Report on the Operation of the Irish Sign Language Act 2017

December 2021



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* Irish Deaf Society
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* Chime
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* Centre for Deaf Studies at Trinity College Dublin
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* Sign Language Interpreting Service

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# Acronyms

|  |  |
| --- | --- |
| BAI | Broadcasting Authority of Ireland |
| BSL | British Sign Language |
| CIB | Citizens Information Board |
| CODA | Child of Deaf Adult |
| COVID-19 | Coronavirus Disease-2019 |
| CSO | Central Statistics Office |
| CEDIY | Children, Equality, Disability, Integration and Youth |
| DCU | Dublin City University |
| DES | Department of Education and Skills |
| DSP | Department of Social Protection |
| ECCE | Early Childhood Care and Education |
| EPSEN | Education for Persons with Special Educational Needs |
| ETE | Enterprise, Trade and Employment |
| EU | European Union |
| FHERIS | Further and Higher Education, Research, Innovation and Science |
| GDPR | General Data Protection Regulation |
| HSE | Heath Service Executive |
| IHREC | Irish Human Rights and Equality Commission |
| IRIS | Irish Remote Interpreting Service |
| ISL | Irish Sign Language |
| NCSE | National Council for Special Education |
| NDA | National Disability Authority |
| NFQ | National Framework of Qualifications |
| QQI | Quality and Qualifications Ireland |
| RISLI | Register of Irish Sign Language Interpreters |
| RTÉ | Radio Teilifís Éireann |
| SLIS | Sign Language Interpreting Service |
| SNA | Special Needs Assistant |
| TCAGSM | Tourism, Arts, Gaeltacht, Sport and Media |
| TCD | Trinity College Dublin |
| TD | Teachta Dála |
| TV | Television |
| UCC | University College Cork |
| UN | United Nations |
| UNCRC | United Nations Convention on the Rights of the Child |
| VT | Visiting Teacher |

# Glossary of Terms

**D/deaf:** Deaf with a capital ‘D’ is used by the Deaf community, to identify membership of a unique social, cultural and linguistic group. The lowercase ‘d’ (deaf) is used when talking in the audio-logical form or for someone who does not see themselves as being part of a culture or Deaf community. It is acknowledged that members of the ISL community prefer the term Deaf with a capital ‘D’, however for the purpose of this report the lower class ‘d’ is used to reflect the terminology of the ISL Act and the UNCRPD[[1]](#footnote-2).

**Deaf interpreter:** Deaf Interpreters are Deaf or Hard of hearing people who have been recognised as interpreters. They possess fluency in their ISL skills and have recognised skills in the techniques of interpretation/ translation of meaning between languages and cultures. It is their in-depth knowledge of Deaf culture and the Deaf community that provide supports & skills to a hearing ISL interpreter. Working in tandem with the ISL interpreter they provide supports that bridge a cultural or linguistic barrier that has been recognised within the community particularly in working with Deaf foreign nationals or Deaf individuals who may not be familiar or comfortable working with hearing ISL Interpreters. It is their recognised experience in working with Deaf people in various fields that provide additional supports and clarity in certain situations.[[2]](#footnote-3)

**Irish Sign Language:** Irish Sign Language is the first and preferred language of the Irish Deaf Community. Irish Sign Language is a full language with its own complex linguistic structure, rules and features. It is a visual and spatial language with its own distinct grammar and it is a language of the hands, face and body. Irish Sign Language is different from all other sign languages such as British Sign Language, American Sign Language etc.[[3]](#footnote-4)

**ISL Communication Support Worker:** The ISL Communication Support Worker is noted in ministerial statements as being an interim support provided to children who are deaf attending a mainstream school pending the establishment of a scheme under Section 5(b). This role is allocated by the Department of Education to an individual school to provide ISL communication support to a single child for the full duration of each school day. The Department of Education indicates that the role enables schools to “employ someone with an appropriate level of ISL proficiency to meet the needs of primary ISL users learning through the medium of ISL to access the curriculum.” It notes that the duties of the role “also include supporting communication in ISL between teachers, staff, ISL using students and other students, with the duties ring-fenced around the provision of ISL support. This post is also used to support the school to upskill their whole school capacity in ISL.”. There are no ISL qualifications required for the role, and the proposal for this as a mandatory requirement is currently under consideration by the Department of Education.

**ISL community:** This term is used to include all people that use ISL or advocate for those that do.

**ISL interpreter:** Is a hearing individual who is fluent in both Irish Sign Language and English and possesses communication skills. Irish sign language interpreters provide interpretation from spoken English to ISL and vice versa to facilitate communication. An ISL interpreter can, both receptively and expressively, interpret accurately, effectively, and impartially, using any necessary specialised vocabulary.

**ISL users:** This term is used to mean all people that have a basic or above basic proficiency in Irish Sign Language, as well as those that have the potential to rely on ISL in future such as very young deaf/hard of hearing children who are not yet users of any language.

**Lámh:** Lámh is a manual sign system used by children and adults with intellectual disability and communication needs in Ireland. Lámh is a type of augmentative or alternative communication system. Speech is always used alongside Lámh signs. Lámh signs are used to support communication and it is not a language itself.[[4]](#footnote-5)

**Sign language:** A visual-gestural (or visual-spatial) language which uses manual and other visual-gestural articulations to convey meaning, as opposed to the acoustically conveyed sound patterns of spoken language (aural-oral or auditory-verbal communication).[[5]](#footnote-6)

**Augmentative/Alternative sign language:** Augmentative/Alternative /Tactile or hand-over-hand sign language is where a person who is deafblind puts his or her hands over the signer’s hands to feel the shape, movement and location of the signs. Some signs and facial expressions may need to be modified and one-handed or two-handed tactile sign language can be used.[[6]](#footnote-7)

# Introduction

The Irish Sign Language Act 2017 (the Act) was enacted on 24th December 2017 and commenced on 23rd December 2020. The Act recognises the right of ISL users to use ISL, and to develop and preserve it as their native language. This Act places a statutory duty on all public bodies to provide ISL users with free interpretation when availing of or seeking to access statutory entitlements and services provided by or under statute. In addition, the Act provides for specific obligations in the areas of legal proceedings, educational provision and broadcasting.

## Statutory obligation to report on the operation of the Act

Section 10 of the Act places an obligation on the Minster of Children, Equality, Disability, Integration and Youth to report on its operation. The Act states that this report must include an assessment of:

* whether any amendments to the scope and contents of the Act are necessary or desirable
* whether additional provisions need to be made in relation to supports for a child within the school system whose primary language is ISL and
* the qualifications for the minimum level of ISL competency for persons who are teaching a child whose primary language is ISL

The Act further requires that persons or organisations representative of the interest of the members of the deaf community are consulted on the matters to be considered in the report.

The National Disability Authority (NDA) was requested by the Minister for Children, Equality, Disability, Integration and Youth to prepare this report on his behalf. The NDA is the independent statutory body whose remit includes a duty to provide information and evidence-informed advice to Government on disability matters, and to promote Universal Design.

In reporting on the operation of the Act, the NDA established an advisory group to advise on the reporting process and independently undertook information gathering through: consultation activities with the ISL community; an independent survey for public bodies; meetings with specific public services within sectors emphasised in the Act; and contextual research to understand the ISL national landscape.

A draft report was submitted to the Minister in July 2021 and the Department of Children, Equality, Disability Integration and Youth (CEDIY) subsequently sought observations on the report from all Government departments. Some departments in turn sought observations from the public bodies under their ageis. The report content has been updated where relevant and appropriate, such as where there were errors of fact, on the basis of feedback from departments and public bodies in relation to the situation at the time of the reporting period (March-June 2021).

# Background and Context

The ISL Act gives legal recognition to Irish Sign Language as an indigenous language in its own right, with “Irish Sign Language” meaning the sign language used by the majority of the deaf community of the state. This Act brings Ireland in line with a number of other EU Member States, which also have legislation recognising their native sign language. The core purpose of the Act is about the recognition of language.

## Summary of the ISL Act

The ISL Act has a number of distinct sections relating to service provision:

* Section 6 places a duty on public bodies to provide access to public services or statutory entitlements through ISL when requested through the provision of free ISL interpretation by accredited interpreters. Section 7 of the Act requires that an accreditation scheme which verifies the competence of ISL interpreters is established
* Section 4 is explicit in stating that a person may use ISL in any court. There is a duty on the court service to make sure that the person will not be placed at any disadvantage in being heard in ISL
* Section 5 outlines education supports for deaf children. These include the provision of ISL classes to parents/guardians, siblings and grandparents of a child who is deaf. There is also a stipulation to establish a scheme to provide ISL support for children attending school whose primary language is ISL. In addition, Section 5 establishes the need for both availability of ISL training in higher education and minimum qualifications for teachers of children who are deaf or hard of hearing
* Section 8 is about adhering to principles of equality, dignity and respect in terms of promotion and broadcasting programmes with ISL
* Section 9 allows for, funds to be provided to facilitate ISL users to access social, educational and cultural events and services (including medical) and other activities

## National statistics

ISL is the primary language of a sizeable minority of people in the State who are entitled to use their native language in availing of their statutory entitlements and access to services if they cannot hear or understand English or Irish. The Central Statistics Office (CSO) recorded in its 2016 Census that 4,226 people were Irish Sign Language users at home. This figure is contested by the deaf community who consider it to be an underestimate. This is discussed further in Section 6(1) regarding service planning. The Irish Deaf Society states that ISL is the first or preferred language of an estimated 5,000 deaf people in Ireland, and a further estimated 40,000 communicate in ISL (such as family, friends, co-workers).[[7]](#footnote-8)

The Department of Education has recorded 77 school aged children whose primary language is ISL.

There are 86[[8]](#footnote-9) accredited ISL interpreters on the National Register for Sign Language Interpreters (RISLI). This number of interpreters is considered low in relation to the population of ISL users.[[9]](#footnote-10)

## Legislation

The purpose of the ISL Act is to give ISL official recognition as a language in Ireland. The ISL Act is separate and independent from disability legislation. Sign language is unique in that its use is addressed under legislation and international instruments and treaties related to both minority languages and to disability. The distinctions and overlaps between these spheres are important to understand both for implementation of rights and for the way ISL is perceived.

In terms of the language focus of ISL provision, the Irish Deaf Society states that the deaf community sees itself as a linguistic and cultural minority.[[10]](#footnote-11) If ISL interpretation is provided to ISL users, the aim of ensuring access to public services is ensured simply through provisions that guarantee access in another language.[[11]](#footnote-12)

In terms of the disability focus of ISL provision, prior to the enactment of the ISL Act, access to public services through ISL was provided under the Disability Act 2005 when considered practicable and appropriate by the service provider. Section 26(b) and 28(1)(a) of the Disability Act state that “Where a service is provided by a public body, the head of the body shall where practicable and appropriate, provide for assistance, if requested, to persons with disabilities in accessing the service.” Internationally, the United Nations Convention of the Rights of Person with Disabilities (UNCRPD) provides the most comprehensive support for sign language rights. Article 30 states the need to ensure recognition and support for the linguistic and cultural identity of the deaf community.

There are a number of pieces of legislation and strategies which function in concert with the ISL Act.

### National legislation and strategy

* The Disability Act 2005
* The Equal Status Acts 2000-2016
* The Education Act 1998
* The Education for Persons with Special Educational Needs (EPSEN) Act 2004
* S.I. No. 119/1987 - Criminal Justice Act, 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations, 1987
* S.I. No. 564/2013 - European Communities Act 1972 (Interpretation and Translation for Persons in Custody in Garda Síochána Stations) Regulations
* The Broadcasting Act 2009

At a national level, action to support ISL is also underpinned by the National Disability Inclusion Strategy 2017-2021 whichaims to take a “whole-of-Government approach to improving the lives of people with disabilities. The Strategy includes a number of commitments specifically in relation to sign language provision:

* To extend hours of Irish Sign Language (ISL) remote interpretation service to evenings and weekends.
* To resource the Sign Language Interpretation Service to increase the number of trained Sign Language and Deaf interpreters.
* To put a quality-assurance and registration scheme for interpreters in place.
* To provide on-going professional training and development.
* To support legislation to ensure that all public bodies provide ISL users with free interpretation when accessing or availing of their statutory services

### International legislation and instruments

* International Covenant on Civil and Political Rights
* European Convention on Human Rights
* UN Convention of the Rights of Persons with Disabilities (UNCRPD)
* UN Convention of the Rights of the Child (UNCRC)
* Universal Declaration of Human Rights
* European Parliament resolution on Sign language and professional sign language interpreters
* European Parliament resolution on Minimum standards for minorities in the EU

The Sign Language Rights in the Framework of the Council of Europe and its Member States is a best practice study in sign language and language rights.**[[12]](#footnote-13)**

# Methods

The NDA used a number of approaches to collect information on the current operation of the ISL Act.

## Desk research

Due to the short timeline for reporting, the NDA undertook a significant but not exhaustive review of published research and data relating to the experiences of people whose primary language is ISL in accessing public services.

## ISL Act Reporting Advisory Group

The NDA established an ISL Act Reporting Advisory Group to guide on the proposed information gathering process from various perspectives, and to feedback on the recommendations. The Reporting Advisory Group was made up of people from organisations that represent the interests of the members of the deaf community, service organisations and interpreter representatives.[[13]](#footnote-14) The Advisory Group met with the NDA six times throughout the reporting period.

## Public consultation

The NDA consulted with members of the public who are ISL users or who have experience and interest in ISL matters during March 2021[[14]](#footnote-15). An additional public consultation report summarising public feedback is provided as a technical annex to this report.

The public consultation comprised the following:

* **Public meetings targeting the ISL Community**: The NDA hosted four online public meetings. The purpose of these meetings was to understand how well the Act was currently working for ISL users. One of these meetings was specific to parents and guardians of children who use ISL. A total of 76 people attended these meetings. One meeting was hosted in ISL, with all other meetings offering English/ISL interpretation and captioning.
* **Themed meetings with targeted invitations**: The NDA also hosted three themed meetings on the topics of court services, broadcasting and education. A total of 18 people attended these meetings.
* **Public surveys**: The NDA developed two public surveys: one for the ISL community and one specifically for parents and guardians of children who are ISL users. Surveys were provided in English and ISL. A total of 73 people responded to the general survey, the majority of whom were deaf ISL signers (72.6%). There were 60 respondents to the parents and guardians survey, the majority of whom were hearing parents or guardians (84.7%). Further information on these surveys can be found in a separate technical document.
* **Submissions**: The NDA invited public submissions from individuals and organisations about the operation of the ISL Act. Submission format could be either written (in English) or video (in ISL). Submissions from children required parental consent to be included. Three video submissions and 18 written submissions were received. Of the written submissions, four were from organisations, and 14 from individuals.

## Public body and department surveys and engagement

The NDA identified 292 public bodies who were considered to be included in the definition of public bodies under Section 1 of the Act. The NDA developed surveys that sought information on the arrangements each public body has in place to facilitate access to public services through ISL.

Surveys tailored with additional specific questions were sent to the following public bodies as they have specific responsibilities under the Act:

* The Court Services of Ireland
* The Department of Education
* The Broadcasting Authority of Ireland and Radio Teilifís Éireann
* The Department of Social Protection

The response rate for all 292 public bodies that received the survey was 77.1% (225 bodies).[[15]](#footnote-16) Further information on the public body survey can be found in a separate technical annex.

Following the surveys the NDA met and corresponded with the Courts Services of Ireland, Department of Education, Broadcasting Authority of Ireland, Department of Social Protection, and the Teaching Council to garner further information on the operation of the Act in these specific areas.

## Limitations of the reporting procedure

The NDA notes the following limitations to the reporting and consultation process:

* There was no outreach for direct consultation with children. The NDA advises that this consultation takes place prior to the next report in five years’ time but preferably sooner
* The consultation did not include people who are not online. All consultation events were held online due to COVID-19 restrictions
* Some feedback may not have been provided due to confidentiality concerns. A small number of reports were received indicating that some people were reluctant to share their experiences due to concerns that they would be identifiable by service providers or to others in the ISL community due to the relatively small size of the community
* Stakeholder feedback has not been independently validated
* In-depth consultation on specific sectors was not undertaken. Due to time constraints on reporting, the extent of the consultation was limited to general input. This excluded comprehensive exploration of complex sectors such as health, education and justice, although substantive feedback was received on each of these areas as part of the process
* The report and recommendations are not informed by international best-practice and learnings. Detailed consideration of literature on best-practice implementation of sign language legislation and services in other jurisdictions has not been undertaken, but could be an area for future focus
* The report recommendations have not been costed. This would require further assessment

This report provides a fair and independent assessment of the current operation of the ISL Act, within these stated limitations.

