

The duty to provide a British Sign Language/ English interpreter under the Disability Discrimination Act 1995

A quick reference guide

**for employers, trade organisations
and service providers**



Disability Rights Commission



RNID • 
for deaf and hard of hearing people

This quick reference guide provides a summary of the *Guidance on providing British Sign Language/English interpreters under the Disability Discrimination Act 1995*. It gives practical information about the duty that will help in determining what reasonable steps an employer, trade organisation (for example, a trade union or a trade association) or service provider should take in order to overcome the communication barrier with Deaf British Sign Language (BSL) users.

The range of deafness is wide and so is the range of the appropriate means to overcome communication barriers. BSL/English interpreters are only suitable to overcome the communication barrier between Deaf people who use BSL and people who do not use BSL. Many deaf and hard of hearing people have English as their first or preferred language and may prefer a different communication service or communication aid. It is always necessary to discuss the communication preferences with deaf people.

The *Guidance* only offers information about the duty to provide BSL/English interpreters as a reasonable adjustment under Parts II and III of the Disability Discrimination Act 1995 (DDA). *The DDA Codes of Practice* give more detailed information about the DDA. These can be purchased from the Stationery Office or downloaded from the Disability Rights Commission (DRC) website (www.drc-gb.org). Information about other aids to communication with people who are deaf, hard of hearing or deafened is provided in Appendix B of the *Guidance*, with contact details of useful organisations in Appendix C.

The *Guidance* is available from the DRC, RNID and the British Deaf Association (BDA).

The aim of the *Guidance* is to advise employers, trade organisations and service providers about their duty to provide BSL/English interpreters as a reasonable adjustment.

Chapter 2

British Sign Language and Deaf people

Deaf people

The term 'Deaf people' is used with a capital D to refer to Deaf people who use British Sign Language (BSL) as their first or preferred language.

British Sign Language

BSL is recognised by the UK Government as a language in its own right. It uses handshapes, movement of the hands and body, lip patterns and facial expressions. Like any other language, it has its own grammar, lexicon and idioms. BSL is completely different from English.

English

For many Deaf people English is their second or third language. It is also a language that is difficult to lipread and lipreading skills vary greatly. Many Deaf people may not be comfortable with speaking English.

BSL/English interpreters

Deaf people who use BSL as their preferred language, and hearing people who speak English, use BSL/English interpreters to communicate effectively.

BSL/English interpreting is the process of rendering the meaning and intent given in one language to the other. Sometimes a BSL/English interpreter will also translate from written text into BSL.

BSL/English interpreting is a recognised profession. All BSL/English interpreters are issued with an ID card by the Council for the Advancement of Communication with Deaf People (CACDP) or Scottish Association of Sign Language Interpreters (SASLI) and/or by their Association of Sign Language Interpreters (ASLI).

BSL/English interpreters:

- provide a professional and high standard of service,
- are under an obligation to work on professional continued development,
- have agreed to abide by professional Codes of Conduct/Ethics,
- are subject to a complaints and disciplinary procedure.

Some BSL/English interpreters have experience of working with Deaf people with specific communication requirements:

- a Deaf person with visual impairment,
- a Deaf person who uses a foreign sign language,
- a Deaf person with learning difficulties or minimal language skills, or
- a Deaf child.

In working with Deaf people with specific needs, providing a relay interpreter may be a more effective way of overcoming

BSL/English interpreters

communication barriers. A relay interpreter can be a BSL/English interpreter or a native language user (usually a Deaf person) who relays the BSL to a specific form of BSL so that the Deaf person understands it, and, when necessary, 'translates' the signs of the Deaf person into BSL.

Get advice when making a booking and make sure an appropriate interpreter is booked.

Alternatives to BSL/English interpreters are only reasonable:

- if they can help overcome any communication barriers,
- if it is in line with statutory or professional duties as an employer or service provider, and
- with the full knowledge and consent of the Deaf person.

Direct communication in British Sign Language

In situations where employers, service providers and other staff have a sufficient level of BSL to communicate directly with a Deaf person, there will be no need to arrange a BSL/English interpreter. In fact, Deaf people will usually prefer direct and personal contact in their own language, BSL.

The required level of skill will depend on the nature of the encounter. The hearing person has to be able to sign and to understand BSL to such a level that the communication barrier is overcome.

Information in British Sign Language

It is not always necessary for information to be provided 'live' through a BSL/English interpreter. For example, it may be reasonable to provide information leaflets or responses to frequently asked questions in BSL on video, CD-ROM, DVD or on a website. Such recorded information could be presented by a Deaf person who is fluent in BSL and English.

The Disability Discrimination Act 1995 and the duty to make a reasonable adjustment

Definition of disability

A Deaf person is likely to meet the definition of disability as used in the DDA.

Employers and trade organisations

Employers and trade organisations have a duty to use a BSL/English interpreter if it means that a Deaf employee is placed at a substantial disadvantage compared with non-disabled people, caused by an arrangement made by or on behalf of the employer or the trade organisation.

For employers, arrangements are likely to include meetings prior to employment (job interviews), meetings and training in employment.

For trade organisations, arrangements are likely to include the provision of information to members and potential members, training events, advice and assistance, attendance at conferences and union meetings.

Employers and trade organisations need to ensure that not only have they provided the interpreter but that adequate arrangements are made so that good communication is facilitated.

