

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

Senedd Cymru

Y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Ymchwiliad: Bil Iaith Arwyddion Prydain (Cymru)

Ymateb gan: Dr Rob Wilks

Welsh Parliament

Equality and Social Justice Committee

Inquiry: British Sign Language (Wales) Bill

Evidence from: Dr Rob Wilks



BSL (Wales) Bill

Consultation Response for the Equality and Social Justice Committee

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

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(We would be grateful if you could keep your answer to around 500 words).

Unlike Welsh and English, which enjoy strong legal and cultural protections, British Sign Language (BSL) lacks equivalent recognition, leaving deaf people 'limited twice' by the dominance of both spoken languages. Welsh BSL signers also faces additional challenges from limited education provision, restricted access to information and services, health inequalities, poor mental health outcomes, and the decline of traditional deaf spaces such as clubs (Wilks, 2024). These inequalities highlight the precarious position of deaf people in Wales and the urgent need for stronger legal and policy measures.

Since 1999, the struggle for BSL recognition has been a long-drawn out process, and the Welsh Government's formal recognition of BSL as a language in 2004 and the BSL Futures project which aimed to increase BSL teaching capacity and train more interpreters (Welsh Government, 2014), failed to address the systematic and structural issues faced by BSL signers in Wales. Despite the recognition of BSL by the Scottish Parliament in 2015, the UK Parliament in 2022, and the commitment by the Northern Ireland Assembly to legislate for BSL and Irish Sign Language (ISL) since 2016, Wales has lagged behind in legislating for BSL, despite its robust track record for the protection of language minorities, namely the Welsh language.

Therefore, the introduction of the BSL (Wales) Bill and the recognition of BSL in Welsh law is long overdue. The Bill will go some way to recognise BSL not just as a language, but also for having symbolic and cultural value in Welsh life and culture, on par with Welsh and English. It also takes a step towards recognising Welsh BSL signers not just as a disability group, but also a language minority.

Wilks (in press) has undertaken a systematic and comparative review of the UK's sign language law, and likens each of the UK's four nations to animal symbols to reflect the strengths, challenges, and opportunities for BSL recognition across the UK. Therefore, Scotland is the 'barking dog,' England is a 'caged lion,' and Northern Ireland a 'steadfast elk.' Wales is currently described as a 'roarless dragon.'. The BSL (Wales) Bill provides an opportunity for Wales to give the dragon back its roar, but this will only be the case if the public body duties proposed by the Bill are substantive, otherwise it risks reinforcing the Deaf Legal Illusion, which refers to law that appears progressive but in practice delivers little meaningful change for deaf people (Wilks, forthcoming).

The Equality and Social Justice Committee (the Committee) is reminded of Wales' obligations under international law, namely the Convention for the Rights of Persons with Disabilities (United Nations, 2006), which stipulates that state parties should:

- provide professional sign language interpreters to facilitate accessibility;
- accepting and facilitating the use of sign languages;
- recognising and promoting the use of sign languages;
- facilitate the learning of sign language;
- promote the linguistic identity of deaf communities;
- take appropriate measures to employ teachers; and
- recognise and support of deaf people's specific cultural and linguistic identities, including sign languages and deaf culture.

The BSL (Wales) Bill is therefore crucial in terms of meeting these obligations in respect of BSL signers in Wales.

Further, the Committee is reminded of Wales' obligations under the Well-being of Future Generations (Wales) Act 2017, and that to date, Welsh deaf BSL signers have been excluded from the efforts undertaken by public bodies to meet those obligations. (Wilks, 2024).

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? 388

(We would be grateful if you could keep your answer to around 500 words).

Taken together, the Bill's provisions provide a coherent framework that has the potential to significantly improve the position of BSL in Wales. The combination of ministerial duties to promote and facilitate BSL, a requirement to publish a national strategy and guidance, public body BSL plans, oversight by a BSL adviser, and a reporting cycle, creates a more structured package than elsewhere in the UK. This approach is more ambitious than the English Act, which imposed minimal duties, and in some respects stronger than the Scottish Act, which relies heavily on non-binding planning mechanisms.

