. If, for example, people in such places need to have a different perspective from people in the inner cities, which might be perfectly possible for all sorts of obvious reasons, they should talk to other rural communities about how the template might be modified so that we have only one modification rather than 17. Public authorities have an opportunity here to do something that they have sometimes manifestly not done in the past. The

point has already been made that we have to consult BSL users. If we do not, of course we will get it wrong.

If the purpose of the bill is to get BSL into the mainstream—those are my words rather than anyone else’s—and put together plans for how we might do that, surely we already know some of the answers. First, we know that we will need more interpreters, simply because, if public bodies are going to do their engagement properly, they will need interpreters. We can see that coming. Secondly, we will need more people who work within those organisations to do what Dennis Robertson described earlier and get level 1 skills. I have no idea what that means, except that it is the basic skills to communicate in BSL. That way, I will know that the person in front of me is a BSL speaker rather than a speaker of French, German or whatever other language.

We can already see that those skills will be needed in large measure. Somebody, somewhere, might already be thinking about how we will do that, how we will fund it and how we will organise it, because we can see it coming.

**The Deputy Presiding Officer:** Could you draw to a close, please?

**Nigel Don:** I will indeed.

We need to get to the point, as a society, where we recognise the place of BSL as a language. The bill is trying to nudge us in that direction, and I sincerely hope that it succeeds.

15:41

**Jayne Baxter (Mid Scotland and Fife) (Lab):** I thank my colleague Mark Griffin for bringing the bill to Parliament. It relates to an important issue for many people in Scotland. It is also appropriate that the bill has been introduced during deaf awareness week.

Around 12,500 respondents to the most recent census indicated that they use British Sign Language at home. Approximately 120 children are born in Scotland each year with a hearing impairment. More than 1,000 children and young people under the age of 19 in Scotland have severe or profound hearing loss. For many of those young people, BSL is the only method of communication that they have ever known.

From my experience as a councillor and an MSP, I have learned that many BSL users struggle to get the services that they are entitled to. Sometimes, it falls to them to make it easier for public services to respond. For example, a constituent of mine needed some housing repairs and could not communicate with the local housing office. He took a video on his iPad and sent it in to the council, which got a really good response. It is

actually a really effective technique for anyone to use, but solutions such as that are not always available.

It is clear, therefore, that BSL is used by a large number of people in Scotland from all backgrounds and circumstances. The bill is a positive contribution to their lives. It is a relatively modest bill. It does not impose an explicit statutory requirement on authorities to provide British Sign Language interpreters or translation services, nor does it require them to deliver any specific services to BSL users or those wishing to learn BSL. The bill does not apply to sign language communicated in other languages or to other forms of communication that may be required by the deaf and hearing-impaired community. Its goals are specific. Nonetheless, it is an important bill and one that will be a substantial step forward for BSL users throughout Scotland.

The current arrangements contained in the Equality Act 2010 do not go far enough or take into account the specific needs and requirements of the deaf and hearing-impaired community. The 2010 act is an important piece of legislation, which puts the rights and needs of minority groups at the heart of the work and decisions taken by public bodies throughout the United Kingdom. With the bill, we have the opportunity here at the Scottish Parliament to build on their work for the deaf and hearing-impaired community.

Once we consider that the provisions of the act that apply to deaf and hearing-impaired people are those that cover “disabled” people, an issue arises. As a Scottish Government paper from 2009 describes,

“Deaf BSL users consider themselves a distinct language group and not disabled. They have a unique culture, history and life experience as a language minority and feel that actions to improve their inclusion in society should be based on exactly the same language approach to other groups, such as speakers of Gaelic or of Welsh.”

In effect, for many deaf and hearing impaired people, BSL is their first language. They have communicated using it for their entire lives. They do not accept that it is a manifestation of a disability; rather, it is an expression of their cultural identity and a part of who they are. We should ensure that that feeling is recognised across government. The bill would assist in achieving such recognition.

The bill requires the Scottish ministers

“to promote, and facilitate the promotion of, the use and understanding of the sign language known as British Sign Language”

by setting out and publishing

“a plan to be known as a British Sign Language National Plan for Scotland”.

That is a positive move that would not place an excessive burden on the Scottish Government but would allow the BSL and hearing-impaired community to work with ministers to establish and maintain good practices for authorities to use when they are working with and providing services to it. The bill would operate much like the Gaelic Language (Scotland) Act 2005, without the need for a new statutory body to be set up, as was the case in that act.

A really important provision of the bill is the plan to set up an advisory group to advise the Scottish ministers on how to set up and implement the plan. That group would include BSL users and experts in the field and would be of use not just for the explicit purposes for the bill but to act as a conduit for the BSL, deaf and hearing-impaired community to liaise and communicate with the Scottish Government. The voices of that community are heard all too rarely in making legislation and other Government activities in this country, and the advisory group could be a major force for good in the area.

As I have already noted, there are thousands of BSL users in Scotland. Sadly, there are nowhere near enough interpreters. In Scotland, we have fewer than 100 interpreters for BSL. Many people have family members or friends who do that on their behalf, but many others are not so fortunate. We should look at that issue closely and seek a solution to a clear failure of supply and demand. We may also have to encourage more widespread take-up of BSL among employees in front-line services, such as council, jobcentre and health services.

I want to take a moment to praise a recent development in relation to BSL. The recent development of remote BSL interpreters for users of public services in Scotland is a positive one, and I believe and hope that their approach to BSL will be encouraged by the bill.

To return to the bill's specific provisions and implications, the Scottish Government has indicated that it would like to amend the bill in order to place the review of the national plan on a seven-year review cycle. That is unsatisfactory and is not in the spirit of the bill. It is important that each Government reviews its own progress and justifies its own actions, which is why it is imperative that the plan is reviewed on a five-year review cycle. That will ensure that the Scottish ministers are held accountable by Parliament and BSL users for their plan.

To conclude, the bill would make the lives of BSL users in Scotland better. It would ensure that they are able to access public services and feel that their distinct culture is accepted and encouraged in Scotland. It would help BSL users to go to college and university and to take part in

community activities. The bill is well thought out and should be supported by all parties across the chamber.

**The Deputy Presiding Officer:** I remind members that speeches should be six minutes, please.

15:47

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I add my congratulations to Mark Griffin. I have taken a member's bill through the Parliament and know that doing so is hard going. I also know that it is quite difficult for a member to appear before a committee and look for a gentle interrogation. I have another bill coming, so I am letting myself in for it again. However, the bill again demonstrates the value of members' bills, which are usually consensual in the Parliament and show us with a different personality.

As other members have said, more than 750,000 people in Scotland suffer from a severe hearing impairment. Jayne Baxter told us how many people said in the Scottish census that they used BSL. I am glad that that question was on the census paper. In my constituency, 233 people in Midlothian responded that they used BSL and 228 in the Borders said that they used it. That galvanised me into looking into exactly what provision is made by the various service agencies across my constituency. It is very important that the bill would embed BSL's status as a language, and I suspect that that would increase those numbers.

I have already alerted the minister to the fact that I want to ask about section 3(3) of the bill. I accept that he will proceed with a national plan instead of all the little local plans, but I note that the plan is

"to set out measures to be taken by the listed authority in relation to the use of British Sign Language in connection with the exercise of the authority's functions".

