



# **Supplementary Report UK Shadow Report to the UN**

**To the “Reclaiming our Futures Alliance”**

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## EXECUTIVE SUMMARY

This report supplements the main parallel report by the Reclaiming our Futures Alliance of which the British Deaf Association is a member. It focuses specifically on issues pertaining to Deaf people in the UK. In summary it highlights that:

1. The Deaf community, with its unique culture and sign languages, is virtually invisible in UK disability policies. The Government recognised BSL in 2003 and ISL in 2004 but there have been no attendant changes in policy.
2. Existing equality legislation is impractical as a mechanism to reduce discrimination and ensure that Deaf people's linguistic human rights are respected since it relies on the individual citizen to pursue cases through the courts.
3. Current policies are impacting adversely on Deaf people's lives, specifically: health services, education, the justice system, employment, political participation, and the ability to partake in culture, sports and recreation.

The evidence contained in this report is recent and includes examples of: healthcare treatment being provided without informed consent; evidence of significant health inequalities for Deaf people; Deaf prisoners being denied basic access to rehabilitation and equal treatment; meagre sums of money being provided by government to fund British participation in the International 'Deaflympic' games; and cuts in Access to Work funding which threaten Deaf people's jobs and employability.

The long version of this supplement includes lists of recommendations advising how the situation can be improved. The most urgent action required is to:

- Accord legal status to BSL/ISL through a Language Act that will protect and promote Deaf culture and sign language to ensure full implementation of articles 21 and 30;
- Reduce health inequalities between Deaf and hearing people;
- Put in place effective monitoring and assessment of Deaf education;
- Guarantee sign intensive bicultural-bilingual provision for d/Deaf children with Deaf teachers as role models; and promote BSL-medium schools;
- Implement a detailed plan with time-bound and measurable targets to ensure Deaf people are visible in legislation, policies and reporting.

The UK Deaf community offers an important contribution to the cultural and linguistic enrichment and vitality of the UK. The report requests that the Committee on the Rights of Persons with Disabilities insist on action from the UK Government to enable Deaf people the opportunity to participate in society as full citizens.

## Introduction

This British Deaf Association (BDA) report supplements the parallel report by the Reclaiming our Futures Alliance (RoF Alliance) to the UN Committee on the Rights of Persons with Disabilities.

This report is abridged from a 60 page document bringing together evidence from 38 Deaf organisations and people across the UK<sup>1</sup>. In what follows we highlight the *priority* areas where the UK government is failing Deaf people in regards to the UNCRPD.

The UK Deaf community has two minority languages; British Sign Language (BSL) and Irish Sign Language (ISL) used by some of the Deaf community in Northern Ireland. Where references to sign language are noted we refer to BSL and ISL. The total numbers are roughly 70,000, meaning BSL/ISL the fourth largest indigenous language used in the UK.

The UK Deaf community has its own distinct language and cultural mores that stretch back at least 250 years (Ladd 2003). A new term, Deafhood, denotes Deaf cultural identity, values and experiences<sup>2</sup>. It has already gained renowned international recognition and was coined by a UK Deaf academic undertaking empirical research in the UK<sup>3</sup>.

## General principles and obligations (Articles 1–4)

The UK State report (2011) does not mention Deaf people or sign languages in its discussion of Articles 1-4. Yet these general principles have a direct bearing on the lived experiences of Deaf people in the UK.

The BDA calls on the Committee to recommend that the government must include Deaf people when implementing the CRPD.

We also call on the Committee to recommend the government ratifies *UNESCO's Convention for the Safeguarding of the Intangible Cultural Heritage* (UNESCO 2003) to commit the government to take measures to promote and protect Deaf cultural heritage.

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

<sup>2</sup> A brief definition: 'Deafhood is not...a 'static' medical condition like 'deafness'...Instead it represents a process...In sharing their lives with each other as a community, and enacting those explanations, Deaf people are engaged in an internal and external dialogue. This dialogue...reflects different interpretations...of what being a Deaf person in a Deaf community might mean.' (Ladd 2003: 3)

<sup>3</sup> Ladd's 2003 book has been translated into Japanese, German, Spanish, American Sign Language and Portuguese (Kusters & De Meulder 2013;and <http://www.dhsc.org/wp-content/uploads/2013/08/ladd.pdf>)

## Article 8 – Awareness raising

The draft UK State Report was placed on the Office for Disability Issues (ODI) website in different versions<sup>4</sup> "to help ensure accessibility" (para 354), but there was no BSL version. Public health promotion interventions are not translated into BSL: the *Stop Smoking* campaign is a typical example.

There have been no public awareness raising campaigns to promote positive acceptance of sign language and Deaf culture; and no awareness raising campaigns to show the skills, merits and abilities of Deaf people, or their contributions to the workplace and the labour market.

The BDA calls on the Committee to recommend the government makes efforts to ensure broadcasters provide equal access to terrestrial TV programmes and public bodies' websites, by interpreting content into BSL; and undertake an awareness raising campaign informing hearing people about sign languages and the cultural values of the UK Deaf community.

## Article 9 – Accessibility - Everyday services

Paragraph 88 of the UK State Report states that "in 2009 32% of disabled people reported experiencing difficulties related to their impairment or disability in accessing goods or services, significantly less than in 2005 when 37% of people experienced these difficulties".

Throughout this supplement we give many examples of severely restricted access to everyday services.

We wish to highlight here the Reach 112 project which recommended that public authorities invest in total conversation video relay services (VRS) for emergency phone calls permitting Deaf people to make emergency service calls in BSL (Reach 112: 2012). The UK did not implement this, resulting in very poor access to emergency telephone services. The European Universal Service Directive (article 26)<sup>5</sup> requires OFCOM to regulate electronic communications making caller location information available for such calls. Next Generation 112 aims to give full access to disabled users to emergency services but so far only NG text is promised.

*[One of my relatives] has severe heart failure, occasionally bradycardia and arrhythmia. In addition, [the relative] has had several heart attacks. In 2013 [the relative] needed emergency intervention. Text is of little use when you need your hands free to get someone on the floor, in a recovery position or to administer CPR. This is not only scary but dangerous: the government's stalling over BSL access to the telephone service is quite simply putting people's lives at risk and probably has.*<sup>6</sup>

We call on the Committee to recommend that OfCOM add VRS to the regulator's mandate to make it possible to have NG 112 service, that emergency control centres

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<sup>4</sup> The versions were PDF, Word, Easy Read and Braille formats.

<sup>5</sup> Council Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002

<sup>6</sup> *Ibid.* (some details slightly altered to protect confidentiality)

are able to use video when receiving calls making services much faster (embracing Total Conversation); and that sign language interpreters can be invoked by the emergency centre operator (as happens for non-English groups).

The BDA also calls on the Committee to recommend that Deaf people are provided with an Independent Support Budget enabling them to book interpreters for civic and recreational activities as well as study and work. Many examples will be given elsewhere in this supplement..

### **Articles 12, 13 and 14: Access to Justice; Liberty and security of the person; Equal Recognition before the Law**

The Equality Act 2010 and the DDA (1995) as amended (2006) in Northern Ireland have given Deaf people more rights. However, the only mention of a Deaf person is in relation to a hearing dog for Deaf people.

The Code of Practice for the detention, treatment and questioning of persons by police officers (PaCE 1984, Code C (Section 13.1)), previously required Chief officers to book NRPSI and CACDP registered BSL/English interpreters for Deaf people (Code C 2008).<sup>7</sup> This was amended in 2013 so that Code C now only requires interpreters for people who are detained suspects or who are being interviewed under caution. References to 'deaf people' have been dropped and the Code now states "if the suspect has a hearing or speech impediment, references to 'interpreter' and 'interpretation' in this Code include appropriate assistance necessary to establish effective communication with that person" (Section 13.1).

