
Senedd Cymru | Welsh Parliament

Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol | Equality and Social Justice Committee

Bil Iaith Arwyddion Prydain (Cymru) | British Sign Language (Wales) Bill

Ymateb gan Cymdeithas Llywodraeth Leol Cymru (CLILC) | Evidence from Welsh Local Government Association (WLGA)

What are your views on the general principles of the Bill?

We agree in principle with the principles of the Bill, however, as highlighted in previous consultation responses we remain concerned about implementation. In particular there are concerns over the sufficiency of BSL translators/interpreters available which will have a significant impact on the deliverability of duties in the Bill. There is also no detail on what will be included in the National Strategy and therefore what the Local Plans that will be developed will need to look like. Importantly, there remains a need to identify what funding will be made available to support the local plans and the delivery of the strategy and the plans that come from the guidance.

There are challenges beyond the individual public bodies reach and therefore we welcome a national approach if it achieves its aim of increasing the number of translators in Wales for BSL, making it more accessible as a result. The risk currently is that without an increase in the number of BSL translators, demand will continue to increase and along with it increased costs and expectations which will struggle to be met.

We have previously set out the need for the Bill to align with existing Equality legislation. Whilst we recognise the need for the Bill as laid out in the Explanatory Memorandum, we continue to believe that the reporting mechanisms for public bodies would be more efficient and timelier if they are delivered through the annual equality reporting mechanisms.

We note that the Explanatory Memorandum states that the legislation will create parity with the UK and Scottish parliaments. Whilst there are many similarities with the Scottish legislation, the duties on the public sector outside of national government would appear to be exceeding the limitations of the legislation that applies to England, where councils are only encouraged to take into consideration BSL users and where guidance from the UK Government is not yet in force.

Please note we have only used BSL user in this context as that is the term used throughout the British Sign Language Act 2022, we acknowledge in Wales the use of the term BSL signer is the appropriate terminology.

What are your views on the Bill’s key provisions (set out below), in particular are they workable and will they deliver the stated policy intention?

We acknowledge the general principles and welcome the clear links between the draft Bill and Equalities legislation as described in the Explanatory Memorandum. We also note that it is made clear that the Bill is only regarding BSL and does not take into consideration comorbidities that may occur for Deaf or those with hearing loss or other reasons for using BSL.

It is difficult to state if the legislation will deliver the policy intention given that the delivery elements will be down to the national strategy and guidance, along with the local plans. The detail of which is not covered by the Bill and is yet to be developed. These parts as well as the cost of developing and reporting on the strategy and plans will need to be fully funded and resourced. We note that there is mention of the involvement of BSL signers and the BSL adviser in the development of the strategy and guidance, we would hope there will also be engagement with local government and other public bodies.

In regards specifically to the Social Services and Wellbeing (Wales) Act 2014, at paragraph 109, it states that the Bill will complement the Act by facilitating the use of BSL. There is already a requirement to use the language of choice through equalities to reduce inequities.

What are your views on the Bill’s key provisions (set out below), in particular are they workable and will they deliver the stated policy intention?

1 – A duty on Welsh Ministers to promote and facilitate the use of BSL

We agree with this duty in principle as long as it leads to changes that are fully funded, sustainable and not subjected to the current sufficiency issues which we highlight further in later questions.

2 - A duty on Welsh Ministers to publish national strategy and guidance

We agree with the principle of having a national strategy and for guidance to be produced however, it is essential that any new expectations or requirements through the national strategy need to be fully funded for the public bodies to deliver.

It is also important to recognise that if there is a delay between the launch of the national strategy and the release of guidance for local plans, it could place further strain on interpreter availability and reduce the time public bodies have to consult. While Welsh Government has 18 months to develop the strategy, public bodies only have 12 months to act. Since no timeline is set for issuing the guidance, any delay could further constrain local timelines. We would therefore urge the requirement that the guidance be published either with the strategy or within one calendar month, as implied in paragraph 304 of the Explanatory Memorandum, to ensure public bodies aren't disadvantaged by delays beyond their control.

It is particularly important for the national strategy to be deliverable. For example, we understand from the British Deaf Association that it takes up to seven years for someone to train to be a BSL translator. This means that to increase the number of BSL translators will require longer than the length of the first strategy. In paragraph 55 of the Explanatory Memorandum a target increase of BSL interpreters by 42 to 64 since 2004 has not yet been achieved with the number remaining at 54 (paragraph 54).

At present there is no known Wales-based training provision for BSL/English interpreting and no university-level programme for sign language interpreting in Wales. Consequently, candidates in Wales generally need to train in England. There is also no defined end-to-end pathway in Wales from learning BSL as a language, through interpreter training, to entry into professional practice. Unlike spoken languages (which can be studied in school and funded via established routes), BSL learning is typically self-funded with no access to Student Finance.

