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Education, Children and Young People Committee

Legislative Consent Memorandum on the British Sign Language Bill



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Education, Children and Young People Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills and matters relating to the Historical Abuse Inquiry within the responsibility of the Deputy First Minister.



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Committee Membership



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Introduction

1. On 15 March, the Education, Children and Young People Committee was designated as the lead committee for the [British Sign Language Bill LCM](#). This is a Private Member's Bill introduced by Rosie Cooper MP in the House of Commons on 16 June 2021. The Bill is currently at third reading stage in the House of Lords.
2. The Bill consists of four clauses:
 - The first clause recognises British Sign Language as a language of England, Wales and Scotland.
 - The second clause places a duty on the Secretary of State to report on the promotion and facilitation of the use of British Sign Language by ministerial government departments.
 - The third clause places a duty on the Secretary of State to issue guidance on the general promotion and facilitation of British Sign Language.
 - The fourth clause relates to the extent of the clauses and commencement.

Interaction with Devolved Competence

3. The entirety of the Bill extends to Scotland. Clauses 1, 2 and 3 all relate to the reserved matter of equal opportunities but fall within one of the exceptions to that reservation. As such, each of these provisions relate to matters which the Scottish Parliament and Scottish Ministers have competence for.
4. The Scottish Government is recommending consent because, whilst the Scottish Parliament has passed the British Sign Language (Scotland) Act 2015 and has established a precedent of support for the promotion of British Sign Language, this Bill will additionally recognise, in statute, British Sign Language as a language of Scotland. Further, the Scottish Government states that the Bill will be beneficial to Scotland's British Sign Language communities, as it will promote the use of British Sign Language in Scotland, particularly in relation to reserved functions.
5. The Scottish Government has indicated that the following motion will be lodged by the Cabinet Secretary for Education and Skills:

"That the Parliament agrees that the relevant provisions of the British Sign Language Bill, introduced in the House of Commons on 16th June 2021, relating to the encouragement of the use of British Sign Language, so far as they fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament."

Committee consideration

6. The Committee considered its approach to scrutiny of the LCM at its meeting on 30 March and agreed to write to the Scottish Government seeking an update on progress since the introduction of the British Sign Language (Scotland) Act 2015 ('the Act').
7. The response from the Minister for Children and Young People is attached in Annexe A. The Minister states that a significant part of the Act is delivered through the British Sign Language National Plan 2017-2023. A new National Plan will be published and implemented following the conclusion of the current plan at the end of 2023, in line with section 1(6) of the Act. The Scottish Government published the [British Sign Language \(BSL\) Progress Report](#) on 27 October 2021, as an update on the implementation of the 2017-2023 BSL National Plan, setting out progress on a range of fronts, including education, BSL/English interpreting, and public life.
8. The Scottish Government does not consider that any change would be required to Scottish Ministers' work under the Act as a result of the UK British Sign Language Bill being enacted. The British Sign Language Bill does not place any duties on the Scottish Ministers.
9. The Committee considered the Minister's response at its meeting on 20 April and agreed the terms of its report (with the final draft to be signed off by the Convener and Deputy Convener).

Conclusion

10. The Committee welcomes the introduction of the UK British Sign Language Bill and recommends that the Parliament agree to a legislative consent motion in the terms outlined in the LCM.

Annexe A: Letter from the Minister for Children and Young People

Thank you for your letter of 31 March 2022 addressed to Shirley-Anne Somerville, Cabinet Secretary for Education and Skills, regarding the BSL Bill LCM and the British Sign Language (Scotland) Act 2015. I am replying as I have portfolio responsibility for this matter.

The British Sign Language (Scotland) Act 2015 (“the Act”) has been in force since October 2015. A significant part of the Act is delivered through the British Sign Language National Plan 2017 – 2023 with 70 actions across ten long-term ambitions. A new National Plan will be published and implemented following the conclusion of the current plan at the end of 2023, in line with section 1(6) of the Act.

The Scottish Government published the [British Sign Language \(BSL\) Progress Report](#) on 27 October 2021, as an update on the implementation of the 2017-2023 BSL National Plan. It shows progress on a range of fronts, including education, BSL/English interpreting, and public life. The report outlines how Scottish Government has funded BSL Partnership organisations to engage with and support public bodies in developing their BSL plans, and notes important developments such as the decision that Scotland’s 2022 census includes the question 'can you use BSL?' for the first time. We are providing £1.1 million in funding, through the Equality and Human Rights Fund, to third sector organisations to continue to support public bodies with implementing their BSL plans across Scotland.

We do not consider that any change would be required to Scottish Ministers’ work under the Act as a result of the UK Government’s BSL Bill being enacted. The BSL Bill does not place any duties on the Scottish Ministers.

The reporting duty in clause 2 of the BSL Bill only relates to action taken by relevant UK Government departments. The National Plan only relates to measures that are within devolved competence.

However, Scottish Ministers may wish to take guidance issued by the Secretary of State under clause 3 of the BSL Bill into account when developing their next National Plan.

I hope this reply is helpful.