I look forward to an answer on which of the authorities that are listed in schedule 2, which I have in front of me, will be subsumed into that national plan. I do not know whether they all will be, but I want to turn to some that are within my particular interest of justice.

There must be huge issues to do with people who have difficulties with hearing who are involved in proceedings. Let us take children's hearings as an example. It is crucial that those with a hearing loss understand the proceedings, whether they are the subject of the proceedings or the parents or carers who may be in danger of losing contact with children.

What about the Mental Welfare Commission for Scotland, where issues such as compulsory treatment and the removal of liberty are under discussion?

The Scottish Court Service is listed, so the provision would apply not only in criminal, but civil proceedings, including disputes about contact with children, and contractual disputes, all the way from the Court of Session to the small claims court, where a person may be contesting whether the washing machine that they have paid for is up to scratch. The provision also embraces the Crown Office and Procurator Fiscal Service and the Scottish Prison Service.

When liberty and rights are under challenge, everyone who is taking part must understand the proceedings. Indeed, whether a person has a fair hearing or even understands the proceedings of which they are a part must be a matter for the European convention on human rights.

Schedule 2 includes the Scottish Tribunals Service, which deals with matters of employment and employment rights. It also includes the Scottish Legal Aid Board, an organisation that is crucial to whether a person receives financial support to have an interpreter or translator available at all stages of their case—when they are speaking to their solicitor to explain the position, and the solicitor's response; when they are being given legal advice and when proceedings are being drawn up, which a person must understand; and, at the end of the day, the process in court and the final determination. In all those stages, if necessary, access to BSL is essential.

What about the emergency services? The Scottish Ambulance Service, Police Scotland and the Scottish Fire and Rescue Service must all have access to BSL services where there are literally matters of life and death or serious injury to deal with.

The question after all that good will is whether we have sufficient trained interpreters. The answer must be no, because the Scottish Association of Sign Language Interpreters has 66, and the National Registers of Communication Professionals working with Deaf and Deafblind People has 46; the numbers for deafblind interpreters are in single figures. More worryingly, only 10 interpreters are in training under SASLI and eight under the NRCPD. There is no point in having good plans if the practicalities cannot be delivered.

My question—apart from the one about which of the agencies the national plan will apply to—is whether it is possible to use technology in the fora that I have mentioned; I do not know the answer. Could we have automatic translation into BSL

without needing to have someone there at the time? Perhaps there could be automatic translation with a time delay. Many of our courts have technology. I do not whether a programme could be developed that would enable that to take place. Perhaps, if it was not possible to get an interpreter to a remote court, that could be done remotely or by whatever means.

We are a sophisticated generation. Let us try to look at sophisticated solutions, as well as personal ways of ensuring that those with hearing impairment are engaged at every stage—as I focused on in my speech—of the judicial process in the widest terms.

15:53

**Chic Brodie (South Scotland) (SNP):** I, too, welcome the stage 1 report. I applaud Mark Griffin for having the foresight and tenacity to introduce the bill. It is, perhaps, regrettable that we are not conducting our consideration of the bill in BSL—indeed, we cannot do that—but who knows what the future will bring for BSL communication? Of course, we have our wonderful professional interpreters with us today to help.

In my early years in Dundee, when my father was in the navy, his brother, my Uncle Joe, became a father figure to me. He was deaf, which was caused by an accident when he was five years old. He taught me basic sign language, which I still remember. For example, the fingers on our left hand form the vowels of our alphabet: A, E, I, O and U.

I rarely spoke for the first three years of my life, and some people suggest that I should follow that tradition today. As a newcomer to the Education and Culture Committee, I was delighted that the bill was my introduction to the committee's work. I place on record my appreciation of the valuable contributions and insights into sign language that we received in Falkirk, Edinburgh and elsewhere.

Although I and others of course support the bill and its general principles, its promotion will be over the long term. In the interests of full inclusion of all in our society, I might have preferred a more robust intervention to legislate for public service bodies over the shorter term and in particular to embrace the further employment of those who are deaf and to establish the profile and the means of effective communication therein. Accepted communication, BSL language promotion and education, particularly for those of a very young age, and technology can generate more inclusion, as would a significant increase in the number of interpreters of sign language, as has been mentioned.

The deaf face immense difficulties, for example, in seeking and understanding medical analysis



and treatment or when they have questions on the many local council services or on rail or air travel. Those difficulties are sometimes too immense for the hearing, let alone the deaf. It has been suggested that, as the hearing have call centres for almost everything from public services to medical and financial services, it cannot be beyond the wit of our technologists, with further development of existing applications such as Skype, and with more interpreters, to create similar video call centre arrangements at some time in the future so that our deaf citizens can deal effectively with the challenges that are posed to them.

As the bill progresses and is amended, it will certainly raise the profile of BSL and its benefits, which are for not just the deaf community but the wider community. Raising the profile is important, but more important is increasing the use of BSL. We fully accept that the Government and the Finance Committee are concerned about the financial and bureaucratic burden in creating the national framework and plan, as developed by the national advisory group. Those are issues, but I believe that a much greater focus on listed authorities, particularly local authorities, establishing a framework to achieve improved performance outcomes is paramount.

The development of planned outcomes with regard to BSL use and the deaf community must be matched by actions by the accepted and listed authorities. In the early stages, the plans or statements need not be onerous but rather should be seen as key initial steps on the journey that we plan to take to achieve a national awakening with regard to including and communicating better with the deaf or hard of hearing. Through the higher profile of BSL, the bill should underpin, complement and embrace existing equality legislation, which as the stage 1 report states identifies the deaf as disabled—they are evidently not.

Mr Griffin highlighted that many supporters and BSL users quite rightly focused on the need for increased recognition of BSL as an indigenous language of Scotland. Comparisons have been drawn with other countries that are of a similar population size but which have greater language training and interpretation provision. Frankly, in my book, being anything other than first in this area is not good enough.

Of course it will take time, and it will take amendments and a defined performance framework, but I again applaud Mark Griffin for bringing forward the bill. My Uncle Joe will be very happy. This is not a first in the chamber today but, in his memory, I close by signing, "Thank you, Presiding Officer."

15:59

**Dr Richard Simpson (Mid Scotland and Fife (Lab)):** I join others in congratulating Mark Griffin on introducing the bill and the committee on its report and the manner in which it consulted, which was exemplary.

The United Nations Convention on the Rights of Persons with Disabilities came into force in 2008 and was ratified by the United Kingdom in 2009. There is also existing legislation, such as the Equality Act 2010, the Patients Rights (Scotland) Act 2011, the Education (Additional Support for Learning) (Scotland) Act 2004 and the Education (Additional Support for Learning) (Scotland) Act 2009. All of those afford some protection for deaf people by requiring the needs of individual service users to be met.

However, if the bill, which promotes British Sign Language, is implemented fully, it could help to advance the aspirations of those who are deaf and help the 120 children who are born with profound deafness out of around 58,000 annual births in Scotland. It can identify the gaps in support and any postcode variations.

There can be no doubt that the 12,533 respondents who reported using BSL at home in Scotland's census 2011 need more support. However, at least we—unlike the English—ask that question, which was agreed as a result of Jack McConnell beginning to address the BSL deficit. Even if the census is abandoned, as it might be, will the bill—or will the minister—ensure that we still have good data of that sort? It is fundamental to the measurement of progress.