We are also aware that Qualifications Wales suspended the development of a BSL GCSE in Wales due to a shortage of qualified teachers; no official repository for BSL in Wales which would enable a centralised means for developing new signs; and regional dialect differences. The latter of which is likely to be an issue with most BSL translators being based in South East Wales, and the programme to develop BSL into AI being taken forward by a University in England. These are all factors that will impact on the sufficiency of BSL translators needed to be able to deliver on the duties contained in the Bill.

3 - A duty on Welsh Ministers to publish BSL guidance

We agree with the principle of having a national strategy and for guidance to be produced however, it is essential that any new expectations or requirements through the national strategy need to be fully funded for the public bodies to deliver.

It is also important to recognise that if there is a delay between the launch of the national strategy and the release of guidance for local plans, it could place further strain on interpreter availability and reduce the time public bodies have to consult. While Welsh Government has 18 months to develop the strategy, public bodies only have 12 months to act. Since no timeline is set for issuing the guidance, any delay could further constrain local timelines. We would therefore urge the requirement that the guidance be published either with the strategy or within one calendar month, as implied in paragraph 304 of the Explanatory Memorandum, to ensure public bodies aren't disadvantaged by delays beyond their control.

4 - A duty on specified public bodies to publish BSL plans

We note that whilst councils are included that the regulators Social Care Wales, Estyn and Care Inspectorate Wales are not included, along with Llais.

The public bodies that are named in the Bill are all devolved, however, as a result of legislation there may be expectations raised with BSL signers around reserved public bodies such as the police, probation and the criminal justice system for whom none of the duties in the Bill will

apply, and where they may need to rely on the existing equality legislation for their rights to communicate in their language of choice with acknowledgement of their separate and independent culture.

WLGA welcomes the option for public bodies to work together in collaboration to prepare their plans (paragraph 176) due to the limited number of deaf organisations and individuals to be engaged with. How this may be delivered is likely to differ across the regions. Whilst the Explanatory Memorandum anticipates this resulting in only 11 consultation events rather than the 34 that would be required if each were to do their own (paragraph 328), this number may be lower than will actually be delivered unless the Bill ties the development to either the footprints of Public Service Boards or the Regional Partnership Boards, which would then define the collaborative areas to those of the Local Health Board areas. It will be important to ensure that there is engagement with deaf communities from each council area to influence the development of their own local plan which they each will have to deliver.

We understand the duty to publish BSL plans and we have added comment under other questions in regards to the practicalities and the risk of constrained timelines if the guidance is not issued in a timely way after the national strategy.

5 - The appointment of a BSL adviser

We welcome this development which is in line with our January 2025 consultation response, ensuring the increased prominence of BSL and the ability for public bodies and the Welsh Government to be challenged and best practice to be promoted in an appropriate way. Building on the experience of the VAWDASV adviser role appears to be an appropriate mechanism, particularly while there remains sufficiency concerns and a need for an increased awareness of BSL and opportunities to increase occasions for it to be used.

6 - Reporting duties to be imposed on the public bodies and Welsh Ministers in relation to these duties.

The reporting requirements could benefit from greater clarity, as they may not be fully aligned as currently set out. Our understanding is that Welsh Government will report on progress of the strategy after three years, and again ahead of a new strategy (potentially 2030/31 if the Bill passes into legislation in 2026), with the strategy published in 2027/28. In the meantime, councils and other public bodies on this timeline will have to publish their plans in 2028/29 and update on progress after one year in 2029/30 and then not again until they are due to refresh the plans.

Whilst these timelines will mean information on one year delivery is with Welsh Government for their mid-strategy report, the reality is that delivery of the plans themselves will only be for one year and not three at that point. There is a risk this would not provide enough detail and in subsequent years may mean more being asked of councils and other public bodies to fill this data and knowledge gap. Consideration should be given to incorporating the reporting

mechanisms on progress on the delivery plans with the equality reporting that is carried out on an annual basis. This should assist in keeping additional costs down and ensure that delivery of plans remains a focus throughout its delivery period. It would also allow more timely interventions if there were new barriers and issues that would benefit from a national solution or from the BSL Adviser and Panels intervention and support.

Utilising the existing reporting mechanisms for equalities for all except the review or update year, would also allow consistent reporting across Wales that could be utilised by the BSL Adviser and Panel on a more frequent basis. It could be done whilst maintaining and acknowledging the differences between disability and communication in the equality's legislation, and the separate language and culture of BSL, but without adding a large amount of additional demand, and it potentially links in with existing job roles where the Welsh language duties and reporting sits alongside equalities in Equality and Welsh Language Officers and/or Managers.

How appropriate are the powers in the Bill for Welsh Ministers to make subordinate Legislation?