*In one example a Deaf man was attacked in the street, arrested, held overnight and not provided with an interpreter to explain he was a victim. In another case the police insisted on using audio tape while interviewing a Deaf man, who could not speak, about alleged benefits fraud.*<sup>8</sup>

The publication of the *Equal Treatment Bench Book* (Judicial College, 2013) was intended to promote equal treatment in the UK courts. However, Section 9B of the Juries Act 1975<sup>9</sup> can deny people from serving on a jury on the basis of a disability. In the case of Deaf people there are several examples where they have been denied this opportunity by the HM Courts and Tribunal Service, who state that an interpreter would constitute a '13th person', in contrast to the USA where Deaf people have served as jurors since 1990 (Swinbourne 2012, Emery 2011: 88; Heffernan 2010).

The UK State Report comments that: "Equality within the legal system means disabled people who commit criminal offences are protected in the same way as non-disabled people. The Equality Act and DDA, as amended, provide even more protections from discrimination" (paragraph 142).

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<sup>7</sup> National Register of Public Service Interpreters (NRPSI) or the Council for the Advancement of Communication with Deaf People (CACDP)

<sup>8</sup> Email correspondence with Jane Cordell, 22.05.14 who until 2011 worked with the Foreign and Commonwealth Office (FCO), and undertook European policy and Communication work from 2001–2006, and from 2006 to 2010 led the political/military team at the British Embassy in Warsaw, Poland. Her evidence in the first example is from a lawyer who worked on the case. (See also footnote 18)

<sup>9</sup> "Halsbury's Laws of England" Vol.11(3) "'1286. Summoning of jurors; panels'", Juries Act 1974, s.9b

A report by HM Inspectorate of Prisons (2009) found that there were 409 prisoners who were either Deaf or had a hearing loss. Only 16 out of 82 Disability Liaison Officers said that they had BSL trained staff able to help Deaf prisoners (HM Inspectorate of Prisons, 2009: 30).

McCulloch (2012) however states:

- prisons are in breach of the law in not making reasonable adjustments for Deaf prisoners (2012:1);
- Evidence from many visits to prisons indicates that Deaf prisoners experience deleterious conditions (2012:1);
- Deaf prisoners might be judged to only receive a partial justice system, arguably being at a disadvantage compared to other prisoners (2012:3).

McCulloch's evidence found that Deaf prisoners:

- Lack provision of sign language interpreters so they are unable to communicate with other prisoners and staff;
- Are concerned about personal safety, inability to understand the prison regime, and lack of access to rehabilitation and education courses potentially impacting on their release dates (McCulloch 2012:3);
- Are unable to watch sign interpreted television broadcasts as these are normally shown after midnight and are not allowed to use text phones to make phone calls.

It has been reported that some Deaf prisoners have longer sentences because they fail to meet the requirements for parole, as there is no communication provision in prison education classes (McCulloch 2012).

Other incidences of a breach of Article 12 is where social services have taken children of Deaf adults into care using neither interpreters nor qualified Deaf social workers. *Deaf parents ostensibly consented for their new-born baby to be fostered under Section 20 of the Children Act 1989. Despite her learning difficulties the mother was asked to interpret for the father. Their appeal was allowed and the placement for adoption order was dismissed.*<sup>10</sup>

The BDA calls on the Committee to recommend the government conducts a detailed enquiry on the plight of Deaf prisoners with a view to putting in place measures to respecting their dignity and human rights while in detention.

The BDA calls on the Committee to recommend the government draw up a legally binding BSL Act for Parliamentary debate. An Act would also meet the requirements of Article 21(e).

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<sup>10</sup> Case No: B4/2013/2048 & B4/2014/0198 [2014] EWCA Civ 128. Summary:  
<<http://www.familylawweek.co.uk/site.aspx?i=ed128597>> accessed 13 June 2014

## **Article 16 – Freedom from exploitation, violence and abuse**

Wilson (2012), a National Society for the Prevention of Cruelty to Children (NSPCC) development consultant, reports that Deaf girls experience sexual abuse more than twice as often as hearing girls while for boys it is three times as high, yet the government is doing nothing specific to support these vulnerable young children.

The current reduction in specialist child, family social work/care services for Deaf people indicates increasing invisibility of this issue and of Deaf people's unique cultural needs (Young et al 2010). Deaf people find it very difficult to report violence and abuse, partly because of the linguistic barriers in approaching police, but also due to the power issues entailed in such offences.

The BDA calls on the Committee to recommend the government works closely with and provides funding to the NSPCC to help its public inquiry into the extent of the abuse of d/Deaf children, with a view to establishing safeguards and prevention measures.

## **Article 21 – Freedom of expression and opinion, and access to information; and Article 23 Respect for the home and Family**

Parts (b) and (e) of Article 21 note that States should: “[Accept and facilitate] the use of sign languages...” (UN 2007:14); and: “[Recognize and promote] the use of sign languages (UN 2007:15).”

In the UK State Report's discussion of Article 21 paragraphs 208 and 209 concern sign language. However, while one paragraph focuses on training interpreters in Scotland and another focuses on a Welsh Assembly and European Social Funded initiative to train BSL teachers in Wales, no reference is made to any activities in either Northern Ireland or England.

The UK State Report comments that BSL can be learnt in UK colleges (paragraph 208), but it does not make it clear that courses generally require high fees.<sup>11</sup> These costs exclude low-earning families with d/Deaf children who wish to learn so that they can include their Deaf child in their family (Article 23). One family says *"We were in shock when we realised there was no real provision for us to learn. We couldn't believe that no one would give us the possibility to communicate with our child"* (National Deaf Children's Society - NDCS 2014:18).

The BDA urges the Committee to recommend priority groups (e.g. hearing parents of d/Deaf children) be offered subsidised and free sign language classes: an I-Sign Pilot Project funded by the Department of Schools and Families (now the Department for Education) between 2008-2011, involving a consortium of 7 organisations, provided

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<sup>11</sup> 'Signature' describes itself as the leading awarding body for qualifications in communication techniques for deaf people. Its website describes the different levels of learning BSL here <http://www.signature.org.uk/british-sign-language>. Each organisation and local college set their own costs, however, a random search of three locally-based Signature approved courses across the UK found the following costs: between £296-395 for Level 1; £460-510 for Level 2; and £650-£900 for the first stage of Level 3. These costs exclude additional exam and BSL-material costs.

full details of how sign language could be taught to families of d/Deaf children cost effectively.<sup>12</sup>

The BDA also calls on the Committee to recommend that there should be translations of key government texts into BSL on their websites.

## **Article 24 – Education**

Clause 3 of Article 24 specifically refers to sign languages and the Deaf community. It requires States to facilitate:

"(b) ...the learning of sign language and the promotion of the linguistic identity of the deaf community;"

and, ensure

"(c)... that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, *and in environments which maximize academic and social development.*" (UN 2007:17) (italics: our emphasis)

The evidence does not support these statements.

Article 21 of the Salamanca Statement (1994) stresses the importance of sign language and the need to acknowledge the individual differences and situations of children, including stipulating the possible more suitable education of d/Deaf and (Deaf)blind in special classes and units in mainstream schools. This view was supported by Sir Malcolm Bruce MP in the House of Commons<sup>13</sup> following an investigation that found a third of local authorities in England have cut services for d/Deaf children since 2010 (NDCS 2012). There are just 21 specialist Deaf schools in the UK, 50 years ago there were 75, and the remaining schools are increasingly under threat of closure.<sup>14</sup>

Mainstream education has not been inclusive for d/Deaf children, it has been exclusive denying them opportunities for peer to peer learning and strong language role models; O'Brien (2013) and Knights (2010) outline the negative psychological consequences of the current situation for d/Deaf children and young people who are isolated in oral mainstream schools. *Deaf people consistently report teachers not knowing how to teach d/Deaf pupils, missing most of what is going on around them in the classroom, being unable to take part in conversations during school breaks, and general neglect by teachers. These are not isolated examples. Young people who are the only d/Deaf child in the class and attain high educational achievements report being desperately unhappy, and equally desperate for a d/Deaf peer group to make friends.*

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<sup>12</sup> Research Report DFE-RR137; ISBN: 978-1-84775-950-4 (see Batterbury et al 2011).