In 2000, a working group was set up in the Scottish Executive. In one form or another, it has continued to this day. A paper on languages, including BSL, was published in February 2007 and, in 2014, the group started work on an update to the road map to identify where progress had been made and to highlight priority areas for action. That update was to be published in early 2015 but I was unable to find it. I do not know whether the minister can provide us with a link or, if not, a date for when that report will be available.

I will not come at the matter from the committee angle or the angle of the bill but will try to look at it slightly differently and consider the progress that we have made.

The Equality and Human Rights Commission in Scotland has estimated, as I reported last week, that there is only a 0.2 per cent participation rate among disabled young persons in the modern apprenticeship scheme—79 out of 26,000. How many of those apprentices had profound deafness? We just do not know, but statistics from the Scottish Council on Deafness show that up to

70 per cent of deaf people believe that they have failed to get a job because of their deafness.

I raised that issue last week and I hope that, by reporting disabilities in the future, we will get an idea of the number and types of disability. As we know, the numbers are hugely lower than they are in England—only 0.2 per cent in Scotland compared with 8.7 per cent in England. There might be an explanation for that, of course.

**Dennis Robertson:** Does Dr Simpson accept that the BSL community suggests that BSL is a language and not a marker of disability, and hopes that the bill will promote that fact?

**The Deputy Presiding Officer:** Dr Simpson, I can add on some time for the intervention.

**Dr Simpson:** Thank you, Presiding Officer.

I fully accept what Dennis Robertson says, but I am trying to address where that takes us because language has a purpose, which is good communication skills. In the workplace, those are fundamental, so it is important to ensure that that is not a barrier to access.

On education, we have a problem too. The figure was quoted earlier of 36.4 per cent of deaf pupils obtaining highers compared with 60.2 per cent of hearing pupils. Only 26 per cent of deaf school leavers advance into higher education, where support is needed again, compared with 39 per cent of hearing school leavers. Also, 52 per cent of deaf people feel that they have been prevented from pursuing further training or education because of their deafness or lack of effective communication support services.

Members have referred to our NHS. Again, the statistics from the SCOD show that up to 35 per cent of deaf people have experienced difficulty in communicating with their local general practitioner. When, as a GP, I was confronted with someone who was profoundly deaf, communication was not easy and it was not always possible to obtain a BSL interpreter. The SCOD's statistics also show that 77 per cent of BSL users who had visited hospital could not easily communicate with NHS staff.

The *Financial Times* reported recently that there has been a cut in real terms in spending on education. It is interesting to note that this Parliament decided to abolish the graduate endowment fee, but that was never charged to anyone with deafness, so its abolition has not really helped.

It is important, in the educational setting, that we ensure that individuals are maintained. We are told that the 140,000 cuts in college places have affected those with disabilities more, and I wonder whether people with deafness problems have been affected more than others.

The outcome of the issue not being a sufficient priority to the Parliament is evident in the fact that, as others have said, in December 2014, 78 sign language interpreters were registered with SASLI—66 BSL interpreters, 10 trainee interpreters and only two who offer deafblind manual interpreting.

Unusually for a debate in this place, nobody has so far talked about the Nordic countries. However, Finland, which has a similar population to ours, has 790 interpreters. There is clearly a long way for us to go. Can the minister give us an indication of whether we have more interpreters now than we had? Is there intended to be a target for the number of interpreters? How many BSL courses are available in Scotland? I hope that some of those questions can be answered, and that the bill will promote a greater level of provision.

I am glad that we will support the principles of the bill today—at least, I hope that we will do so. I know that Cathie Craigie will be pleased. I hope that the bill will be only the starting point for developments that will allow the full inclusion and participation of those who suffer from profound deafness.

16:07

**Richard Lyle (Central Scotland) (SNP):** It is a privilege to speak in this stage 1 debate on the British Sign Language (Scotland) Bill, particularly as a member of the Health and Sport Committee. I take the opportunity to commend Mark Griffin for bringing this important bill before Parliament.

It is important to begin by saying that, like other members who have spoken, I support the principles of the bill. It will do much to raise awareness of BSL and to encourage people, particularly those in public bodies, to better meet BSL users' needs.

Across the chamber, we recognise that BSL users are often marginalised and excluded because they do not have linguistic access to a wide range of information, services and other opportunities, which means that they cannot make their full and important contribution to daily and public life. In Scotland alone, as has been said, it is estimated that around 6,500 people use sign language, and they deserve to have the same access to services as everyone else has. The bill paves the way for greater action to resolve that issue. The implementation of the bill—particularly the production of a BSL national plan—will build on the work that we have undertaken in partnership with the BSL and linguistic access working group since 2000.

A different approach is needed to raise awareness of BSL as a language and to encourage, enable and support public bodies to

better meet the deaf community's needs. That is what the bill does. Not only does it do that, but it recognises BSL as a language, rather than just a means of communication support. That is a significant difference.

It is important and right that, while we debate the bill, we recognise and champion some of the excellent examples of work that has been done to promote and support the use of BSL and to help to meet the deaf community's needs. Together, we must recognise that more can and must be done by the Government and across the public sector to continue making a difference.

It must be said that the Government has already taken steps to promote and support BSL through a number of activities. It has worked closely with the BSL and linguistic access working group, it has increased funding to support the infrastructure for the teaching and learning of BSL and it has improved engagement with the deaf community. We are working continually to enable and encourage schools to offer BSL as a subject alongside other modern languages. In 2011, a ministerial statement to the Parliament officially recognised BSL as a language.

Through those activities, we have increased BSL's profile, provided for the teaching of BSL at a higher level and developed a better understanding of the language. It is now time to take the next step, and the bill enables us to do that. We should recognise that costs may be involved in delivering improvements, but failing to meet BSL users' needs will result in additional costs not only at personal and societal levels, but for local authorities.

One of the consequences of public bodies and local authorities not having to think more formally about services for deaf people is that deaf people are left behind in a way that creates a cost to society through the personal cost to them from a lack of educational opportunities, the attainment gap and employment problems that they may face. That is not what I want and it is not what the Parliament should want for any of our people.

The Government memorandum sets out an estimated total cost for implementing the bill as proposed of £6 million over four years. However, in line with current investment, the Government would be likely to invest about £2 million in BSL over 2016 to 2020, which would reduce the estimated cost to about £4 million. As has been stated, health costs may be reduced as a result of the bill.

We benefit tremendously from the contribution that members of the deaf community make to our country and our economy. We should promote, protect, support and value their language and culture.

The bill goes quite some way to improving the lives of people in the deaf community in Scotland. I again commend and thank Mark Griffin for all the hard work that he has done in the past months in bringing the bill before Parliament. As many other members who have spoken have said they will, I intend to support the bill's principles at 5 o'clock. I commend the bill to everyone in the chamber.

16:12

**Mary Scanlon:** I thank every member who has spoken. The debate has been well informed and measured. Many constructive suggestions have been made, which I think will lead to further discussion in the Education and Culture Committee, of which I am a member.

As many members have said, there is no doubt that people who are profoundly deaf are often marginalised and excluded, as they do not have linguistic access to information or services. Every one of us who has spoken today has borne that in mind, and has asked whether the bill can, although it goes so far, go a bit further. Can we be assured that it will lead to an upgrade in the provision of services, which is to be commended?

I welcome the setting up of the national advisory group to support the bill's implementation. I hope that it will adhere to the principles and hopes contained in the bill and expressed by each member who has spoken.

