The future of BSL in the UK: what will the BSL Act 2022 do for us?

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BSL Act 2022

- Came into force 28 June 2022
- Recognises BSL as language of England, Wales and Scotland (s1(1))
- Northern Ireland expressly not covered as language is devolved matter and Irish Sign Language is also used in Northern Ireland but not covered in Act
- Requires SoS for DWP to prepare and publish a BSL report by 30 April 2023 (ss2(1), 2(7)(a)) and subsequently every 3 years (s2(7)(b))
- SoS has duties to promote and facilitate use of BSL (s1(3)), with each government department also required to do so in communications with public (s2(2))
- Guidance must be issued with regard to that promotion or facilitation (s3(1))
- DWP to establish non-statutory board, ‘BSL Advisory Board’
Pros
☞ Symbolic and validates BSL
☞ BSL is a *recognised* language of the UK (England, Wales and Scotland) - same as Welsh, Gaelic and Cornish
☞ English is not a *recognised* language!
☞ BSL Advisory Board
    ☞ Deaf and BSL representation at Government-level
☞ Forces Government to **think** about BSL and Deaf community

Cons
☞ Not an ‘official’ language
    ☞ No ‘official’ languages
☞ Doesn’t mention deaf people or tactile BSL
    ☞ Focus is on language
☞ No new rights, but could strengthen existing rights e.g. Equality Act 2010
☞ Does not expect public authorities to provide services etc. in BSL, but does expect them to think about and consider Advisory Board’s recommendations and guidance
☞ No enforcement mechanisms but have reporting cycle in place
☞ No consultation with deaf community so may not reflect what they want
    ☞ Could use Scottish model
What could we have?

Sign language rights
- Full citizenship
- Legal rights
- Deaf-disabled v language minority rights
- Equality Act 2010/DDA 1995
- EHRC statutory guidance
- Human rights
- UNCRPD

Deaf culture and linguistic identity
- Heritage
- Documentation
- Education
- Youth

Education and lifelong learning
- Challenge mainstreaming policies
- Bi-/tri-/multi-lingual education
  - Brazil
- BSL-medium schools
- BSL teachers
- Teachers of Deaf Children and Young People
- Adult learning
What could we have?

Access
- Communication vouchers
- Finland
- Improve Access to Work
- Better services from public and private sectors

Employment opportunities
- Pathways to employment
- Improve Access to Work scheme
- World-leading

Equal participation
- BSL Advisory Board
- Political representation
- Westminster and devolved institutions
- Government bodies
- Civil servants
- Campaign groups
- Consultations
How do we get what we want?

- Deaf leadership
- Political representation
- Campaigning
- Research
- Keep fighting the good fight!
What does equality look like?

## Deaf-disabled v minority language rights

<table>
<thead>
<tr>
<th>Deaf-disabled rights</th>
<th>Minority language rights</th>
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<tbody>
<tr>
<td>Enshrined in equality and anti-discrimination law in national disability legislation</td>
<td>Enshrined in legislation that recognises a minority language</td>
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<tr>
<td>Anti-discrimination legislation that ensures fundamental human right of <strong>freedom from discrimination</strong> can be enforced</td>
<td>Language is referred to in various international laws and treaties</td>
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<tr>
<td>Require changes in behaviour of individuals and systems and structures of society (Hurst, 2004)</td>
<td>Sign language recognition legislation</td>
</tr>
</tbody>
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**Reason why deaf people continue to experience inequality is because of how deaf people’s rights are framed**

Deaf Legal Theory (DLT)

- A new concept in jurisprudence
- Falls within Critical Legal Studies discourse
  - Challenges view that law and lawmakers are neutral and value free
- Law and legal system is ‘hearing’
  - Law reflects hearing views
  - Law made to suit a hearing reality
  - Law is patriarchal
- Mainstream law is therefore:
  - ‘hearing-subjective’
  - audist
  - ‘looks after’ deaf people, charity
- Law affords privilege to deaf people who fit within expectations of dominant hearing society – the ‘hearing construct’
  - Mainstream education
  - Disability-related benefits
  - Funding for adjustments in workplace
  - NHS-funded cochlear implants and hearing aids
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