The remainder of the report considers the individual sections of the Act. These are arranged in order of the most widely applicable.

# Section 6: Duty of Public Bodies

## Section 6(1)

### What the Act says

6. (1) A public body shall do all that is reasonable to ensure that interpretation into Irish Sign Language is provided for a person who is competent in that language and cannot hear or understand English or Irish when that person is seeking to avail of or access statutory entitlements or services provided by or under statute by that public body.

### Feedback from the public

Respondents to the public survey and parents’ survey expressed very limited satisfaction with access to services through ISL. Responses to the parents survey were less likely to rate access to public services as ‘good’ (3%) compared to responses to the general survey (7%). 32% of respondents to the public survey indicated that at least one request they had made for ISL interpretation to access a public service had been refused. Public feedback gave an overall impression that not much has changed since the ISL Act was introduced. Key services that attracted public feedback about inadequacies to access through ISL were health, policing, local and state politics, heritage, social and cultural events, media and education; the latter two services are discussed under the appropriate sections of this report.

Common themes from the public consultation relating to specific concerns with delivery of services through ISL included:

* **Procedures for organising access:** From the public’s perspective, the most common challenge to accessing public services through ISL, reported by 64% of survey respondents and raised at public meetings was that “staff did not appear to understand their responsibility to provide access to their service through ISL” especially regarding agencies that are large, intricate, complex or offer a wide range of services, in particular, health services. Stakeholder feedback noted the need for organisations to develop clear policies and procedures for request and approval of interpretation, and for these to be easily identifiable to both staff and ISL service users.
* **Determination of the need for ISL access:** In cases where public bodies are aware of their responsibilities or are requested for ISL interpretation, public and stakeholder feedback suggested that staff in many cases lacked adequate respect, understanding of need and responsibility for adequate service provision. Examples reported by the public range from public bodies not considering or offering interpretation even when its absence seriously impacted service quality, to having requests for ISL being either kindly or rudely dismissed. It was reported that in some case staff gave the impression they “can’t be bothered” to arrange interpreting.
* **Availability of interpreters:** 34% of respondents to the public survey indicated that the main challenge to access was that the time taken for the service to be provided in ISL was too long, a situation that is likely caused by the limited availability of interpreters.
* **Cost:** Public feedback indicated that cost had been expressed by public bodies as a reason for refusal of, or reduction in, interpretation. Public commentary also noted that current interpretation contracting methods were inefficient.
* **Choice of interpreters.** Public feedback repeatedly raised the importance of ISL users being able to have a say in who was booked to interpret due to the personal nature of the relationship with an interpreter and the impact of this on access to vital services.
* **GDPR.** Public feedback indicated that a consistent barrier to access to services through ISL was public bodies’ interpretation of the requirements of the General Data Protection Regulation (GDPR), which was sometimes cited as a reason that the interpreter could not interact with the service provider on the ISL user’s behalf.
* **Complaints procedures.** Public feedback pointed out repeatedly that complaints procedures were mainly not accessible in ISL, either to make or to pursue a complaint. Feedback also indicated a level of dissatisfaction with public bodies assuming that ISL users had sufficient English to figure out how to request ISL access through English.

### Feedback from public bodies

Half of public bodies that responded to the NDA survey (50%) indicated they were either not aware of the Act (31%) or not aware of their responsibilities under the Act (20%). Half (49.8%) were aware of both the Act and their responsibilities under the Act.[[16]](#footnote-17) Almost three in 10 public bodies (30%) indicatedthey had consistently provided ISL interpretation since January 2021,[[17]](#footnote-18) while 50% indicated the provision of interpretation was ‘not applicable’ to them. Only 12% (n= 12) of public bodies that provided comment on the barriers to implementation made statements regarding their service not being public facing. Some commented that clarification of the responsibilities of bodies that are not public facing would be useful. Information from public bodies was also provided in relation to:

* **Availability of interpreters:** Lack of interpreters or difficulty accessing interpreters was the most common barrier to implementation of Section 6(1) mentioned by public bodies. Excluding those that indicated they had not received any requests for interpretation, 23% of public bodies raised issues related to lack of interpreters or availability of interpreters.
* **Procedures for organising access:** 33% of public bodies indicated that they had developed clear staff procedures for sourcing and arranging ISL interpretation. Of the public bodies with procedures for interpretation 19% had a minimum notice period for interpretation, with the period varying from three days to three weeks, the median of which was seven days’ notice, and 80% had made staff aware of these procedures.
* **Cost:** 21% of public bodies stated that they had ring fenced budgets to allow access to services through ISL. In terms of estimating demand, 38% of public bodies stated that they keep a record of ISL interpretation requests. Some public bodies commented that they would need additional funding to sufficiently provide ISL interpretation.
* **Information:** Just 3% of public bodies that responded to the survey indicated that information in ISL is provided in a video on their website. Almost half (46.7%) indicated that they have not provided information on how to access services through ISL by any method. One in five public bodies (22%) indicated that information on access to services through ISL was provided in written format on their website and one in three (34%) said they provided this information in written correspondence in response to a request.

Some responses from public bodies indicated limited understanding of the full scope of what is required in providing access to services through ISL, such as through assuming that only the personal interaction needed ISL while other stages of service provision or promotion could be conducted in English. This indicates a lack of understanding of the often poor literacy among ISL users. Information from public bodies indicates that ISL interpretation for some types of public communication and consultation is rarely provided. For example: 1.3% reported consistently providing ISL videos about public consultations; 3.6% reported consistently providing ISL interpretation for in-person public consultation meetings; and 9.3% reported consistently providing ISL interpretation for public conferences, launches or events.

**Compliance:** Just over one third (36%) of public bodies considered that they were in compliance with the ISL Act,[[18]](#footnote-19) and 12% considered that the question of compliance did not apply to them. Of the 53% that considered themselves partially compliant or non-compliant, 60% reported having both an action plan and timeframe for full implementation of the plan. Of the 50% of public bodies that were aware of both the Act and their responsibilities under the Act, just over half (55%) of these reported themselves to be in compliance with the Act.

### NDA commentary

Of all sections of the Act, Section 6 has the widest implications and application for public bodies. A significant volume of feedback and information was gathered regarding access to services through ISL. Consideration of Section 6(1) includes addressing a number of areas of ambiguity surrounding the definition of the clause itself and on language rights and as well as discussion of the implementation of access to services and improving compliance. The NDA suggests that it may be most practical to address the issues outlined below through development of Regulations or guidance to support implementation of the primary legislation.

#### Implementation of access to services

Multiple barriers reported by the public and by public bodies are hampering the implementation of the ISL Act. These include:

* **Availability of interpreters:** There is significant undersupply of interpreters to fulfil the requirements of the Act. There are 86 accredited interpreters on RISLI[[19]](#footnote-20) and the supply has not increased greatly relative to demand over the past number of years. Without addressing the issue of supply, implementation of the Act is inhibited. The supply of accredited interpreters requires further review and consideration to determine the best methods of increasing supply to a level commensurate with the need established by the ISL Act. This is discussed further in Section 7.
* **ISL awareness:** Greater awareness is needed among public body staff of the status of ISL as a full language, and of the limitations on service quality when delivered without meaningful communication in the absence of ISL. Improved awareness of ISL as a language is likely to improve awareness of its importance and therefore the relationship between adequate interpretation and service quality. Clarification as to what service providers have responsibilities under the Act should be established.
* **Procedures:** Clear, published, policies and procedures for public bodies are needed to ensure consistent access to services through ISL, and to support frontline staff to deliver services efficiently. Recent research suggests that procedures are sufficiently difficult to navigate that many deaf people are reliant on their local deaf service for support to ensure adequate interpretation provision when engaging with public bodies.[[20]](#footnote-21) Procedures should be made publically available, including in ISL format.
* **Information:** Access to statutory entitlements and services begins with access to information about the service for clients to understand what is available. The Act is about accessing services through ISL, and therefore the responsibilities of public bodies relate to providing access to services entirely through ISL if necessary. In light of reports that information on services is almost always available in English only, widespread improvement is required in providing information in ISL. ISL users currently have almost no ability to fully access statutory entitlements and services through ISL resulting from the lack of information in ISL about these services. In addition, ISL users can often have poor levels of English literacy and written English is not suitable for many ISL users as an accommodation when interpretation is not available.
* **Choice of interpreters:** Improved awareness of the need for sensitivity in allocation of interpreters is needed to optimise service access and efficiency while ensuring quality standards.
* **GDPR:** The Data Protection Commission notes that “Service-providers have an obligation to put appropriate security measures in place to protect the integrity and confidentiality of customers’ personal data. However, these measures must not disproportionately disadvantage those who need to use a sign-language interpreter.”[[21]](#footnote-22) Improved awareness is needed that access to services should not be affected by GDPR in cases where an interpreter is used, if adequate confidentiality agreements are in place.
* **Complaints:** Complaints processes are an essential part of service provision, business improvement and quality assurance, and their absence for ISL users should be remedied promptly by providing a two way mechanism where ISL users can make a complaint/submit feedback in ISL on any matter, and receive appropriate responses through ISL.

#### Improving compliance

Feedback from public bodies, organisational stakeholders and the public suggests that many public bodies have not yet engaged with the legislative impact of the ISL Act and both supportive and punitive measures to improve responsiveness to the range of approaches to ISL interpretation experienced have been suggested. There is a need to establish methods to define and enhance compliance supports and monitoring of progress.

Coordinated, supportive measures to encourage compliance should be explored and might include requirements for clear planning to achieve compliance from public bodies and particularly key sectors, which already occurs in Scotland[[22]](#footnote-23), as well as training, assistance or guidance in the preparation of such plans. Measures to highlight non-compliance might include approaches such as public reporting on actions through annual reports, linking compliance to senior executive performance delivery agreements, or provision of reminders from higher levels of government where a deliberate lack of compliance has occurred.

#### Definitions

* **“Shall do all that is reasonable”:** The definition of “all that is reasonable”is open to wide interpretation. Based on responses from the public consultation it appears the wording facilitates public bodies to avoid providing ISL interpretation based on costs. In the creation of the ISL Act, the original wording stated that public bodies should do “all that is required” to provide ISL interpretation, however the Seanad amended this to the phrase “all that is reasonable” due to the limited number of ISL interpreters in Ireland which meant that public bodies would be unable to provide interpretation in all cases. The Minister of State at the time indicated a concern with putting bodies immediately in breach of the legislation due to creating an obligation that would be impossible to fulfil.[[23]](#footnote-24) This section was intended “to see it established in law that public bodies have a duty to provide free interpretation in the circumstances covered by the section” according to the Minister of State.

Clarification is needed, either through an amendment to the Act or articulation in Regulations, of the duty of public bodies to provide interpretation in all cases unless there is no interpreter available, highlighting that cost is not a relevant factor in determining what is a “reasonable” effort to ensure ISL interpretation.

* **“A person who is competent in that language and cannot hear or understand English or Irish”:** This phrase can be interpreted as conflicting with Section 3 which recognises the right of ISL users to use ISL as their native language and the corresponding duty on public bodies to provide ISL users with free interpretation when accessing statutory entitlements and services. In contrast, Section 6(1) limits this right to only some kinds of ISL users. It is unclear how an unfettered right and a limited right are simultaneously implemented in practice.

The meaning of the phrase ‘cannot hear or understand English or Irish’ in Section 6(1) should be clarified through either amendment or Regulations to ensure that access to services is enabled by ensuring that ISL interpretation is a right of:

* all deaf people that are competent in ISL, even if they use assistive technology which can provide access to some hearing in some situations
* all people that are competent in ISL, if they cannot understand English or Irish – even if they can hear
* **“When that person”:** In Section 6(1), the phrase “when that person is seeking to avail of or access statutory entitlements” currently implies that there is only ever one recipient of a service. Public feedback indicated that clarity regarding who is counted as the ‘person’ accessing the service is needed, particularly where services are not accessed independently by one individual, such as situations involving a child, or a person accompanied by a carer or guardian, where two people are effectively accessing a service that is delivered to one. In these cases, it is suggested that ISL interpretation should be provided if needed by either person.
* **“Statutory entitlements or services provided by or under statute by that public body”:** Feedback from the public and public bodies indicates a need for far greater clarity regarding what constitutes “statutory entitlements or services provided by or under statute by that public body.” The intended scope of Section 6(1) was that it would cover all services provided by a public body.[[24]](#footnote-25) Published clarification of the scope of specific services that fall within the remit of the ISL Act is required to support awareness by both service providers and ISL users.

The scope of Section 6(1) is also unclear in relation to statutory entitlements that are delivered by bodies that are not designated as public bodies such as schools, hospitals, residential care, public health services, social care services and more. Clarification should be provided as to the scope of the ISL Act in relation to statutory entitlements that are delivered by those that aren’t public bodies, and the incorporation of ISL responsibilities into contracts and funding agreements. It is recommended that if these are considered out of scope, that the Act is amended to ensure that delivery of all statutory entitlements is brought within the remit of the ISL Act.

#### Language rights

Clarification is needed of the important differences between the ISL Act, which requires language access as an automatic right of some language users, and the Disability Act, which instead offers discretion in requiring assistance to be provided only if “necessary.”[[25]](#footnote-26) Greater awareness is required for public bodies to implement the ISL Act in a way that focuses on primary language access for language users, separate from considerations of disability.

## Section 6(2)

### What the Act says

6. (2) The provision of interpretation shall be at no cost to the person concerned

### Feedback from the public

Just over one in 10 (11%) of respondents to the public survey specified public bodies which had required them to pay for ISL interpretation in the last three years. Some organisational stakeholders noted that the issue of payment is a “persistent” area of confusion, with public bodies “often” demonstrating lack of awareness about their responsibility to cover interpreting costs. Comments included that “there is a widespread assumption across public bodies that the responsibility and costs of the interpreter is borne by deaf services or the deaf ISL user. There is very little evidence of awareness that the costs should be covered by the relevant Government body.”

### Feedback from public bodies

No public bodies reported charging for interpretation for services delivered through ISL either before or after the commencement of the ISL Act.

### NDA commentary

From the feedback received, it appears that at least some ISL users are charged for interpretation, and that in many cases where interpretation is provided at no cost, the public and organisational stakeholders feel they often must inform and debate this point with providers to achieve free interpretation. Widespread awareness and information should be provided to public bodies to provide confidence that consistent compliance with Section 6(2) is achieved in all cases and to eliminate the need for clients to educate public bodies on the matter.

## Section 6(3)(a)

### What the Act says

6. (3) The Minister may by regulations –

(a) provide that where a person intends to avail of Irish Sign Language services provided by a public body, the person shall give the public body such prior notification of his or her intention within such period as specified in the regulations

### Feedback from the public

Public feedback did not mention any preferences related to notice periods, however 34% of respondents to the public survey indicated that the time it was going to take for the service to be provided through ISL was too long to allow for timely access to the service in question.

### Feedback from public bodies

One public body indicated a desire for a notice period to be established through legislation in order to allow sufficient time to source provision of ISL interpretation. Several public bodies indicated difficulty accessing interpreters at short notice.

### NDA commentary

No notice period has been established through Regulations for availing of ISL services. The establishment of any notice period should ensure that the length of the notice period does not act as a deterrent to accessing the service. In order for ISL users to give notice there will also need to be a system whereby information is available in ISL to explain the process for giving notice. While responsibility for giving notice lies with the ISL user, the service provider also has a responsibility to offer interpretation where it is apparent it is needed, as part of ensuring service quality. For example, where ISL users are repeatedly accessing a service, notice should not be required for every appointment once the public body is aware of the need for ISL interpretation in order to deliver an appropriate service for this client.

## Section 6(3)(b)

### What the Act says

6. (3) The Minister may by regulations –

(b) provide for the procedure in relation to the provision of such services by a public body.

