

**BDA response to the
List of issues in relation
to the initial report of
the United Kingdom
of Great Britain and
Northern Ireland:
government response**

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About the BDA

The British Deaf Association (BDA) is a Deaf-led organisation focusing on Deaf¹ people who use British Sign Language (BSL) or Irish Sign Language (ISL) as their first or preferred language.

The BDA is the largest Deaf organisation in the UK that is run by Deaf people; united by shared experiences, history, and, most importantly, by BSL & ISL.

Since 1890, the BDA's long standing commitment has been to ensure that the language, culture, community and heritage of Deaf people should be effectively protected by valuing the rights of Deaf people, with all their diverse experiences and abilities, and the usage of BSL / ISL.

The BDA wishes to see a society where sign language users have the same rights, responsibilities, opportunities and a quality of life like everyone else.

Our mission is to ensure a world in which the language, culture, community, diversity and heritage of Deaf people in the UK is respected and fully protected, leading to the full social inclusion for Deaf people. This will be achieved through:

- Improving quality of life by empowering Deaf individuals and groups;
- Enhancing freedom, equality and diversity;
- Protecting and promoting BSL / ISL;
- Establishing bilingual education for Deaf children.

¹ – The 'D' is capitalised to denote Deaf people as a distinct linguistic and cultural group as recognised by the Northern Ireland Assembly in 2004.
<https://www.communities-ni.gov.uk/articles/sign-language>

Background

After the UKG's Draft Initial Report by the Office for Disability Issues (ODI) to the United Nations regarding its Convention on the Rights of Persons with Disabilities (CRPD)² the BDA produced its own submission (2013). This listed issues on which the BDA considered action was required to meet the principles of the CRPD. Its main conclusions at the time were as follows: "Our overall assessment of the present Government's willingness to move forwards from the declaration of BSL as a recognised language in 2003 is generally pessimistic. There is so much poor practice and so little attempt to redress this that we do not feel that we can support this draft report as it stands as an adequate record of the current situation"³.

The BDA has submitted written evidence in September 2015 (EQD0101)⁴ to the Select Committee on the Equality Act 2010 and Disability considering 'The Equality Act 2010: the impact on disabled people'. The BDA's submission stated that the Equality Act 2010 had not strengthened the rights of Deaf BSL users and highlighted many areas of public life where Deaf BSL users were unable to gain access.

The BDA also produced its own Alternative Report: 'Implementation of the United Nations Convention on the Rights of Persons with Disabilities'.⁵ This made a number of calls to the Committee to recommend actions that the UKG could carry out. (Feb 2017)

The intention of this paper is not to continue highlighting poor practice, or make further recommendations. We consider that we have already made a substantial case for the implementation of the CRPD in the UK. This paper will focus on the points highlighted by the List of issues.

A. Purpose and General Obligations, Articles 1-4 (issue 1 a-f)

4. (a) The Improving Lives consultation⁶ makes no mention of British Sign Language (BSL). It cites a case study on working with deaf children on the importance of a cochlear implant and rehabilitation. Some of our beneficiaries have cochlear implants and find them useful, and also use BSL in their lives. Given the historical divide in the pedagogy of education of deaf children, in the interests of fairness, a case study involving BSL would have contributed to balance.

2 – <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

3 – Report available on request

4 – <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/equality-act-2010-and-disability-committee/equality-act-2010-and-disability/written/20785.html>

5 – <http://old-bda.org.uk/uploads/BDA/files/UNCRPD%20Shadow%20Report%20FINAL%20DRAFT%20SBS%20amended.pdf>

6 – <https://www.gov.uk/government/consultations/work-health-and-disability-improving-lives/work-health-and-disability-green-paper-improving-lives>

6. (c) We note that the Equality Act 2010⁷ does not refer to BSL in any way. In the BDA's submission paper⁸ to the House of Lords considering the Equality Act, we stated that: "Since the Equality Act 2010 came into force in October 2010 it has failed to strengthen the law as far as Deaf BSL users are concerned. For example, holistic wellbeing and health, access to emergency services, education and employment are just some of the areas where Deaf people's rights are not protected adequately by the Act. The Act has also failed to guarantee BSL for access to criminal justice, sport, telecommunications, broadcasting, leisure and civil justice. The Act also does not focus on the value and integrity of BSL and Deaf culture. It accords rights to individuals to protect them from discrimination but it does not protect or promote BSL as a language." This continues to be the case.