<sup>13</sup> Hansard Volume No. 568, Part No. 57, 17 Oct 2013 : Column 964 'Deaf Children and Young People'. As a result of this debate Parliament resolved to ask Ofsted to carry out an investigation but this has yet to be undertaken (see Appendix 2).

<sup>14</sup> Dilemmas in the deaf community, by Kerra Maddern, *TES Newspaper*, 23 August 2010



At primary level over half of d/Deaf children (51%) are still failing to achieve the expected level for reading, writing and mathematics (NDCS, 2013). There is a large gap between d/Deaf children achieving 5 or more GCSEs (43%) and other children (70%) (NDCS 2013).

The UK State Report observes that "Deaf or hearing impaired pupils, whether educated in mainstream classes, specialist units in mainstream schools or in special schools, will have access to the means of communication they, their parents and the local authority or school consider the most appropriate" (paragraph 233).

However it is currently not possible for a family to choose sign bilingual-bicultural BSL-medium education for their child because there is virtually no provision in the UK. The government is claiming there is a choice when this is very far from the reality.

Article 24, clause 4 requires States to:

"take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education".

In the case of **teaching staff**, currently Teachers of the Deaf (ToD) must achieve a minimum basic Level 1 qualification in BSL. This level of qualification only enables a person to communicate with a Deaf person at a basic level. Research in Scotland showed that of the 205 teachers interviewed in 2007 only 8% held BSL qualifications at level 3 or above (Grimes 2009).

There are very few **Deaf teachers** in the UK. Figures indicate approximately 10% of all TODs have declared a hearing loss (Batterbury 2012:256). However not all of these are Deaf teachers with BSL or ISL skills. Despite Article 24 Clause 4, there is no reference to the possibility of disabled or Deaf people working as teachers in the UK State Report.

In recent years there has been a surge in numbers of Deaf students attending **higher education**. Fordyce et al (2013) have shown that Deaf graduates have as good employment outcomes as all other graduates; this is due to their being socially advantaged demographically and the fact that Disabled Students' Allowance (DSA) exists. However, Deaf students are under threat from cuts in their DSA<sup>15</sup>.

The BDA agrees that for many disabled children inclusion is the appropriate context for education, but inclusion does not necessarily mean that mainstreaming is the most appropriate form of education for d/Deaf children. While the BDA shares issues relating to access, visibility, exclusion, and human rights with disabled people in the UK, Deaf people also face linguistic barriers, cultural deprivation and discrimination.

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<sup>15</sup> 'Degrees of Discrimination', was a survey carried out by the National Union of Students in May 2014 into the governments restriction of specialist IT equipment and assistive software provided to disabled students. <<http://www.nusconnect.org.uk/asset/News/6040/Degreesofdiscrimination-researchbrief.pdf>> (accessed 13 June 2014). However, cuts to DSA also put Deaf students at severe risk (see Appendix 1).

The UK entered a reservation on inclusive education (for Article 24, clauses 2(a) and 2(b)). While we support the view that this reservation is inappropriate for disabled children, the situation of d/Deaf children is a distinctive case. Kauppinen and Jokinen (leaders of the World Federation for the Deaf) write "education of the deaf is not special education but education in one's own language and culture" (2014:136).

The BDA calls on the Committee to demand the government supports a human rights approach to the development and education of d/Deaf children; in particular:

- that children have the right to be fluent in a language, including BSL, by the age of 5;
- an intensive and early signing environment is therefore necessary for d/Deaf children from hearing families (Lieberman et al 2014);
- very early interactions are necessary with an native BSL adult who can provide the 'maternal cues' needed to establish joint attention (Baines et al 2009); these features could be modelled by a Deaf adult for hearing parents;

Following on from the pre-school intervention and in line with the European Union of the Deaf position paper<sup>16</sup> the BDA calls on the Committee to recommend that the government ensures:

- access in a national sign language, including - where appropriate - access to the written and spoken national language(s), and Deaf culture;
- Fluency in a language (namely sign language) to access the national curriculum, including Deaf culture;
- the learning of sign language and Deaf culture in early intervention programmes, including for children with hearing aids or cochlear implants.

and in mainstream settings:

- the education of several d/Deaf children in one class, to create a sign-intensive environment, and encourage the development of Deaf culture;
- using qualified (Level 6 NVQ) interpreters and/or a Deaf role model to foster the natural acquisition of sign language and Deaf culture;
- support for parents throughout the whole educational process, including access to sign language classes and unbiased information regarding educational outcomes of d/Deaf children.

The BDA further calls on the Committee to recommend the government takes measures to ensure that there are no further Deaf school closures. The cultural-linguistic nature of the Deaf community means Deaf schools should be modelled similarly to Welsh-medium and Gaelic-medium schools that are available to spoken language minority communities. This would mean a bilingual-bicultural approach to education, whereby Deaf schools become 'BSL-medium schools' where peer to peer learning, Deaf cultural development and sign language modelling takes centre stage (see for example Teruggi 2003, Kushalnagar et al 2010, ASLA 2012).

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<sup>16</sup> <[http://www.eud.eu/Education\\_Position\\_Paper-i-559.html](http://www.eud.eu/Education_Position_Paper-i-559.html)> accessed 13 June 2014

We further call on the Committee to recommend to the government that Deaf teachers should be offered the choice of achieving their qualification in a Deaf school.

Finally we call on the Committee to recommend to the government that Disabled Students' Allowance must not be cut or reduced for Deaf or disabled students in further and higher education.

## **Article 25 – Health**

Health services for Deaf people are so shocking that we believe the UK government is in serious breach of human rights.

*In some instances complaints against hospitals have been made and upheld (BDA 2014a). A Deaf man was treated for dementia he did not have. In consequence he was not told he had cancer from which he died one month later. The ombudsman upheld a complaint against the hospital in question (BBC News Wales 2013); it was also found that eleven months previously, 7 Welsh health boards were noted as having 'failed Deaf people' and 'breached the law by not providing accessible services for the deaf and hard of hearing' (Pollock 2013).*

*In another example, the Scottish Public Services Ombudsman ruled that failing to obtain an interpreter for a Deaf women who was admitted to hospital to have her appendix removed, 'did not adhere to their informed consent policy' (Urquhart, 2013). The Ombudsman also noted that: using lip-reading and pen and paper is not likely to be an adequate or reasonable response to the needs of a BSL user, and that the hospital needed to revise its translation and interpreting policy to reflect this.*

Sign Health undertook a survey of 533 Deaf people, and BUPA Health Assessments of 300 Deaf people plus a smaller number of in-depth interviews over a 5 year period (2009-2014).

Case studies include:

- surgery being carried out without informed consent;
- premature deaths;
- failure to ensure the Deaf patient had understood what their medication is for;
- reluctance to attend medical appointments due to communication difficulties;
- Hospital staff treating the babies of Deaf people on postnatal wards without obtaining consent nor explaining what the treatment was for (Spit the Dummy 2014);
- A tendency to use family members as unqualified, unpaid, interpreters;
- Deaf patients and their relatives being denied important medical information (BDA 2014a, Spit the Dummy 2013, Sign Health 2014).

