

The Right to Understand

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The right to understand and receive appropriate communication support is a civil right and fundamental to an inclusive and democratic society that seeks to ensure that it provides for the needs of all its citizens.

On this theme, the first conference on Public Service Interpreting was held in Scotland a decade ago. It brought together agencies, policy makers, community interpreters and translators to discuss the need for standards for interpreting, translation and all forms of communication support in the public sector. These would include a commitment to the development of skills, a code of ethics, allocation of resources, promotion of good practice and raising the profile of the professionalism of the interpreter.

Many factors were identified which continue to create formidable barriers to full participation in Scottish life. These include difficulties in accessing communication support, compounded by lack of awareness of cultural differences on the part of public sector agencies and lack of awareness of rights and entitlements to public services among minority ethnic communities. The Commission for Racial Equality expressed the view that meeting the communication support and language needs of the community is the responsibility of the public authority in its capacity as a service-provider. Failure to deal with this and other barriers to equal access could amount to unlawful indirect discrimination. Cases taken against public bodies under the Disability Discrimination Act 1995 indicate a similar position on disabled people's rights to communication support.

Creating
Linguistic Access for Deaf and DeafBlind People: A Strategy for Scotland

This report produced by the Scottish Association of Sign Language Interpreters (SASLI) highlights the fact that deaf people may need access, by either sign language or by English in another form, such as lip-reading or in writing; and that their opportunity to be included in such key areas as education, employment, social work services, the justice system, or health and medical services is greatly diminished by the lack of linguistic access and the ignorance and discrimination inherent within these systems.

Meeting the Increasing Challenges

Notwithstanding the above, support for the provision of interpreting, translation and communication support services across the public sector has declined. At the same time, a whole new agenda is emerging which recognises the importance of social inclusion, social justice, community cohesion and good community and race relations. It is, therefore, essential to develop a co-ordinated approach across Scotland to the development of a framework of standards geared towards meeting the communication support and language needs of all communities.

Local authorities and other public sector agencies will need to take account of the following legislative and policy changes in their future thinking about translation, interpreting and communication support:

Social justice... A Scotland where everyone matters.

The Scottish Executive emphasises community empowerment and devolved decision-making policies.

Equality Strategy - Working Together for Equality.

The Scottish Executive is committed to securing a just and inclusive Scotland and to putting equality at the heart of policy, practice and procedures.

The Race Relations (Amendment) Act 2000

This places a new, enforceable and positive duty on all public authorities to eliminate racial discrimination. The Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2000 requires Scottish public bodies to publish a Race Equality Scheme which includes arrangements for ensuring public access to the information and services which they provide.

The Stephen Lawrence Enquiry - The Scottish Executive Action Plan

This highlights how failure to provide effective communication support became an issue of institutional racism.

The Human Rights Act 1998

This establishes rights and entitlements to the assistance of an interpreter if needed.

The Immigration and Asylum Act 1999

This legislation and the resulting dispersal policy have led to a substantial increase in the provision of welfare services by the voluntary sector and have stretched the existing interpreting and translating facilities to their limits.

The Race Equality Advisory Forum

This recommends that all public sector bodies, when preparing Race Equality Schemes in accordance with the Race Relations (Amendment) Act, 2000 should set out their arrangements for the provision of, and access to, interpreting and translation services.

The Convention of Scottish Local Authorities (CoSLA) Officers/Elected Members Equality Network

This group recommends the use by all local authorities in Scotland of the Good Practice Guidelines drawn up by the Scottish Translation, Interpreting and Communication Forum in 2001.

The Commission for Racial Equality

In its Racial Equality

Agenda for Action for the Scottish Parliament, the Commission recommends establishing the feasibility of a national strategy for interpreting and translating, which might incorporate a national agency, properly resourced, to oversee the development of standards of services throughout the country.

The Disability Discrimination Act 1995(as amended 2005)

This promotes the right to reasonable adjustments for people with disabilities to access goods, facilities and services, including aids and adaptations, and access to appropriate communication support.

Language and Literacy Policy for Scotland

Compiled

by the Scottish Centre for Information on Language Teaching and Research, this recommends the development of a clearly stated language policy for Scotland, which should cover English, community languages like BSL and the languages of people from minority ethnic communities, heritage languages like Gaelic and modern languages.

Best Value Regime

This framework promotes community wellbeing, joined-up working, democratic renewal and the empowerment of communities so that they can take an active role in the planning and provision of services for which effective translation, interpreting and communication support will be crucial.