



Shadow Report to the UN Secretary General

and the

Committee for the UN Convention on the Rights of Persons with Disabilities

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## 1. Definition of deafness

The Deaf Ex-Mainstreamers' Group (DEX) uses the term "deaf" to mean all persons who have hearing losses ranging from mild to profound levels. The use of the capital "D" is to indicate Deaf people whose first or preferred language is British Sign Language, and who belong to the Deaf community.

## 2. Introduction

The text of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) was agreed at the United Nations (UN) in December 2006. The UK signed the Convention on 30 March 2007 and ratified it on 8 June 2009.

This meant that it agrees with what the Convention says about human rights for disabled people, and to do what the Convention says and

make changes to ensure that the rights in the Convention are respected in practice.

The UK Government's Reservations with respect to education are:

*Convention Article 24 Clause 2 (a) and 2 (b):*

*The United Kingdom reserves the right for disabled children to be educated outside their local community where more appropriate education provision is available elsewhere. Nevertheless, parents of disabled children have the same opportunity as other parents to state a preference for the school at which they wish their child to be educated.*

*Convention Article 24 Clause 2 (a) and (b)*

*The United Kingdom Government is committed to continuing to develop an inclusive system where parents of disabled children have increasing access to mainstream schools and staff, which have the capacity to meet the needs of disabled children.*

*The General Education System in the United Kingdom includes mainstream, and special schools, which the UK Government understands is allowed under the Convention”*

By ratifying the Convention, the UK Government's Equality and Human Rights Commission (EHRC) states the Convention places obligations on the government as it commits to taking practical action to make rights real. It should:

take steps so that disabled people can enjoy all their rights – for example making sure that disabled people have full protection against all forms of discrimination – including taking action against failure to make reasonable adjustments

look at existing laws and say what changes need to be made

abolish laws and practices that discriminate against disabled people

pass new laws and make new policies where necessary

take account of disabled people's human rights in everything it does

(people often call this 'mainstreaming' – thinking at the beginning of a process about making sure that disabled people are not excluded)

avoid doing anything that infringes disabled people's Convention rights

ensure that professionals who work with disabled people have training to understand how to respect their rights

ensure that the private sector and individuals respect the rights of disabled people

promote accessibility including the development of standards

ensure international development programmes address disability issues and include disabled people, as well as working with other international bodies

gather information and statistics about the position of disabled people in society so it can track progress and develop better policies.

### 3. UNCRPD Article 36 - Consideration of reports from States Parties

Deaf people in the UN member states, of course, align themselves to the general terms of the Convention. However, the Deaf communities in State Parties place particular emphasis on the Articles which refer to sign languages in those countries, including the UK Deaf community. Since sign language is intrinsically linked to education, the Deaf Ex-Mainstreamers' Group (DEX) has become the leading deaf-led organisation in the UK with both professional and personal expertise in the need for the preservation of British Sign Language in order to ensure deaf children's rights.

DEX has given evidence to the UK's EHRC, as part of the EHRC's Shadow Report to the Secretary-General of the United Nations. DEX's contribution is primarily to inform the UK Government in matters appertaining to its responsibilities towards its sign language, with respect to the UNCRPD ratification.

In addition DEX has contributed to the UK Government's two-year Report to the UNCRPD Committee, currently being compiled by the Office for Disability Issues (ODI), part of the Government's Department of Works and Pensions.

Furthermore, the EHRC and the ODI requested that DEX should write its own Shadow Report in order to clarify this specialised issue falling outside the scope of their knowledge on wider disability issues.

UNCRPD Articles relating to sign languages

*Article 2 - Definitions*

*For the purposes of the present Convention:*

*"Language" includes spoken and signed languages and other forms of non spoken languages;*

*Article 9 – Accessibility*

*Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters,*

*Article 21 - Freedom of expression and opinion, and access to information*

*States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:*

*Accepting and facilitating the use of sign languages,*

*Recognizing and promoting the use of sign languages.*

*Article 24 – Education*

*3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:*

*b. Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;*

*4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language.*

*Article 30 - Participation in cultural life, recreation, leisure and sport*

*1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:*

*Enjoy access to cultural materials in accessible formats;*

*Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;*

*Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.*

*4. 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.*

Other UNCRPD Articles relating to children

*Article 3 - General principles*

*The principles of the present Convention shall be:*

*h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.*

*Article 7 - Children with disabilities*

*States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.*

*2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.*

*3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.*

*Article 8 - Awareness-raising*

*“1. States Parties undertake to adopt immediate, effective and appropriate measures:*

*To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;”*

*“Measures to this end include:*

*Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;”*

This report, therefore, aims to demonstrate some of the issues facing the UK Government in addressing the guiding statements laid out in the UNCRPD Agreement with respect to the recognition and promotion of British Sign Language (BSL) and the development of the identity, culture, rights and dignity of deaf people, from an early age.

#### **4. UNCRPD Article 21 - Recognition of BSL**

In the Submission to the Disability Rights Commission by the UK Council on Deafness, 3rd October 2000, regarding the need for recognition of BSL, it states :

*“An argument sometimes made against recognition of BSL is that, unlike the countries cited [above], the UK has no written constitution and there is no formal mechanism for designating official or minority languages. One precedent, however, is the Welsh Language Act 1993. This established the Welsh Language Board, with a remit to promote and facilitate the use of the Welsh language, and provided for the use of Welsh in legal proceedings.*

BSL was recognised as a language in 18 March 2003. The Secretary of State for Work and Pensions made a statement in the House of Commons on 18 March 2003 setting out the Government's position on British Sign Language (BSL). It recognised British Sign Language as a language in its own right and said that the Government would be funding £1.5 m to support the statement to:

contribute to establishing a Great Britain wide framework to support the recruitment, training and deployment of BSL tutors which will enhance their numbers, status and levels of qualification; or

promote access for BSL users through awareness raising amongst employers, amongst service providers and in the wider community.

The Minister for Disabled People said:

*"Recognition by the Government of BSL as a language in its own right was an historic step, but it was not the end. Now we can start putting in place a programme of work to support the new position.*

*BSL is the first or preferred language of an estimated 70,000 Deaf people. I am confident that the projects we intend to fund will leave a legacy of improved access to learning for BSL tutors and increased awareness of the language ...."..."on-line training materials, a family sign language curriculum and an interactive awareness-raising DVD, for example, will all increase opportunities for people to access the language".*

Whilst there is some progress in terms of the development of BSL learning pathway because of Governmental recognition of this language, recognition has not led to legislative empowerment and concrete language planning as with the Welsh Language Act 1993. Public awareness of BSL has not significantly increased, and the numbers of deaf and hearing children learning BSL is decreasing, which severely impacts on BSL language maintenance.

It is clear from DEX's research (Best Value Review) and subsequent anecdotal ongoing reports from the education field, that the recognition of BSL, therefore, has not impacted on its development, and in fact there is a decline in the numbers of users. This is because there is no systemic Language Plan, which DEX emphasises is essential in order to revive and maintain BSL. DEX's BVR included research with the Welsh Language Board (established as a requirement of the Welsh Language Act 1993) and this demonstrated the effectiveness of this linguistic, rather than project-managed approach, and is a live working model within the UK. The Welsh language plan is internationally acclaimed as one of the most successful language plans in the world.

## 5. UNCRPD Articles 21 and 24 - Promotion of BSL

The Deaf Ex-Mainstreamers Group (DEX) has been the main organ for the promotion of BSL via policy change in the UK. DEX was established in 1994 by deaf people who had attended mainstream education (not special Deaf schools) because the members were concerned about the effect this type of education has on the wellbeing and achievements of deaf children.

The two Deaf founders were aware of research studies, and factors that were developing to demonstrate that deaf children were not being fully included in education. They collected anecdotal information and found that deaf people who have attended deaf mainstream education did not belong to a community – either the wider hearing communities or to the Deaf community. Although attempt is being made to normalise by inclusive education, deaf ex-mainstreamers obviously still have communication problems in the hearing society, in employment and socially. Access to BSL is still also largely being denied or discouraged, so there can be no access to a deaf peer community in which to acquire native language skills, for true social inclusion and positive identity development. DEX began by attempting to establish a social organisation for deaf ex-mainstreamers, but found that the majority do not identify with deaf people because of the impact of normalisation.

DEX produced information booklets and a book of experiences, and also decided that academic research was needed, by deaf ex-mainstreamers.