### Feedback from the public

Public feedback on the many difficulties associated with access to services through ISL were discussed in relation to Section 6(1). Public feedback also suggested that ISL users would like to see “clear policies, procedures and funding in place for the request, approval and sanctioning of interpreter access.”

### Feedback from public bodies

A third (33%) of public bodies indicated that they have staff procedures for sourcing and arranging ISL interpretation, and 80% of these public bodies had made staff aware of these procedures.

### NDA commentary

No procedures have been established through Regulations. The establishment of procedures for staff and available to the public would create significant improvements in the ability to access services through ISL and the consistency of access across and within public bodies.

## Section 6(4)

### What the Act says

6. (4) Provision of or availing of a remote, web-based service shall, if the Irish Sign Language user consents, be sufficient to meet the obligations of a public body under this section.

### Feedback from the public

Public feedback suggested that remote ISL interpretation is not a viable option for court interpretation, and pointed to research which investigated this matter and came to this conclusion.[[26]](#footnote-27)

### Feedback from public bodies

Of the 68 public bodies that have developed clear staff procedures for sourcing and arranging ISL interpretation, six (9%) provide remote web-based ISL interpretation and 41 (60.3%) provide both in person and remote web-based ISL interpretation. There was minimal comment on the use of remote or web-based services by the public or public bodies.

### NDA commentary

The National Disability Inclusion Strategy 2017-2021[[27]](#footnote-28) included a commitment to extend the hours of the ISL remote interpreting service to cover evenings and weekends. The Sign Language Interpreting Service (SLIS) now offers an evening and weekend interpretation service via live video link, which has made a notable positive impact on access, based on increase in demand. In 2017 prior to the extension of hours, the Irish Remote Interpreting Service (IRIS) undertook 4,036 assignments. By 2020 this annual figure had increased to 7,159 assignments.

A remote interpreting mobile application (app) is currently being piloted. This is an alternative delivery method for the IRIS. The pilot is due to end on 30 June 2021, after which consideration of the evaluation of the app will inform decision making on future rollout or changes needed to approach. IRIS is working well as a remote web-based ISL interpretation option.

## Section 6(5)

### What the Act says:

6. (5) The Minister may prescribe as a public body such other person, body, organisation or group financed wholly or partly out of moneys provided by the Oireachtas (being a person, body, organisation or group that, in the opinion of the Minister, ought, in the public interest and having regard to the provisions and intentions of this Act, to be so prescribed).

### Feedback from the public

The NDA received substantial feedback through public consultation regarding the difficulties ISL users had in accessing their statutory entitlements in hospitals and schools. Public feedback particularly queried whether bodies funded under Section 38 and 39[[28]](#footnote-29) of the Health Act 2004, as well as bodies such as Employability, Rehabcare and National Learning Networks were covered under the Act.

### Feedback from the public bodies

As previously noted under Section 6(1), many public bodies exhibited uncertainty about whether the ISL Act applied to them and lacked awareness of their responsibilities under the Act.

### NDA commentary

No additional entities have been prescribed as public bodies to date. There appears to be a need for improved clarity as to which bodies and services have duties under the Act which would enable determination of whether further bodies and services should be prescribed.

* **Current Public Bodies:** The issue of public uncertainty about which public bodies and services have responsibilities under the Act could be resolved by providing clarification through options such as Regulations or an amendment to the Act, or a national register of bodies with responsibilities under the Act.
* **State-funded Services which are Statutory Entitlements**: The issue of access to statutory entitlements delivered by non-state providers should be further considered and reviewed to ensure the intent of the Act to ensure adequate access to services through ISL is being met. Services include schools, hospitals and nursing homes.

The NDA advises consideration of how ISL users can access statutory entitlements through ISL regardless of who delivers those entitlements. This should be clarified in Regulations and can be achieved through requiring public bodies to find a way to ensure that the duties of the ISL Act are transferred to the delivering body, such as through funding or contract agreements. This is similar to the approach taken in the IHREC Act[[29]](#footnote-30), in which public bodies remain responsible for compliance in any services that they provide through another body by transferring responsibilities in contracts for these services.

* **State-funded Services which are not Statutory Entitlements:** The absence of ISL access in many state-funded services which are not statutory entitlements constitutes loss of crucial services to ISL users. Services include early childhood care, children’s residential services under Tusla, and Section 39 bodies under the HSE. Access issues raised in relation to voluntary and non-government organisations in public feedback included those providing services for addiction, rehabilitation, suicide prevention, home supports, employment access and more.

Improved ISL access to state-funded services which are not statutory entitlements should be addressed through ensuring ISL access is a requirement of administrative or funding agreements, with potential need to consider mechanisms such as a dedicated funding pool for ISL interpretation that is available to the range of smaller not-for-profit providers of many of these services.

## Section 6 recommendations and considerations

The NDA has set out a series of recommendations and considerations below, some of which are directly relevant to improving operation of the Act as it currently stands, and others which will require further consideration over time. It should be noted that these recommendations apply to all public bodies, including those that have further responsibilities under other sections of the Act.

### High priority recommendations

1. Raise awareness of the existence of the Act in public bodies and among the ISL community to include:

* Information on eligible ISL users, need for interpreter accreditation, interpretation at no cost to ISL users
* Information on the status of ISL as a language and the reliance of ISL users on accredited ISL interpretation to ensure access, full communication, consent, and when in court, a fair trial
* The distinctions between the ISL Act and the Disability Act in relation to access to services through ISL

1. Establish procedures through Regulations for public bodies to provide services through ISL to include:

* The aspects of services the Act applies to e.g. information, consultation, appointments
* ISL interpretation for children or for those accessing services with an ISL-using carer, guardian or parent
* GDPR guidance on sharing information with interpreters
* Procedural matters such as notice periods, enabling choice of interpreters, allocating an interpreter for each party in courts

1. Make complaints mechanisms accessible to ISL users
2. Clarify the term “all that is reasonable” in Section 6(1) through either Amendments or Regulations to ensure interpretation is provided unless an interpreter is not available

### Important recommendations

1. Provide clarity on the scope of the Act regarding which public bodies and services it applies to, including delivery of statutory entitlements by non-state providers and incorporating ISL responsibilities into contracts and funding agreements

* Provide clarity on key terms in Section 6(1), being “statutory entitlements or services provided by or under statute”

1. Provide clarity on scope of eligible users, ensuring that it is clear that ISL users determine when ISL is needed, and that there may be more than one party to any service experience
2. Establish mechanisms to define, support and encourage compliance with the Act such as a requirement for action plans from key sectors and provision of guidance
3. Assess operation of the ISL Act through existing monitoring mechanisms, such as the monitoring of Part 3 of the Disability Act or monitoring of the UNCRPD, in advance of the next 5-year report

### Further considerations on issues relevant to the operation of the Act

1. Consider determining a solution to provide access to state-funded services that are not statutory entitlements

# Section 7: Engagement of verified competent Irish Sign Language Interpreters

### What the Act says

7. A court or a public body, in compliance with its obligations under this Act, shall not engage the services of a person providing Irish Sign Language interpretation unless the person’s competence has been verified by having been accredited in accordance with an accreditation scheme funded by the Minister for Employment Affairs and Social Protection.

### Feedback from the public

Public and stakeholder organisation feedback indicated widespread and common non-compliance with the requirement for public bodies to use accredited interpreters and the quality of interpreters used by public bodies was raised as an ongoing issue. Many instances were discussed including not using accredited interpreters in favour of cheaper and lower quality services, using contracted interpreting agencies who may not check qualifications, inability to source an accredited interpreter due to limited supply of interpreters or limited time to acquire an interpreter, using staff with minimal levels of ISL, and staff suggesting ISL users bring hearing family members (including children) to interpret.

Based on public feedback, the reasons for these practices may include lack of awareness of either the ISL Act or that the public body is responsible under the Act, prioritising the convenience of the public body over the needs of the ISL user, lack of awareness of ISL as a language and of the importance of full communication through ISL.

### Feedback from public bodies

Of the public bodies that provided information to the NDA, 34% reported having a process in place to ensure the accreditation of ISL interpreters, 24% did not, 8% did not know, and 34% indicated that the verification of competence of interpreters was not applicable to them. The Department of Education noted that competent ISL interpreters outside Dublin can struggle to access courses to have their skills accredited. One public body raised concerns as to whether the ISL Act should make further comment on the scope of the ISL interpreter accreditation scheme, particularly regarding the ability to act on complaints and remove interpreters from the register if necessary.

### NDA commentary

The accreditation scheme for ISL interpreters funded by the Minister for Social Protection was established in December 2020, under the name Register of Irish Sign Language Interpreters (RISLI)[[30]](#footnote-31). The register is a vital underpinning to the successful functioning of the ISL Act. There are currently 86 interpreters accredited under the RISLI. It is operated by the Regulatory Centre for Irish Sign Language Interpreters Ireland which was established through the Sign Language Interpreting Service (SLIS), supported by the Citizen’s Information Board.

Issues arising from the provision of ISL interpreters who are not accredited could be improved by raising awareness as discussed in Section 6(1) regarding the ISL Act, who is responsible, what is expected and what services are covered. Guidance could also be provided to public bodies that hold contracts for interpreting with spoken language interpretation agencies to ensure that contracts clearly state the legal requirement for all ISL interpreters to be accredited through the state accreditation method established as part of the ISL Act.

#### Supply of interpreters

Interpreters are currently in short supply and it is therefore expected that widespread compliance with Sections 6(1) and Section 7 by public bodies would significantly exacerbate issues related to undersupply of interpreters. Urgent action on increasing the number of accredited ISL interpreters is therefore critical to facilitate full implementation of the ISL Act.

SLIS reports that it was only able to fill 70% of requests for an interpreter in 2020 with 86 interpreters on the RISLI. The number of interpreters is considered insufficient to meet the needs of the approximately 5,000 people estimated to use ISL as their primary language, in comparison to Finland where an estimated 503 interpreters are available to support 5,000 sign language users.[[31]](#footnote-32)

The Bachelor of Deaf Studies degree from Trinity College Dublin (TCD)[[32]](#footnote-33) is the only degree-level course that leads to interpreter accreditation in Ireland.[[33]](#footnote-34) It is understood that on average four to five students choose to specialise in interpreting each year. It is also noted however, that TCD commenced a deaf interpreting course in 2020, with over 24 students registered, and further ISL interpreting graduates are expected from this course in 2021.[[34]](#footnote-35) SLIS reports that there has been minimal change to the supply of interpreters since 2017, with new interpreters simply maintaining numbers as others leave the field.

The National Disability Inclusion Strategy 2017-2021[[35]](#footnote-36) included a commitment to resource the SLIS to increase the number of trained Sign Language and Deaf interpreters. It is noted that SLIS does not currently appear to have access to sufficient resources to action this commitment. SLIS also cannot independently increase the number of interpreters, and consequently the role of this organisation would likely be limited to facilitation and coordination of planning, direction and investment by others.

Possible measures to address these issues noted by the 2017 Citizen’s Information Board report into social services for the Deaf Community are “doubling of the existing output of ISL interpreting graduates from the TCD programme, the development and provision of new blended distance learning courses in ISL interpreting, the provision of conversion courses for fluent ISL users and hearing adult children of Deaf parents (CODAs) and a programme to attract back qualified ISL interpreters who may have left the profession. Consideration should be given to improving awareness of employment opportunities for ISL interpreters among career guidance counsellors and to providing opportunities for second level students to learn ISL or Deaf studies.”[[36]](#footnote-37) Other solutions presented by the public include the provision of ISL as an examinable language subject in school which would open the door to interpretation as a career for existing users (such as CODAs) and new ISL users.

The impact of current working conditions, such as pay and job security, on the supply of interpreters is also noted from public feedback and will need to be addressed in order to ensure other actions to increase interpreter numbers can be as successful as possible. All measures should be acted upon on a national basis to increase supply nationwide.

## Section 7 recommendations and considerations

### High priority recommendations

1. Review and develop an action plan to increase the supply of interpreters as a priority

# Section 4: Use of Irish Sign Language in Legal Proceedings

## Section 4(1)

### What the Act says

4. (1) A person may use Irish Sign Language in, or in pleading in, any court

### Feedback from the public

Consultation suggests that while the courts generally ensure that each party is provided with their own interpreter, this does not happen in all courts. This is not considered best practice and each party should be allocated their own interpreter to ensure a fair hearing.[[37]](#footnote-38)

Comments also suggests that the Family Court act in good faith and provide interpreters for almost all proceedings, however there have been issues with ISL interpretation provision in the High Courts and the Coroners Court.

### Feedback from public bodies

The implementation of this Section of the Act differs between criminal and civil courts. Feedback from both the Courts Service of Ireland and the ISL community indicates that free ISL interpretation has been consistently provided in the criminal courts, however it has not been consistently provided in other courts.

In the civil courts, prior to the commencement of the ISL Act, it has been a matter for the individual parties to the case to organise, hire and pay for their own interpretation. The Courts Service needs to be notified of the need for an ISL interpreter for a civil case in order to provide one. A standard procedure for ISL users or solicitors to provide notification of need for an ISL interpreter in civil cases has not been published. The Courts Service indicates that work is currently underway to publish relevant information regarding ISL interpretation procedures online

### NDA commentary

Consistent provision of ISL interpretation in criminal courts can be expected to continue as a result of its underpinning in international covenants and conventions.[[38]](#footnote-39)

Based on consultation with both the ISL community and the Courts Service it is clear that there is a need for a procedure for notification of need for ISL interpreters in the civil courts to be published, and widely promoted to ISL users and to solicitors. In the absence of a published procedure for access, it is expected that ISL users and their solicitors may not be availing of ISL interpretation in all situations where it is required by the Act.

Section 4(1) allows for people to use ISL in any court, without restriction on whether they are appearing or being heard in the court. Further clarification and information may need to be provided in Regulations in regard to eligibility in contexts that may not be immediately apparent, such as ‘interested persons’[[39]](#footnote-40) in the Coroners Court.

## Section 4(2)

### What the Act says

4. (2) Every court has, in any proceedings before it, the duty to do all that is reasonable to ensure that any person competent in Irish Sign Language and who cannot hear or understand English or Irish appearing in or giving evidence before it may be heard in that language, if that is his or her choice, and that in being so heard the person will not be placed at any disadvantage.

### Feedback from the public

Almost one in five (18%) of respondents to the public survey had been involved in legal proceedings where they had to attend court in the last three years. Although this number of individuals is small (13), only 15% rated the overall experience of accessing court services through ISL as excellent or good, 31% rated it okay, and 38% rated it as poor or very poor. The remainder did not select a rating.

Some issues raised by the public relevant to Section 4(2) included ISL users being at a disadvantage when appearing in court through ISL, such as:

* being provided with an unwilling interpreter (for example, someone incidentally present in court is interpreting at the direction of the judge)
* being provided with an ISL interpreter who is not accredited and where their knowledge of specific legal terminology is unknown
* creating a situation in which ISL users appearing in court may feel unable to bring family or friends for support in case they are ordered by a judge to interpret

Another potential source of disadvantage raised in the consultation with ISL users was in relation to General Data Protection Regulations (GDPR) that placed restrictions on information provided to interpreters in advance of a case. The quality of interpretation is optimised when the interpreter can see the details of the case ahead of time, but in many cases interpreters had not been allowed to access this information due to GDPR.

### NDA commentary

The examples raised in the public consultation suggest a need for improved awareness among some members of the judiciary regarding ISL and its role in ensuring a fair trial, in addition to improved awareness of the existence and importance of using accredited interpreters as per Section 7 of the Act.

## Section 4(3)

### What the Act says

4. (3) For the purposes of ensuring that no person is placed at a disadvantage as aforesaid, the court may cause such facilities to be made available, as it considers appropriate, for the simultaneous or consecutive interpretation of proceedings into Irish Sign Language.

### NDA commentary

Section 4(3) provides options to the court which it can choose to use at its discretion. This clause does not impose obligations and assessment of this section has not been undertaken by the NDA.

