

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

Dr Rob Wilks Cardiff University

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 (s2(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'



British Sign Language Act 2022

CHAPTER 34

BSL Act 2022

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

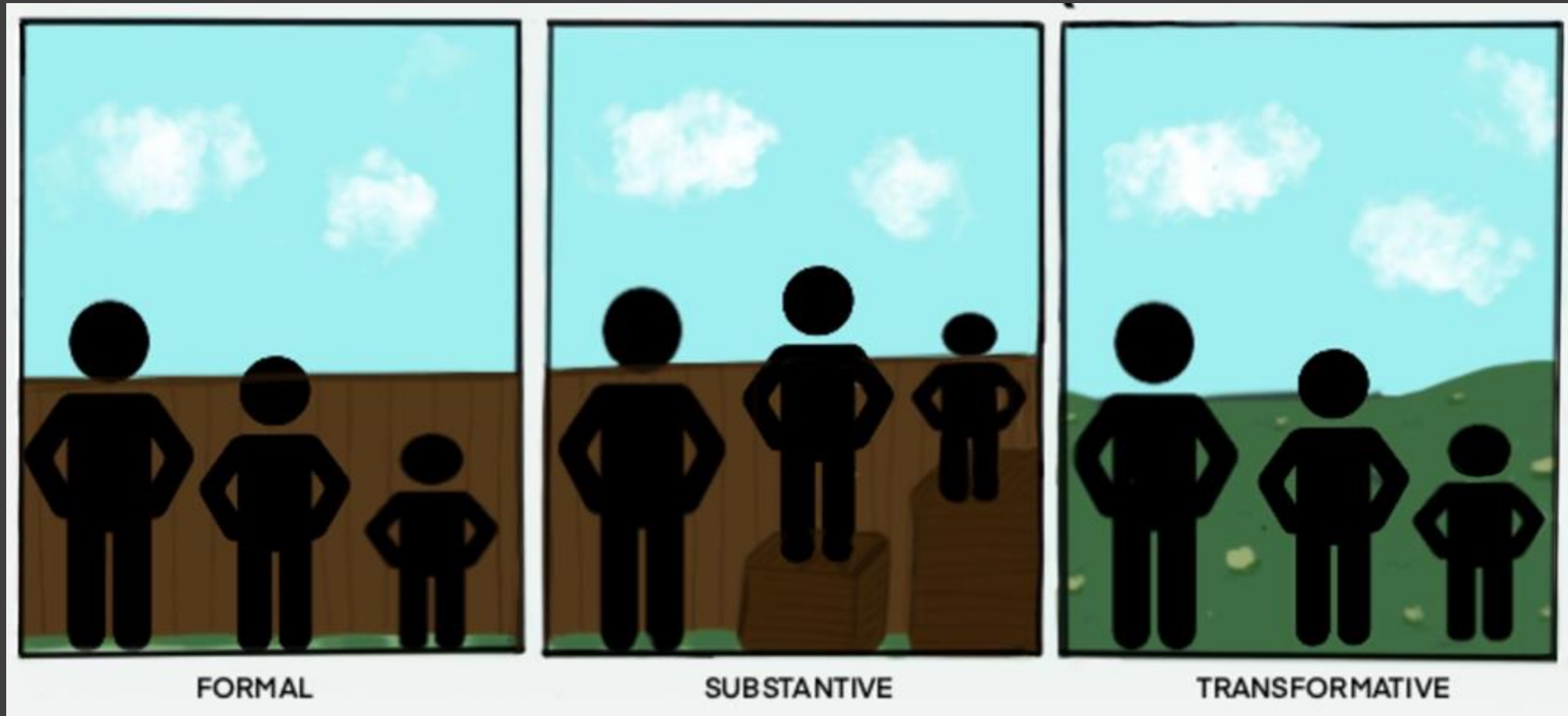
Equal participation

- BSL Advisory Board
- Political representation
 - Westminster and devolved institutions
 - Government bodies
 - Civil servants
 - Campaign groups
- Consultations

How do we get what we want?



What does equality look like?



Wilks, R., 2020. *Making equality law work for Deaf people*. PhD Thesis. University of Leicester. Available at: <https://doi.org/10.25392/leicester.data.11806764.v1>.

Deaf-disabled v minority language rights

<i>Deaf-disabled rights</i>	<i>Minority language rights</i>
Enshrined in equality and anti-discrimination law in national disability legislation	Enshrined in legislation that recognises a minority language
Anti-discrimination legislation that ensures fundamental human right of freedom from discrimination can be enforced	Language is referred to in various international laws and treaties
Require changes in behaviour of individuals and systems and structures of society (Hurst, 2004)	Sign language recognition legislation
E.g. Human Rights Act 1998 Equality Act 2010	E.g. Universal Declaration on Human Rights 1948 and International Covenant on Civil and Political Rights 1966 Finnish Sign Language Act 2007 British Sign Language (Scotland) Act 2015 Irish Sign Language Act 2017 British Sign Language Act 2022
Reason why deaf people continue to experience inequality is because of how deaf people's rights are framed	

Wilks, R. (2022). Developing Deaf jurisprudence: the role of interpreters and translators. In: Stone, C', Adam, R., Müller de Quadros, R. & Rathmann, C. *Routledge Handbook of Sign Language Translation and Interpreting*. Routledge.

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

DEAF GAIN

RAISING THE STAKES
FOR HUMAN DIVERSITY



H-DIRKSEN L. BAUMAN and
JOSEPH J. MURRAY
Editors

Foreword by ANDREW SOLOMON

Afterword by TOVE SKUTNABB-KANGAS



Dr Rob Wilks

Email: WilksR2@cardiff.ac.uk

Contact