

British Sign Language (Wales) Bill

British Deaf Association stage 1 submission to the Equality and Social Justice Committee

Introduction

1. We warmly welcome the Bill. As evidenced by the submissions to Mark Isherwood MS's 2024-25 consultation on his proposal for a Bill, there is a pressing need for legislation.
2. The Bill as published will bring a new government focus on information in BSL and will enable deaf signers to be seen as the solution rather than as a problem.
3. Sign Language legislation is important to Welsh signers. It is a formal acknowledgement of and a sign of respect for signing communities as a distinct part of Welsh life. It recognises Welsh signers as a linguistic minority group with our own distinct culture and aspirations. The legislation follows similar support from the Scottish Parliament, the UK Parliament and the Northern Ireland Executive which is promoting its own legislation.
4. British Sign Language is a visual-gestural language with a distinctive grammar and syntax using handshapes, facial expressions and movement to convey meaning. It is an indigenous language to the UK and has been part of recorded history since at least the 17th century. It is estimated to be the preferred language of between 5,600 and 7,300 people in Wales.
5. The British Sign Language (Wales) Bill is a strong Bill that provides a clear foundation to drive progress for deaf signers across Wales.

A new focus on information in BSL

6. 98 out of 111 respondents to the official consultation on the Bill (November 2024 – January 2025) said that 'education' provided a 'main barrier' for deaf people in Wales. 97 out of 111 said the same about 'health.' Barriers include a lack of deaf awareness, a failure to grant BSL provision, a shortage of BSL-signing staff, and obstacles to deaf signers entering careers in these sectors.
7. These problems persist despite the Public Sector Equality duties in the Equality Act 2010 and despite the 2013 All Wales Standards for Accessible Communication and Information for People with Sensory Loss. A new approach is needed, above and beyond an 'access' perspective and towards inclusive leadership.
8. The BSL (Wales) Bill will not change this overnight. But it will require local authorities and NHS bodies to examine their approach and to consider, identify and plan how

they can promote and facilitate the use of BSL and to report on their progress. We would expect and recommend that this process will actively involve BSL signers in Wales who can contribute to the prioritisation and to the solutions.

9. This approach, required by law, will incentivise public bodies towards good practice and hopefully create a 'ratchet' effect as each successive plan can be better than the one before.

Deaf signers as the solution, not the problem

10. Historically, deaf signers have been made to feel like a burden to public bodies in our country. Yet, we bring a lifetime of experience and expertise which can only assist public bodies in the production of their improvement plans and the delivery of services through BSL.
11. According to the consultation findings, nearly all respondents disagreed that deaf people 'currently have a voice in the design and delivery of the public services they use'. Most agreed that deaf people 'should have a formalised voice in the design and delivery of the public services that they use'.
12. The Bill will encourage good practice in genuinely giving authority over our lives to deaf signers in Wales. It is our expectation that Welsh Ministers and listed public bodies will wish to develop strategies and plans which are genuinely grounded in the experiences and aspirations of the Welsh signing communities. We do not believe that it is appropriate, possible or efficient for non-signers to lead on determining the path of our future lives. Instead, we wish to see genuinely deaf-led solutions. BSL services should be designed, managed and evaluated by those who will use these services. This extends to the leads within each department or public body tasked with creating that body's BSL Plan. We strongly believe that each such person should themselves be a deaf signing professional. We strongly believe this will maximise value for money and impact of the BSL Plan.
13. An example of the need for this is demonstrated by the different processes employed by the Scottish Government in the development of the first and second BSL National Plans. The first national plan (2017-23) was very substantially co-created through a National Advisory Group, which had one deaf and one deaf-blind co-chair. The second plan (2023-29) did involve consultation with deaf communities, but it was then "edited down" within the civil service. For Scottish deaf signers, this led to understandable disappointment. It is our reflection that the National Advisory Group was the more effective way to give strength to the voice, experience and aspirations of signing communities.
14. Deaf-led solutions are authentic, responsive and efficient. As an example, the Welsh Government set up a BSL Stakeholder Group to inform the development of a

Welsh Government BSL ‘route-map’ to promote and facilitate BSL and improve outcomes for Welsh Deaf signing communities. This Stakeholder Group is co-chaired by a deaf signer from the British Deaf Association and a deaf signing civil servant. This work has progressed well and at good pace, partly because of constructive engagement with Welsh deaf signers. It has also been very helpful that the two co-chairs, while each having distinct professional roles, share the same language, both literally and metaphorically - in terms of their culture and life experience. This has enabled much more rapid progress.

Support for the general principles of the Bill

15. The Bill is not fundamentally about – and should not be seen as being about - access to ‘mainstream society’ for members of a disabled community. It is about saying that the lives and aspirations of deaf signers have equal value in Wales. It is about respect for a specific cultural minority within Wales and the language that we use. It will start to bring about a transformation in the lives of deaf signers.
16. As such, the high-level duties on Welsh Ministers to promote and facilitate the use of BSL are about a vision for Wales more than they are about specific actions. Wales has a proud record of support for the Welsh language; we believe that the same arguments apply to British Sign Language.
17. We support the structure of the Bill: the high-level duty, the creation of a National BSL strategy, the appointment of a national BSL adviser and panel and the expectation of listed body BSL plans. Together, this approach creates a strong and progressive framework to drive and enable the next steps in the lives of Welsh deaf signers.