I fully understand the difficulties in collecting data that are associated with the first performance review, given that there seems to be scant information about the current level of service and support. The lack of baseline data or performance indicators is an issue. I note that the Government will lodge an amendment on that, which I hope will bring some clarity.

Inclusion Scotland states that there are 57,000 people in Scotland with severe and profound deafness, with around 6,000 people for whom BSL is the sole or main language. In its briefing paper, it says that only 30 qualified BSL interpreters currently operate. I am not saying that that is wrong, but many other figures have been given today. The NDCS states that there are about 80 qualified BSL interpreters, so further baseline information on those figures is needed.

We seem to know more about the exact figures in Finland than we do about our own country. Any further baseline information has to be helpful. As the NDCS submission says,

"Without a basic understanding of the numbers of deaf children and their needs, it is difficult for national and local government to effectively plan service delivery."

That is a fair comment.

The NDCS also makes a good point that a large number of deaf and hard of hearing people may also have accessible communication needs that the bill will not address and that, as other members mentioned, the promotion of BSL should not be at the expense of other accessible communication forms.

We all support the promotion of BSL, but I was persuaded by the NDCS's proposal to improve

"the availability of Family Sign Language ... which enhances the ability of hearing parents to communicate with their deaf child"—

that is surely a fundamental right—

"and promote their development."

Helping the child and helping the families must be a positive way forward, given that 90 per cent of deaf children are born to hearing parents. It is shocking that there is no nationally funded provision for those parents to access appropriate training or classes in order to communicate with their children through sign language, although the NDCS has an early years project.

Family sign language provision has not only improved deaf children's vocabulary but contributed to positive family relationships as a result of parents communicating better with their children, so I am keen to see provision and support to help families to communicate with their children. I would like that provision and support to be included in the progress reports and performance reviews. I do not know whether I need to lodge an amendment on the subject. I mentioned it earlier and Mark Griffin's response was hopeful, so I hope that the minister will see help for families as something that could be mentioned in the performance reviews, the progress plans and the national advisory group. Surely we need to help families to help their children.

The Law Society filed a good submission seeking greater clarity on many aspects of the bill. We have heard good points from the Justice Committee's convener, Christine Grahame. The Law Society made a good point that I have to say I was not aware of—others have mentioned it—in stating that

"Public bodies in Scotland already have a legal obligation under Section 149 of the Equality Act 2010 (the 'public sector equality duty') to eliminate discrimination, promote equal opportunities, and foster good relations between different groups."

The defining question has to be, if someone is being discriminated against on the basis of a disability, if they do not enjoy equal opportunities and if relations are not good—in other words, if public bodies are not adhering to the legal obligation under section 149—where do they go?

**Dennis Robertson:** I say again that those who use BSL are keen to promote the fact that doing so is not a marker of disability. There is disability legislation that ensures fuller access to other things, but we are talking about language, not disability.

**Mary Scanlon:** I appreciate that but, as the Law Society has said, there is a legal obligation to eliminate discrimination and promote equal opportunities.

We are very good at passing legislation in the Parliament but we are not very good at telling people where they should go if the legislation is not implemented as we hoped it would be—if it is not perfectly implemented. We have been here for 16 years. To the people for whom services fall well short of their needs, we need to be able to say, "If it's not working for you, this is the door to knock on." I am not sure that we can do that yet. However, I put that constructively, because we fully support the bill and the debate has been excellent.

16:20

**Rhoda Grant (Highlands and Islands) (Lab):** Like others, I congratulate Mark Griffin on introducing the bill, which, as we have heard, attracts wide support throughout the Parliament. It is timely to have the stage 1 debate in deaf awareness week. There is a good chance that that was good planning by the Parliament, although I am not quite that organised.

The bill focuses on promoting BSL throughout Scotland. As we have heard, there are many estimations of the number of BSL speakers we have in Scotland. Some are as low as 6,000, and some are higher than 12,500. We need to ensure that those people's language is protected. BSL was officially recognised as a full and independent language by the UK Government in March 2003 and the Scottish Government in 2011, but that has proven to be not good enough, so we need to go further.

Each year, 120 children are born with severe or profound hearing loss, which makes it very difficult for them to learn a spoken language. In her speech, Margaret McCulloch told us that the deaf community is demanding change and promotion of their language, and I am sure that that Mark Griffin introduced the bill to meet those demands.

Siobhan McMahon and many other members talked about how deaf people do not see themselves as disabled. Deaf people need access to and recognition of their own language. Many people who we term disabled do not believe that they are disabled. They subscribe to the social model of disability, which says that disability is caused by the way that society is organised rather

than a person's impairment or difference, and which looks at ways of removing barriers that restrict life choices for disabled people.

Different abilities are ignored in a society that is designed very much for the majority. People in the deaf community in Scotland face barriers in their everyday lives that are caused not by their deafness but by other people's distinct lack of understanding of BSL. Recognising BSL as a language in its own right is a step in the right direction. I hope that we will continue to break down barriers faced by not only the deaf community but other communities that believe that society puts barriers in their place.

A number of members talked about access to services. Richard Simpson talked about legislation that currently demands that service users' needs are met, but we see so often that such legislation falls down with regard to communication with medical staff, with education and with other authorities, and there is a lack of interpreters. The Scottish Government figures for 2011-12 showed that 36.4 per cent of deaf pupils attained highers or advanced highers, compared with 60.2 per cent of hearing pupils. In his speech, Mark Griffin said that only 8 per cent of teachers know how to sign, which is a huge barrier for people in mainstream education.

We need to pay tribute to the Scottish Trades Union Congress, which runs BSL courses through its union learning programme. I attended one, which I really enjoyed. It was strange how easy and intuitive it was to pick up BSL, but it is very difficult for someone to keep up the skills if they do not use them regularly. Perhaps that is something that we need to look at.

We need to look at including BSL in the curriculum: not just the language, but the culture and history, the teaching of which we have heard today is really important. People's history is taken down in their language, and if they do not use the language they miss out on the rich tapestry that is very seldom recorded.

Christine Grahame spoke about the justice system and about access to courts and children's panels and to justice more widely. That was a point well made. If people cannot access the justice system, they are being discriminated against.

Many members talked about health. We depend on communication when we go to see our general practitioner or another doctor to tell them about symptoms and to get a proper diagnosis. How much worse must that be at a time of critical illness, when someone has to deal with an emergency or is facing very difficult news about their health? It is not only the person going for the assistance who needs to be able to communicate

well; that also applies to the person giving bad news, who needs to be able to communicate that properly.

Nigel Don spoke about the impact of exclusion on somebody's mental health. We need to bear that in mind. How possible is it to have talking therapies and the like to deal with mental health problems if the therapist cannot speak your language? We need to ensure that there are people in place who can have those conversations and provide those therapies in people's own language.

Richard Simpson spoke about the workplace. The Scottish Trades Union Congress was really keen on teaching BSL to ensure that workplaces are accessible. We need to go an awful lot further in that regard.

Mary Scanlon mentioned BSL for families a number of times. That is hugely important. A child starts to learn almost immediately. What if their parents are not able to communicate? Of course we all use signs, and we do so with young children, but the sooner a child starts to learn the language, the better. The child will learn the language from their parent, so it is really important that, when a child is born who needs to learn BSL, the parents are immediately taught BSL. They can learn it along with the child, as long as they are one step ahead, to ensure that the child is learning.