Other issues include:

- To access the only specialist Neuro Clinic in London, Deaf people have to travel the entire length of the UK; and there are only three specialist inpatient Deaf mental health units across the UK<sup>17</sup>;
- Failure by the government to oblige the NHS to provide appropriate accessible services, for example, BSL-English interpreters, bilingual health care providers, or culturally sensitive mental health services in BSL;
- Failure to account for the fact that interpreters require payment if the Deaf patient is kept waiting or requires more time than anticipated;
- More than one misdiagnosis being made of dementia when a person is Deaf (BDA 2014a), also a breach of Article 17 protecting the physical integrity of the person;
- In terms of awareness raising and public health campaigns, information is rarely offered in BSL: e.g. the UK State Report discusses the availability of Braille for HIV and malaria prevention but makes no reference to sign languages (UK State Report: paragraphs 276-278).

Sign Health write: "The study found poorer health, poorer diagnosis and poorer treatment/ management. These three problems were probably largely caused by poor access to services, poor communication, and poor access to information. Issues with poor access and communication suggest the health service is at risk of harming Deaf patients. It is certainly not meeting the requirements of the NHS Constitution or the Equality Act." (Sign Health 2014:3)

Hindley's research (2000) reported that Deaf people were 2-5 times more likely to develop acquired mental health problems due to stigma, social exclusion and lack of access to health care (see also Young 2014:17). Since Hindley's research, the Mental Capacity Act 2005 was brought in but it fails to make adequate provision for Deaf people.

Research by O'Brien (2013) confirms that Deaf young people have a high incidence of mental health distress.

The BDA calls on the Committee to recommend to the government that an urgent public enquiry into the state of health of UK Deaf citizens be conducted, following the uncovering of serious breaches of the human rights of Deaf people. Urgent measures should be put into place with achievable targets and timetable to improve access to the health service for Deaf people.

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<sup>17</sup> These are Old Church at South West London and St George's Mental Health NHS Trust; Jasmine Suite, The Barberry, at Birmingham and Solihull Mental Health NHS Foundation Trust; and John Denmark Unit at Greater Manchester West NHS Foundation Trust. There are 7 local community services: Manchester, Bristol, London, Birmingham, North East, Nottingham, South Yorkshire – these are outpatient and less specialised in identifying mental illness in Deaf people

## Article 27 – Work and employment

The last time information was submitted relating to Deaf people's employment was in the form of a Memorandum by the Royal National Institute for Deaf People (RNID) (EDP 39) to the Select Committee on Work and Pensions, in August 2003.

A recent report on one city in the UK, Brighton and Hove, found that: "Without schemes to promote the inclusion of Deaf people in work [in a smaller jobs market] job applications will be ignored. This overt, and yet hidden, discrimination will be left unmonitored and it is extremely difficult to challenge in tribunals" (Walker 2012:14).

*In a well reported case, Jane Cordell, who had worked at the Foreign Office for 9 years and completed a highly successful posting overseas at First Secretary level with support provided by lip speakers, obtained a further posting as a Deputy Ambassador to three Central Asian countries. The Foreign Office withdrew the posting due to the cost of providing support. This effectively ended her 10-year career as a diplomat due to her deafness. The case did not offer clear guidance on how to balance the many positive aspects of enabling a strong senior Deaf role model to pursue her career and inspire others to do so, with the high support costs (Cordell v. Foreign and Commonwealth Office, Sept 2010).<sup>18</sup>*

Since the late 1980's Deaf people have relied on Access to Work (ATW) payments to enable them to be employed on an equal basis to hearing workers. The BDA survey (2014b) found numerous structural failures with this system.

In acknowledgement of restrictions created by the government, i.e. the '30 hour rule' introduced in 2011 requiring Deaf people who use over 30 hours of ATW funded support to employ a lower salaried Communication Support Worker, instead of freelance interpreters (BDA 2014c), the government suspended the ruling for three months from May 2014 pending a review<sup>19</sup>. This is a welcome development but the BDA remains concerned about the future of ATW.

The BDA calls on the Committee to recommend to the government a revision of Access to Work arrangements for Deaf people, to investigate how the provision of qualified sign language interpreters can be guaranteed.

## Article 28 – Adequate standard of living and social protection

Some Deaf people receive either Disability Living Allowance (DLA) or the new Personal Independence Payment but this is not linked to specific communication issues.

In the case of deafblind people and those with Usher's syndrome there is a different legislative framework. Section 7 of the Local Authority Social Services Act 1970 was amended in March 2001 by the Department of Health which issued the *Social Care for Deafblind Children and Adults - LAC (2001) 8*.

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<sup>18</sup> For full information see <<http://gettingequal.com/about/>> accessed 13 June 2014

<sup>19</sup> The announcement was made by The Minister for Disabled People (Mike Penning MP), on 12 May 2014, to the House of Commons Select Committee < <http://www.parliament.uk/business/committees/committees-a-z/commons-select/work-and-pensions-committee/news/access-to-work-launch/>> accessed 13 June 2014

This is described as 'guidance' but it nevertheless placed new statutory duties on local authorities in England and Wales. The Section 7 equivalent in Scotland has led to deafblind people having to contribute to their communication support as "care".

In England and Wales, Local Authorities do have a duty under Section 7, but often the process of obtaining a care package with direct payment or personal budget is tedious and slow. *As an example, a Deaf person with Ushers had to wait 2.5 years to get awarded a personal budget due to support from a solicitor specialising in care, and this is not an isolated incident*<sup>20</sup>.

The BDA calls on the Committee to recommend the government sets up an investigation into introducing a specialised form of payments, separate from the benefits system, to enable Deaf people to pay for sign language interpreters, and other forms of communication, in order to participate in society on an equal basis with hearing citizens.

## **Article 29 – Participation in political and public life**

A House of Lords debate "How will the government improve the health of Deaf people" (31 March 2014)<sup>21</sup> was conducted without BSL-English interpreters and only shown later with subtitles following extensive lobbying by Deaf citizens.

There have been several disabled MP's in the UK parliament since its inception, but Deaf people whose first language is BSL have been at a substantial disadvantage due to the costs required to fund BSL-English interpreters. *One Deaf person has been forced to spend thousands of pounds from his personal finances since 1990 to hire interpreters during election campaigns to public office*<sup>22</sup>. While the BDA welcomes the provision of an 'Access to Elected Office for Disabled People Fund'<sup>23</sup>, this is not guaranteed to continue, and does not cover European Parliament elections.

Deaf people are also hindered from accessing Parliamentary and House of Lords debates because these are never interpreted; the television channel *BBC Parliament* is not covered by the Communications Act (2003) and has less than 1 percent of viewing figures.<sup>24</sup>

The BDA calls on the Committee to recommend the government makes available a *permanent* budget to enable potential candidates to stand for election as MPs in all elections, including the European Parliament.

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<sup>20</sup> Buxton, D, [ceo@bda.org.uk](mailto:ceo@bda.org.uk), 2014. Usher person had to wait 2.5 years. [email] Message to S Batterbury ([s.batterbury@bristol.ac.uk](mailto:s.batterbury@bristol.ac.uk)). Sent 26.05.2014

<sup>21</sup> House of Lords debate "How will the government improve the health of Deaf people", 31 March 2014, "Health Deaf People: a Question for short debate" Asked by Lord Ponsonby of Shulbrede <http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/140331-0002.htm#14033124000223>

<sup>22</sup> <http://www.bda.org.uk/News/51> accessed 13 June 2014

<sup>23</sup> <http://www.access-to-elected-office-fund.org.uk/> accessed 13 June 2014

<sup>24</sup> Riley, T. [terryriley.bdachair@gmail.com](mailto:terryriley.bdachair@gmail.com), 2014, CRPD [email] Message to S. Emery ([epzsde@bristol.ac.uk](mailto:epzsde@bristol.ac.uk)). Sent 14 June, 2014

## Article 30 – Participation in cultural life, recreation, leisure and sport

Clause 4 of Article 30 makes specific reference to sign languages: "Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture" (UN 2007:23).