Some research and Statements influencing need for DEX's inauguration



Research at the University of Bristol, conducted by Adam Walker, a co-founder of DEX, (unpublished) indicates the problems deaf people face as a result of deaf mainstream education. 50 % stated that they had counselling to help them with self confidence and lack of Deaf identity. This research also corroborates other research in this area (i.e. a literature review initiated by the former Department for Education and Skills, compiled by Stephen Powers and Susan Gregory, the University of Birmingham and Ernst Thoutenhoofd, University of Durham, 1998.)

Dr. Peter Hindley found that 61% of deaf mainstreamed children have mental health problems (1994) and a lower rate of disorder amongst children attending a deaf school. *“At interview the hard-of-hearing children in the study by Hindley et al. reported more unsatisfactory school experiences, had fewer friends and had poorer self images. All these factors were significantly related to psychiatric disorder. Anecdotally, the hard-of-hearing children reported much higher rates of stigmatisation and victimization”*, (Mental Health and Deafness.) In a clinical sample of 130 deaf children, almost 50% were described as marginalised and scapegoats within their families (Hindley, 1994) and a further 25% had experienced either physical or sexual abuse.

World Conference on Special Needs Education: Access and Quality - the Salamanca Statement and Framework for Action on Special Needs Education, 1994, states:

*II (A) (21) “ Educational policies should take full account of individual differences and situations. The importance of sign language as the medium of communication among the deaf, (sic) for example, should be recognized and provision made to ensure that all deaf persons have access to education in their national sign language. Owing to the particular communication needs of deaf and deaf/blind persons, their education may be more suitably provided for in special schools or special classes and units in mainstream schools.”*

This clear statement is from the World Conference on Special Needs Education: Access and Quality, held in Salamanca in Spain, and led by UNESCO and set within the wider framework of the Education for All (EFA) movement. It was formulated by representation from 93 governments and 25 international organisations.

Despite this Statement, the UK Government has not *“suitably provided for in special schools or special classes and units in mainstream*

*schools*” and does not encourage all resourced schools (formerly units) and families to consider a bilingual approach in such schools.

## DEX’s Involvement in Shadow Reporting

### DEX’s Best Value Review 2001 to 2005

Best Value and Quality of Life objectives are comprehensive and informative ways at looking holistically at services and their development. Government agencies made this daunting task appropriate and transparent for public service employees to use during the late 1900s and early 2000s.

DEX decided to undertake its own user-led Best Value Review (BVR). It was guided by this governmental methodology, not only as a tool, but also as a process which would be incorporated into Local Authorities' planning as a Best Value initiative (but subsequently was largely ignored). DEX recognised that deaf education is only a small part of local Government’s services, but, as an over arching factor in the BVR DEX was guided by national and international civil rights legislation and conventions, as is the national Best Value initiative. As a professional User agency, DEX’s collective experiences also formed the basis of the BVR, in making recommendations for improvements of services from users’ perspective.

The BVR was supported by the Government’s Audit Commission, the Office of the Deputy Prime Minister, (ODPM) and, in addition the Local Government Association, with advice and practical guidance on inspections, benchmarking and setting of performance indicators and standards.

This four year project is based broadly on the principles adopted by the government's drive for the improvement of public services, including Local Authority services, and to incorporate findings of good practice, and recommendations made by Users of the service, into national policy standards, or legislation.

Best Value methodology is to create a service audit, utilising the four C's : Challenge, Consult, Compare, Compete, and other toolkits for benchmarking and measuring performance.

DEX inspected best practice in mainstream bilingual provision in eight Local Education Authorities and three Deaf schools in the UK. It also inspected Scandinavian provision in Deaf schools in Sweden and Norway. DEX also discussed other countries in this bloc for evidence, with reference to their sign languages legislation, i.e. Finland, Iceland at an international conference held in Sweden, (where DEX presented a paper).

Investigations of 34 mainstream and Deaf schools in UK, Sweden and Norway included:

62 British deaf child respondents from hearing families, plus classroom and break time observations of groups of deaf children

30 British hearing children – in resourced schools or local provider schools

120 families approached - 58 parents involved

75 staff members

9 Deaf schools – including 6 in Sweden and Norway

Evidence from the Welsh Language Board, Norwegian Support System, Swedish authorities, Her Majesty's Inspectorate, DfES, and bilingualism experts.

During DEX's BVR and subsequent Participation Study we interviewed and observed over 300 deaf and hearing children, parents, providers and policy-makers and studied both classroom and playground environments in the UK, Sweden, Norway and included a literature review of international research in deaf education.

DEX also presented at the World Federation of Deaf People in 2004, to massive support from delegates, and obtained further research on the effects of mainstream education on deaf children, and the lack of access to Canadian Sign Language. This formed part of a wider international literature review.

Since DEX wanted to look at best practice, reviewers were introduced to deaf children in resourced mainstream schools (sometimes called specialist units) so in fact 68% of the deaf children interviewed and observed had other deaf children in their mainstream school. Despite the fact that approximately two thirds of the deaf children involved directly in the BVR were in receipt of a more positive learning approach than the majority of deaf children in the UK, the findings were not reflective of this advantage. Some basic BVR findings with respect to bilingual education:

55% deaf children think their mainstream school is not supportive

59% deaf children do not understand their teachers

66% deaf children do not feel they can go to teacher if they do not understand

48% parents were happy with provision, and made the decision to send their deaf child to current placement.

Some deaf children compared their signing skills with their Education Communication Support Worker (ECSW) and Teacher of Deaf, and recognised they were more competent than them

Deaf children who saw qualified BSL Interpreters working with DEX reviewers compared the difference between freelance Interpreters and ECSWs, and informed their parents who were alarmed as were not aware of discrepancies

A general overview is that within the UK deaf children are socially excluded in mainstream education, where the majority are placed in local provider schools with no deaf peers. Deaf children placed alone in their local mainstream school are vulnerable, in terms of neglect from professionals and parents and low academic achievements. DEX's clear evidence is that BSL is clearly not being promoted in education, where it is essential that the state intervenes, since sign languages are not normally motherese languages, i.e. passed from one generation to another.

During DEX's literature review, it discovered that other research found children with mild hearing loss are 12 times more at risk of academic failure than their hearing peers. DEX's evidence is that deaf children with mild to severe losses often do not have a Statement of Special Educational Need, so receive no support. It is a universal policy that deaf children with moderate and mild losses do not access BSL, either as a subject or as a teaching medium. This is because the teaching profession has categorically decided that they do not "need" BSL. DEX has determined that children with moderate and severe losses are at

severe risk, in accordance with the Framework for Assessment's guidelines on how to assess children in severe need, i.e.

*IEP /statement not in place, or not effective*

*child has consistently low/negative self image and sense of worth racial, cultural needs unmet*

*totally isolated from or rejected by peers.*

“Hard of hearing children continue to be forgotten and overlooked in comparison to their peers with severe and profound hearing losses”.

“Good lip-reading skills tend to mask the extent of their hearing loss, lulling parents and teachers into believing that they understood more than they did” - *Meadow-Orlans, Mertens and Sass-Lehrer, 2003.*

“*The person with the hearing loss is the worst judge of what he or she heard*”, and “*our biggest problem is not what we don't hear, but what we think we heard. For people who were born with a hearing loss, what they hear feels normal*” - *Vesey and Wilson, 2003*, both hard of hearing researchers.

Current research throughout Europe and North America, into deaf children's language and cognitive development, stresses the crucial importance of early access to communication for the subsequent development of deaf children with all ranges of hearing status. The research flags up repeatedly the advantages of bilingualism in spoken and sign language. Several studies found that deaf children with bilingual instruction outperformed native signing children instructed in a spoken language environment, and also succeeded at a level that was similar to age-matched hearing children.

DEX's further overall findings were that mainstreamed deaf children tend to have a “think-hearing identity”, which means that, being the only deaf child in their school, they have to identify with hearing people, and consequently feel that they are not good-enough hearing people. This can often lead to low self concept, and to social exclusion, affecting mental health and wellbeing. Deaf mainstreamed people, of all levels of deafness, are in limbo between two cultures. This normalisation of deaf pupils in mainstream provision and Deaf non BSL medium schools is abuse on a daily basis by the state, for neglect is one form of abuse. There is, therefore, a human rights element to ensuring a universal consistency of approach in the deaf child community, as well as ensuring the spread and status of British Sign Language, consequently effecting deaf people of all ages and walks of life.

