

**Senedd Cymru**

**Y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol**

**Ymchwiliad:** Bil Iaith Arwyddion Prydain (Cymru)

**Ymateb gan:** Cymdeithas Genedlaethol Plant Byddar

**Welsh Parliament**

**Equality and Social Justice Committee**

**Inquiry:** British Sign Language (Wales) Bill

**Evidence from:** National Deaf Children's Society



Senedd Cymru | Welsh Parliament

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You do not need to answer every question, only those on which you wish to share information or have a view.

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

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

The National Deaf Children's Society warmly welcomes the general principles of the British Sign Language (Wales) Bill. The current legislative picture in Wales in relation to BSL is unequal. Reserved services are legally bound to the Westminster BSL Act 2022, yet no comparable legislation exists in the devolved context. This is despite legislation for BSL being in place in Scotland since 2015 and similar legislation for both BSL and ISL currently progressing through the Northern Ireland Assembly with Executive backing. We have spoken in the past of our concern that this imbalance results in deaf communities in Wales feeling let down and ignored by their institutions.

Whilst it is commendable that the Welsh Government formally recognised BSL in 2004, it is not a substitute for a legally binding framework to promote and facilitate BSL. Given this context, we believe that the Bill not only sends a positive message to BSL signers in Wales, but it also creates the potential for signers to use BSL more in their everyday lives. We especially welcome the recognition of Members that this is inherently a Bill which is of a linguistic nature, and not a Bill in relation to accessibility. BSL is not a simple communication aid, but a rich language with its own culture, history and complexity. Under the current legal framework where access to BSL is viewed primarily as an accessibility matter, we have unfortunately been told by our members that they hit barriers when accessing public services through BSL as it is viewed as one of many options of communication support rather than as a language in its own right.

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The Consortium for Research in Deaf Education (CRIDE) 2024 report stated that there are 2,227 deaf children in Wales, although the report itself acknowledges that due to issues in the data outside of its control that the number is likely higher. As an organisation we believe that parents of deaf children should be given enough knowledge and ability to make an informed choice on what is best for their child – until the child is old enough to make decisions for themselves. Many parents have unfortunately told us that due to a lack of local provision, BSL being a language of choice for their child is simply not practical regardless of whether it would be the best for the child. This is an unsustainable position. It is our hope that the provisions of the Bill will strengthen access to BSL in communities in make it easier for children and their families to gain access to the language.

**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?**

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

Overall, we believe that the Bill’s key provisions provide a significantly stronger framework compared to the similar pieces of legislation currently in place in England and Scotland. The main risk of the legislation in its current form is that the measures that the Bill outlines, such as the duty on Welsh Ministers to promote BSL or duties of specified public bodies to publish BSL plans, become performative in nature. However, providing the role is given enough resource, we believe that the proposed BSL Adviser has the potential to mitigate this risk. We also welcome the requirement for the Welsh Government’s national strategy to be laid before the Senedd, as it enables an additional level of political scrutiny.

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

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We welcome the requirement for Welsh Ministers as a collective to have the duty to promote and facilitate the use of BSL. By focusing on the Ministers as a whole rather than primarily through an equality and social justice angle, we hope that this will result in a wider inclusion and consideration of BSL in policy areas such as education, healthcare and public transportation. We also note that this angle is similar to the duties the Welsh Ministers have under the Welsh Language (Wales) Measure 2011, where responsibility for the Welsh language is shared by all rather than a sole Minister with a Welsh language remit. We acknowledge however that the duty itself within the Bill appears more symbolic compared to the standards set out in the Welsh Language (Wales) Measure 2011, and lacks any targets or measurables. It is important therefore for this duty to not be viewed in isolation,

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and instead as a duty which is expressed through the duty for Welsh Ministers to publish a national strategy and accompanying guidance.