There is limited BSL-English interpretation available for national cultural events such as visual art exhibitions, the performing arts, theatre performances, or literary festivals. Theatres and cinemas are particularly difficult to access with unfavourable time slots generally being offered (Swinbourne 2011).

There is no State support for interpreted performances in the UK. Sign language access has to be fought for; *for example, following several months of extensive lobbying backed up by a threat to resort to the Equality Act the Royal Shakespeare Company offered its first signed performance in several years in March 2014.*<sup>25</sup>

There is a precedent in the UK for planned government support of culturo-linguistic patrimony of autochthonous spoken minority language communities including Scots Gaelic and Welsh<sup>26</sup>. Similar provision is not yet being planned for the UK's sign languages.

Access to electronic communications (UK State Report: paragraph 165) makes reference to the British Sign Language Broadcasting Trust (BSLBT), but its programmes are not accessible to all Deaf people and are invisible to the wider hearing population.

BSL broadcasting on terrestrial television takes place mainly after midnight and only 5% (or less) of programmes on high frequency channels must be sign language interpreted.

The UK State Report stresses the importance of the Paralympics in helping to change attitudes of able-bodied people towards disabled people in this country. However, the independent body set up to examine the 'sustainability' of the London 2012 Olympics and Paralympics<sup>27</sup> found that there was: lack of subtitles or BSL-interpretation on the screens and on televisions at home, and a failure to understand how Deaf people who could not afford to bring their own interpreters are expected to understand important instructions for the crowd (Pring 2012).

There are no categories for Deaf participants in the Paralympics, but there is a long-running alternative the Deaflympics, which has been taking place every four years since 1924. The last event took place in Sofia in 2013; and while the Olympics and Paralympics received a record £347m following London 2012, with the Paralympics receiving a 59% increase in funding, Deaf GB athletics bodies received just £125,000

<sup>25</sup> Batterbury, S., and Magill, R., email correspondence; Full Reference: Complaint to the Equality Advisory Support Service, Reference Number: 140121-000018, 'Disability Discrimination'.

<sup>26</sup> For example 'National Gaelic Language Plan: Working with Public Bodies and Local Authorities to secure a sustainable future for Gaelic', a five year plan running from 2012-2017 <<http://www.scotland.gov.uk/Resource/0042/00426819.pdf>> accessed 13 June 2014

<sup>27</sup> Full name: 'The Environmental Sustainability of the London 2012 Olympic and Paralympic Games'



for Sofia. This in spite of the event being sanctioned by the International Olympic Committee and featuring athletes from more than 100 countries (Swinbourne 2013). There was no BBC coverage of the Deaflympics.

The BDA calls on the Committee to recommend the government provides a large increase in funding to support Deaf athletes to compete at the Deaflympics; increases the quota of sign language translated programmes on the BBC and seeks guidelines for private broadcasters to do likewise; and makes available BSLBT programmes on terrestrial television.

### **Article 31 – Statistics and data collection**

The addition of a question on BSL in the 2011 Census for England and Wales was initially welcome, but the question was open to misunderstanding and delivered a wholly unreliable finding.<sup>28</sup>

There is an urgent need to collect data in order to gather an accurate picture of the numbers of Deaf people in the UK in order to devise feasible services. In order to do so it is necessary to disaggregate figures when undertaking statistical data: i.e. Deaf people should be identified in any statistical calculations of disabled people.

The BDA calls on the Committee to recommend the government disaggregates figures when collecting data on Deaf people and children, and ensures Deafblind people are separate from registers for Deaf and Blind people.

### **Article 49 - Accessible format**

The CRPD has not been made available in sign language by the government.

The BDA calls on the Committee to recommend there is a full translation of the CRPD in BSL.

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<sup>28</sup> British Deaf Association, 8 March 2013, British Deaf Association reacts to Census Figures with dismay <<http://www.bda.org.uk/News/108>> accessed 14 June 2014. See also <http://deafcouncil.org.uk/news/wp-content/uploads/Briefing-note-Census-data-on-number-of-Deaf-people-in-UK.pdf>> accessed 14 June 2014



## References

Albuquerque Sign Language Academy (ASLA), 2012, The Albuquerque Sign Language Academy <http://www.youtube.com/watch?v=cnGr4q8aHuA> accessed 14 June 2014

All Party Parliamentary Group on Dementia, 2013, Dementia Does not Discriminate: the experiences of Black, Asian and Minority Ethnic Communities, [http://www.alzheimers.org.uk/site/scripts/download\\_info.php?fileID=1857](http://www.alzheimers.org.uk/site/scripts/download_info.php?fileID=1857) accessed 14 June 2014

Barnett, S., McKee, M., Smith, SR, Pearson TA, 2011, Deaf sign language users, health inequities and public health: opportunity for social justice, *Preventing Chronic Disease*, 8(2) A45

Batterbury, SCE, 2010, Language policy and social justice: The case of BSL, M.Sc dissertation, University of Bristol, [www.simonbatterbury.net/pubs/S%20Batterbury%20-%20BSL%20RECOGNITION%202010%20-%20dissertation%20University%20of%20Bristol%202010.pdf](http://www.simonbatterbury.net/pubs/S%20Batterbury%20-%20BSL%20RECOGNITION%202010%20-%20dissertation%20University%20of%20Bristol%202010.pdf)

Batterbury, SCE, Dickinson, M., Robinson, H., Sutherland, H., & West, D., 2011, 'Signing first: Evaluation of I-Sign: The BSL Pilot project', Department for Education Research Report DFE-RR137.

Batterbury, SCE, 2012, Language justice for Sign Language Peoples: the UN Convention on the rights of persons with disabilities, *Language Policy* 11: 253-272

Batterbury SCE, 2013, Democratising policy theories: Enhancing prospects for language justice for Sign Language Peoples, *Policy and Politics* fast track online in Word format available at <http://research-information.bristol.ac.uk/en/publications/democratising-policy-theory-enhancing-prospects-for-language-justice-for-sign-language-peoples%28daacb0a7-7111-42c2-9345-e1af474a8422%29.html> accessed 14 June 2014

Branson, J., & Miller, D. 2002, *Damned for their difference: The cultural construction of Deaf people as disabled*. Washington DC: Gallaudet University Press.

British Deaf Association (BDA), 2014a, Legal status of BSL and ISL: a discussion paper, BDA: London (by Batterbury, SCE)

British Deaf Association (BDA), 2014b, Access to Work Consultation, (by Reynolds, S)

British Deaf Association (BDA), 2014c, Access to Work – 30 Hours Rule, Briefing Paper, February 2014

Brennan, M., & Brown, R., 1997, *Equality before the law: Deaf people's access to Justice* Coleford: Douglas Mclean.

Conrad, R, 1979, *The Deaf school child: Language and cognitive function*, London: Harper and Row

Council Directive (EC), 2002, 2002/22/EC of the European Parliament and of the Council of 7 March 2002, on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)

Court of Appeal, 2014, Re C (A Child) [2014] EWCA Civ 128, Appeal by parents against care and placement orders where the mother has speech and hearing impediment and the father is profoundly deaf. Guidelines given for cases involving a deaf parent. Appeal allowed and case remitted for rehearing, 21st January 2014, <http://www.familylawweek.co.uk/site.aspx?i=ed128597> accessed 14 June 2014

Consortium for Research into Deaf Education (CRIDE), 2013, UK: Education - CRIDE survey of educational provision for deaf children, [www.ndcs.org.uk/professional\\_support/national\\_data/uk\\_education.html](http://www.ndcs.org.uk/professional_support/national_data/uk_education.html) accessed 14 June 2014

Emery, S., 2011, *Citizenship and the Deaf Community*, Nijmegen, The Netherlands, Ishara Press.