Suggestions and issues that the committee might wish to consider

18. While we strongly support the Bill, we hope that the committee will wish to consider the following issues. Not all of these may require amendments to the Bill – it may be that Ministerial assurances or legal clarification would be helpful. We raise these points in a desire that committee process will lead to confidence in the strength of the Bill.
19. We would appreciate clarity on what the National BSL strategy will cover. It is important that the BSL “strategy” addresses strategic, high-level issues. But we believe strongly that Welsh Ministers must also provide clarity about the practical and measurable steps that they will take as departmental Ministers to promote and facilitate the use of BSL. For example, there is a clear need for specific measurable actions in the field of education, including actions within the responsibility of Welsh Ministers. **We request that the committee ask the Minister to confirm that a**

single document – the national BSL strategy – is intended to cover both strategic and operational issues.

20. There is a balance to be drawn between the speed of developing BSL plans and the capacity to do them well. The fundamental tension is around the capacity of the Welsh deaf signing community to lead the development of the plans and thereby to have authority over our lives and the delivery of our aspirations. Too many plans will overwhelm the capacity of Welsh deaf signers to play a leadership role; too few will cause a failure in the delivery of vital and urgent improvement. We believe that it is critical that the Welsh Government acknowledges and responds to this tension. For the avoidance of doubt, we believe that the priority should be genuinely Deaf-led planning – and we think that the BSL adviser can play a helpful role here. The alternative, of hearing non-signers deciding “what deaf people need” is not a recipe for progress. **We request that the committee press Ministers on how they intend to ensure that the development of BSL plans is led by those who understand the aspirations of deaf signers. For example, Ministers might provide advice through guidance issued under section 3(a) of the Bill.** It would be helpful for the committee to press Ministers on their understanding of the capacity of deaf signing communities in Wales and what steps they could take to develop a deaf leadership cohort.
21. It is important to understand the approach that the BSL Adviser is able to take. Realistically, some parts of Welsh government (whether nationally or locally) will respond well to the Bill, when enacted, and some will be less effective. It is important that the BSL Adviser has the ability and the resource to work pro-actively to address specific or thematic issues and to report accordingly. It is important that the Adviser is empowered to “speak truth to power.” **We request that the committee review how Welsh Ministers expect the BSL Adviser to engage with deaf signers in Wales and to address and report on any deaf community concerns about the implementation of the Bill.**
22. The Bill rightly says that its BSL Adviser must be able to communicate effectively in and use BSL. We would go further than this. We would hope that the Adviser will bring direct personal experience of the Welsh deaf signing community and its culture. We also believe that members of the panel appointed to assist the adviser should be required to have a sufficient understanding of BSL to be able to use it fluently in panel meetings. It is an important symbol and a matter of practical efficiency that BSL should be the language of the panel. **We request that the committee consider how the Bill can embed expertise in the lives of Welsh signers into the person of the Adviser and the membership of the panel.**

23. We are not clear why the list of public bodies has a particular focus on local authorities and health bodies – as opposed to education bodies for example. Responses to Mark Isherwood MS’s consultation showed that education was the most frequently cited source of barriers for deaf people. In this regard, we note the absence of education bodies such as Estyn (whose role includes evaluating deaf education) and Qualifications Wales (with its responsibility to monitor exam boards) from the Bill. Likewise, the bodies responsible for higher and adult education. Other national bodies have important responsibilities covering aspects of the support and education of deaf babies, children and young people. We also note that other important bodies are not on the list in section 8 of the Bill. We observe that the Welsh Government publishes a Register of devolved Welsh public bodies and statutory offices and that the Future Generations Commissioner lists 56 public bodies in Wales subject to the duties of the Wellbeing of Future Generations Act. We also note the range of bodies listed in the BSL Scotland Act, which includes courts, regulators and commissioners. We would give some priority to bodies like the Public Service Ombudsman for Wales, Transport for Wales, the Senedd Commission (noting that the Scottish Parliament Corporate Body is covered by the BSL Scotland Act).
24. We do appreciate that there is a need to prioritise areas for the development of BSL plans, if only so that their development can be led by deaf signers. Our preference would be to have a smaller number of plans, developed through a Deaf-leadership approach, rather than more plans subject at worst to a less effective “consultation.” As such, we do not expect all the bodies whom we would aspire to have BSL plans should be required to produce plans immediately. But it would be helpful to understand the rationale for prioritisation and to be assured that “second priority” bodies would be added to the list in due course. We also note and applaud that some Scottish bodies have volunteered to produce BSL plans, for example Food Standards Scotland - there may be a helpful path forward here. **We request that the committee consider how and when education functions affecting deaf children, particularly Estyn and Qualifications Wales, can be brought within the remit of the Bill. We request that the committee seek clarity on how and when additional bodies will be expected to produce BSL plans.**