DEX BVR Performance Standards

In order to raise the status of BSL in education DEX published a report “Deaf Toolkit: Best Value Review of Deaf Children in Education, from Users' Perspective.” This report outlines the findings of the BVR, and its

seven Performance Standards, against which to benchmark educational services for deaf children, all of which are based on the needs of deaf children and on national legislation or guidance:

Deaf children's need 1: Freedom of expression, opinion, thought, conscience and religion.

*Legislation and guidance:* U.N. Convention on the Rights of the Child 1989, (Articles 12, 13 & 14); Children Act 1989 (Section 17) and amendments; Human Rights Act 1998 Part 1 (Article 10.)

*DEX Best Value Performance Standard 1 :* All deaf children to access Sign / English bilingualism Service Provision.

Deaf children's need 2: Freedom of association.

*Legislation and guidance:* U.N. Convention on the Rights of the Child 1989 (Article 15); Human Rights Act 1998 Part 1 (Article 11.)

*DEX BEST Value Performance Standard 2 :* All deaf children to access a significant deaf peer group and Deaf culture.

Deaf children's need 3: Deaf children's access to education with hearing children.

*Legislation and guidance:* Education Act 1996 (Sections 316 & 317 (4) (5) & (6); Special Educational Needs and Disability Act 2001 Parts 1 & 2 (Chapter 1); Human Rights Act 1998 Part 2 (Article 2); U.N. Convention on the Rights of the Child (Articles 17 & 18.)

*DEX Best Value Performance Standard 3:* All deaf children to have the same education as hearing peers and access to hearing children and staff.

Deaf children's need 4: Preservation of Identity.

*Legislation and guidance:* U.N. Convention on the Rights of the Child 1989 (Article 8.)

*DEX Best Value Performance Standard 4:* All deaf children to have a positive Deaf identity.

Deaf children's need 5: Leisure, recreation and cultural activities.

*Legislation and guidance:* U.N. Convention on the Rights of the Child 1989 (Article 31.)

*DEX Best Value Performance Standard 5:* Deaf children to have access to leisure, recreation and cultural activities in education.

Deaf children's need 6: Protection from abuse and neglect.

*Legislation and guidance:* U.N. Convention on the Rights of the Child 1989 (Articles 2, 19 and 23); Human Rights Act 1998 Part 1 (Article 17); Children Act 1989 & Amendments.

*DEX Best Value Performance Standard 6:* Deaf children to be protected from abuse of rights, (including the rights stated in DEX's other Performance Standards.)

Deaf children's need 7: A durable, efficient and cost effective Sign / English bilingual service with a significant deaf peer group, for all deaf children.

*Legislation and guidance:* Local Government Act 1999.

*DEX Best Value Performance Standard 7:* Establishment and sustainability of a Sign /English bilingual accommodation service for all deaf children.

## 7. British Sign Language Planning and revival

Promotion of sign language is best achieved via legislation. DEX is calling for a BSL Act to include language revival.

Language revival is fundamental to language planning as it is the attempt, by governments, political authorities, or enthusiasts, to recover the spoken or signed use of a language that is no longer spoken/signed or is endangered. [Language death](#) is the process by which a language ceases to be used by the people who formerly spoke or signed it. Language revival seeks to bring back a language that is dead or endangered.

Welsh language model

The Welsh language revival was successful because of the sustained campaign by nationally and internationally acclaimed linguists who formed the Welsh Language Society, not all of whom were native Welsh speakers. Their joint expertise resulted in additions to the Education Acts 1988 and 1966, which placed a duty on Welsh local authorities to provide Welsh as a core curriculum subject, and Welsh-medium schools.

The Welsh Language Act 1993 established a Welsh Language Board and Welsh Language Schemes to promote the language spread, and this has been largely instrumental in the Welsh language revival. The strategy has also concentrated on Welsh parents of new-born infants and Early Years, with a standard attractive information package and mandatory Welsh language teaching for parents and family members of all newborn Welsh babies.

The Welsh Language Board aims to :

- extend the influence of statutory Language Schemes and ensuring that institutions comply with them

- Ensure that Welsh education is available for every child in Wales

- Encourage families and the community to use the Welsh language and to pass on the language to the next generation

- Increase the use of Welsh among young people and give them the opportunity to use Welsh socially, for example, through sports and contemporary music

- Be active in research, information technology, standardization of terms, marketing and European Networks

- Collaborate with businesses in the Private Sector to agree on Welsh Language Policies.

There are various strategies in play, but the main one has been via Welsh Language Schemes, which authorise all statutory agencies, and major organisations such as television companies, to produce their scheme of promotion and development of all services in Welsh. This



model should be utilised by a BSL Board to ensure that all providers understand the role that BSL has to for deaf people in everyday life. This should be until such time that services are automatically in place.

There are six team within the Welsh Language Board responsible for  
[Language Schemes](#)  
[Community Development](#)  
[Private Sector and Business](#)  
[Children and Young People](#)  
[Policy and Terminology](#)  
[Central Services](#)

which could be modeled upon with respect to BSL recognition and promotion, with a wide range of partner agencies.

Multiplying BSL usage in the younger generation

Although there is said to be 70,000 Deaf BSL users in the UK, this is actually the number of profoundly deaf people. Not all of this grouping uses BSL, and it is not certain how many who do use BSL have it as their first language, so there is no known figure of current native usage. At any rate, anecdotal information shows that the average age range of BSL users is at the older end of the spectrum, tapering off to smaller numbers of Deaf people in their twenties and thirties. This is in line with the education policy of assimilation from the 1950s, since the advent of free hearing aids in 1951 to deaf children. The trend has been that only profoundly deaf children have been provided access to BSL, often at low standard and quality (NVQ Levels 1 and 2). The more concerted assimilation drive in the 1980s and onwards was when cochlear implantation began. It is estimated by DEX that only approximately 10 % of deaf children are BSL learners.

What is more pertinent is whether BSL, as an endangered language, can be maintained using present methods in state education, since BSL is not a mother tongue language for the 90 - 95% of hearing parents of deaf children. There are said to be between 23,000 and 25,000 children aged 0-15 years in the UK who are permanently deaf or hard of hearing. A large percentage of profoundly deaf children have complex needs or are born to consanguinous marriages where English is an additional language. The demographic trend is that the majority of deaf children have mild and moderate losses, a smaller group has severe deafness and the smallest grouping is profoundly or totally deaf. This is due largely to medical interventions eliminating or reducing the main causes of deafness. As a general standard, deaf children do not learn BSL in education, as their hearing parents are not informed about the benefits of bilingualism for their child.

The Deaf community holds the view that BSL can never become a dead language since 5 - 10% of parents of deaf children are themselves deaf. However, this research again did not state the level of deafness or language choice amongst deaf parents, so of this number there may be parents who do not use BSL.

Yet taking 10%, as a thumbnail figure of the deaf child population, would give approximately 2,300 in the UK, which is much too small a number to ensure language maintenance. For language longevity, (Joshua Fishman et al) there is also the requirement that there must be a steep upward trend in the numbers of users. If the current ethos of parents of deaf children choosing the communication of their deaf child continues, even with detailed and engaging parent-centred information, it is in the nature of probability that they will opt for their child to be part of the majority culture. This is despite the rights and the wellbeing of the deaf child being paramount the UN Convention of the Rights of the Child 1989, the Children Acts 1989 and 2004, and Article 7 of UNCPRD :  
*3. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.*

Deaf children of all levels of permanent deafness, therefore, should be educated bilingually, with BSL a core subject for all deaf children from diagnosis of deafness. BSL-medium education should be provided for as many deaf children as possible, in significant deaf peer groups in a range of bilingual resourced mainstream provision and Deaf schools. Informed parental choice is still essential in order to decide whether to adopt BSL as a home language, and parents must choose type of educational placement, since this is a legal requirement. The UK Government's Reservations to the UNCPRD :  
*Nevertheless, parents of disabled children have the same opportunity as other parents to state a preference for the school at which they wish their child to be educated.*

There is still vital need for in-depth information for families about bilingualism, Deaf identity and culture, from which parents can make their own choices about home languages and educational placement, as well as leading to a greater understanding their deaf child's needs. The Government's view of parental choice of communication for the deaf child is counter to critical applied linguistic theory. It is also a way of assimilating deaf children into the mainstream, and which does not fit with all human rights legislation that promotes diversity, linguistic and cultural identity.