The duties on Welsh Ministers represent an important step forward, but they risk being aspirational unless underpinned by measurable outcomes. A national strategy will only be effective if it contains specific, time-bound targets. Guidance

for listed bodies will provide useful direction, but the impact of this provision will depend on how seriously public bodies take the guidance.

The requirement for public body BSL plans is one of the Bill's strongest provisions, moving beyond the Scottish model by imposing a clear statutory duty. However, its effectiveness is undermined by the ability of bodies to explain why they are not following the guidance, and by the omission of key bodies such as Estyn, Qualifications Wales, the Ombudsman, further and higher education institutions, and Transport for Wales.

The creation of a BSL adviser role is welcome, especially with the requirement that the post-holder must be a BSL signer. In many respects the adviser could perform some of the functions of a commissioner, but independence and resources will be crucial. If under-resourced or overly controlled by Ministers or the civil service, the role may struggle to have impact. The advisory panel also has potential.

The reporting duties on public bodies and Ministers are workable in theory, but there is a danger that they become descriptive exercises. To deliver the policy intention, reporting must be tied to progress against measurable targets, rather than simply recording activities. Independent evaluation or commentary from the adviser would provide the transparency needed to make these reports meaningful.

In conclusion, the Bill's provisions are broadly workable and aligned with its policy intention, but success will depend on whether they are delivered with sufficient ambition, resourcing, and independent scrutiny. Without these elements, there is a real risk that the Bill will remain symbolic rather than transformative.

1 – A duty on Welsh Ministers to promote and facilitate the use of BSL 384

It is important to be aware that there are different standards currently in force or proposed around the UK. The Scottish Act requires Scottish Ministers to 'promote, and facilitate the promotion of, the use and understanding' of BSL, whereas the English Act requires the Secretary of State to 'report on the promotion and facilitation of BSL by ministerial government departments.'

The Sign Language Bill in Northern Ireland will require that the Department for Communities must promote the 'greater use and understanding of BSL and ISL'

and that individuals in the deaf community have a 'general entitlement' to use either language 'as necessary or convenient in the course of everyday activities.' The Bill also requires the Department of Communities to promote the 'deaf community's culture.'

The BSL (Wales) Bill requires the Welsh Ministers to 'promote and facilitate the use of BSL,' which is most similar to the Scottish Act which imposes the duty on Scottish Ministers. It is stronger than the English Act, which only imposes a duty to report on the promotion and facilitation of BSL, rather than a duty to promote and facilitate BSL. The Northern Ireland Bill will only impose a duty to promote on one government department, but gives deaf individuals the right to use BSL or ISL in everyday activities, and also includes a duty to promote deaf culture, not just BSL and ISL. This right-giving provision is a significant development in UK sign language law.

In terms of the BSL (Wales) Bill, there is a danger that this duty will only extend to symbolic awareness-raising, and therefore more detail may be required to be included in the Explanatory Memorandum. 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 duty on Welsh Ministers to promote and facilitate the use of BSL does not currently have any measurable outcomes. In its present form, the obligation is framed in broad terms without specifying what success would look like, how it would be monitored, or who would be accountable. Without measurable outcomes, the duty risks becoming symbolic rather than substantive, making it difficult to assess whether real progress is achieved for deaf BSL signers.

2 - A duty on Welsh Ministers to publish national strategy and guidance 264

The duty to publish a national strategy and guidance is welcome as this will provide the framework for the implementation of the Bill. This combines the measures within the Scottish Act, which provides for a national plan to be produced every six years, and the English Act, which requires the Secretary of State to issue guidance about the promotion and facilitation of the use of BSL. The guidance in the English Act will, however, only provide advice for government departments, although it may be used wider afield once published.