The powers as laid out in the Bill and Explanatory Memorandum would appear to be appropriate and in line with other legislation.

Are there any barriers to the implementation of the Bill's provisions and does the Bill take account of them?

There are a number of barriers to the implementation of the Bill, some of which we have already highlighted around sufficiency of BSL translators and the potential resource implications for any delivery elements and lack of resources.

We also note the research explained in paragraph 56 of the Explanatory Memorandum that found that interpreters are reluctant to work on police interviews due to the level of scrutiny and the possibility of needing to attend court. Whilst police are outside the remit of this Bill, the same issue may also become apparent when it comes to safeguarding reporting and the engagement and response required by council employed social workers, which could add a barrier when trying to protect the most vulnerable. The Bill does not attempt to resolve or mitigate these barriers in its current form.

Recognising this barrier, together with the Non-Police Personnel Vetting (NPPV3) requirement, the Wales Interpretation and Translation Service (WITS) funds NPPV3 vetting and works collaboratively with the Police Approved Interpreter Translator (PAIT) scheme for interpreters undertaking police work, helping to reduce entry barriers and support safe, compliant provision across the justice system.

The Explanatory Memorandum goes into detail around the barriers of short notice provision and the challenges it provides especially in light of the sufficiency issues of BSL translators. However, it does not provide any possible solutions or explanations for how the Bill will improve this situation. A shortage of BSL translators is likely to mean they have more filled diaries and less time and opportunity to pick up short notice or emergency (so immediate) demands on their already committed time.

The Explanatory Memorandum raises issues with the WITS and its ability to deliver BSL provision. WITS sources professional interpreters and translators for the public sector throughout Wales in over 150 languages including BSL. Whilst there is always more that can be done to promote the service and ensure all those who work in public bodies who may need it, know how to access it, the issues around sufficiency around the number of BSL translators is likely to be a contributing factor. In one twelve-month period over 8% of requests made to the service were for BSL interpretation, making it the third most frequently requested language which they still achieved a 96.2% allocation rate for. To put this into context over a year each registered BSL translator in Wales (total 54) would have needed to accept on average just over one request a week for every week of the year, with no accounting for holidays and other planned or unplanned leave. This may partially explain why one of the interpreters who responded to the January 2025 consultation is quoted as mentioning burn out within the profession (paragraph 59).

The concerns raised about WITS in the Explanatory Memorandum appear to stem primarily from a national workforce shortfall rather than the commissioning model itself provided WITS and other Language Service Providers receives the request for translation.

What are your views on the assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

We noted the commitment in plenary given by Jane Hutt MS Cabinet Secretary for Social Justice, Trefnydd and Chief Whip on the 16 July 2025 that:

“Welsh Government will provide the costs, as you have outlined, for the first year, in full, for 2026-27 of £214,300.” (306: Plenary 16/07/2025 - Welsh Parliament)

In 2026/27 all the costs of delivery are with the Welsh Government, the second year 2027/28 is when costs to other public bodies will begin and there is no confirmation of funding towards this. It is important to note that the figures included for the BSL plans are based on National Joint Council Services paycales (paragraph 326) for 2024/25 figures. These paycales have since been subjected to a 3.2% increase for 2025/26 and therefore the figures provided in table 9 (page 87) are already out of date and provide lower resource implications when compared with what will be required.

It should also be noted that in the Explanatory memorandum (paragraph 330) that no costs have been assigned for the implementation of the plans due to these being dependent on the requirements that will be set out in the to be developed national BSL strategy. It is essential that these are costed and fully resourced.

In paragraph 210 of the Explanatory Memorandum, it states:

“The WLGA estimated that preparing BSL plans and conducting performance reviews would cost around £790,000 a year over the first 5 years, although costs would decrease in subsequent years. This estimated cost is explored further in the Regulatory Impact Assessment.”

This appears to be a mis-interpretation of the response to question 15 of the WLGA response to the consultation that ended in January 2025, where we shared the figure from the explanatory memorandum that was part of that consultation and questioned some of the claims, the original WLGA response stated:

“The EM [Explanatory Memorandum] identifies there will be additional costs for public bodies to report on their BSL usage, but there is no recognition that it is not just the costs but also the resources of staff to pull reports together adding a burden to workloads when councils are facing large staff cuts. Estimates that the preparation of BSL plans and performance review for public bodies to report would be around £790,000 a year over the first five year period with costs lower in future years. There is no detail on how much lower these are expected to be and there are only cost estimates around the plans and not for delivery of services or the provision of providing BSL interpretation for complaints or engagement activities. This estimate would appear therefore to be low. It is essential that any new requirement placed on councils is fully funded or risks drawing from other essential services.”

The concerns around the actual financial implications remain

Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum?