## Section 4 recommendations and considerations

As outlined above there is a need for information and awareness raising in relation to ISL interpretation, for clarity on eligibility for access to an ISL interpreter (in certain court contexts such as the Coroners Court) and for the publication of procedures for ISL users to access interpreters in the civil courts. However, the NDA is not making any recommendations under Section 4, instead advising that the above issues should be addressed through the more general recommendations that apply to all public bodies under Section 6 of the Act. These recommendations note the need to incorporate the specific context of the courts in implementation, for example, in establishing procedures and the provision of information.

# Section 5: Educational supports for deaf children

Section 5 is the responsibility of the Minister for Education. The three years between enactment and commencement of the ISL Act was designed to allow sufficient time to put in place the provisions outlined in Section 5. The NDA advises that based on available evidence that it appears progress in relation to Section 5 has been slow.

## Section 5(a)

### What the Act says

5. The Minister for Education and Skills shall—

(a) establish a scheme for the provision of Irish Sign Language classes to—

(i) the parents, siblings and grandparents of a child who is deaf, and

(ii) other persons who serve in *locoparenti*s or as a guardian to a child who is deaf,

### Feedback from the public

The survey of parents of deaf/ hard of hearing children indicated that just under four in ten rated the ISL Tuition Scheme overall as excellent or good (38%, n=23), one quarter thought it was ‘ok’ (25%, n=15) and just over one fifth thought it was very poor or poor (22%, n=13).

During the public consultation there was extensive discussion on the ISL Tuition Scheme. Key issues raised included:

* The ability of the scheme to meet the language learning needs of both the child and their family. Some consultees suggested that the focus and delivery method of the current ISL Tuition Scheme may not meet the needs of both the child and his/her family, particularly as the child gains fluency
* The absence of a clearly defined purpose, a curriculum and a quality assurance process for the current ISL Tuition Scheme
* A number of operational issues around the current ISL Tuition Scheme. Issues raised by many consultees were the qualification requirements of tutors, accessing qualified tutors and accessing sufficient hours. Also, mentioned were awareness of the scheme (particularly among medical professionals), more user-friendly application/re-application processes and systems for the payment of tutors

### Feedback from public bodies

The Department of Education indicates that the requirements of Section 5(a) are currently provided through the ISL Tuition Scheme, which it administers. This scheme pre-dates the ISL Act and was originally established in the mid-1990s.[[40]](#footnote-41)

The ISL Tuition scheme provides a grant from the Department of Education to the parent of a deaf child. This funding is for weekly ISL tuition to the child, their siblings, parents/guardians and grandparents, through a tutor visiting the child’s home. The maximum amount of tuition funded is 104 hours per year, which most children receive. These hours are provided as one hour per week for 44 weeks of the year, and 7.5 hours per week for the eight weeks of summer (late June/early July to late August). The grant is payable from the time the child is diagnosed as being deaf until the end of post-primary education, and the grant must be applied for annually. The total cost of this ISL Tuition Scheme is in the region of €310,000 annually, with 138 families supported under the scheme by 41 tutors in 2020-2021.

The process for accessing the grant requires the parent/guardian of the deaf/ hard of hearing child to submit an application form to the Special Education section of the Department of Education.

The Department of Education reports that overall the ISL Tuition Scheme is working well, except for some issues regarding the identification of available tutors.

### NDA commentary

The ISL Tuition scheme provides a vital service to families, which supports children’s language development and a common family language. However, based on the consultation feedback there appears to be a number of operational challenges to the ISL Tuition Scheme, principally around the supply of appropriately qualified tutors, the absence of a standard curriculum and the absence of a clear purpose for the scheme in terms of language proficiency goals.

The ISL Act does not currently explicitly provide for children whose primary language is ISL to be taught ISL. There is a question as to whether teaching ISL as a language subject may be considered part of a school-age scheme under Section 5(b) but this is open to interpretation, and may not cover children prior to school age.

The NDA advises that purpose of Section 5(a) needs to be clarified and that a new clause may need to be added to Section 5 of the ISL Act to provide for ISL tuition for deaf children with the purpose of ensuring primary language development and the acquisition of age-appropriate proficient ISL prior to school age.

## Section 5(b)

### What the Act says

5. The Minister for Education and Skills shall—

(b) pending the conclusion of the review of the Special Needs Assistant Scheme which the National Council for Special Education is undertaking and the implementation of any recommendations arising from the review, establish a scheme to provide Irish Sign Language support for children attending recognised schools (within the meaning of the Education Act 1998) whose primary language is Irish Sign Language

### Feedback from the public

Currently, there is no scheme established under Section 5(b) to provide ISL support for school children. As no scheme has been implemented under 5(b) it was not possible to consult parents and others on how 5(b) is operating. However, the surveys and consultations which provided evidence for this review had questions around access to the curriculum for children whose primary language is ISL, and around the supports which the Department of Education’s submission to the NDA lists as being provided to students in relation to 5(b) (Teachers, Special Needs Assistants (SNAs) and ISL Communication Support Workers). This consultation feedback provides evidence for why a scheme under 5(b) is required.

In the survey conducted with parents of children who were ISL users, less than four in 10 reported that their child currently had full access to the school curriculum through ISL (38%). Access to education is critical for children whose primary language is ISL, in the context of studies which indicate that historically, the academic achievements of deaf and hard of hearing children are significantly delayed compared to those of hearing children, even where the cognitive potential is similar.[[41]](#footnote-42) Almost three quarters (72%) of respondents to the parents’ survey described the main challenge to accessing education through ISL as being that ISL is not adequately available in mainstream schools.

Consultation feedback highlighted the need for a scheme under 5(b) to support both access to the curriculum through ISL and improved access to learning ISL as a language for children whose primary language is ISL. In practice, these two aspects of education in ISL may be difficult to separate if a child is to progress in line with hearing peers. A child’s language development is a critical factor preceding the ability to be educated in that language. This is reflected in the ongoing teaching of English to hearing children to improve their language development and therefore their ability to learn and articulate more complex concepts. Without teaching language development, the possibility of teaching secondary school concepts to a child with primary-school level ISL can be expected to become increasingly difficult for both teacher and student (and interpreter).

Overall, consultees generally agreed that the current ISL supports provided in schools for children whose primary language is ISL are not effectively addressing the needs of these children in terms of access to the curriculum, access to language models, language development, peer interaction and psychological support. Consultees emphasised that without effective supports in these areas, children whose primary language is ISL will struggle to achieve their full potential.

Consultation feedback on different ISL support types will be summarised individually below.

#### Teachers (General)

Public feedback indicated concern for children’s language development and access to the curriculum as a result of inconsistent or inadequate teacher qualifications in ISL. One quarter of respondents to the parents’ survey reported that their child had a teacher with fluent ISL. Comments included that children are learning incorrect ISL due to the limited ISL skills in teachers, that teachers have basic ISL and are mixing it up with a simplistic communication system called Lámh (which is not a language), and that teachers are using Lámh with children as it is quicker and easier for the teacher to learn than ISL but is leading to confusion and frustration in the children. Public consultation participants noted that it is not uncommon for deaf children to interpret what the teacher is saying for their deaf peers due to the teacher’s lack of ISL fluency.

Some teachers who participated in the consultation further commented that as a result of their inability to access higher levels of training to improve their own ISL skills, they felt unable to assist their ISL students to keep progressing their ISL in the way that they could for their English speaking students, who continued to study English until they could reach a college standard. Teachers suggested access to a central online hub of courses which could be accessed by any teacher or SNA anywhere, at any time throughout the year, would help address this issue as would access to courses (particularly outside Dublin) teaching ISL beyond a basic standard.

#### Visiting Teachers[[42]](#footnote-43)

Comments from schools and the public indicated that support from their Visiting Teacher (VT) was excellent. However, in relation to ISL, some feedback noted the lack of ISL skills in some VTs, noting that in some cases, VTs are unable to communicate with the deaf children they work with, and advising of the need for minimum qualifications in ISL for VTs working with deaf children. This is supported by the 2011 NCSE Policy Advice on this matter which advised at that time that the Department should set minimum standards of ISL proficiency in Visiting Teachers.[[43]](#footnote-44)

#### Interim Supports prior to a Section 5(b) Scheme: ISL Communication Support Worker

The ISL Communication Support Worker is noted in ministerial statements as being an interim support provided pending the establishment of a scheme under Section 5(b). This role is allocated by the Department of Education to an individual school to provide ISL communication support to a single child for the full duration of each school day. As noted, there are no ISL qualifications required for the role, and the proposal for this requirement is currently under consideration by the Department of Education.

Consultation feedback highlighted that there is no public information or awareness about the ISL Communication Support Worker role. As a result of this lack of public information, consultation feedback on this role and its effectiveness was not always easy to differentiate from feedback regarding standard SNAs.

Public feedback on the interim ISL Communication Support Worker role highlighted a number of specific issues. For example:

* The process of allocation of the ISL Communication Support Workers. This appears to commence when all other options have failed rather than being part of an initial consideration for how to best meet the needs of the child whose primary language is ISL
* The process for determining ISL competence of ISL Communication Support Workers. Currently there is no minimum qualification for the role and feedback supported the need for qualifications to ensure ISL quality and fluency
* The remuneration on offer for ISL Communication Support Workers, which is at the same level as an SNA, is considered by consultees to result in the employment of workers with insufficient ISL skills

The core feedback from consultees on the interim ISL Communication Support Worker role was that this needed to be filled by someone with qualifications in ISL sufficient to facilitate the child to fully access the curriculum.

#### Special Needs Assistants (SNAs)

An SNA is a support staff role allocated annually by the NCSE to schools, to support teachers through assisting with the care needs of students with disabilities. This role is widely used to support students with various disabilities to access education. In this context, an SNA might be allocated to provide support to a deaf child with ISL as part of addressing a range of care support needs for several children with disabilities at a particular school. Details of the SNA scheme such as purpose, allocation etc. are set out in the Department of Education Circular 0030/2014.[[44]](#footnote-45)

SNAs for children whose primary language is ISL are allocated with an expectation that the SNA will assist the child to access the curriculum and interact with their peers through ISL and that the school will upskill the SNA in ISL to ensure this support is adequate, as set out in the Circular. The Circular notes that SNAs are provided for a set list of primary care needs. In relation to ISL, the relevant primary care support task would be “Assistance with severe communication difficulties including enabling curriculum access for pupils with physical disabilities or sensory needs.”

Public feedback on the SNA role was extensive, and as noted earlier the employment of ISL Communication Support Workers under SNA terms made it difficult to always accurately differentiate feedback on each of these roles. For this reason, some aspects of feedback on SNAs will echo points raised in relation to the ISL Communication Support Worker.

The main areas of consultation feedback in relation to SNAs supporting children whose primary language is ISL were:

* That SNAs are often a shared resource to pupils in a school. However, as access to the curriculum is not an intermittent need, sharing an SNA is problematic for a child whose primary language is ISL.
* That SNAs supporting children whose primary language is ISL are not required to have ISL qualifications. ISL competence in SNAs is instead addressed through recruitment based on a level of competence, or through upskilling of existing SNAs via courses. Just 22% of respondents to the parent’s survey indicated that their child’s SNA had fluent ISL. This issue of qualification of in-class ISL supports was summed up well by one consultee:

All I need is a full proper interpreter so I can have access to my education in primary and secondary school, then I will have a good future. I do not want to struggle and feel lost and not have a good job because I haven’t been able to learn. I really just need an interpreter, a full proper interpreter. Please, that’s all, please, please, please. [translation from ISL video submission to English]

* Linked to the question of qualifications, the remuneration of SNAs was raised frequently in consultation feedback as a significant cause of roles being filled by those with perceived inadequate ISL skills, and of staff turnover in the role. This same issue has been noted previously in relation to the ISL Communication Support Worker role. School staff who provided consultation feedback commented on experiencing difficulty retaining adequately ISL-qualified staff due to the low pay.

Overwhelming public feedback indicates that a standardised high level of ISL qualification is required in SNAs that provide ISL support for children whose primary language is ISL in order to ensure their full access to curriculum and language development. The need for qualified ISL interpreters was also raised by consultees in relation to ISL Communication Support Workers. While many consultees highlighted that Communication Support Workers should be the main ISL classroom assistant positions provided, where SNAs are used the need for qualifications applies equally to SNAs. The minimum level of ISL qualification required in SNAs in these roles should be clearly articulated in the relevant departmental circular and provide a fluent ISL interpretation service for the child.

As development of fluency in any language takes hundreds of hours, and neither the qualifications nor the available upskilling time for the SNA role provides capacity for this, the question could be asked whether language interpretation is a role that can be easily integrated with the SNA model.

#### ISL as a subject and peer education

Public feedback strongly and consistently raised the need to provide children whose primary language is ISL with improved access to ISL as a subject at school. Public feedback suggested that ISL as a subject is currently provided at primary but not secondary school level, and the number of hours it is provided at primary level were considered inadequate. Participants in the consultations recommended that a standard curriculum should urgently be developed for learning ISL from junior infants at primary school through to secondary school where it should be provided as a junior and leaving certificate examined subject.

Children of deaf adults also point to the lack of a curriculum for ISL as a subject as a contributor to the low number of ISL interpreters in Ireland, and the low number of interpreters who are native ISL speakers, due to hearing children whose first language is ISL not being enabled or encouraged to take up ISL interpretation as a career. Consultees argued that the introduction of ISL as an examinable junior and leaving certificate subject would increase the number of people with a level of ISL competence and provide a foundation for further studies and accreditation for those individuals.

Further attention to standardised curriculum, consistency and quality assurance is needed for peer ISL education services in their current form to deliver optimal social integration in schools for children whose primary language is ISL. Consideration of offering ISL as a widely available language subject as discussed above may provide support on some of these matters. Peer ISL education is a vital element of ISL supports for children in recognised schools to promote language use and social connection. It can also serve to decrease the risk of social isolation which is a known risk factor for child abuse in children with disabilities.[[45]](#footnote-46)

### Feedback from public bodies

There are currently 77 children attending school whose primary language is ISL: 13 in mainstream schools, 47 in Schools for the Deaf, nine in special classes and eight in Special Schools excluding Schools for the Deaf.

Currently, there is no scheme and no planned date for establishment of a scheme in relation to Section 5(b). Ministerial statements have confirmed in 2018,[[46]](#footnote-47) 2019,[[47]](#footnote-48) 2020[[48]](#footnote-49) and 2021[[49]](#footnote-50) that a scheme will be developed. In 2021 the Minister for Education stated that it will take “some time” to implement the scheme and in the interim the NCSE provides additional SNA posts with appropriate ISL qualifications on a case by case basis.[[50]](#footnote-51) This role is referred to by the Department of Education in their submission to the NDA as the ‘In-School ISL Communication Support Worker’, a role which currently does not require specific ISL qualifications.

The Department of Education’s submission to the NDA as part of the current review of the ISL Act lists Teachers, Special Needs Assistants (SNAs) and ISL Communication Support Workers as the ISL supports currently provided to students in relation to Section 5(b). There are currently six ISL Communication Support Workers employed to support one child each.

The Comprehensive Review of the Special Needs Assistant (SNA) Scheme was completed by the NCSE in March 2018.[[51]](#footnote-52) This report is the ‘conclusion of the review of the Special Needs Assistant Scheme’ referred to in Section 5(b). Many of the recommendations of that review have been substantially progressed. ISL supports are not mentioned in the formal recommendations, however it is noted in the report that the recommendations are intended to give effect to the proposal that “ISL qualified assistants are in place to support profoundly deaf students whose primary language is ISL,” and that “this should be aligned to the requirements of the ISL Act.” This proposal for ISL qualified assistants has not been implemented to date. The Department of Education notes that the proposal remains under consideration.

The Comprehensive Review of the SNA Scheme report mentions Section 5(b) of the ISL Act, to note that it is unable to provide recommendations as envisioned by Section 5(b) within the existing report and will provide these separately to the Department of Education and Skills. It states

Following the signing into law of the Irish Sign Language (ISL) Act 2017, the DES requested that the NCSE consider the provisions of Section 5(b) of the Act in the course of the current review of the SNA scheme. This section refers to the establishment of a scheme to provide ISL support for children attending schools whose primary language is ISL. The NCSE considers that the educational support necessary for these students requires a broader examination than that permitted through a review of the SNA scheme. In particular, the role of teachers and the professional development required by teachers to undertake this role are of central importance. We will fully advise the DES of our conclusions and recommendations regarding Section 5(b) of the Act separately. In doing so, we will draw on previous advice provided to the DES on the Education of Deaf and Hard of Hearing Children in Ireland (NCSE, 2011).

