



Jenny Rathbone MS  
Chair, Equality and Social Justice Committee  
Senedd Cymru  
Cardiff Bay  
CF99 1SN

8 October 2025

Dear Jenny,

**British Sign Language (Wales) Bill**

Thank you for your letter of 30 September, in which you raise a number of questions seeking further information, and points of clarification, on the BSL (Wales) Bill. My response to the questions is provided in the Annex to this letter.

I have copied this letter to the Cabinet Secretary for Social Justice, so that she is aware of my response.

Please let me know if there is any further information I can provide to assist the Committee in its consideration of the Bill.

Regards

**Mark Isherwood MS**  
**Member of the Welsh Parliament for North Wales**

## **1. What are the main reasons for adopting a framework rather than a more prescriptive approach to the drafting of this Bill?**

I have been very clear throughout this process that this is a framework Bill. It is, however, a framework Bill in a very narrow area. When compared, for example, to the Equality Act or the Wellbeing of Future Generations Act, you can see that these are framework Acts that are much wider in scope.

So, while it is a framework Bill, it is also very focused. It focuses minds on BSL in a way that the Equality Act and the Wellbeing of Future Generations Act do not. This Bill focuses minds on BSL and nothing else, so in that sense it is a very prescriptive Bill.

The kind of detail we are expecting in the national BSL strategy, guidance and BSL plans is not suitable for inclusion on the face of the Bill. The detail and content of the strategy, guidance or plans will inevitably need to change over time, and may also need to adapt quickly to changing needs. Having those details set out in primary legislation would prevent those key documents from being adapted quickly if required.

As I have set out in the Explanatory Memorandum, I believe that each of the listed public bodies will have the greatest understanding of their own needs, whether that be within their defined local authority or health board areas, or more nationally for those listed public bodies that have a national role. It would, therefore, be appropriate for those public bodies to set the detail of their BSL plans.

I also believe it is also vital that the BSL Adviser is involved in the preparation of the BSL strategy. That can only happen if the detail of that strategy is developed after the Bill has been enacted, and the Bill provides for that to happen.

## **2. How did you take into account the potential risks of the framework approach and how are these risks mitigated?**

The main purpose of the Bill is to promote and facilitate the use of BSL; that is expressly set out on the face of the Bill in numerous places. The Bill expressly states that the national BSL strategy, the BSL guidance and the BSL plans must all address promoting and facilitating the use of BSL.

The fundamental purpose is therefore expressly provided on the face of the Bill, and I believe that is a major safeguard.

Whatever detail the national BSL strategy ultimately contains, the detail must always tie back to the fundamental purpose. Likewise, the BSL guidance and BSL plans. The detail of how BSL is promoted and how its use is facilitated can safely be left to the strategy, guidance and plans – because the Bill secures that they all tie back to promoting and facilitating the use of BSL.

As outlined in my response to question 1, the kind of detail we are expecting in the strategy, guidance and plans is not suitable for primary legislation. We need to ensure that those detailed documents can be adapted quickly to changing needs. Particularly as in the longer term, the priorities in relation to BSL may be very different.

### **3. Can you clarify how this section and in particular the words “promote and facilitate” should be interpreted in practical terms?**

I don't believe there is a special meaning to the words “promote” and “facilitate” in the way they are used in the Bill. These terms should simply be given their ordinary, everyday meanings. It should be clear when reading a document as to whether it promotes BSL and whether it facilitates the use of BSL.

As the Committee will be aware, the words “promote” and “facilitate” are also used in both the British Sign Language (Scotland) Act 2015 and the British Sign Language Act 2022. There is, therefore, a consistent approach taken across other UK legislatures.

The Bill states that the BSL strategy must describe how Welsh Ministers intend to promote and facilitate the use of BSL in the exercise of their functions. The BSL plans must describe how a public body intends to promote and facilitate the use of BSL in the exercise of its functions, and guidance must also be issued to public bodies in this respect.

In his recent evidence to the Committee, I can see that Dr Rob Wilks referred to these main duties and said: *“The duty to promote should include active steps to raise the visibility and status of BSL, and the duty to facilitate should include removing barriers so that BSL can actually be used by deaf individuals throughout Wales.”*

The detail of how Welsh Ministers and Public Bodies intend to promote and facilitate BSL, including the types of issues mentioned by Dr Wilks, will therefore follow in the strategy, guidance and plans.

**4. Why were these details not included on the face of the Bill and why, in your view, is the proposed approach more appropriate?**

Please refer to my answers to the previous questions, which cover this detail.

**5. Can you clarify the intentions behind these provisions including whether the strategy should cover both strategic and operational issues?**

Provided the strategy promotes and facilitates the use of BSL across the entire range of Welsh Ministerial functions, then the strategy will be lawful.

The BSL Act in Scotland also does not set out whether the strategy/nation plan should cover strategic and operational issues. The national plan in Scotland does, however, set out the long-term goal and what it will do to meet this goal, therefore covering both strategic and operational goals.

I would expect the national BSL strategy prepared by Welsh Ministers to follow a similar pattern to that in Scotland.