The BSL (Wales) Bill provides that the national strategy be reviewed at least once every six years. While it can be argued that a six-year review cycle is too long, the fact that strategy can be reviewed at any time during the six-year period and the Welsh Ministers have to publish a progress report at least once every three years mitigates this.

Similarly to the duty on Welsh Ministers to promote and facilitate the use of BSL, the national strategy should include measurable, time-bound targets. This will avoid the national strategy becoming symbolic rather than substantive, a criticism that has been levelled at the English Act's annual BSL reports (Wilks, in press).

Section 2(4) states that before publishing the national strategy, and any revised version of it, the Welsh Ministers must consult the BSL adviser and 'any other persons they consider appropriate.' While the latter group is a useful catch-all, a requirement that the national strategy should be co-produced with the Welsh deaf community, who are the primary users of BSL, should be expressly stated.

3 - A duty on Welsh Ministers to publish BSL guidance 132

While BSL guidance for listed public bodies will indeed be useful in terms of establishing best practice and minimum standards, there is a risk that such guidance will result in tokenism rather than substantive outcomes, a tick-box exercise rather than transformative change.

Section 4(1)(b) states that listed public bodies should describe, as part of their BSL plan, how it intends to follow the BSL guidance or explain why it does not intend to do so. While this sub-section will generate accountability on the part of the listed public bodies, it is not clear what the consequences of non-compliance would be, suggesting that there will be minimal to no enforceability in terms of the BSL guidance.

A stipulation that the BSL guidance should be co-produced with the Welsh deaf community should be included.

4 - A duty on specified public bodies to publish BSL plans 395

The duty on listed public bodies to publish their own BSL plans is welcome and is similar to the duty on listed authorities under the Scottish Act. The requirement that listed public bodies review their plans if so directed by the Welsh Ministers is also welcome. The Northern Ireland Bill stipulates in section 3 that all prescribed organisations must take 'all reasonable' steps to:

- ensure that information and services provided by the organisation are as accessible to individuals in the deaf community as they are to individuals who are not in the deaf community, and
- offer or facilitate the use of BSL and ISL for the benefit of individuals in the deaf community in accessing information and services provided by the organisation.

This 'all reasonable steps' requirement goes considerably further than the Wales Bill and should be considered for inclusion.

The listed public bodies must consult with any persons it considers appropriate prior to publishing its plan or revised version, pursuant to section 4(6). The Welsh deaf community should again be expressly mentioned here.

Section 8 sets out which persons are listed public bodies for the purposes of the BSL (Wales) Bill. While we welcome the inclusion of local authorities, health boards and other health authorities, and NHS Trusts, this list is considerably shorter compared to say, the Scottish Act's. It is important to add the following public bodies from the outset:

- Children's Commissioner for Wales
- Citizen Voice Body for Health and Social Care (Llais)
- Education Workforce Council
- Estyn
- Fire and Rescue Authorities
- Further Education Institutions
- Future Generations Commissioner for Wales
- Higher Education Funding Council for Wales
- Higher Education Institutions
- Natural Resources Body for Wales
- Older People's Commissioner for Wales
- Public Services Ombudsman for Wales
- Qualifications Wales
- Senedd Commission
- Social Care Wales
- Standards Commissioner for Wales
- Transport for Wales
- Welsh Language Commissioner for Wales

The following should be also added, but their inclusion is not as much of a priority:

- Arts Council for Wales
- Auditor General for Wales
- Commission for Tertiary Education and Research
- Commission on Justice in Wales
- Design Commission for Wales
- National Adviser for Violence against Women and other forms of Gender-based Violence, Domestic Abuse and Sexual Violence
- National Library of Wales
- National Museum Wales
- Sports Council for Wales
- Wales Audit Office

This will ensure that a wide range of public bodies are accountable to BSL signers in Wales in all walks of life and the necessary steps taken to address many of the inequalities and barriers that Welsh deaf BSL signers experience.