The NCSE provided specific advice to the Department of Education and Skills regarding ISL supports for school children whose primary language is ISL in June 2018. This advice noted ambiguity around the purpose of the Section 5(b) scheme. The NCSE advice on Section 5(b) regarding the purpose of the scheme queries whether the ISL Act intends for the 5(b) scheme to support:

1. students who require teaching through ISL in order to be educated,
2. schools to teach students ISL as a language or
3. students to achieve bilingualism.

The need for a clearer purpose to section 5(b) was also raised in feedback from the Department of Education.

The NCSE also set out a number of recommendations on supports required to “enable students who use ISL as their primary language to achieve outcomes in line with their abilities.”

#### NCSE advice on the implementation of Section 5(b):

The NCSE advice on section 5(b) to the Department of Education was summarised in six points. These were:

1. The Teaching Council is requested to prescribe:
   1. A minimum range of qualifications for teachers who are teaching Deaf/Hard of Hearing students in mainstream and special education settings
   2. The additional qualifications for teachers who work as visiting teachers.

These qualifications should include minimum standards of competence in the use and teaching of ISL.

1. The DES works towards a position where the following positions are qualified to Signature ISL Level 2 [QQI level 4] and actively working towards Signature Level 3 [QQI level 5]:

* One teacher in every special school
* All teachers in schools currently designated for deaf/hard of hearing students
* All teachers in special classes for deaf/hard of hearing students
* Teachers employed as Visiting Teachers for deaf/hard of hearing students

There may be exceptional circumstances where, in mainstream settings, it is necessary to have a teacher available who is trained as a sign language interpreter to support students who are studying higher level technical or scientific subjects for Leaving Certificate.

1. Communication support workers, trained to ISL interpreter level and equipped with an understanding of the curriculum, are available to support students who use ISL as their primary language in school.
2. The DES considers extending the ISL Tutor Scheme to the school once the deaf child goes to school.

[This point refers to commentary on the need for ISL supports to the school, which noted that “When deaf students using ISL as their primary language are being educated in mainstream classes or special classes in mainstream schools, particular attention must be given to the social implications of them having no peers who are signing. All children, including those who sign, require a means of communication, someone to communicate with and something to communicate about, to develop effective communication skills. In order to facilitate communication between peers, we consider that hearing children (who are in the same class as the deaf child) should be supported to learn ISL. One way to achieve this would be to extend the ISL Tutor Scheme to the school once the deaf child goes to school.”]

1. In special settings (special classes and special schools) students who use ISL as their primary language should have access to a bilingual education. Where a Deaf child is able to learn oral language, he/she is fully supported to do so regardless of the setting in which he/she is being educated.
2. The DES Building Unit is asked to develop general guidelines for schools on the acoustic treatment of classrooms, which can be made available to schools through the NCSE Support Service.

Point 3 regarding Communication Support Workers has been partially implemented. The role exists, however it is currently not well known that this is the case. Its current form differs from the NCSE advice in that the position is not required to be trained to interpreter level, or equipped with an understanding of the curriculum, and is not automatically available to students who use ISL as their primary language.[[52]](#footnote-53) The current form of this role will be discussed further below in relation to ‘establishment of a scheme.’

The Department indicated in it’s response to the NDA that the NCSE’s 2018 Policy Advice on the ISL Act was under consideration but that a number of actions required to progress a scheme under 5(b) and other relevant schemes under the Act have been delayed due to work related to the education sector’s Covid 19 response.

### NDA commentary

The provision in Section 5(b) of sign language support for school children is aligned with many pieces of national and international legislation including

* UNCRPD Article 24.3
* The UN Convention of the Rights of the Child (UNCRC) Article 29.1(a)
* Section 7 of the Education Act 1998
* 2018 European Parliament resolution on minimum standards for minorities in the EU
* UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, Article 4.3

As the Department of Education has not established a scheme under Section 5(b) it was not possible for the NDA to review the operation of this section. However, it is possible to say that the purpose of the scheme to be established under 5(b) needs to clarified as has been pointed out by the NCSE and acknowledged by the Department of Education. In its submission to the NDA the Department of Education listed the supports that it provides which are relevant to 5(b) such as teachers, SNAs and Communication Support Workers. Based on the consultation evidence it is clear that in many cases these supports are not meeting the needs of children whose primary language is ISL. There are challenges around the allocation of supports with appropriate levels of ISL to facilitate access to the curriculum.

The NDA acknowledges the Department’s contention that the education sector has been operating in a very challenging environment due to Covid-19 and that this has contributed to the Department’s capacity to respond to the NCSE’s 2018 Policy Advice on the ISL Act.

The clarification of the purpose of 5(b) and the establishment of an appropriate scheme is a matter of high importance and urgency.

## Section 5(c)

### What the Act says

5. The Minister for Education and Skills shall—

(c) ensure there is established by institutions of higher education in the State, as part of programmes of teacher education and training provided by those institutions, such provision, as he or she deems necessary, to ensure that there are a sufficient number of educational placements offering Irish Sign Language training for teachers of children who are deaf or hard of hearing and who are attending recognised schools

### Feedback from the public

Public feedback highlighted the importance of provisions for adequate ISL teacher training programmes to enable teachers to acquire the necessary proficiency in ISL to provide children with full access to the school curriculum. Comments welcomed the Bachelor of Education (ISL pathway) but considered it an inadequate response to Section 5(c) on the basis that it only has four students and has no certain plans for future intakes and that it is a Primary Teacher only course. During the NDA’s public consultation, teachers reported their desire to learn more ISL but expressed concern about the lack of available ISL training courses at the standard required to help their students’ progress in ISL in the way their English students could in English.

### Feedback from public bodies

In its submission to the NDA as part of this review the Department of Education pointed to the Bachelor of Education course (Irish Sign Language pathway) at Dublin City University (DCU) (which is being piloted since 2019) in relation to progress under 5(c). This course provides primary teacher training to applicants who must be deaf[[53]](#footnote-54) and have existing ISL fluency[[54]](#footnote-55). The programme includes a module on ‘ISL and Teaching ISL’ and includes a specialisation in deaf education which means it will result in ISL training for teachers of children who are deaf or hard of hearing. This programme has four students that commenced in 2019 and the programme will be evaluated in 2023 to determine whether it should continue.[[55]](#footnote-56)

It should also be noted that although Trinity College offers a Bachelor in Deaf Studies where students can specialise in Sign Language Teaching, this qualification does not meet the requirements for registration with the Teaching Council and therefore is not considered to fulfil the requirement of the Act, as it is not part of a programme of teacher education and training for the teaching of deaf or hard of hearing children in recognised schools.

However, neither the DCU course, nor the Trinity College programme is sufficient to address the shortfall of appropriately qualified teachers of children who are deaf or hard of hearing who are ISL trained.

### NDA commentary

While the pilot Bachelor of Education course (Irish Sign Language pathway) is a very welcome development there is also a need to provide ISL training more generally to teachers (primary and post-primary) of children who are deaf or hard of hearing. 5(c) requires that action is taken to ensure that there are a sufficient number of places offering ISL training for teachers in higher educational institutions. There does not appear to have been action commenced to determine what a sufficient number of educational placements would be in relation to the need for ISL training for teachers of children who are deaf or hard of hearing. The absence of implementation under 5(c) suggests there is a missed opportunity in the development of human resources required to ensure ongoing access to quality education for children whose primary language is ISL.

## Section 5(d)

### What the Act Says

5. The Minister for Education and Skills shall—

(d) where practicable and having regard to the need to ensure the provision of education and support services to children who are deaf or hard of hearing and who are attending recognised schools, determine, from time to time, minimum qualifications of teachers of those children.

### Feedback from public bodies

The Department of Education indicates that no minimum qualifications have been determined for these roles and that “Further consideration is needed to determine minimum qualification of teachers of children who are deaf or hard of hearing.”

The 2018 NCSE advice to the Department of Education on Section 5(b) of the ISL Act requests the Teaching Council to prescribe minimum qualifications for these teachers, and for Visiting Teachers, stating further that these qualifications should include minimum standards of competence in the use and teaching of ISL. This advice is a restatement of the recommendations of the NCSE 2011 Policy Advice on the Education of Deaf and Hard of Hearing Children in Ireland.[[56]](#footnote-57) The Teaching Council notes that establishment of minimum qualifications for these roles is the remit of the Minister for Education, who has similarly set minimum qualifications for teachers in the role of Guidance Counsellor.[[57]](#footnote-58)

### NDA commentary

Minimum ISL competency in teachers is a critical underpinning of a successful and inclusive approach to education for children whose primary language is ISL. Minimum competency levels should be set in consultation with the ISL community, informed by evidence, and with a view to ensuring children’s full access to the curriculum. Developing the capacity to teach directly through ISL should be considered an important aspect of the education of children whose primary language is ISL, and promoted wherever possible. The UNCRPD Committee on the Rights of Persons with Disabilities General Comment No.6 on equality and non-discrimination notes that “The lack of proficiency in sign language skills of teachers of deaf children and inaccessible school environments exclude deaf children and are thus considered discriminatory.”[[58]](#footnote-59) The World Federation of the Deaf similarly recognises that “the provision of sign language interpreters is an important part of a range of educational options and supports that should be available to deaf learners, but stresses that an interpreter does not replace direct instruction in sign language.”[[59]](#footnote-60)

## Section 5 recommendations and considerations

Based on reviewing the available evidence the NDA recommends that the following actions are required. It should be noted that Section 6 recommendations also apply to all public bodies.

### High priority recommendations

1. Amend the Act to provide a statutory underpinning for ISL tuition for deaf children via a new clause in Section 5, with a view to supporting development of language proficiency and avoiding language deprivation
2. Clarify the purpose of the Section 5(a) scheme for ISL tuition for parents, guardians, grandparents and siblings in relation to the intended level of ISL proficiency it aims to facilitate, with a view to supporting the role of families in their children’s language acquisition and development, and establishment of a common family language.

* Review the ISL Tuition scheme to improve alignment with the requirements of Section 5(a) and to improve access through addressing operational issues associated with awareness of the scheme, application and reapplication process, access to tutors, tutor supply, hours provided, missed hours, payment of tutors, quality standards and curriculum.

1. Establish a scheme under Section 5(b) in consultation with the ISL community and informed by a proposed amendment to Section 5(b), and previously delivered NCSE advice on Section 5(b), to provide ISL support for children attending recognised schools.

* Amend Section 5(b) to clearly state the purpose of the scheme for children in recognised schools to include:
* access to ISL language development
* full access to the curriculum through fluent ISL
* access to peer communication
* access to other educational supports that are provided to all students, such as psychological services

1. Determine the number of placements required in higher education institutions to sufficiently provide for ISL training to teachers of children who are deaf or hard of hearing, and ensure this number of placements are established
2. Establish minimum qualifications for teachers of children who are deaf or hard of hearing including minimum standards of ISL competence at a level sufficient to provide children with access to the curriculum through ISL

### Important recommendations

1. Establish minimum qualifications in ISL for Visiting Teachers that work with children whose primary language is ISL at a level sufficient to enable fluent ISL conversation with these children

# Section 8: Broadcasting Principles

### What the Act says

8. Broadcasters (within the meaning of the Broadcasting Act 2009) in fulfilling their obligations in relation to Irish Sign Language targets and requirements in respect of programmes transmitted on a broadcasting service (within the meaning of that Act) provided by the broadcaster as set out in the broadcasting rules[[60]](#footnote-61) made under section 43 (1)(c) of the Broadcasting Act 2009 by the Broadcasting Authority of Ireland shall adhere to principles of equality, dignity and respect in terms of the promotion and broadcasting of such programmes.

### Feedback from the public

Public feedback on ISL broadcasting provided a range of feedback regarding what would be considered access that provided equality, dignity and respect.

* **Programming times:** Feedback strongly expressed dissatisfaction at the times for current programming, often in the early hours of the morning. The public felt that programming with ISL should be provided at reasonable hours to improve access. Consultees noted that some ISL users have limited English and/or digital literacy to access changing programme schedule information or online on-demand programmes and that some lacked the capacity or technology to record programmes.[[61]](#footnote-62) In this context, it was suggested that ISL programmes broadcast at regular times would be useful for these people, as well as for those with mild cognitive decline.
* **Repeated programmes:** Public feedback also noted that broadcasted programmes with ISL are often repeated programmes rather than new content and that far more than the limited news time of approximately two minutes per day is required for ISL users to understand basic current affairs and combat misinformation.
* **Quality of interpretation:** Concerns were raised that there was occasionally a poor quality of ISL used in programmes with ISL and also concerns regarding the presentation of ISL interpreters on screen, for example cutting interpreters out of the camera shot.
* **Complaints:** Other comments included a desire to ensure complaints mechanisms are accessible to ISL users.
* **Regular programme for ISL users:** Public and stakeholder feedback also strongly supported the return of a regular programme for ISL users presented by ISL users as a desirable support for community understanding and cohesion.[[62]](#footnote-63)

### Feedback from public bodies

The Broadcasting Authority of Ireland (BAI) noted that there is no objective criteria or guidance in relation to the Section 8 principles.

* **Programming times**: The BAI’s Access Rules set a percentage of programming that is required to be accessible in ISL for RTÉ 1 and 2, RTÉ Junior, Virgin Media 1 and Oireachtas TV. For 2020, these targets range from 0.5% to 5% of daily programming, with an average of 2.9% and all broadcasters exceeded their targets except Virgin Media 1 who did not meet their target. With regards to the broadcast schedule of ISL programmes, the BAI indicated that they have received feedback over a number of years from ISL users that the timing of programmes with ISL is a problem. The BAI suggests that the inability to turn off the ISL interpretation in a programme (as one can with subtitling and audio description) is reason for broadcasters providing programmes with ISL in the early hours of the morning. It was noted that the RTÉ ‘Home School Hub’ was broadcast in daytime hours, including in ISL, providing one-hour classes on weekdays to assist children to learn from home when schools were closed during COVID-19 restrictions.
* **Quality of interpretation:** NDA’s discussions with the BAI confirmed that quality of ISL interpretation is not actively monitored due to lack of ISL skills in existing staff.

One broadcaster pointed to the ISL content available on its online player in relation to its commitment to ISL, however the ISL Act (via the Access Rules), only applies to broadcast content and not to online on-demand players or other non-broadcast mediums.

### NDA commentary

In terms of fulfilling the targets and requirements of the Access Rules with equality, dignity and respect, it appears that these principles have not been adhered to in broadcasting programmes with ISL. The majority of programmes with ISL are broadcast at times when people can be expected to be asleep. This approach is not used for other demographics or other types of access programming such as subtitling, and so can be considered unequal treatment. While some non-broadcast (online) ISL programmes are offered, this approach is not covered by the ISL Act or the Access Rules, and has higher access barriers for those with limited English or limited digital literacy.

It should be noted in relation to broadcasters’ approach to Section 8 principles, regarding the timing of ISL broadcasting, that the guidance and direction of BAI as the regulator is an important factor. While broadcasters are responsible under Section 8 for their decisions to provide programmes with ISL mainly during sleeping hours, this approach has been specifically facilitated by the Access Rules. BAI’s current Access Rules measure targets for subtitling and audio description based on an 18-hour day from 7am to 1am which means programming in the early hours of the morning does not count towards targets. In contrast, ISL targets are measured based on a 24-hour day. This raises key questions about the meaningfulness of Section 8 in seeking adherence to principles of equality in relation to the requirements of Access Rules, when the rules themselves do not require broadcasters to treat ISL users with equality. It also raises questions about the adequacy of the Access Rules in having sufficient regard for Section 43(2)(d)(ii) of the Broadcasting Act which requires the rules to “have regard to” the provision of sign language materials “at popular viewing times as well as at other times.”

To align with the principles of Section 8, broadcasters should ensure that broadcasting of programmes with ISL is at a diversity of times and with a diversity of content equivalent to that provided to other viewers and in adherence to the principle of equality. Monitoring of the quality of ISL interpretation for broadcast content is an essential role to ensure language preservation, and should be conducted independently by ISL-accredited individuals on the same basis as other quality checks by BAI.