7. We note and welcome the Northern Ireland webpage NIDirect⁹ which has a specific section on communication support for deaf people and this includes: British Sign Language (BSL) interpreters; Irish Sign Language (ISL) interpreters; and deafblind interpreters.

9. (d) This section highlights the Advisory, Conciliation and Arbitration Service¹⁰ as a service that can provide free and impartial advice. It has a wealth of information available for both employees and employers on its website. However when we searched for 'BSL', we obtained two results. One of the results concerned the Disability Impact Assessment of the Helpline Service¹¹ (February 2010) and one of its recommendations (7.2) was to: "Extend the service further eg by offering a video link with sign language. BSL is the preferred language of between 50,000 and 70,000 people in the UK." To date, our search found no videos in BSL. Their Media Centre has subtitles but no BSL translations.

The Equality and Advisory Support Service¹² also has a wealth of information on its website. A search for 'BSL' elicited the response: "No results found". When browsing the Contact Us page – there was no provision for BSL users. Live chat was currently unavailable and the only access for Deaf people was by using Text Relay, a medium unsuitable for some BSL users. The website appeared to be entirely in English with no BSL videos.

10. (e) The UKG Fulfilling Potential Outcomes and Indicators Framework Second Annual Progress Report¹³ does not refer to BSL (Nov 2015). Moreover it reports that in 2014, just over four-fifths of disabled people reported that they did not have problems accessing public services (86 per cent). The BDA's own reports¹⁴ on access to public services report throughout the UK a high level of dissatisfaction and continuing difficulties by BSL users accessing public services.

7 – <http://www.legislation.gov.uk/ukpga/2010/15/contents>

8 – <https://bda.org.uk/bda-calls-for-reform-of-equality-act>

9 – www.nidirect.gov.uk

10 – <http://www.acas.org.uk/index.aspx?articleid=1461>

11 – http://www.acas.org.uk/media/pdf/p/r/Disability_equality_assessment_-_Helpline_Service.pdf

12 – <http://www.equalityadvisoryservice.com/>

13 – <https://www.gov.uk/government/publications/fulfilling-potential-outcomes-and-indicators-framework-second-annual-progress-report>

14 – See Appendix 1

12. (f) The Review of Choice in End of Life Care¹⁵ has several important points which are not accessible for BSL users due to the lack of a BSL translation. The Report on 'Older people who use BSL – references for residential care provision in Wales. A study commissioned by the Welsh Assembly Government'¹⁶ (2010) highlighted the importance of ensuring residential care met older Deaf people's needs for communication and respect for their language. While we accept that not all references focused on care, we however noted that this report from the University of Manchester was not included in the references. Nor is the Royal Association for Deaf People's 'Deaf-Aware Care', a Care Quality Mark for Older Deaf People included.

13. The Welsh Government's Palliative and End of Life Care Delivery Plan does not include BSL nor does the Annual Report 2016.¹⁷ There is mention of Macmillan. Their website has a BSL video page which is to be commended.

B. Specific Rights

17. The UK Government's Access to Elected Office Fund¹⁸ states: "The Fund is currently closed". This was closed in 2015. In September 2015, the Equality and Human Rights Commission concluded: "The UK government should reopen the AEO fund in England, and work with the Scottish and Welsh governments to explore options for making the scheme, or similar funds, available across Great Britain." The then Equalities Minister Caroline Dinenage had stated in June 2015 that the evaluation report "will be completed this month, when final claims have been settled for candidates who stood in the May 2015 elections".

Two Deaf BSL users – one Deafblind – stood as candidates in the General Election of 2017. Ian Scott-Burdon stood as an Independent candidate for Lincoln while Ben Fletcher stood for the Green Party in Putney. In addition to the Green Party appeal for crowd funding for general support, the Green Party posted this message: "additional funds would also enable us to pay for qualified British Sign Language interpreters to support Ben's participation in campaigning activities, debates, and media interviews, rather than expect them to provide their professional services for free."