We have heard of widespread support for the bill from BSL users and many others. We have also heard about how the bill was scrutinised by the Education and Culture Committee at stage 1 and about how it opened up a Facebook page. That set me thinking, and Jayne Baxter's constituent has demonstrated the point about the use that people who use BSL can make of new social media to communicate, through video clips via Twitter and Facebook, for example, as well as using Skype to deal with service providers.

**Stewart Maxwell:** I am grateful to Rhoda Grant for raising the use of modern digital technology. Something struck me, not so much about critical services as about normal public services as we go about our daily lives, such as announcements at railway stations or airports. Many of them are pre-recorded. There are digital screens available, yet there are no pre-recorded messages using BSL, although they could be put out to say, for instance, that the train has been moved from platform 6 to platform 9. There are many opportunities for using the new modern digital technologies. They could be used—but, frankly, many organisations have not yet thought to use them.

**Rhoda Grant:** I absolutely agree. I would say—perhaps slightly flippantly—that, if that was provided, given how difficult it is to hear some of

those announcements, we would all learn BSL just to know if our train is late or is going to arrive at all.

I close by again congratulating Mark Griffin on introducing the bill. I am sure that his family are very proud of him. More than that, BSL users will be delighted. Of course it could go further, but the bill is a start on a journey, not the end, and I very much hope that the Parliament will unite and will support it this evening.

16:28

**Dr Allan:** This has been one of the most genuinely constructive and positive debates in the Parliament that I have had a chance to be involved in. I hope that the debate's content has meant a great deal to the many people who have campaigned for a long time to bring proposed legislation of this kind before the Parliament.

As anybody who knows me will know, I have a personal interest in languages of all kinds. As Stewart Maxwell and many other members have mentioned throughout the debate, it is an important point that this piece of proposed legislation seeks to offer some status to a language. It does not merely concern the issue of disability, as important as that is.

Dennis Robertson raised a wider point about where BSL fits into our picture of world languages, which is relevant to the efforts taking place in our schools to promote much greater exposure to languages, including BSL.

Margaret McCulloch rightly pointed out the importance of the plans to which the bill refers—or perhaps more accurately, as she said, the content of those plans. That will lead us to a real discussion in the coming months about how we involve the BSL community fully in the production of those plans.

With regard to the likely Government amendments, Jayne Baxter and other members raised the issue of the length of the cycle for language plans. I make it clear that the Government raised a question about the five-year cycle in the bill as drafted not because it was motivated by some desire to avoid ministerial responsibility for achieving the legislation's aims within a five-year parliamentary session, but simply because our experience with the Gaelic language legislation—important though that has been for the Gaelic language—has taught us that we cannot put organisations in a position in which they are continually producing plans, important as those plans are. We need a debate about what the best length for a cycle would be.

Richard Simpson asked—I think that I picked him up right—when the review of the road map will

be published. The review was carried out by the Scottish Council on Deafness, and it will be published on the organisation's website.

I offer Christine Grahame a second attempt to answer her original question—I think I heard her say please. As her question was about the listed authorities that are not covered by the national plan, it would perhaps be helpful if I specified which bodies will be included. They would include territorial NHS boards and a small number of national bodies that are not directly accountable to ministers, such as the Scottish Parliamentary Corporate Body, Audit Scotland and others; I stress that that is not an exhaustive list.

Christine Grahame raised the interesting issue of interpreters, as did Dr Simpson and other members. The Scottish Government has in the past few years put more than £1.5 million into an apprenticeship-based model to address the need to increase the number of interpreters.

Contact Scotland is one such effort, which uses various technological solutions to promote and make further use of our limited number of interpreters. Of course, going back to Christine Grahame's question, none of that removes the need for human interpreters, notwithstanding Stewart Maxwell's point that there is considerable scope for the use of pre-recorded messages in other contexts.

I want to put the bill in context by talking about some of the steps that the Government is already taking to promote and support BSL. It is undertaking a number of activities: providing significant funding to support the infrastructure for teaching and learning of BSL to improve our engagement with the deaf community; enabling and encouraging schools to offer BSL as a subject—alongside other modern languages, as I mentioned; and setting up an online interpreting pilot for BSL users who wish to access public services directly by phone. We have made progress through all those activities, but it is time to take the next step, and I believe that the bill allows us to do that.

We have a good idea of the longer-term outcomes that we want to achieve, having worked closely with the BSL and linguistic access working group during our time in office. As Gordon MacDonald said, the Scottish Government supported the publication of the working group's report, "The Long and Winding Road", which set out eight long-term aims to improve linguistic access for deaf and deafblind people.

However, there is an awful lot more to do, and we will draw on the expertise of the new BSL national advisory group to determine what priorities should be included in the national plan. I will pick up on a few specific points around that.

Mary Scanlon made an important point about deaf children being born into hearing families. The Scottish Government genuinely wants Scotland to be the best place for everyone to grow up in, so we have recognised the importance of supporting families who have a deaf baby by providing more than £500,000 from 2011 to 2016 to the National Deaf Children's Society for its family sign language project.

We are committed to ensuring that, once a child reaches school, deaf pupils who use BSL get the support that they need to achieve their potential. Although we recognise that there is much more to do, it is important to say that things are improving. The latest Scottish Government data show an increase in the number of deaf pupils who are moving into further education and employment. That is not to take anything away from the reality, which many members have mentioned, of the attainment gap that still exists.

I am sure that many members will agree that deaf people who use BSL should be able to access public services in the same way as their hearing peers. That should be the aim for all of us, and that is why, earlier this year, we announced the extension of the NHS 24 online British Sign Language video relay interpreting service to ensure that that equality is further promoted.

In my earlier speech, I emphasised the importance of effective engagement between the BSL community and the public bodies that serve them. I mentioned the funding that was recently awarded to five organisations to support that engagement. I hope that, together, they will develop and deliver a cohesive programme of work.

In conclusion, as the minister for Scotland's languages I am honoured to have responsibility on behalf of the Government for BSL and for responding to this bill. I look forward to playing my role in giving the language the support and protection that it deserves through the provisions in the bill. The Government remains happy to work to develop the bill as it makes its way through Parliament.

16:37

**Mark Griffin:** I thank the minister and members for their valuable and positive contributions to the debate.

As I said in my evidence to the Education and Culture Committee on 17 March, one of the reasons for my attempting to introduce a British Sign Language bill was personal. Mary Scanlon mentioned it earlier but did not quite get the facts right. It was two of my great-grandparents who were deafblind. I never met them because they died before I was born, but I was brought up with

stories from my mum about how they raised their children, the difficulties that they faced, how they interacted with their children and grandchildren and how they attempted to access services and carry out everyday activities with a dual sensory impairment.

When I became an MSP, I joined the cross-party group on deafness, at which I heard some of the experiences of people in the group. I was sad to learn that, almost three generations later, people are still experiencing the same difficulties in accessing services—including medical and police services—and in educational attainment. It struck me that the language is still marginalised and misunderstood.