## Section 8 recommendations and considerations

### High priority recommendations

1. Ensure broadcasting through ISL that is undertaken as part of meeting targets under the BAI Access Rules is

* Provided during popular times and ISL targets are based on an 18-hour day from 7am to 1am
* Balancing the ratio of repeated and non-repeated (‘new’) content to provide a diversity of content equivalent to that provided to other viewers

1. Provide guidance and clarity for broadcasters and the BAI as to the practical implementation of the principles of equality, dignity and respect in Section 8 to include:

* Reviewing and amending the wording of Section 8 to improve support for television programmes with ISL
* Establishing monitoring processes that assess the quality of ISL in programming, and assess broadcaster delivery of targets based on daily provision

# Section 9: Support for Access to events, services and activities for users of Irish Sign Language

### What the Act says

9. (1) The Minister for Employment Affairs and Social Protection may, with the consent of the Minister for Public Expenditure and Reform, out of moneys provided by the Oireachtas, provide funds to facilitate users of Irish Sign Language with regard to support in relation to access to social, educational and cultural events and services (including medical) and other activities by such users as specified in guidelines made by that Minister of the Government.

9. (2) Guidelines under this section shall specify the events, services and activities to which the guidelines apply and shall make provision regarding the management and delivery of the support in relation to access to those events, services or activities by users of Irish Sign Language.

### Feedback from the public

Responses to the public survey indicated that 64% had missed out on social, educational and cultural activities due to a lack of ISL interpretation.

### Feedback from public bodies

The Department of Social Protection (DSP) reports that consideration and development of a pilot scheme for use of these funds, currently referred to as a ‘Voucher Scheme’ has been progressed by the Citizens Information Board with the support of the Sign Language Interpreting Service. The DSP reports that a pilot of the ‘Voucher Scheme’ is planned for launch in Quarter 2 2021, and will be informed by guidelines, as required under Section 9(1).[[63]](#footnote-64) Evaluation of this pilot is expected to inform a permanent model for the scheme.

### NDA commentary

It should be noted that the wording of Section 9(1) allows for an extremely broad scope. Effective and efficient functioning of a scheme under this section must be supported by processes that ensure that the provision of ISL interpretation is delivered upon via all other responsible avenues in order to contain the scope of the scheme and ensure it is not unduly burdened. There is a risk that without clear information, the voucher scheme may be called on to give people access to services which already receive state funds.

With regard to Section 9(2), as there is no current funding scheme, there are no related guidelines. However, in relation to the “Voucher Scheme” due to be piloted in 2021 the NDA has reviewed draft guidelines that are in development for this.[[64]](#footnote-65) These draft guidelines meet the requirements of Section 9(2) by:

* Specifying the events, services and activities to which the guidelines apply and
* Making detailed provisions regarding the management and delivery of the support in relation to access to the events, services and activities specified

### Section 9 recommendations and considerations

Recommendations regarding Section 9 are considered to be provided under Section 6 where “the provision of clarity on the scope of the Act regarding which public bodies and services it applies” would support the voucher scheme in its application to its intended services by ensuring public bodies understand their duty to provide interpretation for their services ensuring that the Scheme is not overwhelmed with unjustified requests.

# Section 3: Recognition of Irish Sign Language

## Section 3(1)

### What the Act says

3. (1) The State recognises the right of Irish Sign Language users to use Irish Sign Language as their native language and the corresponding duty on all public bodies to provide Irish Sign Language users with free interpretation when availing of or seeking to access statutory entitlements and services.

### NDA commentary

Section 3(1) is considered to be further elaborated in Section 6 of the Act, and is addressed in this report in the text relating to that section.

## Section 3(2)

### What the Act says

3. (2) The community of persons using Irish Sign Language shall have the right to use, develop and preserve Irish Sign Language.

### Feedback from the public

Public consultation noted negative impacts on the development and preservation of ISL. Examples include children whose primary language is ISL learning incorrect signs in a school environment due to the inadequate ISL competency level of teachers and support workers and the lack of access to standard learning of ISL as a language subject. Another example is ISL interpretation used in television programmes, in which public feedback states the interpreters were not appropriately trained or used a combination of ISL and British Sign Language (BSL).

### NDA commentary

Section 3(2) is operating in an inconsistent fashion, potentially caused by lack of clarity around definitions and responsibility. Clarification of responsibility for preservation of ISL should be established. The NDA believes that ISL users, supported by government, are best placed to undertake this role, however, further consultation should be undertaken on this point. Matters affecting operation of the Act related to this section will be explored individually below.

#### Right of the community of persons using ISL to use ISL

The ability to exercise this right is limited by the lack of definition in the Act for terms ‘community of persons using ISL’ or ‘ISL users’. Without a clear definition, groups that might claim the use of ISL as their native language may be excluded from accessing it, such as new born children who have not yet acquired any language (who may for example need to access services in ISL prior to being able to express themselves in that language), and children of deaf adults for whom ISL is their first language (who may for example need ISL supports in foster care arrangements).

International approaches to language recognition provide some examples of clarity in this regard, with Icelandic sign language recognition legislation also recognising sign language as the first language of children of deaf adults.[[65]](#footnote-66) Clarification, in regulations or guidance, of the terms ‘community of persons using ISL’ and ‘ISL user’ informed by consultation and international best practice in relation to language rights would improve understanding of the language focus of the legislation and the scope of its rights-holders.

#### Right to develop and preserve ISL

It is strongly felt by the public that the impact of this mixed language is undermining the development and preservation of ISL. Education and broadcasting services play a key role in the development and preservation of ISL.

Establishing a scheme under Section 5(b) of the Act as recommended under Section 5 would be an important element in preserving ISL in the school environment. In addition the development of a standard curriculum for ISL as a language subject throughout school with qualified language teachers of this subject as discussed in Section 5 would not only support preservation of the language but also could support the increase in supply of ISL interpreters as discussed under Section 7.

In the case of the television programme with poor quality ISL interpretation, monitoring of the quality of ISL interpretation for broadcast content is an essential role to ensure language preservation, and should be conducted independently by ISL-accredited individuals on the same basis as other quality checks by BAI as recommended under Section 8.

## Section 3 recommendations and considerations

### Further considerations on issues relevant to the operation of the Act

1. Consider providing clarity on who has responsibility for preservation of ISL as provided for in Section 3(2)
2. Consider clarifying the terms ‘ISL user’ and ‘community of persons using ISL’ in relation to Section 3 informed by consultation and international best practice in relation to language rights
3. Consider establishing ISL learning as a language subject with a standard curriculum in schools

# Section 1: Interpretation

### What the Act says

1. In this Act—

“Irish Sign Language” means the sign language used by the majority of the deaf community in the State;

“Minister” means the Minister for Justice and Equality;

“prescribed” means prescribed by regulations made by the Minister;

“public body” means:

(a) a Department of State (other than, in relation to the Department of Defence, the Defence Forces) for which a Minister of the Government is responsible;

(b) a local authority within the meaning of the Local Government Act 2001 ;

(c) the Health Service Executive;

(d) a university or institute of technology;

(e) an education and training board established under section 9 of the Education and Training Boards Act 2013 ;

(f) any other person, body or organisation established—

(i) by or under an enactment (other than the Companies Act 2014 ) or charter,

(ii) by any scheme administered by a Minister of the Government, or

(iii) under the Companies Act 2014 in pursuance of powers conferred by or under another enactment, and financed wholly or partly by means of money provided, or loans made or guaranteed, by a Minister of the Government or the issue of shares held by or on behalf of a Minister of the Government;

(g) a company (within the meaning of the Companies Act 2014) a majority of the shares in which are held by or on behalf of a Minister of the Government;

(h) any other person, body, organisation or group prescribed under section 6(5).

### NDA commentary

In relation to the definition of a ‘public body’, specifically clauses (f) and (g), a definitive list of the public bodies to which the ISL Act applies does not exist[[66]](#footnote-67). Both consultation with the public and engagement with public bodies for the purpose of this report indicated a lack of clarity on which public bodies the Act applied to. Clarity for the general public and for public bodies as to who the Act applies to is essential to ensuring responsiveness to the requirements of the legislation, and can be addressed through coordinated awareness raising on this matter.

## Section 1 recommendations and considerations

Clarity with regard the bodies the ISL Act applies to through either Regulations or an amendment to the Act, or a national register of bodies would greatly benefit understanding amongst the public and public bodies as recommended under Section 6.

# Section 2: Regulations

### What the Act says

2. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.

2. (2) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulations is passed by either House within the next 21 days on which that House has sat after the regulation has been laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

### NDA commentary

There have been no Regulations made under Section 2 of the ISL Act but the NDA recommends that their development would be a route to resolving a number of issues identified earlier in the report.

# Section 10: Report of Operation of Act

## Section 10(1)

### What the Act says

10. (1) The Minister shall, not later than 3 years after the date on which this Act is enacted and every 5 years thereafter require a report to be prepared on the operation of this Act.

### NDA commentary

This report on the operation of the ISL Act is the first report under Section 10(1), and meets the requirement of being requested no later than three years after enactment. The ISL Act was enacted on 24th December 2017, and the NDA confirmed to the Minister on 14th December 2020 that it would prepare a report on the operation of the Act.

## Section 10(2)(a)

### What the Act says

10. (2) Without prejudice to the generality of subsection (1), a report under this section shall include an assessment of—

(a) whether any amendments to the scope and contents of this Act are necessary or desirable,

### NDA commentary

Based on the available evidence the NDA advises that amendments to the Act are necessary in relation to Section 5(a) to provide a statutory underpinning for ISL tuition to all deaf children; Section 5(b) to state the purpose of the scheme; and Section 8 to improve the ability of this section to have a meaningful impact on equitable access to programmes with ISL. Further detail on these proposed amendments can be found in the relevant sections of this report.

Additionally, consideration should be given to clarifying by way of amending the primary legislation or through an appropriate statutory instrument the purpose of the Section 5(a) scheme; the meaning of the term “all that is reasonable” in Section 6(1); and, “cannot hear or understand English or Irish” in Section 6(1).

## Section 10(2)(b)

### What the Act says

10. (2) Without prejudice to the generality of subsection (1), a report under this section shall include an assessment of—

(b) whether additional provisions need to be made in relation to supports for a child within the school system whose primary language is Irish Sign Language

### Feedback from the public

The most common response to the parents’ survey regarding additional provisions that need to be made for a child in the school system related to the need for communication through fluent ISL via interpreters, a communication assistant or an ISL Assistant (25%).

### NDA commentary

Based on consideration of a wide range of feedback and information on this matter, the NDA suggests that additional provisions are needed in relation to supports for school children whose primary language is ISL. The key outcomes sought for additional provisions for school children whose primary language is ISL are described in detail in Section 5 and outlined in the Conclusion and Recommendations chapter.

## Section 10(2)(c)

### What the Act says

10. (2) Without prejudice to the generality of subsection (1), a report under this section shall include an assessment of—

(c) the qualifications for the minimum level of Irish Sign Language competency for persons who are teaching a child whose primary language is Irish Sign Language.

### NDA commentary

As noted in relation to commentary on Section 5(d), no minimum qualifications have been established for teachers of children who are deaf or hard of hearing, and as a result, no minimum level of ISL competency has been set for teachers of children whose primary language is ISL. Minimum ISL qualifications for teachers of children whose primary language is ISL should be established promptly, with a view to ensuring children’s access to the curriculum through ISL. Determination of minimum qualifications should be supported by consultation with relevant stakeholders and consideration of evidence, as part of establishing minimum teacher qualifications under Section 5(d).

## Section 10(3)

### What the Act says

10. (3) The Minister shall ensure that persons or organisations that are representative of the interests of the members of the deaf community are consulted on the matters to be considered in a report prepared under this section.

### NDA commentary

The NDA, on the Minister’s behalf, ensured that persons or organisations that are representatives of the interests of the deaf community were consulted in the preparation of this report. This is discussed in the Methods chapter of this report.

# Relevant Issues not Currently Covered by the Act

There are a number of issues of relevance to the ISL Act that warrant further consideration, but are outside the scope of reporting on the specific operation of each Section of the Act. These matters will be sign-posted here, including the relevant public feedback and the connections with the UNCRPD.

### Feedback from the public

* **Access to Private Services:** Some public feedback indicated a desire for amendments to the ISL Act to include access to private services through ISL such as banks, insurance, opticians, hardware shops, churches, solicitors and services provided under private health insurance. Private services are not currently within the remit of the ISL Act, aside from where this may be covered through a Section 9 ‘Voucher scheme’.
* **Employment:** A number of consultation participants raised the need for provision of ISL interpretation for employees whose primary language is ISL. Comments highlighted that the absence of interpretation for employees can lead to unemployment, or suboptimal communication in the workplace, and can decrease motivation for ISL users to achieve academically if it appears that it will not be possible to get a job after completing education.
* **Augmentative/Alternative Communication such as tactile ISL:** Public feedback raised the need for consideration of the needs of deafblind individuals in the ISL Act. Public feedback proposed amendments to the ISL Act to provide recognition for ISL “in all formats, including augmentative, tactile and alternative modes of communication”, the use of tactile signing in legal proceedings, and the inclusion of deafblind children in Section 5 of the Act related to education.
* **Early childhood care and education (ECCE):** Members of the public were concerned about access to ECCE as “no deaf child will get the appropriate ISL support under the current arrangement.”

### NDA commentary

* **Access to Private Services:** The ability to access private services through ISL appears to be more appropriately addressed on the grounds of disability under the Equal Status Act 2000[[67]](#footnote-68). There may be room for awareness raising that private bodies have an obligation to provide ISL interpretation under these statutory instruments.
* **Employment:** The ability to access employment through ISL appears to be more appropriately addressed on the grounds of disability under the Employment Equality Acts (1998-2015).[[68]](#footnote-69) It is recommended that future work on guidance and standards for reasonable accommodations under this Act address ISL interpretation matters, and that consideration be given to a scheme to provide ISL interpretation for employees.
* **Augmentative/Alternative Communication such as tactile ISL:** ISL other than the visual, spatial ISL used by the majority of the deaf community in the state is not currently within the scope of the ISL Act[[69]](#footnote-70). The number of users of augmentative/alternative ISL are unavailable but is believed to be small. Further investigation into ways to improve access to services and social inclusion for people who use tactile and augmentative ISL is necessary before making any recommendations.
* **Early childhood care and education (ECCE):** ISL supports in recognised schools under the 5(b) scheme would be aided by good groundwork being laid in early childhood care and education, and cross-departmental cooperation to lay this groundwork would be helpful.
* **Selected Connections with the UNCRPD:** Soon after the enactment of the ISL Act in December 2017, Ireland ratified the United Nations Convention on the Rights of Persons with a Disability (UNCRPD) in March 2018. This convention makes several specific mentions of sign language in relation to disability rights in Articles 2, 9, 21, 24 and 30. Ireland’s first draft state report to the UNCRPD committee[[70]](#footnote-71) references the ISL Act as a response to the requirements of the Convention. There may be scope in relation to action related to some UNCRPD clauses to improve the functioning of the ISL Act and support its intent. Specifically:
* Article 21(e) Recognising and promoting the use of sign languages
* Article 24.3(b) Enabling persons with disabilities to learn life and social development skills through facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community
* Article 30.4 Entitlement of people with disabilities to recognition and support of their specific cultural and linguistic identity on an equal basis with others, including sign languages and deaf culture

## Further considerations on relevant issues not currently covered by the Act

1. Consider improving awareness that under the Equal Status Acts, ISL interpretation is appropriate ‘reasonable accommodation’ to be provided by private services, and provide guidance on procedures for procuring ISL interpretation
2. Consider addressing guidance and standards for reasonable accommodations for ISL interpretation in future work on ‘reasonable accommodation’ under the Employment Equality Acts, including consideration of a scheme to provide ISL interpretation for employees
3. Consider investigating ways to improve access to services and social inclusion for people who use tactile and augmentative ISL
4. Consider establishing adequate and streamlined ISL supports to ensure access to early childhood care settings for children whose primary language is ISL.
5. Consider further supporting UNCRPD action on the promotion of sign languages by publicly promoting the use of ISL to improve public awareness, understanding and pride in ISL
6. Consider further supporting UNCRPD action on recognising and promoting the linguistic identity of the deaf community including reinstatement of regular television programmes in ISL, by and for the deaf community

# Conclusion and Recommendations

## Conclusion

The findings of this report, in considering the operation of each Section of the ISL Act, indicate that implementation by public bodies, and access to services through ISL, is currently well below the expectations of the legislation. The 2016 Report on the Formal Recognition of ISL by the Joint Committee on Justice and Equality recommended that ISL legislation be enacted as soon as possible to address the “extreme marginalisation” experienced by ISL users due to lack of ISL recognition and provision in “organs of the state, including the education system, the health service, the courts system and the national parliament.” The Committee recommended that “such systematic exclusion is unacceptable and must be addressed urgently.” The Committee further stated that legislation was required to provide legally enforceable rights, and in the absence of legislation, efforts to address the issues “would be piecemeal and inadequate.” [[71]](#footnote-72) This report finds that access to services for ISL users has not increased greatly as a result of the ISL Act and that many public bodies reporting only being partially compliant with the Act at its commencement.