In the terms of the Explanatory Memorandum in paragraph 6 (page 1) it tries to differentiate between BSL signers (anyone who signs), Deaf BSL Signers (medically or audiological deaf) and deaf (lower case for those with hearing loss). We agree with the term BSL signers rather than BSL users for the same reason we refer to Welsh speakers. If BSL is the third language in Wales, then the most important thing is that all BSL signers have the same opportunities regardless of their diagnosis. There is a risk that by trying to separate out the different groups that make up BSL signers that it creates exclusion itself, when the aim of the Bill is for better awareness, use and inclusivity. This is demonstrated on page 4 in paragraphs 10, 11 and 12 of the Explanatory Memorandum which identifies only Deaf (those medically or audiological deaf) as using BSL as their first and primary language and connecting Deaf and hearing individuals and for whom raising the profile will be beneficial. The UK Government 2022 report on BSL included statistics that suggests only 57.6% of BSL signers are Deaf (figures excluded

translators and other professional BSL signers), which could mean that over 40% of BSL signers are excluded from the anticipated benefits as a result of the Bill.

The Explanatory Memorandum on a number of occasions (for example paragraph 366) makes reference to education achievement through the grades achieved in core subjects of English/Welsh and Maths. Whilst Maths would be fitting with the remainder of the content of the document, the inclusion of English/Welsh which are described as second and third languages for BSL signers may not be as appropriate. For BSL signers, BSL may be their first and sometimes only fluent language it may, therefore, be more comparable to other language GCSEs rather than ones in which their hearing counterparts are fluent in one or both comparative languages.

In the section that focuses on Specific Impact Assessments under Justice System Impact Assessment (paragraphs 334-339) it identifies that there will be no impact on the justice system in England and Wales. However, youth offending services are delivered through council services in Wales, which is one of the listed public bodies and therefore would possibly fall within the scope of the duty. The Welsh Government also have the supporting youth justice services to prevent offending: prevention framework and Female Offending Blueprint for Wales, both of which bring together currently reserved public bodies, including police and probation, and devolved public bodies including councils. As raised previously, the interplay between devolved and reserved bodies and potential impact on any new duty would need to be considered. Additionally, the UK Labour Government manifesto in 2024 included a commitment to explore the devolution of probation to enable a more locally responsive service. Should devolution of probation occur, this could result in this justice service moving within the scope of the duty.

Anything else?

There is limited mention of alternative provision to deliver BSL translation in the Bill or Explanatory Memorandum. There are some digital solutions either already available or under development. For example, Video Relay Service has been used with varied success in some councils, and whilst it only uses standard BSL rather than local dialects it provides one potential solution to the barriers and sufficiency issues. There have also been developments around the use of AI translation, with the University of Surrey being funded to deliver a programme to develop BSL/English translation. However, this is a number of years from delivering and we understand would currently exclude Welsh/BSL translation. We note the inclusion of the need for additional resource to be considered to develop digital products and services raised by Digital Healthcare Wales (DHCW) but it is equally important to ensure that local government is also involved, with an opportunity to engage with the Local Government Chief Digital Officer alongside DHCW in any discussions to ensure parity across public sector provision.

There are also some concerns about the lack of inclusion of the Welsh language and the possible impacts of the legislation as it is currently drafted. For example, the Explanatory Memorandum includes information on Sign Supported English, however, there is no mention of its Welsh language equivalent Sign Supported Welsh despite both being included in other Welsh Government department documents, such as the Sign languages and sign systems produced by Education Wales.

A review of the NRCPD website, the organisation where BSL interpreters are registered, highlights this discrepancy where there is no mention of British Sign Language and Welsh, only “British Sign Language/English Interpreters and Translators.” We anticipate that there will be some of the 54 who are bilingual in English and Welsh, but without these figures and with most translators being based in the South East of Wales there is no guarantee that there are any BSL/Welsh translators, which may be an area that will require further exploration as part of the first national strategy in order to meet the requirement of not treating Welsh less favourably than English.

Under the heading Additional Learning Needs and Education Tribunal (Wales) Act 2018 (paragraphs 115 to 117) there is a focus on the decrease in Individual Development Plan (IDP) for children with hearing impairments reported by parents of Deaf children as well as from the Additional Learning Needs (ALN) register. The explanatory memorandum suggests that this decrease is leading to disadvantages. However, it does not acknowledge the information in September 2022 from the Minister for Education and Welsh Language that SEN had been over-reported or inappropriately categorised in the past and that ALN was correcting this. Our inclusion of this is not because we believe this is always the case but to note that it would also be helpful to reflect this within the Explanatory Memorandum.

We welcome and hope for the continuing engagement with WLGA as the Bill progresses and the increased engagement and discussion regarding BSL through this legislative process as a first stepping stone to increasing the awareness of BSL across Wales.