**Assimilation policies**

A policy of assimilation is one that uses measures to accelerate the downsizing of one or more linguistic minority group(s). The ultimate goal

of such policies is to foster national unity inside a state (based on the idea that a single language in the country will favour that end). It is structured on the belief that every person in a given society should be able to function in the dominant language or language variety regardless of which language or dialect that person speaks.

At various times minority languages either been promoted or banned in schools, as politicians have either sought to promote a minority language with a view to strengthening the cultural identity of its users, or banning its use (either for teaching, or on occasions an entire ban on its use), with a view to promoting a national identity based on the majority language. A clear example of official discouragement of a minority language is BSL, despite official recognition. Traditionally the assimilation policy separates out deaf children according to levels of hearing loss, since hearing professionals perceive lack of need for BSL and English bilingualism for those with milder levels of hearing.

The International Conference on Education of Deaf (ICED) voted to ban sign languages in education in 1880 although it is a professional organisation with no statutory links. The Deaf communities of the countries concerned have campaigned hard to reinstate their sign languages in education, with varying levels of success, i.e. Sweden, Finland et al have Education Acts that include their sign languages as recommended for profoundly deaf children. Other countries, such as New Zealand, has legally recognised its sign language, giving it status in legal procedures, i.e. setting competency standards for the interpretation in legal proceedings of New Zealand Sign Language (NZSL) and stating principles to guide government departments in the promotion and use of NZSL.

In 2010 ICED publicly apologised for its banning of sign languages in education in 1880. The vast well of human harm since then in terms of mass unemployment or low employment and lack of general wellbeing, and the struggle that Deaf people have had to bring sign language back into the classroom, can never be compensated for.

In the UK, following the Lewis Report 1968, BSL was incrementally introduced back into Deaf Schools and into mainstream Partially Hearing Units (now Resourced Schools). However, the advent of cochlear implantation and digital hearing aids have meant that hearing educationalists consider technology superior to BSL, although this is ill-conceived as they should merely aid and cannot replace deaf people's natural language of sign language. A positive deaf identity is essential for well being and this is given and supported by sign language

In order to ensure balanced bilingualism in English (and other spoken languages) and BSL, auditory aids (and also English speaking human aids, such as note-takers) are a vital necessity. Technical aids should be used in conjunction with BSL.

## The benefits of bilingualism

Deaf children have a huge advantage from being bilingual right from the start, and benefit from learning via English and British Sign Language (BSL) regardless of level of hearing loss. "Sign Bilingual Education: Policy and practice", edited by Ruth Swanwick and Susan Gregory, 2007, is a collection of research consisting of small studies into bilingual education for deaf children. It indicates that successful sign bilingual education is most effective when there is a clear and agreed policy: where everyone works together towards a common goal.

A recent estimate is that 60 to 75% of the world's population is bilingual in spoken languages. A large number of research studies have shown that children who learn two languages at an early age :

- have a head start when learning to read and count
- have a better chance of gaining employment, with improved prospects
- will be better at creative thinking and problem solving
- show better concentration and are less prone to distractions
- have a sense of belonging
- have extended social activities and friendship groups
- have an enriched identity and, consequently, self-esteem
- improved communication skills in two languages
- find it easier to learn other languages
- have increased appreciation of languages and cultures
- 11 are better able to retain mental abilities into old age.

A further benefit from bilingual education is that it helps deaf children feel more valued by society by demonstrating their worth and wellbeing.

### Reversing language shift

Reversing [language shift](#) has been an area of study among sociolinguists, including [Joshua Fishman](#), in recent decades. Reversing language shift involves establishing the degree to which a particular language has been 'dislocated' in order to determine the best way to assist or revive the language.

Fishman's Graded Intergenerational Disruption Scale for Threatened Languages, 1990, 1991 has eight stages. His bottom levels of the scale illustrates the impending arrival of the endangerment of BSL:

*“Stage 8: Social isolation of the few remaining speakers/ signers [sic] of the minority language. Need to record the language for later possible reconstruction.*

*Stage 7: Minority language used by older and not younger generation. Need to multiply the language in the younger generation.*

*Stage 6: Minority language is passed on from generation to generation and used in the community. Need to support the family in intergenerational continuity (e.g. provision of minority language nursery schools).*

Baker, 2002, states “Stage 6 is seen as the crucial, pivotal stage for the survival of a language” and also, “*where schooling in a minority language does not exist, the chances of long-term survival of that language in a modern society may be severely diminished*”.

Since BSL is not a mother tongue language for the large majority of deaf children, there is need for state intervention to ensure language revival, as stated in Fishman’s Stage 4:

Stage 4: Formal, compulsory education is available in the minority language - *taken from C.Baker, 2002.*

Fishman developed his model in later work, intending to direct efforts to where they are most effective and to avoid wasting energy trying to achieve the later stages of recovery when the earlier stages have not been achieved. For instance it is wasteful of effort to campaign for the use of the language on television or in government services if hardly any families or users are in the habit of using the language.

The UK Government is, therefore, not making use of the well of internationally acclaimed expertise and is, thus proliferating wastage in terms of human rights and economy, the latter being considered more important than the former in the current economic climate.

Types of language planning

**Corpus planning** : refers to intervention in the forms of a language.

**Status planning**: concerns choices in terms of status of a language vis-à-vis other languages.

**Acquisition planning** : concerns the teaching and [learning of languages](#), whether national languages or [second](#) and [foreign languages](#). It involves efforts to influence the number of users and the distribution of languages and literacies, achieved by creating opportunities or incentives to learn them. Such efforts may be based on policies of [assimilation](#) or [pluralism](#). Acquisition planning is directly related to language spread.

Language needs to be informally passed on and taught before the critical age of language learning at five to seven years in order for the user to have fluency in that language

British Sign language planning should essentially mix the three forms, by institutionalising the language, raising its status, and using Deaf "Learning apprentices" for teaching, learning and interpretation in education.

#### UK British Sign Language Act

The Welsh Language Board has given its full support to the Deaf DEX in its campaign for the revival of BSL, and states it will act as language planning mentors. DEX has met the Board on a number of occasions during its BVR and recently to give its support. Consequently, DEX has drafted a British Sign Language Act which has been promoted in Government departments and to the Convenor of the Scottish Parliament Cross Party Group on Deafness, who has now handed it on to a Scottish Labour Party Member of Scottish Parliament (MSP).

#### British Sign Language (Scotland) Bill

An example of best practice with respect to the recognition and promotion of BSL is in Scotland. A Bill is being prepared to submit to the Scottish Parliament and aims to secure BSL as one of Scotland's official languages, commanding equal respect with English and Gaelic; equally, it endeavours to achieve better awareness of information needs and services for BSL users; to protect the linguistic integrity of the language; and to promote the cultural aspects of BSL and the Deaf community as part of Scottish heritage.

The Scotland Act (1998) gave the Scottish Parliament power to encourage equal opportunities, particularly the observing of the equal opportunities requirements. It also has power to impose duties on Scottish public authorities and public bodies operating in Scotland.

The Scotland Act defines equal opportunities as:

*"the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions. "*

Scotland is a world leader on many equality issues. There has been extensive consultation with the people of Scotland on how the equalities agenda is moved forward in terms of prevention, elimination or regulation of sign language discrimination. During the consultation period for the Bill, over 70,000 respondents in Scotland, and throughout the rest of the UK, gave their support.

However, it still remains a fact that in Scotland in 2010 – 11 years on from Devolution, Deaf people who use BSL, which is a language in its own right, must rely on disability discrimination legislation to secure access to information and services in their own language.

## 8. UK Disability policies / Deaf cultural model

UNCRPD Article 24. 3 (b) :

*the promotion of the linguistic identity of the deaf community;*

With respect to identity development, Donald Winicott stated, “there is no such thing as a baby”. Who a baby is depends on who the people caring for it project it to be, and the way they express this through their care. Hearing parents’ natural projections on their deaf children are their own hearing experiences, however much they may try to override them. Identity comes from parents, and this is why so many deaf children have a think-hearing identity until they are able to take part in the Deaf community. Most deaf children are barred from belonging to their community because of inability to use sign language.

Whilst society may view this as a good thing, as proof that any disability or difference can be overcome, this is counter to the innate need for deaf infants and children to communicate naturally. Spoken languages are not the natural languages of congenitally or early deafened children. The UNCRPD, is hugely applauded for recognising this basic human need, and for stipulating that State Parties comply with the promotion of a Deaf identity for deaf children as future Deaf community members.