Help to pay for a BSL/English interpreter in employment

The Government's Access to Work scheme may help to pay for communication or language support and equipment that Deaf employees need at work or for unemployed candidates who come for interviews.

Goods, facilities and services

Chapter 4

The Disability Discrimination Act 1995 and the duty to make a reasonable adjustment

A service provider who offers services to the general public has a legal duty:

- to provide a BSL/English interpreter if it would enable or make it easier for Deaf people to make use of its services, or
- to change a practice, policy or procedure which makes it impossible or unreasonably difficult for Deaf people to make use of its services (with or without a BSL/English interpreter).

The service provider has an anticipatory duty, which means that the service provider has to think in advance about when a BSL/English interpreter may be required, and make the arrangements necessary to ensure that a BSL/English interpreter is effectively used.

Before booking a BSL/English interpreter, find out what kind of communication support the deaf person wants.

The duty to provide a BSL/English interpreter as a reasonable adjustment

The following steps are likely to be part of the reasonable adjustment duty:

1 Booking a BSL/English interpreter

Demand for BSL/English interpreters exceeds supply.

- Allow plenty of time for booking (at least four to six weeks in advance, if possible). Some interpreting agencies offer a short-notice service.
- Be flexible with arrangements around making appointments.
- Consider the option of video interpreting.

The Disability Discrimination Act 1995 and the duty to make a reasonable adjustment

Video interpreting is the provision of a BSL/English interpreter via videophone as opposed to in person. Video interpreting is a simple method of accessing rapid, cost-effective BSL/English services for last minute, short, one-to-one meetings. However, it is not suitable for use in sensitive or complex situations.

The cost of providing a BSL/English interpreter cannot be charged to the deaf employee or customer.

2 Working with a BSL/English interpreter

- When booking, give information about the nature, content and length of the assignment.
- Send the BSL/English interpreter background information in advance.
- When the interpreter arrives for the assignment introduce yourself and the Deaf person(s).
- At the place of assignment, make sure that the BSL/English interpreter and the Deaf person(s) can see each other clearly.
- During a lengthy assignment give the interpreter regular breaks.
- Normally only one BSL/English interpreter is needed for short assignments. However, if the assignment is technical, complex or lasts a long time, consider booking two or more BSL/English interpreters.

Ensuring compliance with the DDA

It is sensible to ask a Deaf person in advance about their language and communication preferences and the appropriate adjustments.

Advertise the service

Make sure that Deaf staff and the general public know that BSL/English interpreters can be booked, and how they can go about requesting them.

Plan ahead

It may be useful:

- to draw up practical guidelines for booking and using BSL/English interpreters, and to distribute these to all staff, and
- to build communication support into budgets at the beginning of each financial year or of any relevant project.

Get feedback

Regular monitoring is useful to check that effective communication support is provided and that the needs of Deaf people are met. This feedback can be used to take follow-up action and to ensure that good practice is developed.

Useful contacts

Useful contacts

The *Guidance* has contact details of other useful organisations.

DRC Helpline

(For information about the Disability Discrimination Act 1995 and related legislation)
FREEPOST
MID 02164
Stratford upon Avon
CV37 9BR
Tel 08457 622 633
Fax 08457 788 878
Text 08457 622 644
enquiry@drc-gb.org
www.drc-gb.org

British Deaf Association (BDA)

(for information and advice about British Sign Language and its users)
1-3 Worship Street
London EC2A 2AB
Tel 020 7588 3520
Text 020 7588 3529
Videophone 020 7496 9539
Fax 020 7588 3527
helpline@bda.org.uk
www.bda.org.uk

RNID for deaf and hard of hearing people (RNID)

(for information and advice about deafness and general issues)
Information Line
19-23 Featherstone Street
London EC1Y 8SL
Tel 0808 808 0123
Text 0808 808 9000
Fax 020 7296 8199
informationline@rnid.org.uk
www.rnid.org.uk

For information about BSL/English interpreters

England and Wales Association of Sign Language Interpreters (ASLI)

(Professional Association of BSL/English interpreters)
PO Box 32152
London N4 2YT
Tel 020 8809 4353
Text 020 8809 4353
Fax 020 8800 3489
secretary@asli.org.uk
www.asli.org.uk

Council for the Advancement of Communication with Deaf People (CACDP)

(for information about BSL/English interpreters and other Human Aids for Communication)
Durham University
Science Park
Block 4, Stockton Road
Durham DH1 3UZ
Tel 0191 383 1155
Text 0191 383 7915
Fax 0191 383 7914
durham@cacdp.org.uk
www.cacdp.org.uk

Independent Registration Panel (IRP)

(for information about registration status of BSL/English interpreters)
c/o CACDP
Block 4, Stockton Road
Durham DH1 3UZ
admin@independentregistrati
onpanel.org.uk

Scotland Scottish Association of Sign Language Interpreters (SASLI)

Donaldson's College
West Coates
Edinburgh EH12 5JJ
Tel/Text 0131 347 5601
Fax 0131 347 5628
mail@sasli.org.uk
www.sasli.org.uk

19-23 Featherstone Street
London EC1Y 8SL

Telephone 0808 808 0123

Textphone 0808 808 9000

Fax 020 7296 8199

informationline@rnid.org.uk

www.rnid.org.uk

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