When he gave evidence, the Minister for Learning, Science and Scotland's Languages provided us with a fitting historical illustration of the cultural roots of sign language in Scotland by citing the example of Joan, the daughter of King James I of Scotland, who died in 1493. She was deaf and used a form of sign language at court. I thought that I would do some research of my own to see whether I could match that. In keeping with the royal theme, I discovered that there was another member of the royal family who used a form of sign language—Alexandra, Princess of Wales, who married a son of Queen Victoria. It was said that the princess learned finger spelling and regularly attended deaf services at St Saviour's church in London; it is even claimed that she went on to teach Queen Victoria how to sign.

I am under no illusion that the bill is anything other than a starting point. It is the positive first step that Nigel Don and Stewart Maxwell described it as being. It is the starting point for a continuous cycle of improvement in access to services for BSL users. It aims to raise awareness of the language, to highlight gaps in provision and to identify and enable the sharing of good practice.

Siobhan McMahon and Gordon MacDonald were just two of the many members who spoke about the number of BSL interpreters that we have. There are around 80 registered BSL interpreters in Scotland, whereas Finland—a country that has received a lot of attention in the debate—whose population is similar to that of Scotland has 750 interpreters. I hope that if the bill is passed, the promotion of BSL in public life will lead to a resurgence of the language and an interest among all people in learning it, which in turn will create an upturn in the number of interpreters who come into the system.

The Education and Culture Committee heard evidence from witnesses who gave examples of how a lack of awareness of BSL affected their everyday lives. One witness told the committee about people who, on going into hospital, had to wait hours or even months without really knowing

what was going on with their treatment because no BSL interpreter was available to help.

Chic Brodie talked about the problems that are experienced by BSL users in interactions with financial institutions and the difficulties that data protection requirements can cause them, given that they often rely on a family member or a friend to act on their behalf.

Christine Grahame spoke about access to the justice system. If a BSL user needs to go to a solicitor in the course of purchasing a house, they have to pay for an interpreter to enable them to access that legal service, because legal aid does not cover the cost of BSL interpreters. That is just a small example. Christine Grahame elaborated on the theme. As she said, BSL users have real difficulty in gaining access to justice, whether in High Court cases, appeals, tribunal cases or mental health proceedings.

Many organisations have already made great progress in considering the needs of BSL users, and it is time that their experience is shared so that others can catch up with them. I recognise that it is not possible to wave a magic wand and instantly enable BSL users to start using their language every time they engage with the health service, educational establishments and so on. I wish that I could do that, but I believe that the bill is an important first step in putting BSL on a firmer footing and that it will make a positive difference to the lives of BSL users.

Mention has been made of the Equality Act 2010 and its effect on people who use BSL to access services, but it is important to state that deaf BSL users do not define themselves as disabled. They are as intellectually and physically capable as any member here, and they resent the fact that they have to define themselves as disabled to access services that we take for granted. We do not go to a foreign country where we do not speak the language and define ourselves as disabled. This is simply about people using a different language to communicate. We must recognise that there is a minority in Scotland who use a different language and who have no opportunity to learn the indigenous spoken language. It is up to us to address that and adapt our services accordingly.

**Dennis Robertson:** The member mentioned in his opening speech those who use deafblind manual. Sometimes a person who has used BSL because they are profoundly deaf has to amend or adjust their BSL or use the different language of deafblind manual because of degenerative sight loss. I can use deafblind manual and some BSL, but very little.

**Mark Griffin:** There is clearly a big impact on someone who is deaf and who experiences a

further sensory impairment, becoming deafblind and having to amend the language that they have used all their life. I mentioned in my opening speech the particular consideration that has been given to deafblind BSL users, and Margaret McCulloch picked up that issue in her speech. As I said in my opening speech, I have been in discussions with Deafblind Scotland about the potential for an amendment to the bill specifically to cover deafblindness, if possible.

In the minute that I have left, I will pick up on as many of the points that have been made this afternoon as I can. I said that I welcome the amendments that will be lodged in the minister's name. I look forward to discussions with him on their detail because a number of them will strengthen the bill in particular areas. I also welcome the £390,000 of funding that has already been earmarked for five deaf organisations to do advance work on implementing the bill's provisions.

I think that we have had a tremendous debate. I believe that my bill will help to improve the lives of BSL users and, in time, help them to participate better in all aspects of daily life. I hope that, come decision time, the whole chamber will support the bill and take the next step towards introducing improvements that will benefit BSL users.

**The Presiding Officer:** That concludes the debate on the British Sign Language (Scotland) Bill. I thank our signers at the back of the chamber, as well as the camera operator. *[Applause.]*



## British Sign Language (Scotland) Bill: Financial Resolution

16:48

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of motion S4M-13052, in the name of John Swinney, on the financial resolution to the British Sign Language (Scotland) Bill.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the British Sign Language (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.—[*Dr Alasdair Allan.*]

**The Presiding Officer:** The question on the motion will be put at decision time.

I now invite John Finnie, on behalf of the Parliamentary Bureau, to move a motion without notice to bring forward decision time to now.

*Motion moved,*

That, under Rule 11.2.4, Decision Time be brought forward to 4.48 pm.—[*John Finnie.*]

*Motion agreed to.*

## Decision Time

16:48

**The Presiding Officer (Tricia Marwick):** There are two questions to be put as a result of today's business. The first question is, that motion S4M-13046, in the name of Mark Griffin, on the British Sign Language (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the general principles of the British Sign Language (Scotland) Bill.

**The Presiding Officer:** The next question is, that motion S4M-13052, in the name of John Swinney, on the financial resolution to the British Sign Language (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the British Sign Language (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.

## North-east Mosses

### **The Deputy Presiding Officer (Elaine Smith):**

The final item of business today is a members' business debate on motion S4M-12210, in the name of Christian Allard, on north-east mosses. The debate will be concluded without any question being put.

#### *Motion debated,*

That the Parliament recognises the importance of raised bogs known as mosses to the local eco-systems with unique animal and plant life; notes that the north east has the Arnhall Moss in Westhill and the Portlethen Moss, both of which, it considers, provide an important natural environment for use by local communities; recognises what it sees as the great work of groups such as the Portlethen Moss Conservation Group and the Arnhall Moss Management Advisory Group, who ensure conservation and maintenance of the mosses; understands that local schools have taken part in safaris and tree planting on the mosses facilitated by local rangers who foster understanding and care of the natural heritage in these areas, and welcomes widespread use of the mosses.

16:50

### **Christian Allard (North East Scotland) (SNP):**

First, I thank all the members who signed the motion and the members who will participate in the debate.

When I came to Parliament, it was said that I was rooted in the north-east. Something that I am definitely rooted in is the moss of Westhill—if it is possible to be rooted in a moss, which is not going to be that easy.

I thought about talking about and comparing the two mosses—the Arnhall moss in Westhill, where I live, which is in the constituency of my friend Dennis Robertson, who is the MSP for Aberdeenshire West; and the Portlethen moss, which is in the constituency of my friend, and now minister, Maureen Watt, who is the MSP for Aberdeen South and North Kincardine. The two mosses have a lot of things in common—among them the volunteers who work very hard to look after them and to show them off to the rest of the residents. I was a volunteer at one time on the Arnhall moss management advisory group. What attracted me most to doing that were two words—“beastie safari”, which was a great way to advertise a free family event at our local nature reserve in Westhill. It was great to see all the children going to the beastie safari and thinking that they were going to discover something extraordinary.