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

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We welcome the duty on Welsh Ministers to publish a national strategy and accompanying guidance. As previously referenced, we also strongly welcome the requirement for the national strategy to be laid before the Senedd as this will increase the level of political scrutiny both the Welsh Government's commitments and its progress in meeting them. We also welcome the requirement for the national strategy to be produced in consultation with the proposed BSL Adviser, although we would stress the need also for the strategy to be produced in a model of co-production with Welsh BSL signers. Whilst we acknowledge that long term change cannot be a rushed process and that practice will take time to embed, we do have concerns over the frequency of the national strategy publication cycle as currently outlined. Under the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 - which the BSL Bill has drawn some comparisons to due to the inclusion of the BSL Adviser - the Welsh Ministers have a duty to produce a VAWDASV national strategy every five years, with this at the time of the legislation's passage representing a full Senedd term. The Senedd Cymru (Members and Elections) Act 2024 changed the length of a Senedd term to four years, yet the BSL Bill's current proposal is for the BSL national strategy to be published once every six years. Whilst we note that the three-year reporting cycle may mitigate any risks associated with this, as well as knowing the benefits of a long-term strategy, we are conscious that it could result in the national strategy being revised due to political reasons rather than to allow the strategy to respond to emerging issues. As such, we would ask the Committee to consider whether the Bill's duty on publishing a national strategy should be aligned to Senedd terms, as is currently the case in the VAWDASV Act.

## **3 - A duty on Welsh Ministers to publish BSL guidance**

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Whilst we agree that the duty on Welsh ministers to produce BSL guidance is necessary, a significant measure of the effectiveness of the guidance will be based on whether the guidance produced is statutory, and how much of the guidance is co-produced with BSL signers. People who sign know what is needed to improve their experiences with public services, and we would strongly urge the Welsh Government to include members of the community when drafting the guidance. This would likely be facilitated by the BSL Adviser.

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

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We agree with the proposed duty on specified public bodies to publish BSL plans, although we like other organisations question the lack of inclusion of bodies such as Qualifications Wales, Estyn and Medr. Given local authorities will be required to produce their own plans, which will by extension mean schools will be required to work towards the aims of the Bill, it does not make sense to us to not include the body that is responsible for overseeing schools, or in Medr's case, the body with responsibility for sixth forms. We would strongly encourage the Committee to consider expanding the number of named public bodies in order to avoid any potential inconsistencies. The Bill in its current form also relies on the Welsh Ministers being the final authority on whether a listed public body has produced a robust enough plan, highlighted by the extract in Section 4 (3) (b) of the Bill. We believe that the BSL Adviser should also have a say in this process and should also be named in the Bill in this area.

## **5 - The appointment of a BSL adviser**

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The appointment of a BSL Adviser is a welcome addition to the Bill and sets it apart from similar legislation in other parts of the UK. We additionally welcome the assurance that the Adviser will be somebody who is able to communicate effectively in BSL. Whilst the framework of the position will result in the Adviser being an employee of the Welsh Government, we would like to see an addition to the legislation which underlines that the Adviser is able to act independently of the Welsh Ministers, and we would expect that any preferred candidate be subject to a pre-appointment scrutiny session with the Equality and Social Justice Committee, similar to the VAWDASV Adviser. We acknowledge that this position has come into being following a compromise on the previously proposed BSL Commissioner, and whilst it is still a strong feeling within the community that a Commissioner role would be more suitable and would give BSL parity with Welsh, we concede that this is a strong replacement for the proposed Commissioner provided the office is given the necessary tools. In relation to the supporting BSL advisory panel which will exist to support the Adviser, we strongly urge the inclusion of representatives of deaf children and their families in order to ensure that their specific needs and viewpoints are addressed. This would additionally be in line with Article 12 of the United Nations Convention on the Rights of the Child.

