

# This is a Plain English version of the Report

Report on the Operation of the Irish Sign Language Act 2017

July 2021

# Introduction

The Irish Sign Language Act 2017 was put into law on 24th December 2017. It came into effect on 23rd December 2020.

Irish Sign Language is shortened to ISL in this report.

The ISL Act 2017 says that ISL users have the right to use ISL as their native language. They have the right to develop and look after this language.

The Act puts a duty on all public bodies to have free ISL interpreters for ISL users that are using their services.

The Act also gives certain duties in the areas of law, education, and broadcasting.

The Act was designed to support ISL users to be part of their communities and society. The Joint Committee on Justice and Equality said this is important in 2016. The Committee said that ISL laws should be put in place as soon as possible.

ISL is the main language of around 5,000 deaf people in Ireland. Around 40,000 other people communicate in ISL, such as family members, friends, and co-workers of deaf ISL users.

Overall, the ISL Act is not working as planned. Public bodies do not know enough about the Act or understand what it means for them. Many public bodies are not ready to do the things they need to do to follow the Act.

The Act has a vision for how ISL should be supported and used. More effort and focus is needed to achieve this vision and meet the needs of the ISL community.

# Summary of the ISL Act 2017

The ISL Act has a number of different sections:

* Section 6 puts a duty on public bodies to give access to public services or statutory entitlements through ISL when a person asks for this. They must give free ISL interpretation by accredited interpreters. A statutory entitlement is something that you have a right to get or do under the law.
* Section 7 of the Act says that a scheme must be set up to show the qualifications and skills of ISL interpreters. Interpreters with the right qualifications and skills will be called accredited interpreters.
* Section 4 says that a person may use ISL in any court. The court service must make sure that a person will not be put at any disadvantage if they use ISL.
* Section 5 is about education supports for deaf children:
* These supports include ISL classes for parents, guardians, siblings, and grandparents of a child who is deaf
* Section 5 says that a scheme should be set up to give ISL support to children in school whose main language is ISL
* Section 5 says there is a need for ISL training in higher education and minimum qualifications for teachers of children who are deaf or hard of hearing.
* Section 8 is about equality, dignity, and respect in broadcasting programmes with ISL.
* Section 9 allows for funds to be provided so ISL users can take part in social, educational, and cultural events and activities.

# Overview of the Reporting Process

The National Disability Authority (NDA) is an independent organisation in Ireland. Our job is to give the Government advice on things that are important to the lives of persons with disabilities. The NDA also promotes Universal Design.

The Minister for Children, Equality, Disability, Integration and Youth asked the NDA to prepare a report on the ISL Act.

Section 10 of the Act says that the Minister must ask for a report no later than 3 years from when the Act is put into law. The Minister must get a report on how the Act is working every 5 years after that.

Section 10 says that this report must look at:

* any changes that are needed to the Act
* if extra supports are needed for children in school whose main language is ISL
* the minimum ISL qualifications needed for a person teaching a child whose main language is ISL.

The NDA gathered information on how the Act is working. They collected information from members of the public and ISL users. They did this through online public meetings and surveys of the ISL community. Individuals and groups could also write or send sign language videos to the NDA with their views.

Public bodies gave information on how the Act was working too. They did this through a survey and through meetings. These meetings looked at their responsibilities under the Act.

This report is the first report on how the Act is working since it came into law in December 2017 and started in December 2020.

The report looks at how particular sections of the Act are working. A public consultation report with the public feedback is available in another document that is connected to this report.

# Overview of how the ISL Act is working

## Duty of Public Bodies (Section 6)

This Section is about the duty of public bodies to provide ISL interpretation.

* Three quarters of public bodies responded to the public body survey.
* Of those that responded, almost one in three were not aware of the ISL Act before the survey. Some knew about the Act but were not aware of their responsibilities under the Act.
* Almost half said that they were aware of both the Act and their responsibilities.
* Just one in three of all public bodies that responded said they were fully following the rules of the Act.

There is a lack of awareness among many public bodies of the ISL Act and their responsibilities under the Act. This is shown in the findings from the survey of the public too.

Just 5% of the public said access to public services through ISL is good.

The public said that there needs to be better access to services through ISL in the areas of healthcare, policing, culture, politics, broadcasting, education, and early childhood care.

The public and public bodies need to have better awareness of the ISL Act. They need to understand what it means.

The meaning of certain words in the Act needs to be clearer.

Public body staff need to:

* be more aware of ISL as a full language
* understand who can get support from an interpreter
* understand that if an ISL user does not get the right support, they will find it hard to communicate and use services
* be clear on how people can access ISL supports and in turn services.

A system for accessing services through ISL should be developed and published in Regulations. There should be a way for ISL users to make a complaint if they do not get the right supports.