Emery, S., Middleton, A., Turner G.H., 2010, Whose Deaf genes are they anyway? The Deaf Community's challenge to legislation on embryo selection, *Sign Language Studies*, 10, 2, 155-69

European Union of the Deaf (EUD) Education position paper, [http://www.eud.eu/Education\\_Position\\_Paper-i-559.html](http://www.eud.eu/Education_Position_Paper-i-559.html) accessed 14 June 2014

Ferguson-Coleman, E., Keady, J., Young, A., 2014, Dementia and the Deaf community: knowledge and service access. *Aging and Mental Health*, published online, 05 Feb 2014, doi: 10.1080/13607863.2014.880405

Fordyce, M., Riddell, S., O'Neill, R. & Weedon, E., 2013, Post-school Transitions of People who are Deaf or Hard of Hearing, [http://www.docs.hss.ed.ac.uk/education/creid/Reports/30ii\\_NDCS\\_PostSchTransit\\_FinancialRpt\\_Summary.pdf](http://www.docs.hss.ed.ac.uk/education/creid/Reports/30ii_NDCS_PostSchTransit_FinancialRpt_Summary.pdf) accessed 14 June 2014

Gregory, S., 1997, Bilingualism and the education of Deaf Children, conference, *Bilingualism and the Education of Deaf Children: Advances in Practice*, University of Leeds June 29th 1996. The full Conference Proceedings (ISBN 0900960868) <http://www.leeds.ac.uk/educol/documents/000000306.htm> accessed 14 June 2014

Grimes. M., 2009, Linguistic Access to Education for Deaf pupils and Students in Scotland, Edinburgh: Scottish Government, <http://www.scotland.gov.uk/Publications/2009/02/11155449/2> accessed 14 June 2014

Healthwatch York, 2013, Access to health and social care services for Deaf people, December, York: Healthwatch York

Heffernan, C. 2010, Stop stonewalling deaf jurors: for the UK jury system to work it needs to prioritise inclusivity – and that means allowing deaf people to sit as jurors, too, *The Guardian*, July 20  
<http://www.theguardian.com/commentisfree/libertycentral/2010/jul/20/deaf-jurors-jury-system> accessed 13 June 2014

Hindley P., 2000, Child and adolescent psychiatry, in Hindley, P., and Kitson N., *Mental Health and deafness* London: Whurr

Hindley, P.A. 2005, Mental health problems in deaf children, *Current Paediatrics* (2005) 15: 114–119

HM Inspectorate of Prisons, 2009, Disabled Prisoners: A short thematic review on the care and support of prisoners with a disability [http://socialwelfare.bl.uk/subject-areas/services-client-groups/adult-offenders/hminspectorateofprisons/138754prisoners\\_with\\_disabilities1-rps%281%29.pdf](http://socialwelfare.bl.uk/subject-areas/services-client-groups/adult-offenders/hminspectorateofprisons/138754prisoners_with_disabilities1-rps%281%29.pdf) accessed 14 June 2014

Judicial College, 2013, Equal Treatment Bench Book, [http://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/judicial-college/ETBB\\_all\\_chapters\\_final.pdf](http://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/judicial-college/ETBB_all_chapters_final.pdf) (accessed 23/06/2014)

Kauppinen, L., M., Jokinen, 2014, Including Deaf Culture and Linguistic rights, Chapter 8, in M. Sabatello, M. Schulze (eds.), *Human Rights and Disability Advocacy*, Philadelphia: University of Pennsylvania Press

Knights S., 2010, A Narrative Analysis of how Peer Interaction Appears in Deaf Adults Narratives on their Experiences of a Mainstream Education, B.Sc. dissertation, Centre for Deaf Studies, University of Bristol.

Kyle, JK., Sutherland, H., Stockley, S., 2012, "Legal Choices – Silent Process: Engaging Legal Services when you do not hear", Deaf Studies Trust, Bristol.

Kushalnagar, P., Mathur, G., Moreland, C.J., Napoli, D.J., Osterling, W., Padden, C. and Rathmann, C. 2010, Infants and Children with Hearing Loss Need Early Language Access', *The Journal of Clinical Ethics*, 21(2) 143-154.

Kusters, A. & De Meulder, M., 2013, Understanding Deafhood: In search of its meanings, *American Annals of the Deaf* 158(5), 428–438.

Ladd, P, 2003, *Understanding Deaf culture: in search of Deafhood*, Clevedon: Multilingual Matters

Lewthwaite, S., 2014, Cuts to grant funding for disabled students will put their studies at risk, *The Guardian*, Thursday 24 April <http://www.theguardian.com/higher-education-network/blog/2014/apr/24/cuts-disabled-students-allowance-put-studies-at-risk> accessed 14 June 2014

Majid, A, 2007, Right of disabled people to accessible internet, *Journal of International Commercial Law and Technology*, 2(2) 76–82

McCulloch, D. 2012, Not hearing us: An exploration of the experience of deaf prisoners in English and Welsh prisons, London: The Howard League for Penal Reform.

National Children's Bureau (NCB), 2006, Monitoring Protocol for deaf babies and children, <http://www.ncb.org.uk/early-support/resources/developmental-journals/monitoring-protocol-for-deaf-babies-and-children> accessed 14 June 2014

National Deaf Children's Society (NDCS), 2012, Stolen Futures: an investigation into the public spending cuts facing deaf children 2010–2013, National Deaf Children's Society: London

NDCS, 2008, Must do better! Close the gap NDCS Campaign report, London: NDCS

NDCS, 2014, Deaf teenagers being denied vital health support from their GP 4/02/14, *Enable*, [www.enablemagazine.co.uk/index.php/2014/02/deaf-teenagers-being-denied-vital-health-support-from-their-gp/](http://www.enablemagazine.co.uk/index.php/2014/02/deaf-teenagers-being-denied-vital-health-support-from-their-gp/)

NDCS, 2014, A whole new world, Families towards a world without barriers, summer 2014, National Deaf Children's Society: London.

O'Brien, D., 2012, d/Deaf young people's experiences of transition planning in England: using auto-driven photo-elicitation interviews and Critical Discourse Analysis to explore experiences of policy and practice. Unpublished PhD thesis: University of Bristol.

O'Brien, D., 2013, Visual Research with Young d/Deaf people: An Investigation of the Transitional Experiences of d/Deaf Young People from Mainstream Schools using Auto-driven Photo-elicitation Interviews. *Graduate Journal of Social Sciences* 10(2) 152-175.

Ofcom, 2004, Code on Television Access Services: Statement by Ofcom, [http://stakeholders.ofcom.org.uk/binaries/consultations/tv\\_access\\_services/statement/statement.pdf](http://stakeholders.ofcom.org.uk/binaries/consultations/tv_access_services/statement/statement.pdf) accessed 14 June 2014

Ofcom, 2007, Signing on television: New arrangements for low audience channels, London: Ofcom, <http://stakeholders.ofcom.org.uk/consultations/signing/statement/> accessed 14 June 2014

Police and Criminal Evidence Act (PACE), 1984, Code of practice for the detention, treatment and questioning of persons, 1984, Code C as amended 2013, Home Office: London. <https://www.gov.uk/police-and-criminal-evidence-act-1984-pace-codes-of-practice> accessed 14 June 2014

Padden, C., T Humphries, 2005, *Inside Deaf Culture*, Harvard: Harvard University Press

Parker, J., Young, A.M., Rogers, K., 2010, My mum's story: a Deaf daughter discusses her Deaf mother's experience of dementia. *Dementia*, 9(1), 5-20. doi: 10.1177/1471301209353987

Pollock, I, 2013, Deaf failed by Welsh health boards under Equality Act, 01/02/2013 *BBC News Wales*, [www.bbc.co.uk/news/uk-wales-21281708](http://www.bbc.co.uk/news/uk-wales-21281708) accessed 14 June 2014