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

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Whilst these duties are a positive step and one that we agree with, we also believe that the BSL Adviser should be involved with these reports in order to ensure that it does not become a neglected exercise. The involvement of the Adviser will ensure that the Welsh Government and listed public bodies are accurately

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challenged in the development in their reports, and that they give a realistic picture of what success have taken place, what areas need to be reviewed, and also what learning is there for the organisation in question as well as other public bodies. The Bill in its current form makes this provision for Welsh Government reports, however no similar provision appears to be in place for the listed public bodies.

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

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

The powers listed in the Explanatory Memorandum are mostly appropriate in form and scope, although we would like to flag a concern with the powers under Section 4 (1) (c). We do not disagree with the proposal of this provision being via a negative procedure, however given this section is in relation to the content required in the BSL plans of listed public bodies, we would expect to see a requirement for the BSL Adviser to be consulted by the Welsh Ministers. We understand that this will likely be the “de jure” practice, although we feel it would be best for this to be explicitly stated in the Explanatory Memorandum. Given this is already a requirement in the other set of powers under Section 8 (2), we hope this will be an uncontroversial amendment.

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

There are significant barriers to the Bill’s implementation, most notably in relation to the number of interpreters and the availability of BSL education. However, we believe that these barriers can be overcome providing there is a political will to do so. Whilst it is important to stress that this is a Bill in relation to linguistic rights of a pre-existing community rather than accessibility for learners, in order for the Bill to be successful public services will need to consider how they improve access to BSL for learners in order to support the growing needs of the workforce as the Bill’s impact becomes more widespread. The Welsh Government’s national strategy must take this into account, and local authorities must be supported in facilitating an expansion in education and training. This also goes beyond education and training, but also into technological advancement. Listed public bodies will need to consider how they make their systems more accessible to BSL signers. Failure to do this will result in the Bill’s aims being purely symbolic rather than deliverable.

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

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

Whilst the assessment of the financial implications within the Explanatory memorandum is useful in assessing the administrative costs of the legislation, by its own admission it cannot quantify the true cost over a ten-year period for both the Welsh Government and listed public bodies – as such we expect the overall cost to be higher to accommodate for improvements to education, training, access and implementation. However, we strongly believe that the benefits of the Bill for the signing community will justify the costs over the period specified, and that the overall cost will likely go down over time as practices become embedded.

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

N/A

## **Anything else?**

In preparation for this consultation, we asked our members and supporters to contribute to a survey of what BSL means to them. Of the responses we received, there was an overwhelming amount of support for BSL as a language in its own right, with many parents of deaf children stressing the positive impact on their ability to communicate with their children.

“As a family we need BSL. My child can only communicate with BSL.”

“It's their only form of communication - it means everything to them”

Additionally, our supporters highlighted that given BSL's status as a language, it cannot break or fail as other communication methods can. Given that BSL is unfortunately currently viewed as one method of many in terms of communication support rather than a language in its own right, we believe this stresses the need for a specific focus on BSL as a method of communication on par with English and Welsh. It is the hope of our supporters that the Bill rectifies this.

“(BSL) is very important... hearing technology can fail or break and with long waits in the NHS ... to have equipment replaced... can leave children without communication.”

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In terms of healthcare in particular, there was a considerable emphasis on the need for BSL to be supported. Deaf children have just as much a right to know what is happening to them in a healthcare setting as their hearing peers, and an expansion of support for BSL in the healthcare system would enable this. Currently, too often parents are expected to interpret for their children rather than healthcare professionals explain what is happening themselves.

"Using BSL (healthcare professionals) can communicate directly with the young person..."

However, many families also stressed how difficult it can be to learn BSL due to a lack of local availability and the current high costs attached. Given the vast majority of deaf children are born to hearing families, this can potentially lock deaf children out of a language and culture that is their own. As such, there was an overwhelming amount of support in our survey for the Bill to make BSL more accessible for families so that deaf children are not priced out.

"BSL learning should be funded. We're funding BSL privately, but we can't afford it"

"The cost of BSL learning is prohibitive for many families"

"Increasing the use of BSL supports the dignity of deaf people"

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