5 - The appointment of a BSL adviser 378

The original draft Bill made provision for the appointment of a BSL Commissioner, which has been removed from the current draft Bill and replaced with a BSL adviser. Comparative evidence from the UK and beyond shows that the most effective governance models, including the Welsh Language Commissioner, are those built on a statutory foundation, with independent scrutiny powers, the authority to investigate, enforce, and influence public bodies, and direct accountability to the communities they serve. By contrast, advisory-only structures (such as stakeholder groups or non-statutory panels) consistently lack the influence or continuity to deliver sustained improvements. These models have often resulted in symbolic recognition without the tools for real change.

Within this context, the appointment of a BSL adviser is very welcome. This provision sets the BSL (Wales) Bill apart from its counterparts in Scotland, England and Northern Ireland. The role of the BSL adviser is clearly set out in section 5(4) to provide information to advice to the Welsh Ministers, to any 'person promoting and facilitating the use of BSL in Wales,' and to consult the BSL advisory panel. Section 5(7) is also particularly welcome, as it requires listed public bodies to provide the adviser with any information that they may so request, and if they do not, to explain why to the BSL adviser in writing (section 5(8)).

Schedule 1 makes it clear that the BSL adviser will become an employee of the Welsh Government. The Welsh Government may also 'provide the BSL adviser with such staff, accommodation, equipment and other facilities as the Welsh Ministers consider necessary for the exercise of the BSL adviser's functions.'

This too, is welcome, although assurances regarding their independence as an employee of the Welsh Government would be appreciated.

In essence, the role of a BSL adviser is not dissimilar to that of a commissioner. For completeness, the BSL adviser:

- Should be a deaf BSL signer, as opposed to being 'able to communicate effectively in and uses BSL', in order to ensure that the role is undertaken by an individual with lived experience of being deaf and a fluent BSL signer;
- Should have the authority to investigate, enforce and report on the listed public bodies; and
- Should be accountable to the Welsh deaf community in the exercise of their functions.

6 - Reporting duties to be imposed on the public bodies and Welsh Ministers in relation to these duties. 128

The proposals to impose reporting duties on the Welsh Ministers and the listed public bodies are acceptable and consistent with UK sign language law. However, thought should be given as to how to reduce the risk of 'descriptive reporting', as has been the case in Scotland and England (Wilks, in press). There should be a focus on measurable outcomes rather than activities within the reports.

The BSL adviser could be required to produce an annual report which would ensure accountability and progress in relation to the national strategy and BSL plans. This would allay concerns that work towards achieving the outcomes set out in the national strategy and BSL plans will peak in years two and five in each reporting cycle rather than consistently throughout the six years.

How appropriate are the powers in the Bill for Welsh Ministers to make subordinate Legislation? 207

(We would be grateful if you could keep your answer to around 500 words).

The proposed powers for Welsh Ministers to make subordinate legislation is important, not only in terms of adding or removing public bodies from the list, but also to make provisions in order to enact goals within the national strategy. This is particularly important as the removal of barriers for Welsh deaf BSL signers will

not always be straightforward and may require the power of the law to ensure that the necessary changes are made.

A concern is that decisions by Welsh Ministers to make subordinate legislation will invariably be politically motivated, depending on the priorities of the political party with a mandate to run the Welsh Government. It is therefore important that such powers are exercised with clear safeguards, transparency and accountability, and that the Welsh deaf community is consulted effectively, to ensure that implementation remains consistent with the purpose of the primary legislation rather than short-term political interests.

The flexibility afforded to the Welsh Ministers in section 8(2) to add or remove public bodies to or from the list is welcome, and the requirement that they consult the BSL adviser and 'other persons as the Welsh Ministers consider appropriate,' is sensible. Again, a requirement to consult with the Welsh deaf community in particular should be added.

Are there any barriers to the implementation of the Bill's provisions and does the Bill take account of them? 234

A number of barriers will challenge the implementation of the Bill's provisions. Even if the listed public bodies commit to increasing the visibility of BSL, there is currently a shortage of qualified BSL-English interpreters and translators, and BSL teachers, meaning demand will outstrip supply. The Bill's objectives also depend on strengthening deaf education in Wales, yet no systematic bilingual education infrastructure presently exists. At community level, the decline of deaf clubs and other deaf spaces has weakened opportunities for intergenerational transmission of BSL.