Powers, S., 2003, Influences of students and family factors on academic outcomes of mainstream secondary school Deaf students, *Journal of Deaf Studies and Deaf Education*, 8( 1) 57-78

Pring, J., 2012, London 2012: Deaf star calls LOCOG 'cowardly and immature' over access complaints, *Disability News Service*, 6 September  
<<http://disabilitynewsservice.com/2012/09/london-2012-broke-promise-and-failed-to-deliver-on-access/>> accessed 13 June 2014

Reach 112, 2012, REACH 112, Responding to All Citizens Needing Help, Final Project report,  
[http://www.reach112.eu/ressource/static/files/reach112\\_d8.5\\_final\\_report\\_on\\_reach112\\_v1.2.pdf](http://www.reach112.eu/ressource/static/files/reach112_d8.5_final_report_on_reach112_v1.2.pdf) accessed 14 June 2014

Rogers, K.D., Young, A., Lovell, K., Campbell, M., Scott, P.R., Kendal, S., 2013, The British Sign Language Versions of the Patient Health Questionnaire, the Generalized Anxiety Disorder 7-Item Scale, and the Work and Social Adjustment Scale, *Journal of Deaf Studies and Deaf Education*, 18 (1): 110-122. doi: 10.1093/deafed/ens04.

Royal National Institute for Deaf People (RNID). 2003, 'Employment for all. Submission by RNID to the Work and Pensions Committee' URL: [cabinetoffice.gov.uk/media/cabinetoffice/strategy/assets/rnid3.pdf](http://cabinetoffice.gov.uk/media/cabinetoffice/strategy/assets/rnid3.pdf)

RNID, 2003, (EDP 39) memorandum to the Select Committee on Work and Pensions (August 2003)  
<http://www.publications.parliament.uk/pa/cm200203/cmselect/cmworpen/401/3020503.htm> accessed 14 June 2014

Scotland Futures Forum (SFF), 2010, The future of British Sign Language in an inclusive Scotland, 15 November 2010,  
[http://scotlandfutureforum.org/assets/library/files/application/BSL\\_Report.pdf](http://scotlandfutureforum.org/assets/library/files/application/BSL_Report.pdf) accessed 14 June 2014

Sign Health, 2014, A report into the health of Deaf people in the UK: Sick of it, The Deaf Health Charity Sign Health: Beaconsfield, Bucks UK.  
<http://www.signhealth.org.uk/sick-of-it-report-professionals/> accessed 14 June 2014

Skutnabb Kangas, T., 2006, Language Policy and Linguistic Human Rights, in T. Ricento *An Introduction to Language Policy: Theory and Method*, Oxford: Blackwell

Skutnabb-Kangas, T., 2010, Language rights. In J. Jaspers, J. O. Ostman, & J. Verschueren (Eds.), *Society and language use. 7 handbook of pragmatics highlights*, Amsterdam/Philadelphia: John Benjamins. 212-240

Smith A, and Twomey B, 2002, Labour market experiences of people with disabilities, *Labour Market Trends*, August 2002

Spit the Dummy Campaign, 2013, Spit the Dummy and Campaign for BSL Act, Smith, J, Clarke, J, Robertson, L., [www.facebook.com/#!/groups/bslact/](http://www.facebook.com/#!/groups/bslact/)

Swinbourne, C., 2012, Deaf News: Deaf woman rejected for jury service says she feels like a “second class citizen”, *The Limping Chicken*, June 20, <http://limpingchicken.com/2012/06/20/deaf-news-deaf-woman-rejected-for-jury-service-says-she-feels-like-a-second-class-citizen/> accessed 13 June 2014

Swinbourne, C., 2011, Cinemas are letting deaf people down: subtitled screenings are unreliable and hard to find, but digital technology means cinemas now have little excuse, *The Guardian*, 23 May, <http://www.theguardian.com/commentisfree/2011/may/23/cinemas-deaf-people-subtitled-screenings> accessed 13 June 2014

Swinbourne, C., 2013, Britain's Medal-Winning Deaflympics Heroes Deserve Recognition, Not Silence, *The Huffington Post*, 8 August [http://www.huffingtonpost.co.uk/charlie-swinbourne/britains-deaflympic-heroes-deserve-recognition\\_b\\_3719144.html](http://www.huffingtonpost.co.uk/charlie-swinbourne/britains-deaflympic-heroes-deserve-recognition_b_3719144.html) accessed 13 June 2014

Teruggi, L.A., 2003, *Una Scuola, Due Lingue: l'esperienza di bilinguismo della scuola dell'infanzia ed elementare di Cossato*, FrancoAngeli: Milan

United Nations (UN), 2007, Convention on the rights of persons with disabilities and optional protocol signatures and ratifications, UN Enable, rights and dignity of persons with disabilities, [www.un.org/disabilities/countries.asp?id=166](http://www.un.org/disabilities/countries.asp?id=166) accessed 14 June 2014

UN Committee on the Rights of Persons with Disabilities (UK State Report), 2013, Consideration of reports submitted by States parties under article 35 of the Convention Initial reports of States parties due in 2011 United Kingdom of Great Britain and Northern Ireland 03/07/2013, CRPD/C/GBR/1

United Nations Educational, Scientific and Cultural Organization (UNESCO), 1994, *The Salamanca Statement and Framework for action on special needs education*, [http://www.unesco.de/fileadmin/medien/Dokumente/Bildung/Salamanca\\_Declaration.pdf](http://www.unesco.de/fileadmin/medien/Dokumente/Bildung/Salamanca_Declaration.pdf) accessed 14 June 2014

UNESCO, 2003, Convention for the Safeguarding of the Intangible Cultural Heritage, <http://www.unesco.org/culture/ich/index.php?pg=00006> accessed 14 June 2014

Urquhart, F., 2013, Deaf patient denied interpreter by Dundee Hospital, *The Scotsman* 28 March, <http://www.scotsman.com/news/health/deaf-patient-denied-interpreter-by-dundee-hospital-1-2862772> accessed 14 June 2014

Walker, J., 2012, Enabling Deaf Spaces: Deaf people in Brighton and Hove city, University of Sussex: Mimeo



Wilson, S, 2014, 'Communication barriers must not get in the way of protecting deaf children', 9 June at <http://www.communitycare.co.uk/2014/06/09/communication-barriers-must-get-way-protecting-deaf-children/#.U5Wf5cksWnM.facebook>

Warnock, M., 2005, Impact No.11 *Special educational needs: a new look*. Philosophy of Education Society of Great Britain.

Wheatley, M. & Pabsch, A., 2010, *Sign Language Legislation in the European Union*. Brussels: European Union of the Deaf

Wilson, S., 2012, A 'voice' for the Deaf Child in Safeguarding, 'New Horizons' Manchester Conference Centre, 24 May, [https://www.nspcc.org.uk/Inform/newsandevents/conferencereports/nh-deaf-child-safeguarding\\_wdf89953.pdf](https://www.nspcc.org.uk/Inform/newsandevents/conferencereports/nh-deaf-child-safeguarding_wdf89953.pdf) accessed 13 June 2014

World Federation of Deaf People, 2014, WFD Statement delivered by Dr. Joseph Murray at the opening of the 11th session of the CRPD Committee, 31 March 2014.

Young, A.M., Monteiro B.T., Ridgeway S.M. , 2000, Deaf People with Mental Health Needs in the Criminal Justice System: A Review of the UK Literature, *Journal of Forensic Psychiatry* 11 (3), 556 – 570.

Young, A.M., Howarth P., Ridgeway S., Monteiro B., 2001, Forensic referrals to the three specialist psychiatric units for deaf people in the UK. *Journal of Forensic Psychiatry* 12 (1), 19-35.