Public bodies should have to publish ISL action plans with clear timeframes. The timeframes should show when they will be able to follow the rules of the Act fully.

## Access to Accredited Interpreters (Section 7)

It is very important that there are enough accredited ISL interpreters. This is essential so that the ISL Act can work properly. Public bodies should only employ accredited interpreters.

A Register of Irish Sign Language Interpreters was set up in December 2020. This is an important way to show that interpreters are accredited – this means they have the right qualifications and skills.

The number of accredited ISL interpreters has stayed very low since 2017. This is a serious risk for people that want to access public services through ISL.

The Sign Language Interpreting Service was able to fill only 70% of requests for interpreters in 2020. This will get worse as public bodies try to follow the Act and need to use more interpreters.

It is very important that we get more accredited interpreters and that we keep the ones that are working at the moment.

## Courts (Section 4)

Most criminal courts provide ISL interpreters when they are needed.

It would help if people working in the justice system knew more about using accredited ISL interpreters.

Civil courts were not ready for the start of the ISL Act. Things need to improve so ISL users can ask for the support of an interpreter and can complain if they do not get this support.

## Education (Section 5)

The ISL Act is not fully in place in the area of Education. There should be urgent action so children using ISL can reach their best in school and beyond.

The ISL Tuition scheme for parents, guardians, siblings, and grandparents needs to be reviewed. This review should check how the scheme is working and make sure that the scheme meets the needs of this group. The reason for the scheme should be made clear.

There should be a plan for ISL supports for children in schools. People expressed concern about current ISL supports. There should be a change to this part of the Act to make it clear how children will be supported with:

* access to the curriculum
* language development
* peer communication
* education.

More action is needed so there are enough higher education places to train teachers in ISL. These teachers are working with children who are deaf or hard of hearing. There has been no action yet to set a minimum qualifications for these teachers.

Section 5 of the Act should say how important ISL tuition is for all children whose main language is ISL. These supports are essential to stop language difficulties and make sure that children can use ISL well.

## Broadcasting (Section 8)

The ISL Act says that equality, dignity, and respect are needed in the broadcasting of programmes with ISL.

There is room for a number of changes to improve ISL programming and access for the ISL community. Currently, programmes with ISL are broadcast mainly during sleeping hours.

This Section of the Act should be reviewed and changed, and clear advice given on how to follow this part of the Act.

There should be a review of the Broadcasting Authority of Ireland’s (BAI) Access Rules to support equality, dignity, and respect in ISL broadcasting.

## Support for Access to events, services, and activities (Section 9)

A scheme to provide access to events, services, and activities through ISL is expected to begin by the end of June 2021.

This will be a pilot scheme. It will be known as the ‘Voucher Scheme’.

This pilot scheme will be evaluated – this means checking to see what is working well and not working well. The evaluation will help develop a permanent model for the scheme.

Public bodies need to be aware of their duties under Section 6 of the Act. This includes the duty to provide interpreters. This will make sure that the Voucher Scheme is only used for the right events, services, and activities.

## Recognition of Irish Sign Language (Section 3)

The ISL Act says that ISL should be developed and looked after. It should be clear whose job this is.

Quality supports from accredited interpreters in areas such as education and broadcasting is important when it comes to developing and looking after the language.

Introducing ISL as a subject in school would support the language. Checking the quality of ISL in broadcasting would also help to develop and look after ISL.

## Issues not currently covered by the Act

Some extra issues were raised in the public consultation.

ISL is a reasonable accommodation under the Equal Status Acts. Improving awareness of this will support access to private services through ISL. A reasonable accommodation is a change that an organisation is expected to make to support a person with a disability.

Access to employment through ISL should be supported by advice under the Employment Equality Act. Thought should be given to developing a supporting scheme.

There needs to be more information gathered on access to services for people who use tactile or augmentative ISL. This will show what improvements are needed.

More thinking is needed to make sure there are enough ISL supports and the right ISL supports in early childhood care.

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) mentions sign language in several places. The Act is an important part of putting the Convention into action. Actions to promote ISL and to recognise the linguistic identity of the deaf community as part of the UNCRPD would also support the ISL Act.

# Conclusions and Recommendations

This report finds that many public bodies have not put actions fully in place to meet the requirements of the ISL Act. Access to services through ISL is currently well below the expectations of the law.

There are recommendations to improve how the ISL Act is working.