Within public services, cultural competence remains limited, with many providers defaulting to tokenistic measures such as occasional interpreting or captioning rather than developing deaf-centric, language-concordant services. Unconscious bias and entrenched audist attitudes also risk undermining delivery, especially when weighed against competing budget pressures. Furthermore, most public information is still not available in BSL, and translation capacity remains scarce.

A critical barrier to the Bill's success is the national shortage of qualified BSL-English interpreters. Without addressing this, the new duties risk becoming aspirational rather than deliverable. To overcome this, ring-fenced funding is needed to support interpreter training and continuous professional development.

The national strategy should also set clear workforce targets to expand capacity over time. The BSL adviser could play an important role by advising on interpreter workforce planning, qualifications, and standards.

Without tackling these systemic issues across education, health, justice and community infrastructure, the Bill's duties risk being undermined in practice.

What are your views on the assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum? 89

(We would be grateful if you could keep your answer to around 500 words).

The assessment of financial implications in Part 2 provides a helpful outline of the anticipated administrative costs for Welsh Ministers and listed public bodies. However, as the Explanatory Memorandum itself notes, the wider implementation costs are not yet quantifiable and will depend on the national BSL strategy and the plans developed by public bodies. It will be important that future financial appraisals take account of the need to invest in workforce development, interpreter provision, BSL education and BSL materials, as these will be critical to achieving the Bill's objectives.

Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum? 446

A number of additional points arise in relation to the Bill and the Explanatory Memorandum.

First, the Bill risks offering BSL signers weaker protection than other groups in Wales. Welsh speakers, children, and older people all benefit from independent commissioners with statutory powers. By contrast, deaf people are reliant on an adviser whose powers and independence are less clear. At present, the Bill's Schedule suggests that the Adviser will have sufficient resources and visibility to avoid being a token role, but more assurances may be needed in this regard.

Second, the framing of the Bill is critical. BSL must be positioned as a language right, not simply an access tool. Deaf people in Wales are often 'limited twice' by the dominance of English and Welsh, yet unlike those languages, BSL has little statutory protection. Corpus work by the Deaf Health Wales project shows the richness of BSL in Wales with regional and generational variation, as well as cultural practices such as mouthing Welsh place names. This confirms that BSL is a living, diverse language within Wales' multilingual landscape and it should be recognised as such.

Third, the Bill should be explicitly aligned with the Future Generations Act well-being goals. Promoting BSL directly advances a healthier Wales (by reducing health inequalities), a more equal Wales (by removing systemic barriers to participation), and a Wales of vibrant culture and thriving Welsh language (by acknowledging BSL as part of the nation's multilingual heritage). Embedding this alignment would provide policy coherence and demonstrate that the Bill is not operating in isolation but contributes to the broader vision of a sustainable Wales.

Fourth, the list of public bodies omits important public bodies, notably Estyn, Qualifications Wales, the Education Workforce Council, Transport for Wales, the Public Services Ombudsman, and further and higher education institutions. If not included during the legislative process, the process for expanding the list will be left largely to ministerial discretion, with no guarantee of consultation with the deaf community. A stronger mechanism for expansion, or at least a requirement for consultation, would give greater confidence in the Bill's reach.

Fifthly, the Bill is silent on independent monitoring. Without clear requirements for external review, or for the adviser to report directly to the Senedd, there is a risk that public body plans and ministerial strategies will become descriptive exercises rather than drivers of systemic change. Sustainable funding for interpreter training, BSL teachers, and linguistic research is also essential if the Bill is to achieve more than symbolic recognition.

Finally, consideration should also be given to how deaf people can raise complaints if duties are not met, whether through the Public Services Ombudsman or another mechanism.

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