**6. What assurances can you give that this flexibility cannot be used to undermine the Bill's overarching aims and objectives?**

As I have set out in my response to question 2, the fundamental issue of promoting and facilitating the use of BSL is expressly set out on the face of the Bill in numerous places. The Bill contains no flexibility to undermine that fundamental aim and objective.

**7. Why is it more appropriate to set out details of what to include in these plans in secondary legislation rather than on the face of the Bill?**

I refer again to my earlier response to questions 1 and 2.

Including these details on the face of the Bill would lead to a rigid process that could not adapt quickly. It is still the Bill that sets out what must be included in plans – see section 4(1)(a) and (b). Regulations made by the Welsh Ministers under section 4(1)(c) cannot change that. But section 4(1)(c) can set out anything additional that must be included in plans, for example, where a change in circumstances means that plans need to adapt.

While listed public bodies may adapt plans in any case, it is appropriate to give the Welsh Ministers a power to specify something that must be included in plans, given that it is the Welsh Ministers who set the national strategy and issue the national guidance.

As I have set out in the Explanatory Memorandum, I believe that each of the listed public bodies will have the greatest understanding of their own needs, whether that be within their defined local authority or health board areas, or more nationally for those listed public bodies that have a national role. It would, therefore, be appropriate for those public bodies to set the detail of their BSL plans.

### **8. What role do you envisage the deaf community having in the development of BSL plans and how will the Bill achieve this?**

Section 4(6) of the Bill clearly states that before publishing its BSL plan, a public body **must** consult any persons it considers appropriate. In this context it would clearly be appropriate, and expected, that those public bodies would consult the Deaf community when developing their BSL plans.

I would also expect the BSL Advisor and assisting Panel (with BSL signers and groups) to be involved in this process.

### **9. How often could and should these powers be exercised in your view?**

There is no limit on how often they could be used. As to how often they should be used, it will be a matter for Welsh Ministers to determine who should be included in the list of public bodies.

The Senedd will, of course, have a role in this process: if Welsh Ministers do wish to amend the list of public bodies in accordance with section 8(2), they can only do so through regulations that would have to be approved by the Senedd.

The Senedd could also proactively work with Welsh Ministers in seeking appropriate changes to the list. It is possible, for example, for Senedd Committees to make recommendations etc, or for Senedd Members to raise issues directly with the Welsh Ministers through other forms of Senedd business.

### **10. How should Welsh Ministers consult on such proposals and what consideration has been given to specifying conditions or consultation requirements on Welsh Ministers (beyond those currently set out in section 8(3)) before they can exercise these powers?**

Public law will mean that the consultation itself has to be accessible, reasonable, unbiased, and procedurally fair etc. Those requirements do not need to be set out on the face of the Bill.

When deciding who is “appropriate” under section 8(3)(b), the Welsh Ministers will also have to act reasonably – therefore, if the Welsh Ministers failed to consult, for example, the British Deaf Association, then they may not be acting reasonably and could face a legal challenge. Therefore, the law (whether set out on the face of the Bill or under public law) that will apply to the consultation is appropriate.

**11. Does the Welsh Government expect that all content and services it, and other listed public bodies provide, will need to be available in BSL routinely or is the approach likely to be more discretionary and targeted?**

**12. Please can you clarify the different implementation scenarios you are currently planning for and on the basis outlined above, provide us with illustrative estimated costs modelled on ensuring all Welsh Government communications are accessible in BSL?**

As you have set out in the covering letter, it would be more appropriate for the Cabinet Secretary for Social Justice to answer questions 11 and 12.

**13. How will the Bill ensure that listed public bodies have the capacity, knowledge and expertise to adequately assess needs?**

As part of the planning, consultation, and drafting of the national BSL strategy, the Welsh Government will engage with both the BSL advisor and the assisting panel. The BSL adviser and panel will play a key role in developing an understanding of the needs of the Welsh population through their work.

I welcome the support expressed by public bodies during the consultation on the draft Bill, and in meetings with officials, particularly around collaborative working – both regionally and across local government and health services. This aligns with the intentions of both myself as the Member in Charge of the Bill and the Cabinet Secretary. Collaboration between public bodies will facilitate the sharing of best practice, knowledge, expertise, and capacity to assess needs.

The Bill sets out a requirement that the national strategy will be accompanied by guidance, issued by Welsh Ministers. This guidance will also support and assist public bodies in assessing need, and meeting their requirements as set out in the Bill.

#### **14. How does the Bill ensure that resources are targeted and that public bodies work together, strategically?**

As previously outlined, the drafting of this Bill was undertaken with the expectation that public bodies would collaborate in a more strategic, efficient, and effective manner to plan and deliver services.

For the purpose of estimating the potential cost impact of this Bill, two scenarios were considered: a higher estimate that assumed no collaboration between local authorities, and a lower estimate based on regional collaboration.

The higher estimate was included to reflect a possible maximum cost, recognising that the Bill does not mandate collaboration. This approach ensures flexibility, allowing for arrangements that may be more appropriate in light of local circumstances.