The NDA has organised the recommendations as follows:

* High priority recommendations
* Important recommendations
* Other recommendations
* Other recommendations not covered by the Act now.

| **High priority recommendations** | **Suggested responsibility** |
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| **Section 7: More Interpreters** |  |
| 1. Review and develop an action plan to have more interpreters available. | 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 Act in public bodies and among the ISL community. | Minister for CEDIY |
| **Section 5(b): ISL supports for children in schools** |  |
| 1. Set up a scheme to provide ISL support for children attending recognised schools.   Change this part of the Act to say how this scheme will support children in school. | Minister for Education |

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| **Section 5(c): ISL training for teachers** |  |
| 1. Find out how many places are needed in colleges and universities to give ISL training to teachers. Set up these places for teachers working with children who are deaf or hard of hearing. | Minister for Education, Minister for FHERIS |
| **Section 5 (d): ISL qualifications for teachers of children whose primary language is ISL** |  |
| 1. Say what the minimum qualifications are for teachers working with children who are deaf or hard of hearing.   This includes the minimum qualifications and skills they need in ISL. | Minister for Education |
| **Section 5(a): ISL tuition** |  |
| 1. Change the Act to give a legal right to ISL tuition for deaf children. 2. Say clearly what skill level in ISL that the scheme for ISL tuition for parents, guardians, grandparents, and siblings will provide. Say how it will support families to learn and use ISL and support their child’s language development.   Review the ISL Tuition scheme so it works better and is easier to use. | Ministers for CEDIY and Education    Minister for CEDIY and Education   Minister for Education |

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| **Section 8: Broadcasting** |  |
| 1. Make sure that broadcasting through ISL is on at popular times during the day and evening.   There should be more programmes and new programmes with ISL.   1. Give clear advice to broadcasters and the BAI on equality, dignity and respect in ISL programmes. This includes changing the wording of Section 8 to improve support for television programmes with ISL.   Set up a way to actively check the quality of ISL programmes and that broadcasters show enough programmes with ISL each day. | Relevant broadcasters  Ministers for CEDIY and Tourism, Culture, Arts, Gaeltacht, Sport and Media (TCAGSM)  BAI |

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| **Section 6: Systems** |  |
| 1. Set up some standard rules for public bodies to follow about how to give services through ISL. | Minister for CEDIY |
| 1. Have a way for ISL users to complain about supports or lack of supports if they need to. | Minister for CEDIY |
| **Section 6: Scope of the Act** |  |
| 1. Make sure that the words and ideas in this Section of the Act are clear for everyone to understand. | Minister for CEDIY |

| **Important recommendations** | **Suggested responsibility** |
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| **Section 6: Scope of the Act** |  |
| 1. Make it clear who needs to follow the Act.   Make it clear what the Act means for public bodies and services.  Make it clear who the Act supports and when. | Minister for CEDIY  Minister for CEDIY |
| **Section 5(d): ISL qualifications for teachers of children whose primary language is ISL** |  |
| 1. Have a minimum qualification in ISL for Visiting Teachers that work with children whose main language is ISL. | Minister for Education |
| **Following the rules of the Act** |  |
| 1. Set up a system to encourage and support public bodies to follow the rules of the Act. For example, action plans or ways to give advice. | Minister for CEDIY |
| 1. Find out if Part 3 of the Disability Act and the monitoring of the UNCRPD can help check if the ISL Act is working. | Minister for CEDIY |

| **Other recommendations** | **Suggested responsibility** |
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| 1. Make it clear what the words ‘ISL user’ and ‘community of persons using ISL’ mean. | Minister for CEDIY |
| 1. Have ISL as a language subject in schools. | Minister for Education |
| 1. Make it clear who has the job of developing and looking after ISL. | Minister for CEDIY |
| 1. Find a way to give access to services paid for by the State that are not statutory entitlements. | Minister for CEDIY |
| 1. Talk to children as part of future checks on how the ISL Act is working. | Minister for CEDIY |
| **Other issues not covered by the Act now** | **Suggested Responsibility** |
| 1. Make people aware that under the Equal Status Acts, having an ISL interpreter is a ‘reasonable accommodation’. This is to be provided by private services. | Minister for CEDIY; Irish Human Rights and Equality Commission (IHREC) |
| 1. Give guidance on how employers can provide ISL interpreters under the Employment Equality Acts. | Ministers for Social Protection, CEDIY and Enterprise, Trade and Employment (ETE); IHREC |
| 1. Think about ways to improve access to services and social inclusion for people who use tactile and augmentative ISL. | Minister for CEDIY |
| 1. Set up enough ISL supports and the right ISL supports for children in early childhood care settings. | Minister for CEDIY |
| 1. Support the UNCRPD action to make the public more aware of ISL. Support the public to understand ISL and to be proud of it. | Minister for CEDIY |

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| 1. Support the UNCRPD action on recognising the linguistic identity of the deaf community. This includes having regular television programmes in ISL by and for the deaf community. | Ministers for CEDIY, and TCAGSM; Relevant broadcasters |



This Report was put together by the National Disability Authority.

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ACE Communication helped with this Report.