In fact, the moss is something extraordinary, because it is home to many different wildlife species, including roe deer, foxes, red squirrels, many small birds and insects. Of course, in a moss we also find a habitat for frogs. Although the

site is mainly woodland, it also has an area of open ground. Members can see some photos of the Westhill moss on the Facebook page that I opened a long time ago, and I encourage anybody who is visiting the moss to take photos and put them on that Facebook page in order to share them with everybody.

How active are the groups? The one in Westhill is quite active. Some years ago it gained a new footpath that provides a proper link between Arnhall moss and the nearby Denman park through to the Westhill industrial estate, where a lot of people work and where we have our local retailer. A lot of people from the Westhill estate go through the moss at lunchtime, and a lot of pupils from the local Westhill academy go through the moss to get to the local retailer, so a lot of people enjoy it every day.

Hundreds of trees have been planted—trees are not very good for mosses, so they are around it on the route of the new path to provide screening between the path and the road. Pupils from Westhill academy helped to plant some of the trees and have installed bird boxes that they assembled with mentoring from Westhill Men's Shed, which is very celebrated in this Parliament and which involves men in retirement who are very much part of the community, and are the heart of the committee. That was part of the work that the pupils were doing for the John Muir award. We also have some manpower from outside, provided by community payback teams. That is a great benefit both for them and for the community, and it is a good way for them to interact with the local community.

Arnhall moss management advisory group member and local resident Sally Leiper said:

“Arnhall moss local nature reserve is a real wildlife haven in the centre of Westhill. It is a very special place and we hope that local people will enjoy the natural environment and the wildlife to be seen at the site.”

Graeme Allan was the chair for many years before he stood down. I thank him for his work. Arnhall moss would not be the great place that it is for everybody to enjoy if it was not for the daily attention of another volunteer, David Coutts, who really has been the guardian of our nature reserve in Westhill.

I had the pleasure of meeting Helen Young, the Kincardine and Mearns ranger, a few weeks ago, regarding the Portlethen Moss Conservation Group, which is headed by its founder Denise Martin. Denise is on holiday and could not make the debate, but she made sure to let me know about the land ownership issue, which I will come back to later.

On the Facebook page for Portlethen Moss Conservation Group we can see that pupils from

the local primary school are involved. The rangers held an “evening dip” pond survey in April and conservation volunteers are planting trees—not at the moss itself but at its entrance, in order to protect the moss. The group was awarded a “highly commended” in the community initiative category in the final of the 2014 RSPB Scotland nature of Scotland awards. Volunteers had prepared slides for presentation today, but unfortunately very few MSPs are here because of this important week in politics, so we thought that it would be better to delay it for another time.

I thank Emma Williams, who is the environment planner at Aberdeenshire Council and who provides management plans for both mosses. One of them has been given to the Scottish Parliament information centre, so members can see it there.

Raised bogs are found in lowland areas of Scotland. The decomposition of plant materials forms large domes on the land, which gradually grow as they accumulate rain water, causing them to be raised above the surrounding land. It is increasingly rare to find the bogs in good condition due to the range of ways in which land is used, including farming, which is predominant in the north-east. Housing developments can also have an impact. That is particularly true for Portlethen and Westhill.

Scotland’s rich ecology depends on a delicate environmental balance. The terrain of our land contributes to much of that environmental composition. For example, 20 per cent of Scotland’s land mass is peatland, with 5,000 hectares in the north-east alone. Peatland can store up to 25 times as much carbon as the rest of Scotland’s vegetation. It plays a vital role in the carbon cycle and effectively regulates greenhouse gases. Much of our drinking water also comes from peatland. It provides areas of recreation, from red-deer stalking to angling and walking, and many more activities. Water from peatland is also a popular ingredient in many malt whiskies.

However, up to 80 per cent of Scotland’s peatlands are damaged. Some members may reflect on the damage in their areas. Damaged bogs often no longer regulate greenhouse gas contamination of the atmosphere and can contaminate water springs. The Scottish Government has done well and, in 2013, allocated £15 million to assist restoration of Scotland’s damaged peatlands. That was followed up with a recent additional £6.7 million of Scottish Government funds to Scottish Natural Heritage to kick-start restoration of peatlands across Scotland.

I return to land ownership. I will seek the full support of the Scottish Government to promote community ownership for some mosses and nature reserves. Communities such as Westhill and Portlethen are already involved in their local

mosses, but there is an issue in Portlethen. I wrote to the people who own most of the moss to see whether it will be possible to have a community buy out, or to lease part of the land.

I look forward to other members’ contributions. Like David Coutts, I like to think that we all want to be guardians of our heritage and the heritage of peatland areas throughout Scotland.

16:59

**Rob Gibson (Caithness, Sutherland and Ross) (SNP):** It is a pleasure to speak in the debate and I congratulate Christian Allard on securing it. We are a Parliament that takes our peat bogs and mosses seriously—in the words of Robert Burns,

“The mosses, waters, slaps, and styles”.

People have passed over our peat bogs and mosses and, historically, have perhaps avoided some of them because they can be rather treacherous. However, we now have a wider view of the way in which mosses add to our landscape and heritage and to the natural balance of nature in each area. Arnhall moss and Portlethen moss are two examples of small mosses that are looked after by local people. Christian Allard’s final points are very important. If we can empower local people to look after small sites, we will gain conservation by local consent rather than having designations imposed on people from above without their say-so. When people take ownership of such things, the land benefits. It is clear from Aberdeenshire Council’s reports that small areas like those can have the kinds of plans that people buy into, but it would be even better if they had direct control at the most local level possible. I fully support Christian Allard’s views on that.

From my point of view in the Rural Affairs, Climate Change and Environment Committee, it is important to acknowledge that large amounts of work are being carried out to understand what the peat bogs do for us. A report that the Scottish Wildlife Trust published at the end of 2012 identified 27,880 hectares of raised bogs—lowland raised bogs—of which some 2,000 hectares are in a reasonable condition. However, that is measured at national level. We cannot measure in each area exactly how much a particular heath land or bog adds to our store of carbon and how much it helps us to reduce the loss of carbon, but it might be possible through citizen science and the people who are involved to do simple measurements that can give us some baseline data for areas such as Arnhall.

Tomorrow morning, the Rural Affairs, Climate Change and Environment Committee will deal with the subject of adding nitrogen trifluoride to our list of greenhouse gases. We are understanding more

about the way in which those gases are being released in all sorts of ways. The greenhouse gas emissions data from 2012 already show that methane, which is released from peat in great amounts, is far more potent than we knew before. Therefore, eventually understanding precisely what is being emitted from areas such as the small raised bogs and heath land of Arnhall is important, because it has to be measured at a greater level outside those areas.

I am delighted to support Christian Allard. There is a wider interest in small mosses. I hope that we can encapsulate even more information and that people can have pleasure not just from taking ownership of such areas, but from using them for the recreation that Christian Allard talked about so much. That is the first step to understanding and rebalancing nature.

17:03

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** Christian Allard's motion invites us to recognise

"the importance of raised bogs known as mosses to the local eco-systems with unique animal and plant life".

It is quite proper that we do that, particularly in relation to Arnhall moss, which the motion also refers to and which is owned and operated by Aberdeenshire Council.

The council describes Arnhall moss very well in the management plan for the moss and captures what makes it important. The plan says:

"Arnhall Moss ... stands as an isolated 'green' island in a sea of urban development."

That tells us two things. First, it tells us that such provisions as there are to protect Arnhall moss and similar ones are important for the diversity of our ecosystems in Scotland.

