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

12 December 2025

Dear Jenny,

British Sign Language (Wales) Bill

Thank you to the Equality and Social Justice Committee for your scrutiny of the British Sign Language (Wales) Bill ("the Bill") during Stage 1 and for the report which was published on 5 December 2025. I have set out my response to the Committee's conclusions and recommendations at Annex A.

It has not been possible for me to accept all of the Committee's recommendations, and I have provided reasons for this in the detailed response at Annex A.

As you will be aware, I have also be written to the Chair of the Legislation, Justice and Constitution Committee and the Chair of the Finance Committee with respect to their Stage 1 Reports, and have shared those responses with you.

Regards

Mark Isherwood MS
Member of the Welsh Parliament for North Wales

Annex A

Response from Mark Isherwood, MS to the Equality and Social Justice Committee's Report on the British Sign Language (Wales) Bill

Conclusion 1. It is vital that this Bill, if it becomes law, leads to real and tangible, rather than tokenistic, change.

Conclusion 2. To ensure meaningful change, the national BSL strategy should contain clear, measurable and time-bound targets. It is vital that the next Welsh Government ensures that this is reflected in the draft BSL strategy that is issued for consultation if the Bill becomes law.

Conclusion 3. A majority of the Committee have concluded that making it a legal requirement that the BSL Adviser is deaf cannot be achieved without risk of legal challenge that could derail the Bill in its entirety. A majority of the Committee consider this is an unacceptable level of risk. Two Members disagreed with this conclusion. They considered that these risks were outweighed by the strong support expressed by most individuals who gave evidence in favour of making it a legal requirement that the BSL Adviser is deaf.

Conclusion 4. We welcome the report of the BSL stakeholder group and hope that it will provide a firm basis for progressing issues irrespective of whether this Bill is passed.

Conclusion 5. The single biggest threat to effective implementation of this Bill, if it becomes law is the shortage of BSL translators and interpreters in Wales. This demands immediate and sustained action.

Conclusion 6. We note these concerns and think the Member in Charge should look at revising the costs in the Explanatory Memorandum to take account of inflation

I am grateful to the Committee for setting out its conclusions on the Bill. In relation to **conclusion 1**, I completely agree, and the intention all along has been to bring forward legislation that will make a real difference.

I also agree with **conclusion 2**. While I believe it will be impossible to pre-specify measurable targets for BSL translators and interpreters in Wales within the BSL Strategy, I proposed to bring forward an amendment at Stage 2 for the Strategy to specify that such targets will be required.

On **conclusion 3**, as I set out in my evidence to the Committee, I believe there is a risk of legal challenge if the Bill was to require the BSL adviser to be deaf. A successful legal challenge to a single provision requiring the BSL adviser to be deaf would mean that the whole Bill would fall. That would be unacceptable, and would let the entire deaf community down. I believe the Bill goes as far as it can to secure

that the person appointed as the BSL Adviser 'is able to communicate effectively in and uses BSL'.

I also very much welcome the report of the BSL stakeholder group, and agree with the Committee's view in **conclusion 4** that it will provide a firm basis for progressing issues.

I fully agree with **conclusion 5**. As I set out below in my response to Recommendation 12, I believe it is vital that the BSL interpreter workforce is expanded. BSL interpreters provide an absolutely essential service, and act as a vital link for Deaf BSL signers to those providing key services. The expansion of the BSL interpreter workforce would be necessary even without the additional duties that will be put in place should the Bill become law, although these additional duties would strengthen this.

This also links back to my response to conclusion 2, and the need for the Strategy to specify that targets will be required.

I note the detail of **conclusion 6**. The RIA will continue to be developed if the Bill progresses through the legislative process, and a revised RIA will be published after Stage 2.

Recommendation 1. We recommend that the Senedd agrees the general principles of the British Sign Language (Wales) Bill at Stage 1.

Response: Noted

I am extremely grateful the Committee has recommended that the Senedd agrees the General Principles of the Bill. There has been cross-party support for the Bill throughout the scrutiny process, and across committees, which I believe highlights the importance of this legislation.