Children with Disabilities, Article 7 (issue 4a-c)

36. The Children and Families Act 2014¹⁹ does not mention BSL. For parents wishing to learn BSL, the National Deaf Children's Society website²⁰ states: "Some local authorities offer funding for places on accredited courses from local providers. However, funding does not always cover assessment fees." The BDA considers this does not comply with Article 24. In particular, we would want to see improved access to adequate communication courses for family members and classmates of Deaf BSL users and people who are deafblind. We would also want to see Deaf BSL learners to have guaranteed access to bilingual teachers

15 – https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/407244/CHOICE_REVIEW_FINAL_for_web.pdf

16 – <https://www.bmh.manchester.ac.uk/research/projectdetails/?ID=2184>

17 – <http://gov.wales/topics/health/nhswales/plans/end-of-life-care/?lang=en>

18 – <https://www.gov.uk/access-to-elected-office-fund/overview>

19 – <http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

20 – http://www.ndcs.org.uk/family_support/education_for_deaf_children/index.html

and support staff, and appropriately qualified BSL/English Interpreter support. For example, a respondent to the BDA's survey of Communication Support Workers (Aug 2016) stated: "I find it very ironic that my children go to a mainstream school and have a CSW provided for them - and yet my children have better BSL Skills than they do. If this was any other language, people would be up in arms and screaming human rights, but it is okay for someone with less signing skills to 'support' my children?!!!"

38. Section 18 of the Social Services and Well-being (Wales) Act 2014²¹ categorises Deaf people as either hearing impaired or severely hearing impaired. The minutes of the All Party Group on Deaf Issues (February 2016) recorded that: "the Welsh Government had also been contacted regarding the linguistic and language terminology within the act and supporting documentation." A letter was subsequently sent to the Minister, Mark Drakeford AM stating that: "Social service colleagues feel that the changes mean that the data being gathered will not be helpful as it will not capture accurate information, or be relevant to the service users. Third sector representatives share this concern and say that the categories are not in everyday language that the deaf community associate with." The reply acknowledged the concerns but did not offer any change.

Accessibility, Article 9 (issue 6)

48. The experience of navigating the Government's website is mixed. A search for 'BSL' found 58 results. The first headline refers to applying for a refund for use of a British Sign Language Interpreter on the DVLA webpages,²² with no accompanying BSL video. On the form itself, there is a helpline number but no corresponding Video link to make a call using Sign Language Interpreters (SLI). The pages on Driving Tests do not have BSL videos²³ and the Hazard Perception test has captions only. There is a BSL video for PIP²⁴ and Access to Work Guide²⁵ for employers but not for DLA for children²⁶. There is a Guide to Carer's Allowance²⁷ in English and Welsh, but not in BSL.

Access to Justice, Article 13 (issue 8a-d)

52. The BDA has already made representations concerning Access to Justice and these continue to be the case. For example our report on Deaf prisoners: "Throw Away the Key? How Britain's prisons don't rehabilitate Deaf people"²⁸ indicates that there is still a continuing problem of identifying BSL users and developing support services. As this report only covered some prisons, we acknowledge that there are exceptions to the rule. An example is the Report on an unannounced inspection of HMP Whatton by HM Chief Inspector of Prisons (Aug 2016) which noted that efforts had been made to support BSL users in the prison (Section 2.23).²⁹

21 – <http://www.legislation.gov.uk/anaw/2014/4/contents>

22 – <https://www.gov.uk/search?q=bsl>

23 – <https://www.gov.uk/driving-test>

24 – <https://www.gov.uk/pip>

25 – <https://www.gov.uk/government/publications/access-to-work-guide-for-employers>

26 – <https://www.gov.uk/disability-living-allowance-children>

27 – <https://www.gov.uk/carers-allowance>

28 – <https://bda.org.uk/wp-content/uploads/2017/03/BDA-Deaf-Prisoners-Report-2016.pdf>

29 – <https://www.justiceinspectorates.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2016/12/HMP-Whatton-Web-2016.pdf>

Despite UKG's insertion in this section (UK Initial Report On the UN Convention on the Rights of Persons with Disabilities 2011): "It was suggested that the position of some disabled people – people receiving treatment for mental health conditions, BSL users – who cannot be jurors, should be reviewed." (Page 113)³⁰ the BDA notes that there has been no change.

58. (d) The assertion that Her Majesty's Courts and Tribunals Service takes its responsibilities under EA2010 seriously was contradicted by a Commons Select Committee (2013) reviewing the Interpreting and translation services and Applied Language Solutions contract.³¹ The Chair of the Committee, Sir Alan Beith MP, said: "The Ministry of Justice's handling of the outsourcing of court interpreting services has been nothing short of shambolic. It did not have an adequate understanding of the needs of courts, it failed to heed warnings from the professionals concerned, and it did not put sufficient safeguards in place to prevent interruptions in the provision of quality interpreting services to courts."

