

Email sent by Dr Rob Wilks to the Equality and Social Justice Committee on the 13.10.25

Dear Members of the Equality and Social Justice Committee

I hope this message finds you well.

I am writing to offer a short clarification on a point raised during my oral evidence to the Committee on 29 September 2025, where I was asked about the difference between the terms 'reasonably practicable' and 'reasonable steps.' The question caught me slightly off guard at the time, and on reflection, I would like to provide a clearer explanation for the record.

The two phrases, though similar in appearance, operate at different legal thresholds and originate from distinct areas of law.

- 'Reasonably practicable,' used within the draft BSL Bill, is a term primarily drawn from health and safety and employment law. It involves balancing the risk of harm against the time, trouble, and cost of taking measures to prevent it. In practice, this means that action must be taken unless the effort or cost would be grossly disproportionate to the risk.

- 'Reasonable steps', by contrast, is the formulation used in equality and discrimination law (for example, under the Equality Act 2010). It requires organisations to take such steps as are fair, proportionate, and contextually appropriate, but it does not entail the same cost-risk balancing test. The focus is instead on what can reasonably be expected in the circumstances, taking account of factors such as effectiveness, practicality, and available resources.

- In short, 'reasonably practicable' imposes a risk-based, cost-sensitive duty, whereas 'reasonable steps' imposes a context-based, fairness-oriented duty. The latter is generally the more suitable formulation for equality-related obligations, such as those envisaged under the BSL (Wales) Bill, where the objective is to advance inclusion rather than to mitigate physical risk. It is also worth noting that the Sign Language Bill in Northern Ireland uses the 'reasonable steps' duty.

I hope this clarification assists the Committee in its ongoing consideration of the BSL Bill. Please do not hesitate to contact me should you wish me to elaborate further or provide this note in a formal written submission.

Best wishes

Dr Rob Wilks

Senior Lecturer