Young A., Carr G., Hunt R., McCracken W., Skipp A., Tattersall H., 2006, Informed choice and deaf children: Underpinning concepts and enduring challenges. *Journal of Deaf Studies and Deaf Education*, 11, 322–336.

Young, A.M., Hunt, R., Smith, C., Oram, R., 2010, The impact of integrated Children's Services on the scope, delivery and quality of social care services for deaf children and families.Phase II Report. London: NDCS

Young, A.M., 2014, Older Deaf People and Social Care, commissioned evidence review. RAD and SONUS, [http://royaldeaf.org.uk/files/files/RAD%20GENERAL/Documents/older\\_deaf\\_people\\_and\\_social\\_care.pdf](http://royaldeaf.org.uk/files/files/RAD%20GENERAL/Documents/older_deaf_people_and_social_care.pdf) accessed 14 June 2104

## **Appendix 1**

**See end for notes on impact of cuts in DSA on Deaf teachers and students**

**Proposed changes from September 2015 to funding for disabled students will dramatically impact on access to higher education.**

The cuts announced in funding for equipment and support are likely to put disabled students off applying for university.

For others, cuts will mean persevering without necessary support, leading to higher drop-out rates, dissatisfaction and lower education attainment.

DSA can pay for assistance including specialist equipment such as computer software; non-medical helpers, like a note-taker or reader; or extra travel costs.

The stated intention is to shift the cost burden onto Universities and it will disproportionately affect those who have been most successful in recruiting disabled students.

Research shows that students who receive DSAs perform at the same level as non-disabled students. Cuts threaten to destroy this hard-won equality and future careers in academia.

No additional funds have been announced for universities or disabled students to help bridge the funding gap for support. The Equality Impact Assessment has not yet been undertaken.

An article in the Guardian affirms that Disabled students are unlikely to be able to cover the costs for a number of reasons:

- Life costs more when you are disabled and student life (itself, increasingly expensive) is no different.
- Fees have already led to an increase in debt for disabled students in comparison to non-disabled peers.
- Disabled students have fewer options for supplementary income.
- Living and studying with impairments means less leisure time to commit to paid work.
- Workplace and transport barriers also limit employment opportunities.
- Even after graduation, disabled students are more likely to experience underemployment, leading to increased interest and repayments on student loans.
- Unchecked, the extra financial burden of support costs will lead to many disabled students being excluded from higher education, or being significantly disadvantaged in both their studies and later life.

Students with specific learning disability such as dyslexia & dyspraxia can expect to be amongst the most badly affected by these measures.

Singling out this group for cuts to academic support whose disability explicitly affects learning will have a huge impact. Students with specific learning difficulties will



continue to receive support through DSAs where their support needs “are considered to be more complex,”

Using the terms ‘mild’ and ‘complex’ in deciding need is misleading as the degree of a specific learning disability does not negate the disability.

In addition DSA funding will no longer be provided for non-specialist non-medical help (NMH) support. Such support workers help to make higher education an option for many disabled people.

The DSAs will no longer meet the additional costs of specialist accommodation, other than in exceptional circumstances.

Hannah Paterson, NUS Disabled Students’ Officer, said in the NUS press release: “The prospect of deeply unfair cuts to support for disabled students should concern us all.”

She added: “It is arrogant and out of touch to assume that disabled students can access ‘basic’ equipment or that universities will accept the new responsibilities ministers are seeking to place on them.”

The NUS is organising a national constituency based lobby of MPs on lobby on 6<sup>th</sup> June 2014.

The proposed cuts put disabled students' studies at risk.

The Higher Education Minister David Willetts advocates independence for disabled students while cutting the support they need to maintain that independence.

Universities are already dealing with disabled applicants for the 2015 academic intake.

An equality impact assessment is urgently required to ensure disabled students' rights to higher education are safeguarded.

**UCU nationally will raise this issue with the appropriate sector bodies and work with other organisations to campaign for this change to be dropped.**

**Please sign the e-petition against this proposal at Stop cuts to funding for disabled and dyslexic students - e-petitions**

**<http://epetitions.direct.gov.uk/petitions/63748>**

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.....  
**(Additional notes from Penelope Beschizza, University and College Union (UCU) & Secretary of the Association of BSL Teachers & Assessors - (ABSLTA). 28.04.2014)**

**The proposals will, at a time of expected positive inclusion within education, hurt the recruitment of Deaf Teachers and BSL Teachers.**

**Main issues:**

- Most BSL teachers work part-time or in learning support salaries
- Most Deaf people have low incomes
- Most Deaf people have no / minimal access to good careers support and progression
- Most Deaf people are isolated or live too far away from where they could have peer support
- More young deaf people come from mainstream schools where they were the only deaf student in class with minimal support
- Most Deaf people's career options and progression above Level 3 skills would be seriously limited by the DSA changes.
- Deaf people's need to develop independence in study and everyday lives would be drastically reduced by the changes.

**Deaf students' issues:** please do contact xxxxxx@xxxx 'Deaf DSA' so that they would be referred to the appropriate support to back up their concerns.

## **Appendix 2**

### **Resolve of the House of Commons following the Stolen Futures debate of 17 October 2013**

*Hansard Volume No. 568, Part No. 57, 17 Oct 2013 : Column 991 'Deaf Children and Young People'*

That this House recognises the importance of services for deaf children and young people and acknowledges the wide attainment gap; further recognises that communications support for deaf children and their parents is vital for social development and educational progress; acknowledges that the Government has stated there is an expectation that funding for vulnerable learners is protected, but is concerned about recent evidence uncovered by the National Deaf Children's Society which shows that in 2013-14 over a third of local authorities plan to cut education services for deaf children; urges the Government to take steps to hold local authorities to account and support parents in doing so, including by asking Ofsted to inspect these vital services, improving access to communication support including sign language, and strengthening the Children and Families Bill currently before Parliament; and further urges the Government to deliver and implement reform of special educational needs.

# The British Deaf Association – BDA

## Vision

Our vision is Deaf people fully participating and contributing as equal and valued citizens in wider society.

## Mission

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, ensuring that Deaf people can participate and contribute as equal and valued citizens in the wider society. This will be achieved through:

- Improving the quality of life by empowering Deaf individuals and groups;
- Enhancing freedom, equality and diversity;
- Protecting and promoting BSL.

## Values

The BDA is a Deaf people's organisation representing a diverse, vibrant and everchanging community of Deaf people. Our activities, promotions, and partnerships with other organisations aim to empower our community towards full participation and contribution as equal and valued citizens in the wider society. We also aim to act as guardians of BSL.

1. **Protecting our Deaf culture and Identity** – we value Deaf peoples' sense of Deaf culture and identity derived from belonging to a cultural and linguistic group, sharing similar beliefs and experiences with a sense of belonging.
2. **Asserting our linguistic rights** – we value the use of BSL as a human right. As such, BSL must be preserved, protected and promoted because we also value the right of Deaf people to use their first or preferred language.
3. **Fostering our community** – we value Deaf people with diverse perspectives, experiences and abilities. We are committed to equality and the elimination of all forms of discrimination with a special focus on those affecting Deaf people and their language.
4. **Achieving equality in legal, civil and human rights** – we value universal human rights such as the right to receive education and access to information in sign language, and freedom from political restrictions on our opportunities to become full citizens.
5. **Developing our alliance** – we value those who support us and are our allies because they share our vision and mission, and support our BSL community.

*Campaigning for Equal Rights for Deaf people*



**British Deaf Association**  
**3<sup>rd</sup> Floor**  
**356 Holloway Road**  
**London N7 6PA**

0207 697 4140

[bda@bda.org.uk](mailto:bda@bda.org.uk)  
[www.bda.org.uk](http://www.bda.org.uk)

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