Living Independently and being included in the community, Article 19 (issue 14-16)

95. The BDA welcomes the fact that in Sections 67 (4) (d) and 68 (3) (d) of the Care Act 2014³² sign language is noted. However these relate to involvement in assessments and safeguarding issues only. The BDA considers that this is insufficient for full support for BSL users requiring care. The BDA also notes that there is a lack of dedicated care homes for BSL users with one exception being based on the Isle of Wight.

Freedom of expression and opinion, and access to information, Article 21 (issue 17)

100. The BDA has already made representations in its Alternative Report: Implementation of the United Nations Convention on the Rights of Persons with Disabilities concerning the low numbers of qualified teachers and support workers able to use BSL at the level required to enable deaf pupils achieve appropriate academic levels.

102. The BDA welcomes the advances made through the BSL (Scotland) Act 2015 and is awaiting the outcomes of the Northern Ireland Consultation on its Sign Language Framework.³³ The BDA's own Alternative Report (Feb 2017) highlights areas for improvement and will continue to campaign for a BSL (UK) Act. The aim would be to secure full access in all areas of public life including the delivery of high quality BSL/English Interpreters within all relevant settings, including education.

30 – <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

31 – <https://publications.parliament.uk/pa/cm201213/cmselect/cmjust/645/645.pdf>

32 – http://www.legislation.gov.uk/ukpga/2014/23/pdfs/ukpga_20140023_en.pdf

33 – <https://www.communities-ni.gov.uk/sites/default/files/consultations/dcal/Sign%20Language%20Framework%20Document.PDF>

Work and employment, Article 27 (Issues 20-21)

136. The BDA has noted with concern the current changes to Access to Work – in particular the capped level of support.³⁴ Its views were articulated in its Report: “Access to Work Consultation” BDA 2014.³⁵ The conclusions from the participants surveyed ranged from staff being unsupportive in understanding the need for SLIs, fears about losing jobs due to cuts in the support from Access to Work to the need for greater transparency and consistency over procedures and agreements.

A newly appointed Deaf Chief Executive of a leading disabled people’s organisation has been told the government will only provide him with enough support to pay for interpreters three days every week. The Chief Executive began his full-time job recently, but was immediately been affected by the cap on the Access to Work (AtW) scheme. The cap is said to impact on Deaf users of British Sign Language (BSL) hardest, with BSL services accounting for about four-fifths of the highest-value AtW awards.

137. The opening webpage covering the Disability Confident scheme does not have a BSL video.

Participation in cultural life, recreation, leisure and sport, Article 30 (issue 25)

159. UKG has commented on the World Para-Athletics Championships, but not on the Deaflympics.

UKDeafSport (2015) have commented that: “UK Government own figures show that overall UK Sport invested £49,254,386 into Paralympics’ sport for London 2012. This will increase to £71,247,756 for Rio 2016.

UK Deaf Sport received just £134,000 Deaflympic and Talent funding grant from Sport England in 2012. This equates to just 0.19% of the amount set to be received by Rio 2016 Paralympic sports. This latest statement by UK Sport suggests that there will remain a lack of any form of investment strategy for elite Deaflympic athletes”³⁶

The World Para Athletics Championships in London (July 14th -23rd) received extensive coverage. The London 2017 Ltd Organising Committee in conjunction with UK Athletics, the Greater London Authority and UK Sport and supported by Department for Culture Media and Sport delivered the Championships. Conversely there is scant coverage and support from the UK for the Samsun Deaflympics, Turkey. Several Deaf athletes are currently competing and to date, GB has won 3 gold, 1 silver and 5 bronze medals. One competitor, swimmer Tom Baxter, required crowd funding to ensure his inclusion.

34 – <https://www.gov.uk/access-to-work/what-youll-get>

35 – Report available on request

36 – <http://ukdeafsport.org.uk/uk-deaf-sport-response-to-the-uk-sport-stakeholder-consultation-report/>

Appendix I

- Deaf People's Access to Local Service Providers - Wales 2017
- Access to Emergency Departments in Northern Ireland 2016
- Access to Justice Consultation - Northern Ireland 2016
- Access & Inclusion - A Report on Hate Crime in Scotland's Deaf Community 2015
- Access to local services in Newport and Monmouthshire for Deaf and hard of hearing people 2014
- Report on Health Services Provision to BSL Users in Scotland 2014
- Accessing Public Services - Issues for Deaf People - London Boroughs 2014
- Access to Council Services for Older Deaf People in England and Wales 2014
- Access to Council Services for Deaf People in Birmingham 2014
- Access to Services for Deaf people - Derby 2014
- Access to Health Services for Older People In England and Wales 2014



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