Recommendation 2. We recommend that the Member in Charge reviews the description of BSL used in the Explanatory Memorandum to address the concerns raised by stakeholders and considers the merits of including a clear definition of BSL on the face of the Bill and whether amendments are needed to achieve this. The Member in Charge should aim to set out his response to this recommendation by 7 January 2026 so that if the Bill progresses, Members can consider the response ahead of Stage 2 proceedings

Response: Accept

I note the concerns raised by stakeholders about the description of BSL used in the Explanatory Memorandum that accompanied the Bill, and in particular paragraph

162 of the Explanatory Memorandum. Just to be clear, this description is also contained within the draft Explanatory Notes (that are included as part of the Explanatory Memorandum) that would be published alongside the Act should the Bill gain Royal Assent.

Given the concerns raised, I will be happy to review the description of BSL to make it as clear and accurate as possible. I will work with the Cabinet Secretary for Social Justice where possible for this purpose. If the description of BSL used needs to be amended, I will make the appropriate changes to the Explanatory Memorandum and Explanatory Notes.

I believe that the Explanatory Memorandum, Explanatory Notes that will accompany the Act, would be the most appropriate place to include the more detailed description of BSL, rather than this being included as a specific legal 'definition' on the face of the Bill.

Recommendation 3. We recommend that the Member in Charge of the Bill brings forward amendments at Stage 2 which would require Welsh Ministers to publish the BSL guidance within the same or similar timescales as those specified in relation to the national BSL strategy. We think that unless a compelling argument is made for a different timescale, 18 months after the Bill is enacted should be sufficient and appropriate

Response: Accept

The expectation has always been that the BSL guidance should be issued at the same time, or shortly after, the publication of the national BSL strategy. The Cabinet Secretary for Social Justice in her evidence session to the Committee reinforced this and confirmed that the BSL guidance should be provided and published alongside the national BSL strategy.

However, I recognise the concerns expressed that the Bill does not place any deadline for the BSL guidance to be issued. I will therefore table an amendment at Stage 2 that will require the BSL guidance to be published within the same or similar timescales as those specified in relation to the national BSL strategy.

Recommendation 4. We recommend that the Member in Charge brings forward amendments at Stage 2 which would require Welsh Ministers to consult on the content of the BSL guidance prior to its publication

Response: Accept

It will be essential going forward that the BSL strategy and the associated BSL guidance are developed together. Section 2(4) of the Bill places a duty on Welsh

Ministers to consult on the strategy, and I agree that a similar duty should be placed on Welsh Ministers with regards to the guidance, so that the process for both is as closely aligned as possible. I will therefore bring forward amendments at Stage 2 for this purpose.

Recommendation 5. The Welsh Government should set out in response to this report:

- how they would expect listed public bodies to collaborate across administrative boundaries in the preparation of local plans;
- how it will build the capacity of listed public bodies so that they are equipped with the right support and expertise to prepare and execute local plans effectively; and
- provide confirmation that the Implementation Team for the Bill has dedicated resources to fulfil this recommendation.

The Welsh Government should confirm that this will be in place ahead of the Stage 1 debate scheduled for 17 December 2025.

Response: Noted

This will be a matter for Welsh Government to consider rather than for me as Member in Charge of the Bill. I do, however, believe that the issues raised in Recommendation 5 are hugely important, and I look forward to the response from the Cabinet Secretary in this regards.

Recommendation 6. We note that under section 7(2) it is envisaged that Welsh Ministers must produce progress reports in every period of 3 years after publication of the national strategy. We recommend that the early progress reports required by the Bill, should it become law, involve consideration of whether other public bodies should be added.

Response: Accept

I fully expect that, as part of the reporting process, Welsh Ministers would consider the list of public bodies included in the Bill and whether any changes to that list were necessary. I therefore agree that the early progress reports required by the Bill should involve consideration of whether other public bodies should be added.

However, to ensure that this is done consistently, I will bring forward an amendment at Stage 2 to include a requirement that the progress reports under section 7(2) must include such consideration.

Recommendation 7. We recommend that the Welsh Government and the Member in Charge consider how the appointments process can ensure that the needs of the Deaf community are reflected appropriately in the appointments process for the BSL Adviser. We would welcome more detail on this matter in response to this report, which we expect in time for the Stage 1 debate on 17 December 2025.