The matters of improving awareness, definitions, procedures and planning, while critical, are also relatively easily solved. In short, if every public body aimed for full implementation of the ISL Act tomorrow, the key stumbling block that would remain is the limited supply of accredited interpreters. This complex matter underpins the functioning of the Act and requires action and funding to address the issue across the short, medium and long term. The establishment of the Register of Irish Sign Language Interpreters is commended and provides a foundation to support improved implementation of the ISL Act, by providing the accredited interpreters necessary under Section 7.

## Recommendations and considerations

The diverse range of recommendations to improve the functioning of the ISL Act extend across a wide variety of issues. The summary of recommendations and considerations should be read in conjunction with the detailed text within the body of the report. The recommendations and considerations are categorised as follows:

* High Priority Recommendations
* Important Recommendations
* Further considerations on issues relevant to the operation of the Act
* Further considerations on relevant issues not currently covered by the Act

| **High priority recommendations** | **Suggest responsibility** |
| --- | --- |
| **Section 7: Interpreter supply** |  |
| 1. Review and develop an action plan to increase the supply of interpreters as a priority | Ministers for Children Equality Disability Integration and Youth (CEDIY), Social Protection, and Further and Higher Education, Research, Innovation and Science (FHERIS;); National Skills Council |
| **Section 6: Awareness** |  |
| 1. Raise awareness of the existence of the Act in public bodies and among the ISL community to include:  * Information on eligible ISL users, need for interpreter accreditation, interpretation at no cost to ISL users * Information on the status of ISL as a language and the reliance of ISL users on accredited ISL interpretation to ensure access, full communication, consent, and when in court, a fair trial * The distinctions between the ISL Act and the Disability Act in relation to access to services through ISL | Minister for CEDIY |
| **Section 5(b): Provision of ISL supports for children in schools** |  |
| 1. Establish a scheme under Section 5(b) in consultation with the ISL community and informed by a proposed amendment to Section 5(b), and previously delivered NCSE advice on Section 5(b), to provide ISL support for children attending recognised schools.  * Amend Section 5(b) to clearly state the purpose of the scheme for children in recognised schools to include: * access to ISL language development * full access to the curriculum through fluent ISL * access to peer communication * access to other educational supports that are provided to all students, such as psychological services | Minister for Education |
| **Section 5(c): Educational placements for ISL training for teachers** |  |
| 1. Determine the number of placements required in higher education institutions to sufficiently provide for ISL training to teachers of children who are deaf or hard of hearing, and ensure this number of placements are established | Minister for Education, Minister for FHERIS |
| **Section 5 (d): ISL qualifications for teachers of children whose primary language is ISL** |  |
| 1. Establish minimum qualifications for teachers of children who are deaf or hard of hearing including minimum standards of ISL competence at a level sufficient to provide children with access to the curriculum through ISL | Minister for Education |
| **Section 5(a): ISL tuition** |  |
| 1. Amend the Act to provide a statutory underpinning for ISL tuition for deaf children via a new clause in Section 5, with a view to supporting development of language proficiency and avoiding language deprivation 2. Clarify the purpose of the Section 5(a) scheme for ISL tuition for parents, guardians, grandparents and siblings in relation to the intended level of ISL proficiency it aims to facilitate, with a view to supporting the role of families in their children’s language acquisition and development, and establishment of a common family language.  * Review the ISL Tuition scheme to improve alignment with the requirements of Section 5(a) and to improve access through addressing operational issues associated with awareness of the scheme, application and reapplication process, access to tutors, tutor supply, hours provided, missed hours, payment of tutors, quality standards and curriculum. | Ministers for CEDIY and Educations     Ministers for CEDIY and Education    Minister for Education |
| **Section 8: Broadcasting** |  |
| 1. Ensure broadcasting through ISL that is undertaken as part of meeting targets under the BAI Access Rules is  * Provided during popular times and ISL targets are based on an 18-hour day from 7am to 1am * Balancing the ratio of repeated and non-repeated (‘new’) content to provide a diversity of content equivalent to that provided to other viewers | Relevant broadcasters |
| 1. Provide guidance and clarity for broadcasters and the BAI as to the practical implementation of the principles of equality, dignity and respect in Section 8 to include:  * Reviewing and amending the wording of Section 8 to improve support for television programmes with ISL * Establishing monitoring processes that assess the quality of ISL in programming, and assess broadcaster delivery of targets based on daily provision | Ministers for CEDIY Tourism, Culture, Arts, Gaeltacht, Sport and Media (TCAGSM)    BAI |
| **Section 6: Procedures** |  |
| 1. Establish procedures through Regulations for public bodies to provide services through ISL to include:  * The aspects of services the Act applies to e.g. information, consultation, appointments * ISL interpretation for children or for those accessing services with an ISL-using carer, guardian or parent * GDPR guidance on sharing information with interpreters * Procedural matters such as notice periods, enabling choice of interpreters, allocating an interpreter for each party in courts | Minister for CEDIY |
| 1. Make complaints mechanisms accessible to ISL users | Minister for CEDIY |
| **Section 6: Scope of the Act** |  |
| 1. Clarify the term “all that is reasonable” in Section 6(1) through either Amendments or Regulations to ensure interpretation is provided unless an interpreter is not available | Minister for CEDIY |

| **Important recommendations** | **Suggested responsibility** |
| --- | --- |
| **Section 6: Scope of the Act** |  |
| 1. Provide clarity on the scope of the Act regarding which public bodies and services it applies to, including delivery of statutory entitlements by non-state providers and incorporating ISL responsibilities into contracts and funding agreements  * Provide clarity on key terms in Section 6(1), being “statutory entitlement or service provided by or under statute”  1. Provide clarity on scope of eligible users ensuring that it is clear that ISL users determine when ISL is needed, and that there may be more than one party to any service experience | Minister for CEDIY  Minister for CEDIY |
| **Section 5(d): ISL qualifications for teachers of children whose primary language is ISL** |  |
| 1. Establish minimum qualifications in ISL for Visiting Teachers that work with children whose primary language is ISL, at a level sufficient to enable fluent ISL conversation with these children | Minister for Education |
| **Compliance** |  |
| 1. Establish mechanisms to define, support and encourage compliance with the Act such as a requirement for action plans from key sectors and provision of guidance | Minister for CEDIY |
| 1. Assess operation of the ISL Act through existing monitoring mechanisms, such as the monitoring of Part 3 of the Disability Act and monitoring of the UNCRPD, in advance of the next 5-year report | Minister for CEDIY |

| **Further considerations on issues relevant to the operation of the Act** | **Suggested responsibility** |
| --- | --- |
| 1. Consider clarifying the terms ‘ISL user’ and ‘community of persons using ISL’ in relation to Section 3 informed by consultation and international best practice in relation to language rights | Minister for CEDIY |
| 1. Consider establishing ISL learning as a language subject with a standard curriculum in schools | Minister for Education |
| 1. Consider providing clarity on who has responsibility for preservation of ISL as provided for in Section 3(2) | Minister for CEDIY |
| 1. Consider determining a solution to provide access to state-funded services that are not statutory entitlements | Minister for CEDIY |
| 1. Consider undertaking targeted consultation with children as part of future reporting on the operation of the ISL Act | Minister for CEDIY |

| **Further considerations on relevant issues not currently covered by the Act** | **Suggested Responsibility** |
| --- | --- |
| 1. Consider improving awareness that under the Equal Status Acts, ISL interpretation is appropriate ‘reasonable accommodation’ to be provided by private services, and provide guidance on procedures for procuring ISL interpretation | Minister for CEDIY; Irish Human Rights and Equality Commission (IHREC) |
| 1. Consider addressing guidance and standards for reasonable accommodations for ISL interpretation in future work on ‘reasonable accommodation’ under the Employment Equality Acts, including consideration of a scheme to provide ISL interpretation for employees | Ministers for Social Protection, CEDIY and Enterprise, Trade and Employment (ETE); IHREC |
| 1. Consider investigating ways to improve access to services and social inclusion for people who use tactile and augmentative ISL | Minister for CEDIY |
| 1. Consider establishing adequate and streamlined ISL supports to ensure access to early childhood care settings for children whose primary language is ISL. | Minister for CEDIY |
| 1. Consider further supporting the UNCRPD action on the promotion of sign languages by publicly promoting the use of ISL to improve public awareness, understanding and pride in ISL | Minister for CEDIY |
| 1. Consider further supporting the UNCRPD action on recognising and promoting the linguistic identity of the deaf community including reinstatement of regular television programmes in ISL by and for the deaf community | Ministers for CEDIY, and TCAGSM; Relevant broadcasters |

# Appendix 1: ISL Act Reporting Advisory Group member organisations

The following organisation were members of the ISL Act Reporting Advisory Group:

* **The Irish Deaf Society:** seeks to achieve and promote the Equality and Rights of Deaf people in Ireland. The IDS is a Disabled Persons Organisation (DPO) as per the definition of the UN Committee on the Rights of Persons with Disabilities.[[72]](#footnote-73) The IDS seeks full access to citizenship and society is through the empowerment and mobilisation of the Deaf community, on the grounds of the Irish Constitution and Human Rights and international legislation. The IDS seeks to enable Deaf people in Ireland to celebrate their culture, continue to ensure the upholding of Irish Sign Language recognition and break down the barriers of discrimination. Their website is: [www.irishdeafsociety.ie](http://www.irishdeafsociety.ie)
* **The National Deaf Women of Ireland:** The Irish Deaf Women's Group is a voluntary and non-profit representative organisation. Their mission is to empower Deaf women and to bring about equality among Deaf Women. Their website is: [www.facebook.com/irishdeafwomensgroup](http://www.facebook.com/irishdeafwomensgroup)
* **Sharing the Journey:** is a national, independent Parent to Parent support and advocacy network established by parents of children who are deaf and hard of hearing in Ireland. Sharing the Journey is 100% voluntary and parent led, promoting parental well-being and self-efficacy, through knowledge, experience and practical support. Their goal is to provide support and advocacy to all parents of children who are deaf/ hard of hearing in Ireland. Their website is: [www.sharingthejourney.ie](http://www.sharingthejourney.ie)
* **Chime:** is a national organisation providing specialist services to Deaf and Hard of Hearing people and their families. It also campaigns for their right to equal access to services and to promote awareness of the impact of hearing loss on individuals and the public health. Key services include specialist information on hearing loss and deafness, Family Support Service, Hearing Aid Service, Assistive Technology and Community Services. Their website is: [www.chime.ie](http://www.chime.ie)
* **Kerry Deaf Resource Centre:** provides a wide range of services to Deaf, hard of hearing, deafened and Deafblind adults and children and to their families. They provide support to sign language users, to hard of hearing clients who communicate through speech and to clients with cochlear implants. They have a Drop In Centre in Tralee and an outreach service throughout Kerry. Their website is: [www.kerrydeaf.com](http://www.kerrydeaf.com)
* **The Centre for Deaf Studies at Trinity College Dublin:** is a research and educational centre which offers a bachelor degree programme in Deaf studies with opportunities for further studies at masters and PhD levels. The Centre aims to: increase the number of qualified Irish Sign Language/ English interpreters; to set the highest standard of ISL teaching; to provide training in the area of Deaf Studies. Their website is: [www.tcd.ie/slscs/cds](http://www.tcd.ie/slscs/cds)
* **The Council of Irish Sign Language Interpreters:** is the national representative association for sign language interpreters in Ireland. Their aim is to: advance the profession, rights and interests of sign language interpreters; to work in close partnership with the national Deaf-led organisation for the future benefit of both Deaf people who use Irish Sign Language and professional interpreters, Deaf and hearing, whose working languages include a Signed Language; and to support collaboration, cooperation and mutual, transparent communication between the Deaf community and Sign Language interpreters at international, national, regional and local levels. Their website is: [www.cisli.ie](http://www.cisli.ie)
* **The Sign Language Interpreting Service (SLIS):** is the national Sign Language Interpreting Service for Ireland, providing services including referral for ISL interpreter bookings, ISL Access Support, arranging interpreters for the HSE/SLIS GP and Primary Care appointments, emergency out of hours ISL interpretation, providing a Social Fund for ISL interpretation for funerals and hardship cases, and the Irish Remote Interpreting Service. SLIS is supported and funded through the Citizens Information Board. The mission of SLIS is to ensure Deaf people can live as full and equal citizens. They achieve this by promoting, and advocating for the availability of quality interpretation services to Deaf people and service providers in Ireland. Their website is: [www.slis.ie](http://www.slis.ie)