The UNCRPD states in Article 30 - 4. *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.*

The Deaf community, because it is a linguistic and cultural group, is more closely aligned to racial groups, and should receive protection, respect and anti-discrimination under race relations legislation within UK legislation.

The UK Equality Act, 9. (1):

*Race includes—*

*(a) colour;*

*(b) nationality;*

*(c) ethnic or national origins.*

Other guidance and legislation are:

UN Convention on the Rights of the Child

*Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous (Article 17)*

*The development of respect for the child's parents, his or her own cultural identity, language and values (Articles 29 and 30)*

*States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity (Article 31).*

Human Rights Act 1998 Articles are: freedom of assembly and association; of thought, conscience and religion; freedom to express beliefs; and freedom of expression.

The former UK Prime Minister, Gordon Brown, met a group of delegates, to discuss the need for a BSL Act of Parliament. He asked why there is need for BSL legislation in addition to the Disability Discrimination Acts 1995 and 2005 (now the Disability Duty in the Equality Act 2010).

The Equality Act 2010 stipulates that most organisations working in or with or the public sector, or receiving Government funding, will need to develop and implement practical equality and diversity proofing measures. These are likely to necessitate:-

Carrying out an audit of present arrangements for service users/clients and ensuring they are Act compliant.

Planning a strategy for removing any identified policies, procedures or barriers that hinder equality in the provision of services or employment opportunities

With regard to the strategy and its planned implementation, establishing a clear and comprehensive policy on equality towards staff and service users/clients.

Ensuring that policy is communicated to all staff together with the clear message that it is unlawful to discriminate.



Providing staff with training on their legal responsibilities together with awareness of the Equality Act in order to enable them to apply the law effectively, intelligently and sensitively.

Gathering and making available within the organisation relevant information needed by any staff to comply with their responsibilities under the Equality Act.

Whilst this is effective in terms of the duty to provide access to employment, goods and services via BSL, the Equality Act does not give guidance or enforcement about how BSL is acquired in the UK.

At the same time, the Equality Act 2010 does not give case examples of the manner in which service providers can ensure access via BSL to services provided in English, i.e. television companies to provide programmes in BSL, and interpreted throughout all broadcasting times (not simply for a short slot during the early hours of the day as is the current case). This means that providers are left to their own devices without clear instruction or guidance, without the knowledge that BSL exists or the need for it exists. Deaf people who use BSL tend to have English as a second language which prevents them from having a truly representative voice via English (or other spoken languages) in their concerns and affairs, and therefore, cannot unilaterally demand services in BSL.

The Equality Act 2010, although useful in some ways towards deaf people's rights and dignity, at the same time, has meant that some support levels have been lost. One good example of this is a gap where social services formerly provided a translation service for deaf adults in written English to BSL, but now this has largely been withdrawn.

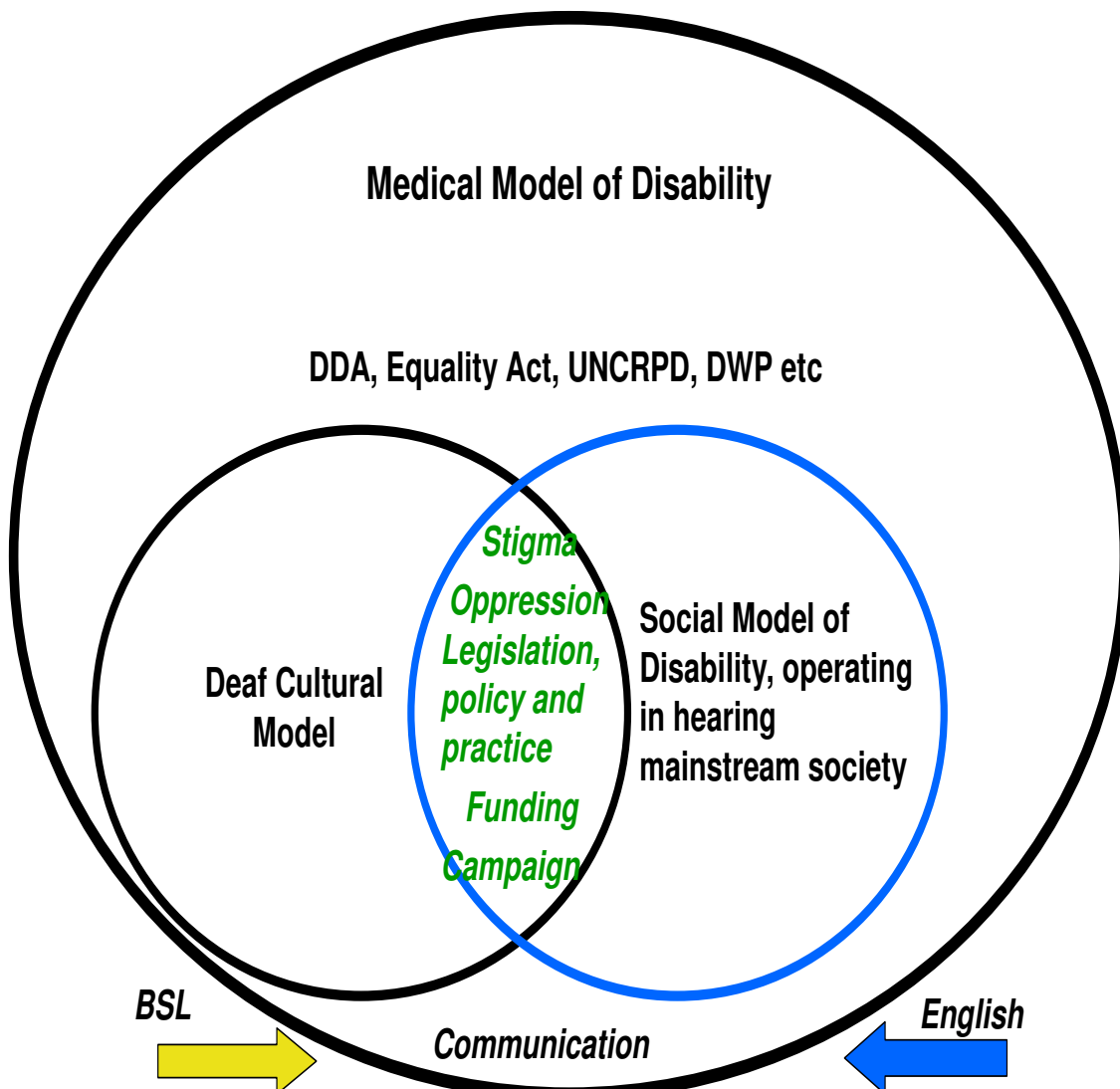
Translation has been replaced by interpretation between deaf people and a third party. Interpretation is invaluable, but does not include the written form for deaf adults, unless it is in an educational setting by a Communication Support Worker, usually with deaf children and young people. Another example is where social services has now tended to stop providing direct information via BSL, again another important need because of the difficulties deaf people have in acquiring knowledge and also the huge barriers faced in education where there is little or no access to BSL. The Government considers that deaf people can now access services simply via BSL/English interpreters. The role of the interpreter is to interpret what is said in any given live situation, and for deaf people who lack general knowledge and the confidence to ask for information, this means that they may not receive all the information that could be at their disposal, and remain trapped in a cycle of dependency. Unless BSL is revived and maintained by the methods proposed in this report, there will be downward trend to a scarcity of BSL users and,

therefore, piecemeal and low quality services will continue because of a perceived lack of demand.

Prior to the meeting with the Prime Minister about BSL legislation, there was a consultation meeting between representatives of the All Party Parliamentary Group (APPG) on Deafness and the Deaf community in 2008. Those at the meeting all agreed that there is need for a BSL Act. Many supported the use of a Welsh Language Act model, and the implementation of a BSL Board as promoted by DEX.

Diagram 1

## Social and Deaf cultural mix



## 9. BSL in education

Various sections of the Equality Act 2010 state that deaf children (as disabled children) should receive an education. Deaf children do not fulfil their academic potential, and are, therefore, discriminated against. One of the Parts of the Equality Act states :

*Part 6 Education, Chapter 1 Schools (85) Pupils: Admission and treatment, etc.*

*(2) The responsible body of a school ....must not discriminate against a pupil –*

*(a) in the way it provides education for the pupil;*

*(b) in the way it affords the pupil access to a benefit, facility or service;*

*(c) by not providing education for the pupil;*

Other equivalent sections in the Equality Act 2010 also apply for the Local Authority.