Response: Accept

I will be very happy to work with the Cabinet Secretary for Social Justice to consider how the appointments process for the BSL Adviser can ensure that the needs of the Deaf community are reflected appropriately in that process. However, I am mindful that the detail of the specific appointment process cannot be finalised, or agreed, at this stage so it will not be possible to provide the Committee with the detail it is seeking before the Stage 1 debate.

Recommendation 8. We recommend that the role of BSL Adviser is recognised as a public appointment that is eligible for pre-appointment scrutiny and that the appropriate committee in the next Senedd is offered the opportunity to conduct a pre-appointment hearing with the preferred candidate. We agree that this change can be achieved informally through agreement between the Welsh Government and the Senedd and should be made now in order to provide a firm signal of intent for the next Welsh Government and Senedd.

Response: Accept

While this is not a matter that I can directly manage as Member in Charge of the Bill, I agree that a pre-appointment hearing for the BSL Adviser would add a level of assurance to the appointment process.

Recommendation 9. We recommend that the Member in Charge clarifies the options available to complainants requiring recourse in instances where public services are failing to meet their duties under the Bill (if enacted by the Senedd) and considers whether any changes to the Explanatory Memorandum are required that could help in that regard.

Response: Accept

I will be happy to update the Explanatory Memorandum that accompanies the Bill to clarify the options available to complainants requiring recourse in instances where public services are failing to meet their duties under the Bill. In doing so, my

intention will be to work with the Cabinet Secretary for Social Justice, and Welsh Government officials, to ensure that this information covers all relevant areas and procedures.

This updated information will be included in the revised Explanatory Memorandum published after Stage 2 proceedings.

Recommendation 10. We recommend that the Member in Charge brings forward amendments at Stage 2 which would place duties on Welsh Ministers to prepare and issue guidance on the appropriate route for BSL signers to make complaints about access to services. This should be accompanied by a duty to consult on that guidance with the Office of the Public Services Ombudsman for Wales specified as a mandatory consultee.

Response: Reject

The Bill does not include a specific complaints procedure, and as such I do not believe it would be appropriate for the Bill to place a duty on Welsh Ministers to prepare and issue guidance on the appropriate route for BSL signers to make complaints about access to services.

As set out in my response to Recommendation 9, my intention is to update the Explanatory Memorandum that accompanies the Bill to clarify the options available to complainants requiring recourse in instances where public services are failing to meet their duties under the Bill. These recourse options would also be relevant to BSL signers when making complainants about access to services, and this can be made clear in the updated text of the Explanatory Memorandum.

Recommendation 11. We recommend that the Member in Charge brings forward amendments at Stage 2 to ensure engagement and co-production by placing a formal requirement on Welsh Ministers to consult Deaf BSL signers on the national BSL strategy and guidance.

Response: Accept

I believe that for the BSL strategy and guidance to be developed successfully, engagement and co-production with the deaf community, including with Deaf BSL signers, will be essential. I will therefore bring forward an amendment at Stage 2 to place a formal requirement on Welsh Ministers to consult BSL signers on the national BSL strategy and the BSL guidance.

However, consultation itself is only one element of the wider engagement and co-production that will be necessary for the development of the strategy and guidance. The BSL Adviser, and BSL panel, will also have a major role to play in the

development of the strategy and guidance, and to help ensure the engagement and co-production needed.

Recommendation 12. We recommend that the Welsh Government ramps up efforts to expand the BSL interpreter workforce and commits to:

- reviewing the timescales for actions that are to be taken forward in the BSL Stakeholder Route Map to ensure they are aligned with the Bill;
- Setting annual targets for the training and recruitment of BSL interpreters and translators;
- Setting clearer and more ambitious target deadlines to prevent slippage.

Response: Noted

While this recommendation is directed to Welsh Government rather than to me as Member in Charge of the Bill, I believe it is vital that the BSL interpreter workforce is expanded. BSL interpreters provide an absolutely essential service, and act as a vital link for Deaf BSL signers to those providing key services.

The expansion of the BSL interpreter workforce would be necessary even without the additional duties that will be put in place should the Bill become law, although these additional duties would strengthen this.