1. SLIS, ‘About the deaf community’. <https://slis.ie/about-the-deaf-community/> (Last accessed May 2021) [↑](#footnote-ref-2)
2. SLIS ‘Definitions and Terminology’ https://slis.ie/about-the-deaf-community/ (Last accessed May 2021) [↑](#footnote-ref-3)
3. Irish Deaf Society, ‘ Irish Sign Language’. <https://www.irishdeafsociety.ie/irish-sign-language/> (Last accessed May 2021) [↑](#footnote-ref-4)
4. NCSE, ‘Lámh’. <https://www.sess.ie/lamh-4#:~:text=L%C3%A1mh%20is%20a%20manual%20sign,alternative%20communication%20system%20(AAC).&text=Signing%20naturally%20encourages%20people%20to,to%20work%20out%20the%20message>. (Last accessed May 2021) [↑](#footnote-ref-5)
5. Citizens Information Board (CIB) (2017) Information provision and access to public and social services for the Deaf Community. <https://www.citizensinformationboard.ie/downloads/social_policy/Deaf_Community_Research_Rpt_Feb2018.pdf> (Last accessed May 2021) [↑](#footnote-ref-6)
6. The Anne Sullivan Centre for people who are deafblind, ‘Communicating with people who are deafblind’. <https://www.annesullivan.ie/advice-information/communicating-with-people-who-are-deafblind/#:~:text=Tactile%20or%20hand%2Dover%2Dhand,and%20location%20of%20the%20signs>. (Last accessed May 2021) [↑](#footnote-ref-7)
7. Irish Deaf Society, ‘ Irish Sign Language’. <https://www.irishdeafsociety.ie/irish-sign-language/> (Last accessed May 2021) [↑](#footnote-ref-8)
8. Parliamentary Questions, Wednesday 31 March 2021, Question 684. <https://www.oireachtas.ie/en/debates/question/2021-03-31/684/#pq_684> (Last accessed May 2021) [↑](#footnote-ref-9)
9. Finland has a similar population of sign language users but has approximately 503 interpreters. Interpreter supply is discussed further in relation to Section 7. Source: A Review of Literature and International Practice on National and Voluntary Registers for Sign Language Interpreters (2017) <https://www.tcd.ie/slscs/assets/documents/news-events/SLIS_TCD%20CDS%20REVIEW%20of%20National%20Registers%20of%20Sign%20Language%20Interpreters%20March%202017.pdf> (Last accessed May 2021) [↑](#footnote-ref-10)
10. Irish Deaf Society, ‘Irish Sign Language’. <https://www.irishdeafsociety.ie/irish-sign-language/> (Last accessed May 2021) [↑](#footnote-ref-11)
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12. Tupi, Eeva (2019). Sign Language Rights In The Framework Of The Council Of Europe And Its Member States. Ministry for Foreign Affairs of Finland. <https://www.ecml.at/Portals/1/News%20articles/Eeva%20Tupi%20-%20Sign%20language%20rights%20in%20the%20framework%20of%20the%20CoE%20and%20its%20member%20States.pdf> (Last accessed May 2021) [↑](#footnote-ref-13)
13. The ISL Act Reporting Advisory Group included the following organisations: Irish Deaf Society, National Deaf Women of Ireland. Sharing the Journey, Chime, Kerry Deaf Resource Centre, , Centre for Deaf Studies at Trinity College Dublin, Sign Language Interpreting Service, Council of Irish Sign Language Interpreters [↑](#footnote-ref-14)
14. The NDA also met with University College Cork, Cork Deaf Association and Kerry Deaf Resource Centre who together carried out a recent research project to create tools to support public bodies to fulfil their duties in relation to the IHREC Act 2014 (Section 42) regarding deaf cultural awareness and to support meaningful implementation of the ISL Act (Section 6: Duty of public bodies). University College Cork (2021). Guidance for Public Bodies on Providing Access for Deaf Irish Sign Language Users <https://www.ucc.ie/en/iss21/researchprojects/researchprojects/islaccesspublicbodies/> (Last accessed May 2021) [↑](#footnote-ref-15)
15. The ISL translation of this document reports that 299 public bodies received the survey as they were deemed subject to the ISL Act, with 75% replying to the survey. After the ISL translation was completed it came to light that in fact only 292 public bodies were subject to the ISL Act, giving a response rate of 77.1%. [↑](#footnote-ref-16)
16. Totals may not add to 100% due to rounding of decimal places [↑](#footnote-ref-17)
17. The ISL Act commenced on 23 December 2020. The NDA survey of public bodies regarding the ISL Act asked questions about provision of interpretation before and after January 2021 (pre and post-commencement). [↑](#footnote-ref-18)
18. For 2% of public bodies this includes sections other than Section 6 [↑](#footnote-ref-19)
19. Parliamentary Questions, Wednesday 31 March 2021, Question 684. <https://www.oireachtas.ie/en/debates/question/2021-03-31/684/#pq_684> (Last accessed May 2021) [↑](#footnote-ref-20)
20. University College Cork (UCC)(2021) Providing Access For Deaf Irish Sign Language Users Development Of Guidance For Public Bodies. [Unpublished] [↑](#footnote-ref-21)
21. Data Protection Commission (2020). ‘Can I talk to the account-holder?’ – Contacting organisations on behalf of someone else. <https://www.dataprotection.ie/en/dpc-guidance/blogs/can-i-talk-account-holder-contacting-organisations-behalf-someone-else> (Last accessed May 2021) [↑](#footnote-ref-22)
22. British Sign Language (Scotland) Act 2015. <https://www.legislation.gov.uk/asp/2015/11> (Last accessed May 2021) [↑](#footnote-ref-23)
23. Seanad Éireann debate - Wednesday, 21 Jun 2017, Vol. 252 No. 7. Recognition of Irish Sign Language for the Deaf Community Bill 2016: Committee Stage. <https://www.oireachtas.ie/en/debates/debate/seanad/2017-06-21/9/> (Last accessed May 2021) [↑](#footnote-ref-24)
24. Seanad Éireann debate (Friday, 15 Dec 2017). Irish Sign Language Bill 2016: [Seanad Bill amended by the Dáil] Report and Final Stages. <https://www.oireachtas.ie/en/debates/debate/seanad/2017-12-15/3/> (Last accessed May 2021) [↑](#footnote-ref-25)
25. Disability Act 2005. Section 26(1)(b) Where a service is provided by a public body, the head of the body shall— where practicable and appropriate, provide for assistance, if requested, to persons with disabilities in accessing the service if the head is satisfied that such provision is necessary in order to ensure compliance with paragraph (a). <http://www.irishstatutebook.ie/eli/2005/act/14/section/26/enacted/en/html> (Last accessed May 2021) [↑](#footnote-ref-26)
26. Napier, Jemina and Leneham, Marcel (2011) Macquarie University, Sydney, Australia “It Was Difficult to Manage the Communication”: Testing the Feasibility of Video Remote Signed Language Interpreting in Court. <https://digitalcommons.unf.edu/joi/vol21/iss1/5/> (Last accessed May 2021) [↑](#footnote-ref-27)
27. National Disability Inclusion Strategy (2017-2021) Government of Ireland. <https://www.gov.ie/en/publication/8072c0-national-disability-inclusion-strategy-2017-2021/> (Last accessed May 2021) [↑](#footnote-ref-28)
28. Section 38 bodies are primarily funded by the state to provided key services, their employees are counted as public servants, and they include 39 significant entities with large amounts of funding, such as hospitals. Section 39 bodies include many more individual entities, funded to a smaller scale, and funding is to assist with the services offered rather than being the primary funding. [↑](#footnote-ref-29)
29. Irish Human Rights and Equality Commission. “Public Sector Equality and Human Rights Duty – FAQ.” <https://www.ihrec.ie/our-work/public-sector-equality-and-human-rights-duty-faq/> (Last accessed May 2021) [↑](#footnote-ref-30)
30. While it is noted that the accreditation scheme required under Section 7 was only recently established in December 2020, the requirement for competence demonstrated through independent assessment and/or adequate qualifications has been considered to be a substitute for the intent of accreditation prior to this time. [↑](#footnote-ref-31)
31. A Review of Literature and International Practice on National and Voluntary Registers for Sign Language Interpreters (2017) <https://www.tcd.ie/slscs/assets/documents/news-events/SLIS_TCD%20CDS%20REVIEW%20of%20National%20Registers%20of%20Sign%20Language%20Interpreters%20March%202017.pdf> (Last accessed May 2021) [↑](#footnote-ref-32)
32. Trinity College Dublin, ‘Bachelor in Deaf Studies’. <https://www.tcd.ie/slscs/undergraduate/deaf-studies-bachelor/> (Last accessed May 2021) [↑](#footnote-ref-33)
33. [↑](#footnote-ref-34)
34. Trinity College Dublin, ‘Launch of Deaf Interpreter Training Programme’. <https://www.tcd.ie/slscs/cds/news/index.php> (Last accessed December 2021) [↑](#footnote-ref-35)
35. National Disability Inclusion Strategy (2017-2021). Government of Ireland. <https://www.gov.ie/en/publication/8072c0-national-disability-inclusion-strategy-2017-2021/> (Last accessed May 2021) [↑](#footnote-ref-36)
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37. RISLI (2020). Guidelines for Working with Irish Sign Language / English. Interpreters<https://risli.ie/wp-content/uploads/2020/12/Guidelines-for-Working-with-Interpreters.pdf> (Last accessed May 2021) [↑](#footnote-ref-38)
38. Consistent provision of ISL interpretation in criminal courts is the result of existing international legal instruments that set out the requirements for free interpretation in the case of criminal charges, such as Article 14 of the International Covenant on Civil and Political Rights (ratified by Ireland in 1989), and Article 6 of the European Convention on Human Rights. European Convention on Human Rights, Article 6.3.e ‘Everyone charged with a criminal offence has the following minimum rights: (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.’ United Nations. <https://www.echr.coe.int/documents/convention_eng.pdf> (Last accessed May 2021) [↑](#footnote-ref-39)
39. “Interested person” refers to someone other than a witness in the context of the Coroners Court. [↑](#footnote-ref-40)
40. Mathew, Elizabeth S. (2011) Mainstreaming of Deaf Education in the Republic of Ireland: Language, Power, Resistance. Page 149. National University of Ireland, Maynooth.<https://mural.maynoothuniversity.ie/2581/1/Mathews_thesis_NUIM.pdf> (Last accessed May 2021) [↑](#footnote-ref-41)
41. NCSE (2011). The Education of Deaf and Hard of Hearing Children in Ireland NCSE Policy Advice Paper. <https://ncse.ie/wp-content/uploads/2014/09/DeafEducationReport.pdf> (Last accessed May 2021) [↑](#footnote-ref-42)
42. Visiting Teachers provide support to children, families and schools through advice, information and recommendations regarding the education and communication needs of children who are deaf or hard of hearing, as well as assessing and recording the child’s progress in attainment of targets. [↑](#footnote-ref-43)
43. NCSE (2011) The Education of Deaf and Hard of Hearing Children in Ireland NCSE Policy Advice Paper. <https://ncse.ie/wp-content/uploads/2014/09/DeafEducationReport.pdf> (Last accessed May 2021) [↑](#footnote-ref-44)
44. Department of Education and Skills. Circular 0030/2014: The Special Needs Assistant (SNA) scheme to support teachers in meeting the care needs of some children with special educational needs, arising from a disability. <https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0030_2014.pdf> (Last accessed May 2021) [↑](#footnote-ref-45)
45. Tusla (2018) Child Protection and Welfare Practice Handbook 2 <https://www.tusla.ie/uploads/content/Tusla_Child_Protection_Handbook2.pdf> (Last accessed May 2021) [↑](#footnote-ref-46)
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48. Dáil Éireann Debate, Wednesday - 20 May 2020. Disability Support Services. <https://www.oireachtas.ie/en/debates/question/2020-05-20/235/#pq_235> (Last accessed May 2021) [↑](#footnote-ref-49)
49. Dáil Éireann Debate, Thursday - 11 February 2021. Irish Sign Language. <https://www.oireachtas.ie/en/debates/question/2021-02-11/150/#pq_150> (Last accessed May 2021) [↑](#footnote-ref-50)
50. Dáil Éireann Debate, Thursday - 11 February 2021. Irish Sign Language. <https://www.oireachtas.ie/en/debates/question/2021-02-11/144/> (Last accessed May 2021) [↑](#footnote-ref-51)
51. NCSE (2018) Comprehensive Review of the Special Needs Assistant Scheme A New School Inclusion Model to Deliver the Right Supports at the Right Time to Students with Additional Care Needs, NCSE Policy Advice Paper No. 6 <https://ncse.ie/wp-content/uploads/2018/05/NCSE-PAP6-Comprehensive-Review-SNA-Scheme.pdf> (Last accessed May 2021) [↑](#footnote-ref-52)
52. Public feedback criticised that the NCSE advice on Communication Support Workers in the SNA review which in some places implies restricted access to the role by linking it to children who are profoundly deaf “without a cochlear implant.” This differs from the NCSE advice to the Department of Education on Section 5(b) which advises that Communication Support Workers, trained to ISL interpreter level and equipped with an understanding of the curriculum, are available to support students who use ISL as their primary language in school. The NDA notes that ISL supports should be offered to children based on ISL being their primary language, as per the ISL Act, with no further restriction on provision. This is vital in the context of public feedback that deaf children with assistive technology are ‘dropping ISL’ as a result of not being given access to the curriculum in ISL. [↑](#footnote-ref-53)
53. Dublin City University, ‘Bachelor of Education - Irish Sign Language Pathway (Restricted Entry)’. <https://www.dcu.ie/courses/undergraduate/institute-education/bachelor-education-irish-sign-language-pathway-restricted> (Last accessed May 2021) [↑](#footnote-ref-54)
54. Level B1 on the Common European of Reference for Languages (CEFR) is equivalent to Irish National Framework of Qualifications (NFQ) Level 5, or Leaving Certificate level. Kildare Street, Written answers, Tuesday, 15 July 2014. Department of Education and Skills School Curriculum. <https://www.kildarestreet.com/wrans/?id=2014-07-15a.656> (Last accessed May 2021) [↑](#footnote-ref-55)
55. This programme will help to progressively realise the goals of UNCRPD Article 24.4, in which State Parties “shall take appropriate measures to employ … teachers with disabilities, who are qualified in sign language.” United Nations Convention on the Rights of Persons with Disabilities (CRPD), Article 24 – Education. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-24-education.html> (Last accessed May 2021) [↑](#footnote-ref-56)
56. NCSE (2011) The Education of Deaf and Hard of Hearing Children in Ireland NCSE Policy Advice Paper <https://ncse.ie/wp-content/uploads/2014/09/DeafEducationReport.pdf> (Last accessed May 2021) [↑](#footnote-ref-57)
57. National Council for Guidance in Education (NCGE) ‘Becoming a Guidance Counsellor’ <https://www.ncge.ie/becoming-guidance-counsellor> (Last accessed May 2021) [↑](#footnote-ref-58)
58. Committee on the Rights of Persons with Disabilities, General comment No. 6 (2018) on equality and non-discrimination, 26 April. <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/6&Lang=en> (Last accessed May 2021) [↑](#footnote-ref-59)
59. World Federation Of The Deaf (2018) WFD Position Paper on Inclusive Education. <https://2tdzpf2t7hxmggqhq3njno1y-wpengine.netdna-ssl.com/wp-content/uploads/2018/07/WFD-Position-Paper-on-Inclusive-Education-5-June-2018-FINAL-without-IS.pdf> (Last accessed May 2021) [↑](#footnote-ref-60)
60. BAI Access Rules January 2019. Broadcasting Authority of Ireland. <http://www.bai.ie/en/download/133605/> (Last accessed May 2021) [↑](#footnote-ref-61)
61. It is noted however that non-broadcast or recorded content is not covered by the ISL Act [↑](#footnote-ref-62)
62. A programme by and for deaf people aired on RTÉ for 25 years up until 2014. ‘Hands On’ was a deaf community television show broadcast by RTÉ for 18 seasons from 1995 to 2014. Prior to this, a similar programme, ‘Sign of the Times’ was broadcast from 1988 to 1995. ‘Hands On’ was broadcast fortnightly on Saturdays about noon <<https://tv.signlangtv.org/shows/rte-hands-on/>>. Some sources state that it was broadcast fortnightly on Sundays, and that it was also subtitled, and had an English voiceover <<https://en.wikipedia.org/wiki/Hands_On_(TV_series)>>. [↑](#footnote-ref-63)
63. Feedback from DSP reported in November 2021 that the pilot voucher scheme had taken place and was currently being evaluated. The NDA notes that there will be further learning from evaluation of the pilot and the pilot’s guidelines. [↑](#footnote-ref-64)
64. Feedback from DSP reported in November 2021 that the pilot voucher scheme had taken place and was currently being evaluated. The NDA notes that there will be further learning from evaluation of the pilot and the pilot’s guidelines. [↑](#footnote-ref-65)
65. Act respecting the status of the Icelandic language and Icelandic sign language (2011). <https://www.government.is/media/menntamalaraduneyti-media/media/frettir2015/Thyding-log-um-stodu-islenskrar-tungu-og-islensks-taknmals-desember-2015.pdf> (Last accessed May 2021) [↑](#footnote-ref-66)
66. For the purpose of this report, the specific public bodies responsible under the ISL Act was established through seeking confirmation from the Secretary General of each government Department regarding applicability of the Act to public bodies under their aegis. These are listed in the Public Bodies Technical Annex [↑](#footnote-ref-67)
67. Equal Status Act 2000 (Revised Updated to 14 October 2020) <https://revisedacts.lawreform.ie/eli/2000/act/8/revised/en/html> (Last accessed May 2021) [↑](#footnote-ref-68)
68. Irish Human Rights and Equality Commission, ‘The Employment Equality Acts 1998-2015 – A Summary’. <https://www.ihrec.ie/guides-and-tools/human-rights-and-equality-for-employers/what-does-the-law-say/eea-summary/> (Last accessed May 2021) [↑](#footnote-ref-69)
69. The ISL Act defines ISL as “the sign language used by the majority of the deaf community in the State.” The Irish Deaf Society describes ISL as “a visual and spatial language with its own distinct grammar and not only is it a language of the hands, but also of the face and body.” [↑](#footnote-ref-70)
70. The first state party report to the UNCRPD Committee is due to be submitted by Ireland in summer 2021. [↑](#footnote-ref-71)
71. Houses of the Oireachtas, Joint Committee on Justice and Equality (2016). Report on the Formal Recognition of Irish Sign Language. <https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/reports/2016/2016-10-13_report-on-the-formal-recognition-of-irish-sign-language-october-2016_en.pdf> (Last accessed May 2021) [↑](#footnote-ref-72)
72. United Nations Human Rights Treaty Bodies, Body Database. CRPD/C/GC/7 https://tbinternet.ohchr.org/\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/7&Lang=en (Last accessed May 2021) [↑](#footnote-ref-73)