The National Deaf Children's Society (NDCS) revealed that almost one in five local authorities across England have cut education services for vulnerable deaf children, despite the education budget being protected by the Government.

There are cuts in 28 local authorities across England and highlights that a further 24 local authorities are at high risk of making cuts. In some local authorities, cuts to frontline staff, such as specialist teachers, are as much as 50%.

Despite being a legal requirement, 96% of local authorities did not consult parents on the cuts. NDCS faced resistance from local authorities to disclose cuts to services in their area and had to issue 45 Freedom of Information (FOI) requests to obtain the data. The need for deep cuts due to the economic situation in the UK, and world-wide is a reality that has to be faced. However, L.A.s are scrapping posts for specialist teachers or cutting budgets for radio aids, etc. Deaf children are being subjected to systemic neglect, in contravention to the principles of the SEN and Disability Act 2001, Children Act 2004 and the duty to safeguard children, and the Equality Act 2010.

Further legislation states statutory agencies have a duty to listen to service users, so the government should take account of our expert experience. DEX's Review findings recommended that all deaf children should attend resourced mainstream schools where there is a significant group of deaf peers, or Deaf schools. This would result in a more balanced ratio of staff per deaf child on site and staff training to a higher level of British Sign Language and English competencies. It is more cost effective and efficient management, and makes vital savings in this economic climate, whilst benefiting all deaf children.

Cutting back deaf children's already meagre support is financially unsound management, but more importantly, is unjustly inhumane.

Families of deaf children

Currently families of deaf children in the UK only receive 6 weeks' BSL tuition from L.A.s. DEX also has campaigned for parents and family members to receive more BSL training (equivalent to that in Sweden and Norway) that is deaf-child centred, since adult courses focus on adult signs. Sweden encourages sign language use among family members. Parents, family members and hearing siblings of deaf or hard of hearing children have the right to 240 hours of sign language instruction at no charge.

The promotion of BSL by the Government has to be by fully informing families with newly identified deaf children, of all levels of hearing, about the need for their deaf child to learn BSL alongside English (as this country's host spoken language). All the deaf children's workforce should promote BSL as part of bilingualism, including those in the health sector currently advising on the medical model of disability and assimilation practice requiring surgical intervention and technology, i.e Ear Nose and Throat departments.

Deaf people should not be treated any differently from those who are able to access their own family languages and languages of their education system.

I-Sign project

DEX's ongoing campaign with the UK Government's Education Departments led to funding of £800,000 for a two year project to raise the status of BSL with deaf children and their families. Six deaf voluntary organisations, with some BSL learning providers, established a consortium to undertake the work. DEX was a member of the Department for Education's (DfE) Project Steering Group. The I-Sign Project was completed in March 2011, resulting in the extension of a Family Sign Language curriculum which was started after the recognition of BSL and pump-primed with a grant of £1.5m.; a reference dictionary of BSL website for families; an incomplete BSL Learning Map; and a small increase in the skilling-up of the deaf child workforce and potential workforce. This project has played an important part in the promotion of BSL in terms of a pilot project to consider how to raise standards of BSL in education.

However, it did not address how to universally increase the numbers of new and upskilled staff required throughout the UK, or the universal administration of this. This means that the existing level of BSL usage amongst the children's workforce is extremely low, with many not even possessing conversational skills. There is also an acute shortage of BSL teachers, both in statutory and further education.

The DfE has not followed up the I-Sign project in terms of sustainability of the work, nor for the practical language planning initiative proposed by DEX. DEX is, therefore, continuing its campaign with the UK Government to work with local authorities and schools to ensure BSL planning is underpinned to the national education system, and not by piecemeal commissioning of services from the voluntary sector which has been suggested by the DfE.

BSL Learning map

The I-Sign project produced a BLS Learning Map as part of the contract with the DfE. This has proved to be an incomplete exercise as learning routes are so complex. Deaf and hearing children can take BSL exams to Level 2 in the National Vocational Qualification (NVQ) in schools, which is equivalent to a low grade of General Certificate in Standard of Education (GCSE). Employers do not pay much attention to NVQs, and especially if in BSL, as it does not carry status. Adult learners who wish to work with deaf BSL users generally take the NVQ route via further education colleges. In addition some deaf people have established their own training agencies, generally to Level 4, now Level 6. Another learning pathway is to attend university to take degree levels at Bachelor of Arts (B.A.) or Master of Arts (M.A.)

Many hearing people find employment as Education Communication Support Workers (ECSW) in schools whilst learning BSL. Schools or Support Services for Deaf and Hard of Hearing Children normally advertise for Levels 1 and 2 in BSL, which are basic conversation level, with no financial incentive to achieve full interpreter qualification (NVQ Level 6 or university degrees). This is certainly inadequate, and entirely inappropriate, for translation from English in the classroom for all ages of deaf children.

Since the pay scale for ECSWs is for support staff only, and is not equivalent to teachers' pay, many ECSWs leave education to work as freelance interpreters, where earnings are higher. There is, therefore, no real motivation for ECSWs to progress to higher levels of learning, or to stay in the school environment. This is a significant barrier to progress.

One of DEX's major recommendations based on its findings is for a GCSE in BSL. Signature, a charity in the UK devoted to the accreditation of BSL and communication in English for deaf people, is currently considering developing this.

A GCSE would enable the status of BSL to be raised on par with spoken languages. It would also enable deaf and hearing children to learn on an equal basis in schools and replace the NVQ system for adult learners. A GCSE in BSL would ensure the appropriate academic framework for a national BSL curriculum, with progression to further and higher academic learning, and for monitoring and evaluation purposes.

Issues for BSL using professionals in education

There is no nationally appropriate pay scale, with often temporary contracts with short working weeks, no holiday, sick pay entitlements; no career progression.

The Association of Sign Language Interpreters (ASLI) members who are Educational Interpreters (EI) are bound by the same ASLI Code of Professional Conduct, which states the EI :

*May be asked to use a particular system of Manually Coded English – should consider skills / if disagrees with school's communication policy, should discuss with person(s) primarily responsible*  
*Clear communication essential – not tutoring per se*  
*Not interpreter's role to fill in knowledge gaps*  
*Where deaf students have not understood – EI may need to inform class teacher or Teacher of Deaf, for post-teaching and review.*

The National Association of Tertiary Education (NATED) states that Communication Support Workers or Educational Interpreters in further and higher education should have:

*Appropriate pay and conditions (inc hours and holidays)*  
*Job security (including contracts)*  
*Sufficient non-contact time for breaks, preparation, review, liaison etc*  
*Training and development opportunities*  
*Health and safety information, i.e. supporting learners in practical situations, including co-working for fast paced lessons*  
*Realistic expectations as to responsibilities for control and discipline*  
*Procedures to cover sick colleagues and unexpected work requirements*  
*The right to discuss issues with their manager, when they feel the task is beyond their level of training and present ability.*

Signature, (formerly the Council for the Advancement of Communication with Deaf people), states that the minimum requirement is the Exdel CSW Award, and has recently developed, as part of the I-Sign project,

Level 3 Certificate in Learning Support (Communication Support Worker). Signature states Educational Communication Support Workers: *are expected to continue their BSL training to Level 3 NVQ and beyond have appropriate GCSEs, including English unqualified ECSWs should be supported by employers in gaining appropriate training and qualifications, paying course and assessment fees, travel expenses, time allocated to development, time off from other duties etc.*

To achieve financial incentive to stay until fully qualified, there should be a job evaluation, including benchmarking (measured against other similar roles):

Jobs are usually measured using the same 13 factors, covering knowledge and skills, responsibilities, effort and environment.

Each factor divided into a number of different levels which describe how much or how little a particular factor is involved in a job

Various levels are assigned points and the total score of all the levels under each factor shows where each job stands in relation to every other similar job. From this can new pay bands can be designed.

The 13 factors for the job evaluation scheme are:

Knowledge

Mental skills

Interpersonal and Communication skills

Physical skills

Initiative and Independence

Physical Demands

Mental Demands

Emotional Demands

Responsibility for people

Responsibility for Supervision/Direction/Co- Ordination of Employees

Responsibility for Financial Resources

Responsibility for Physical Resources

Working Conditions.