I have quoted before the first law of epigenetics, which is that the more highly optimised an organism is for one environment, the more adversely it is affected by a change in that environment. In other words, diversity has an intrinsic value that enables the environment to respond to change in a way that it would not were there monocultures and limited diversity. The bog at Arnhall, as elsewhere, fulfils that purpose. More fundamentally, it also fulfils the purpose of supporting people in the local community of Westhill, as Portlethen moss supports the community of Portlethen. Being next to nature benefits human beings. It improves mental health, provides opportunities for physical exercise and gives us access to a wide range of wildlife.

I live 400m from Reidside moss, which is substantially bigger than either of the mosses described in the motion. Arnhall moss is about 10

hectares, while Reidside moss is approaching 100 hectares.

The Arnhall local nature reserve was established in 1992. I have from 1995 a parliamentary answer from Jamie Lindsay in the House of Lords that shows that, as early as that date, Reidside moss—my near neighbour—was being considered for special protection, which was granted in 2004 under the European Union's Natura 2000 initiative.

The wildlife that we have and which I experience in part from my adjacency to Reidside moss is roe, foxes, weasels, rabbits and a wide range of bird life. That goes from the United Kingdom's smallest bird, the goldcrest, which is a regular visitor, to what is nearly our biggest bird, the golden eagle, which we get for a few weeks a year—we see the adolescents as they leave the eyrie, which is about 20km away. We have barn owls, too, which delight us overnight.

In bogs, there is a rich diversity of natural life and, more important, a rich diversity of plant life. The presence of water and the high acidity level give us a differentiation in bog life that is important to support the diversity on which we should place great value.

Bogs form part of my family history. My father used to speak of his falling into a bog in the 1930s while wearing his kilt and full military uniform. He did not particularly enjoy that. More recently, I found myself going to Reidside moss when I was searching for a missing cat. That was in December, and I fell through the ice up to my waist. That was probably quite dangerous, if the truth be told.

The mosses—the raised bogs—that we have across Scotland are an important part of Scotland. I am delighted that we are debating the topic. I hope that, although the members here are few in number, what we say will be noticed much more widely than the limited numbers suggest that it might be. I look forward with interest to hearing what the minister will do to help us continue to enjoy the benefits of our local mosses across Scotland and, in particular, in Westhill and Portlethen.

17:08

**The Minister for Environment, Climate Change and Land Reform (Aileen McLeod):** As other members have done, I thank Christian Allard for raising this important issue and for securing time for this debate on recognising the importance of raised bogs—known as mosses—especially those in the north-east of Scotland.

Members' speeches have been great illustrations of the benefits that our natural

environment provides and how they can be recognised and enjoyed by communities across Scotland.

The timing of the debate is topical, in that it falls within the United Nation's 2015 international year of soils. In that regard, I thank Rob Gibson for hosting a reception in Parliament at the end of March to mark the beginning of that year. The initiative has been a fantastic opportunity to recognise the many benefits that our soils provide—biodiversity, support for economic activity, water quality and climate change mitigation to name an important few—while underpinning our very existence and quality of life.

Raised bogs are an important soil type. In layman's terms, they are raised domes of peat, typically in a wider landscape of agricultural land use. They need to be managed to avoid becoming scrubland and drying out.

**Stewart Stevenson:** Does the minister share my view that some of the issues that affect our bogs are to do with what happens outside the designated areas, for example when farmers put in new drainage that affects the wetness of bogs and the ability to access water, or which takes water away inappropriately?

**Aileen McLeod:** I accept the point that Mr Stevenson makes.

The Scottish Government has long recognised the importance of our peatlands. Last year, with Scottish Natural Heritage, we consulted on a national peatland plan to set out the benefits of peat and highlight the actions that are being taken and can be taken to support land managers to protect, manage and, where needed, restore peatlands. I look forward to launching the finalised plan, which builds on that consultation, in the near future. The work by the community groups that have been highlighted and their supporters is providing such management and the associated benefits.

Raised bogs are a particular environment and they support a range of species that are often not found elsewhere in Scotland, as we heard from Christian Allard. That makes them hugely fascinating places. I therefore applaud the engagement with the local community to help manage and use such important and special landscapes, and the fact that they are looked after by local people. The engagement with schools and the wider community is a tremendous result for the north-east mosses groups. That is an excellent example of the approach that we promote in "2020 Challenge for Scotland's Biodiversity: A Strategy for the conservation and enhancement of biodiversity in Scotland", which involves people in their local environment.

We know that biodiversity is a key component of our lives and that involving local people, particularly young people, in such activity will help to foster a long-term desire to understand and care for our environment. That provides a practical and first-hand opportunity to appreciate our natural environment and the many services that it provides. Although I have not yet visited the areas that are mentioned in the motion, I saw the same approach to managing a raised bog at first hand earlier this year when I visited the Scottish Wildlife Trust's Carsegowan moss reserve, which is between Newton Stewart and Wigtown, just off the A714 in Galloway, if anybody would like to visit it.

My visit to Carsegowan moss took me by surprise. I was not surprised by the engagement that the Scottish Wildlife Trust volunteers and staff had with the site, the impressive work that had been done to restore the site and its on-going active management or the value and benefits that the site provided; what surprised me was the positive reactions that I received on social media afterwards. The key point for me was the connection that people could find with our bogs and wider peatlands and the benefits that they provide. Historically, peatlands have been low key and underrecognised.

Rob Gibson made a good point about the need to understand the carbon contribution of peatlands. We have been actively working on that issue, including understanding wider issues such as methane. Land managers have a particular role to play but they require support from others.

The positive recognition that I mentioned bodes well for the future because, currently, 62 per cent of blanket bog, 58 per cent of raised bog and 69 per cent of fen, marsh and swamp features on designated sites are in favourable condition, but others are not. Action is needed to improve peatlands to maximise their benefits and contribution to Scotland. That is why we are highlighting work to restore peatlands under our priority projects for action in the biodiversity 2020 route map, which will be published soon.

I will pick up on a few other themes. As I said, community-based initiatives such as those involving the two reserves in the motion are an opportunity to increase engagement and understanding of the environment. The 2020 challenge strategy document recognises the role of biodiversity in providing education benefits and reflects the role of outdoor learning in the curriculum for excellence. Stewart Stevenson talked about the links between biodiversity and health when he reminded us that being nice to nature benefits us all. The route map will build on the good work that is already under way to promote the health benefits of the environment.

**Dennis Robertson (Aberdeenshire West)**  
**(SNP):** The minister would be more than welcome to come to Aberdeenshire West to see at first hand the mosses at Westhill. I am sure that the rector at Westhill academy would be delighted to extend an invitation to her to come to see how the curriculum works in his school.

**Aileen McLeod:** I would, of course, be absolutely delighted to visit other mosses so I would be more than happy to do that if Dennis Robertson would like to extend an invitation to me.

I thank Christian Allard again for bringing this important issue to the chamber. I welcome the debate. In bringing it to the chamber, Christian Allard has enabled us to highlight the benefit of a protected and managed natural environment. I genuinely applaud the effort of the Portlethen Moss Conservation Group and the Arnhall moss management advisory group. I thank members for their contributions to the debate and encourage others to consider what opportunities they have in relation to mosses in the areas that they represent.

*Meeting closed at 17:15.*

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