
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 Addysg a Gwella Iechyd Cymraeg | Evidence from Health Education and Improvement Wales

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

As a Special Health Authority with a leading role in the education, training, development and shaping of the healthcare workforce in Wales, we plan, commission, and deliver education and training for a wide range of health professional groups. We have an organisation committed to providing inclusive and equitable experiences for our workforce, the current NHS Workforce and its future workforce. We are supportive of the general high-level principles outlined in the proposed bill; however, we have several areas that we have outlined in this submission for consideration. The information we have provided should be taken into context with other NHS Wales organisations, in addition to our role as a Special Health Authority.

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?

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

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

The provision of BSL for our workforce, students and trainees, where identified and requested, falls within the requirements of the Equality Act 2010, The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, and The Public Sector Equality Duty (PSED). They are currently referred to as 'reasonable adjustments' within the legislation. HEIW is committed to adhering to legislation; however, we understand that our commitment to those we work with is to do the right thing. Across NHS Wales, guidance on the provision of reasonable and tailored adjustments is outlined in Section 8 of the NHS Wales Managing Attendance at Work Policy. However, there is a lack of clarity on guidance on how those who are Deaf or hard of hearing can access support, specifically for those who do not consider themselves 'disabled', therefore do not feel the provision of reasonable adjustments relates to them. In addition, there remains a general lack of clarity on 'reasonable', which opens this up to interpretation for those supporting individuals, specifically the influence of financial constraints in the public sector, levels of provision of BSL support and the quality of that provision. HEIW would therefore welcome a specific national strategy and guidance for the public sector; however,

this guidance would need to address, where possible, any ambiguity and lack of clarity, which can be barriers to organisations providing the best quality services and experiences.

3 - A duty on Welsh Ministers to publish BSL guidance

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

All public sector organisations are required under the PSED to have a Strategic Equality Plan (SEP). Although we consider that there should be a duty for public bodies to publish a BSL plan, this should be incorporated into a SEP and not as a 'stand-alone' action plan. As an example, the original requirements to publish a plan for the Anti-racist Wales Action Plan (ARWaP), LGBTQ+ Action plan, etc., have identified an overly burdensome administrative and bureaucratic process, which has limited the time and opportunity for those responsible for implementing the plans to be able to support the tangible delivery of the plans, whilst working within financial and other extreme pressures and growing demands. In addition, separate plans were identified that limited the impact of an intersectional approach, which we consider a key element of the work on equity and equality. Therefore, we would like to see an agreement that all national equality plans are incorporated under the provision of an integrated SEP rather than stand-alone plans.

5 - The appointment of a BSL adviser

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

Although reporting is vital for outlining progress, it also highlights achievements and risks. Reporting duties should be incorporated into the existing responsibilities for the PSED, namely publishing an Annual Equality Report, publishing a 4-year SEP and through the current bi-annual NHS Wales equality reporting framework to the Welsh Government. No unnecessary further administrative burden must be placed on organisations as a result of this bill. More detailed considerations need to be given to the use of a standardised reporting requirement for NHS Wales organisations, as it is currently unsuitable for some organisations due to the different nature of services provided by each organisation, particularly those that are special authorities, such as HEIW. An overabundance of excessive reporting beyond what is required for assurance can hinder the ability to deliver the necessary changes and services, particularly when combined with limited personnel, financial resources, and time constraints.

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

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

A key consideration based on our organisation's experiences with other equality legislation is the ambition versus the real-life complexity of the change that is needed. For example, the

aspiration of the ARWaP with a focus on 'action not words' with short deadlines for health and social care to make significant cultural, operational, and physical changes resulted in an enquiry and an eventual readjustment of the actions and timescales. It is important that this is considered as part of this bill. We understand, through engagement with our staff, students, trainees, and communities, the barriers they face, which indeed need to be mitigated as soon as possible. However, the practicality of these measures also needs to be considered. These need to be more clear in the bill, Specifically, the following areas should be acknowledged and considered:

- Lack of capacity and resources (physical and financial) within the public sector to implement the requirements of any proposed BSL standards.
- Shortage of BSL interpreters across Wales and the wider UK
- Consistency of the quality of BSL interpreters and providers, both in terms of quality of service and products.
- Clarity on education provision, with a broader focus on responsibilities of providers other than early years, primary and secondary education, to include universities and further education providers.
- Requirements on Higher Education Institutions (HEIs) from Wales and those outside of Wales from whom we procure education and training for NHS Wales undergraduate, postgraduate and Continuous Professional Development (CPD) activities

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

Although the projected assessment of the financial implications of the bill outlines the implementation and delivery of the bill itself, further consideration needs to be given to the financial implications of the day-to-day delivery of BSL provision, whether interpretation or translation services. This needs to be considered by organisations as part of strategic budget setting based on funding provided by the Welsh Government. With the launch of other national equality action plans, there was no provision for the financial implications and resources needed to implement the requirements of the plans. Evidence provided at the ARWaP enquiry on behalf of NHS Wales identified that, under strict financial constraints, spending on provision and resources to support equality was minimal or non-existent across some organisations. Faced with a focus on allocation of financial resources, which understandably needs to support extreme pressures and demands on public services, there is a risk that, in reality, there will be little or no financial resources to deliver meaningful change and services on an operational basis. This could have a detrimental impact on the sustainability of the longer-term ambitions of this bill.

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

Given the shortage of BSL interpreters and providers across the UK, an increased demand for services in Wales following the bill could see providers increase the costs of services and provisions, limit access or impact the quality of the services available, which would work against the aims and ambitions for the bill in the short, medium and long term. In other equality-related legislation, there is often an acknowledgement of how an increased understanding and awareness of one area could benefit others. Although there is acknowledgement and detail of how this bill will support other legislative plans in Wales, there appears to be very little in the bill regarding how providing a national strategy for BSL relates to existing national equality plans and how the bill will directly or indirectly impact individuals who may not have the same clarity around a strategy, guidance and adjustments, such as those who identify as neurodivergent or neurodivergent and do not consider that a disability.

Anything else?

We already have experience in procuring translation services from leading providers in Wales; however, the experience and feedback from users have been mixed at best regarding the reliability and quality of the provision, as we have come to understand that some of this work is outsourced to private individuals due to an increased demand, which this bill would contribute to. This has had a significant impact on individuals who rely on BSL translation to undertake studies or manage engagement and consultation activities, resulting in delays, additional administrative work, and increased financial implications. Therefore, we would recommend that the bill incorporate specific guidance around the governance and quality of the provision to ensure both BSL providers and individuals who use the service are all supported and understand their roles and responsibilities.