The most highly weighted factor by far is 'knowledge'. A job that requires a significant amount of knowledge, acquired through study, training or experience, is awarded a high Level and the level awarded will attract more points than the same level of any other Factor. Level 5 of 'Knowledge' attracts twice as many points as Level 5 of 'Physical Demands'. Since BSL has low linguistic status in the UK, recognition and promotion will raise understanding of the duration and intensity of the study of BSL, and also the need to have at least GCSE level English.

Unfortunately, not all employers recognise the above-mentioned Codes of Conduct or apply them. Employers' duty should to advertise all jobs requiring BSL at BSL NVQ Level 3 as a minimum requirement, to comply with the Equality Act 2010, or assess potential to develop fast-track from Level 2. Expectations must be higher from Heads of Support Services for Deaf and Hard of hearing children, Teachers of Deaf children and Heads of mainstream schools when recruiting support staff to work with deaf children, with the requirement to take the highest level after employment has been offered.

Deaf experts should be involved in interviews and assess skills and potential for development since ECSWs are access facilitators and language models for deaf children. The national standard should be for all the deaf children's workforce to have BSL NVQ Level 4/6, leading to higher status, pay and quality of service.

## 10. Centres of Excellence

The UK Government ratified the UNCRPD with this proviso:

*Education – Convention Article 24 Clause 2 (a) and 2 (b):  
The United Kingdom reserves the right for disabled children to be educated outside their local community where more appropriate education provision is available elsewhere (our highlight).*

DEX supports this reservation, since permanently deaf children of all levels of hearing, should not attend their local community school unless it happens to be a Resourced mainstream school, or special Deaf School. More appropriate education provision is available elsewhere already, in which all deaf children have a right to be placed. This also fits with the Salamanca Statement 1994:

### *Policy and Organisation*

*Owing to the particular communication needs of deaf and deaf/blind persons , their education may be more suitably provided in special schools or special classes and units in mainstream schools .*



Following DEX's BVR and more recent studies, DEX is promoting the concept of some Deaf schools and best practice mainstream provision becoming Centres of Excellence (CEs).

This would mean that BSL Instructors employed by local authorities to teach pupils should also teach BSL to ECSWs, teachers of deaf and Learning Assistants to a higher standard as part of Continuing Professional Development (CPD). Surrounding regions could also send their support and teaching staff for BSL training, until such time that all localities are ready to train, and thus self-finance, their own staff training.

A specific CPD curriculum has been developed during the I-Sign project, with a pilot CE (Exeter Royal Academy for Deaf Education); also there is the Thorn Park Deaf School in Bradford, soon to become Hanson Mainstream Resourced School which has been a best practice model since 2007, training staff in West Yorkshire to Level 4, now to Level 6 NVQ. These two learning centres could be a model RCEs, with a view to establishing more throughout the UK. Frank Barnes School for Deaf children in London is already viewed as a Centre of Excellence by Ofsted (UK inspection body for education). In DEX's opinion, Frank Barnes School has the capacity to deliver CPD training.

In addition, the I-Sign project has delivered training at the University of Central Lancashire via BSL to Deaf Instructors already working in the field, as BSL subject teachers, and learnt how to support Deaf people, with English as second language, in this way. There is no indication of this work continuing, and this should form a central part of a BSL language plan. CEs should utilise the knowledge acquired from the I-Sign project to ensure that Deaf Instructors' competence levels are such that they can deliver the GCSE curriculum.

At the same time, deaf young people and adults should be encouraged to attend university courses as part of career education to achieve degree level BSL and attend PCGE courses. There must be interpreting support for all deaf Initial Teacher Trainees (ITT) during their practical course work when teaching hearing children. At present the Disabled Student Allowance funding does not cover the cost of this.

RCEs should be made known to all professionals working with deaf children, via the British Association of Teachers of Deaf, (BATOD) Association of Communication Support Workers (ACSWs) and deaf networks, and their role as drivers of quality standards made clear.

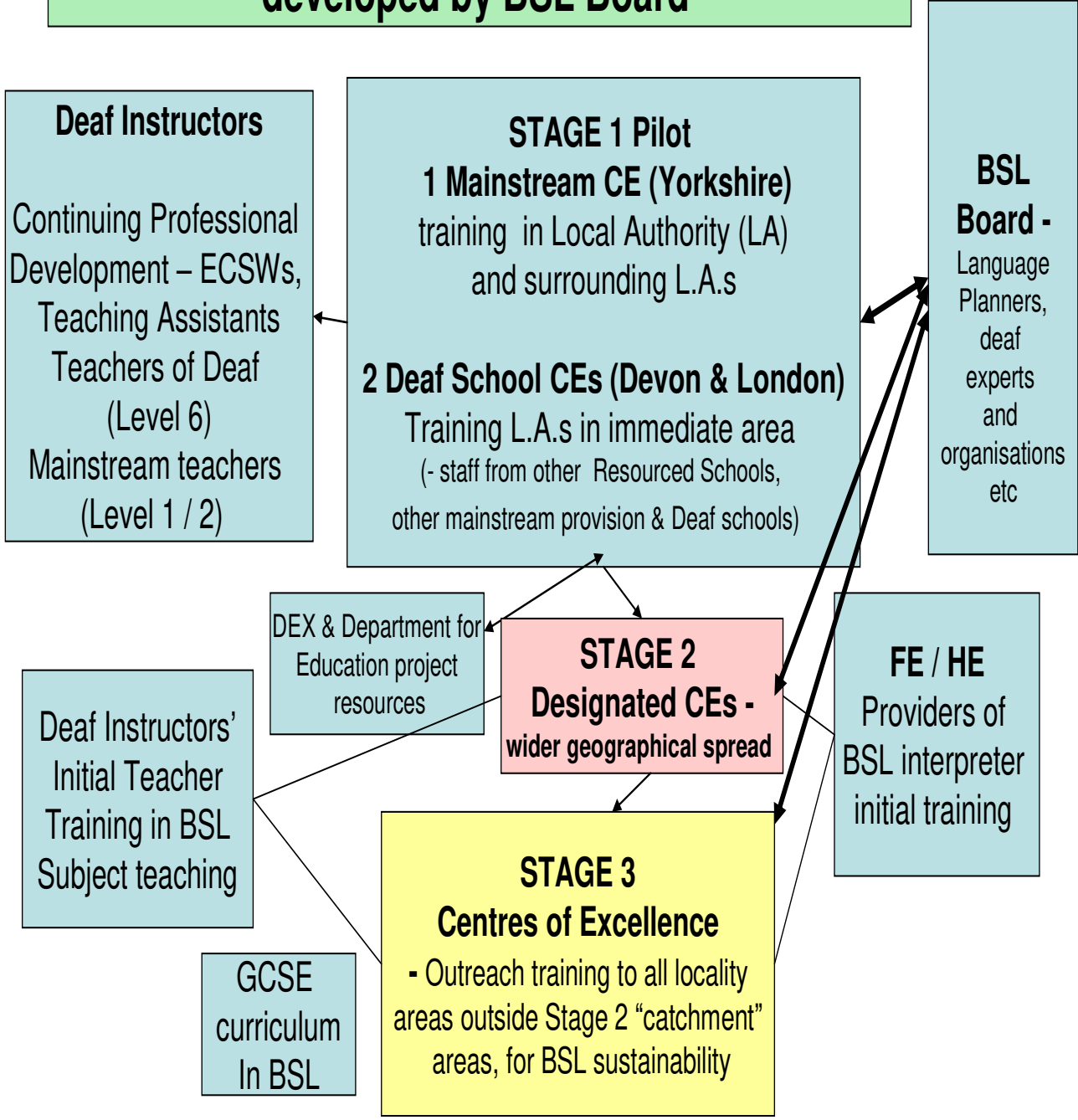
The UK Government has, so far, rejected DEX's call for this, stating that the coalition's policy is for localised services. DEX is currently appealing against this misunderstanding. BSL is a specialist language and local services do not have the resources to improve the language status and quality. CEs would cascade knowledge in their immediate regions, until such time BSL and Deaf culture are taught to efficient and satisfactory level in order to reach all localities.

The diagram below shows the 3 stages for identified specialist resources to cascade skill based training as part of staff CPD for staff using BSL. The first stage had already piloted with Exeter Royal Academy for Deaf Education (ERADE) by the DfE, and Thorn Park Deaf School in Bradford MDC has been cited as a model of best practice by DEX. These two centres, with another in London, could form Stage 1.

Stage 2 would disseminate the knowledge acquired in training to Level 6 NVQ in BSL (alongside any new qualification pathways) by training the trainers in local areas adjacent to Stage 1 centres.

Stage 3 would cascade further to wider geographical regions until all local education authorities have the capacity to train their deaf children's workforce in Level 6 NVQ, or equivalent, in BSL, updating as required.

**CENTRES OF EXCELLENCE (C.E.) Stages  
developed by BSL Board**



**11. British Sign Language Board**

DEX has requested for some time that its Framework for Action resulting from its BVR is put into action by the UK Government. This Framework includes the instigation of a Board, funded by the Government, and feasibly within the department for education or cross government. BSL, as a minority language, has too few users and trainers to be reproduced

at a local level initially, so CEs form an important part of the transference of skills, in both deaf children and adults' workforces.

DEX's proposals for a UK BSL Act would be for the enactment of a BSL Board, modelling on best practice from the Welsh Language Act where the Welsh Assembly has set up a Welsh Language Board (WLB) with the powers to oversee Welsh Language Schemes and to develop learning programmes and access to Welsh. The BSL Board would consist of a similar composition to that of the WLB i.e. language planners, educationalists and other experts in the language and the services impacted on by the revived language. Since there are no language planners with respect to BSL, DEX envisages contracting in the WLB and the Gaelic Language Board for a short term to advise Board members.

DEX also advocates that the spread of BSL is best carried out within education, not only in ensuring that all parents of newly identified deaf children are fully aware of the benefits of bilingualism, but also to train all staff to degree level in BSL. The Welsh Language has been revived by this route, over the last decade. Swedish Sign Language, and other sign languages following the example of the Education Act 1981 in Sweden, have taken longer, and evolved over time. In Sweden, since 1995, special schools and mainstream schools use the same curriculum which includes Sign Language as a subject for deaf and hard of hearing children.

Also modeling on best practice, the UK Government should consider the Norwegian Support Service, which has Regional Centres in order to direct quality services to disabled children, including deaf children. DEX's BVR found that Norwegian Sign Language has developed at a rate comparable with Swedish Sign Language, using its Deaf schools as training resources for deaf children in mainstream schools.

A BSL Board should be responsible for coordination of CEs and other aspects of BSL's language planning. It should review BSL/English interpreting courses, establish a common framework and monitor; also putting into place refresher courses for registered interpreters as part of CPD. The GCSE in BSL coursework should be the learning pathway to further and higher education.

In addition, links should be made with the network of Deaf-led organisations in broadcasting, media etc to ensure that BSL is promoted and used extensively.

The gaps DEX has identified in BSL provision, formerly by social services, and now being eroded by deficit cuts are:

- coordinated BSL/English interpreting service
- translation service from written English to BSL and vice versa
- direct information in BSL
- life long learning
- youth services for deaf young people in BSL.

The Board should work across all Government departments to address needs and gaps in BSL quality assurance.

12. DEX comments on Office for Disability Issues' Draft UK Initial Report on the UNCRPD

The Government's response has been drafted and is currently being discussed during a period of consultation with disabled individuals and organisations representing disabled people.

The draft report does not refer to the Convention's pledge in Article 21 that States Parties should be

*Accepting and facilitating the use of sign languages,  
Recognizing and promoting the use of sign languages.*

In the chapter regarding the UNCRPD Article 21, it includes a short reference to sign language:

*“ Sign language :*

*163. The UK Government recognised British Sign Language (BSL) as a language in its own right in 2003. It is the first language of 50,000 to 80,000 Deaf people in the UK. BSL can be learnt in UK colleges or universities and three examination systems exist. In Scotland, the Roadmap to British Sign Language & Linguistic Access in Scotland was developed and published in 2009, with government support, as a resource for government and the wider public sector. It sets BSL and linguistic access into the context of all government activity, identifies many of the major issues and points to some of the ways towards improvement. Since then, government funding has developed an infrastructure to help train and register a greater number of BSL/English interpreters to address the critical shortage identified in Scotland.*

*164. In Wales, the Assembly Government and European Social Fund funded the BSL Futures scheme to improve access to public services for BSL users across Wales and has increased the number of BSL teachers. The scheme was created in partnership with RNID Cymru, Deaf Association Wales and the Association of Sign Language Interpreters. In addition, the Assembly Government developed best practice advice for the public sector in Wales on providing services in BSL which will enable better use of interpreter services in Wales”.*

Whilst this information is pertinent, it is not recent, nor does it address the work stated in this (DEX's) Shadow Report, the gaps in provision, or the lack of language planning. DEX has given evidence to the EHRC and to the Department of Works and Pension's Office for Disability Issues, (ODI) but this evidence has not been included.

DEX has asked for changes to be made to the UK Government's final response, in order to address the need for compliance and to work towards undoing, in the UK, the untold damage first begun in 1880 by the International Conference on Education of Deaf (ICED).

## 13. Recommendations

### Summary

The UK Government has allocated £2.3m towards the recognition and status-raising of BSL since 2003. This amount has made small improvements in terms of awareness amongst the general public and in

strengthening the Deaf community's identity and pride in its language. It has not been a value for money exercise.

The Acts of Parliament in place for minorities and socio-economic groups has had some impact in terms of general understanding of anti-discriminatory practices, in society, but has no impact on BSL status planning.

Futhermore, the UK Government is not even promoting BSL, as a prerequisite to bilingual education, to all families of deaf children. As the EHRC states on page 4 of this document, the UK Government is to take steps so that disabled people can enjoy all their rights, making sure that they have full protection against all forms of discrimination, including taking action against failure to make reasonable adjustments - as part of its agreement to meet the requirements of the UNCRPD. The Government is, therefore, not addressing the need, again as stated by the EHRC, to look at existing laws and say what changes need to be made, abolish laws and practices that discriminate against disabled people, and pass new laws and make new policies where necessary. There is still much to do with respect to congenitally and early deafened people's needs, and to those of the adult Deaf community, which is a hard to hear community.

UK Government's four yearly report to UNCRDP Committee

The UNCRDP states that Convention monitoring should be carried out by the public, and especially by disabled people themselves:

*Article 33 - National implementation and monitoring*

*3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.*

DEX, therefore, as a *representative organisation* in the Convention's terms, recommends that the Welsh Language Act and New Zealand Sign Language Act models are followed as much as possible, with flexibility where BSL and Deaf culture makes this necessary, to prevent unnecessary inefficiency and ensure best value and cost effectiveness.

The I-Sign consortium has made a major recommendation from the project's outcomes, about governmental guidance, and the setting up of a nationally funded resource to support the delivery of language development and best practice. These were the recommendations DEX made in its Framework for Action in 2004. To develop our joint recommendations, DEX proposes the initial establishment of three initial RCEs spread uniformly within the UK in order to ensure the work of the



I-Sign project is not lost, i.e. providing CPD in BSL for current deaf children's workforce and for a pool of potential new recruits to become qualified and supported. This would ensure that these skills are quickly and effectively utilised at local level as the government requires.

The monitoring and evaluation of RCEs could be overseen by a BSL Board, or Deaf Health and Wellbeing Board, in addition to the development of national policy guidelines. This model is far more cost effective than commissioning in specialist services and ensures a systemic solution based on the local solutions model as Centres of Excellence would be self-funded. At a crucial economic period when deep cuts to services are being made this is a major factor to consider.

### Deaf experts

The establishment of a BSL Board comprising members who are committed to following the recommendations of research into language planning, and the development of Schemes, RCE Stages and guidelines by the Board will provide a hierarchical framework to revive and maintain BSL, and ensure the proactive involvement of the Deaf community. Members of the Board should consist of committed Deaf and hearing experts in BSL (including DEX as the initiator), the field of linguistics and Deaf culture, interviewed by the appropriate Deaf community members, and be recommended to the Government for appointment, in line with the Welsh Language Board's development.

The BSL Board should be a government appointed advisory body, independent of government departments, with the powers to make recommendations to the relevant Secretaries of State and methods of appeal against decisions.

DEX wants all financial outlay to be used wisely by following the recommendations of socio-linguists who advocate that government language goals must be organised and planned carefully, i.e. developed into a linguistically validated method of progressing BSL language revival and maintenance.

DEX would like to be involved in the all planning, development, monitoring and evaluation, as part of its remit in promoting user-led best practice in deaf education.



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