



**deafscotland**  
equality & integration through communication for all

## **Strategic Action to Include People Affected by Deafness Submission from deafscotland to Inquiry ‘Coronavirus & Scotland’**

### **Introduction**

deafscotland is pleased to have the opportunity to inform the Scottish Affairs Committee’s Inquiry on the COVID-19 pandemic in Scotland and our submission focuses on the impact on those affected by deafness in Scotland.

deafscotland champions an inclusive, fair approach to the design and delivery of services, underpinned by inclusive communication. Decisions and practices in framing and delivering the response to COVID-19 plus legacy issues caused significant problems. For example broadband connectivity, access and use of IT and a consistent (but often unintentional strategy) which excluded the opinions and experience of those affected by deafness created and exacerbated problems around people’s understanding of the health emergency and in accessing health, social care, welfare, economic and enterprise services.

We describe a spectrum of deafness which includes four key pillars: Deaf/Deaf Sign Language users; Deafened; Deafblind; and Hard of Hearing.

### **Digital Connectivity in Scotland**

deafscotland welcomed the Scottish Affairs Committee’s Inquiry report on ‘Digital Connectivity in Scotland’, published in July 2018, and that as a result of your conclusions and recommendations both the UK and Scottish governments have committed to improving broadband speeds and access. In particular, we agree with the Committee’s view that:

‘Digital connectivity is an essential utility—everyone should have affordable access to a high-quality connection... In a society that increasingly operates on a “digital-first” basis, we are concerned that a proportion of people in Scotland do not have access to a good quality and reliable broadband service, particularly in rural areas.’<sup>1</sup>

The chosen methods of communication and assumptions behind a “digital-first” response to COVID-19 resulted in **exclusive** communications as well as other problems. However unintentional, it is critical that policy and services are informed by the evidence and by people who experience the broad range of deafness to ensure inclusive communication as well as value for money. Such an approach is

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<sup>1</sup> Parar1 pg 40 at <https://publications.parliament.uk/pa/cm201719/cmselect/cmsscotaf/654/654.pdf>

consistent with Article 33 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD).<sup>2</sup> The Scottish Government has sought to ensure aspirations of compliance are delivered by adopting a 'A Fairer Scotland for Disabled People – Our Delivery Plan to 2021'.<sup>3</sup> Therefore we urge the Committee to consider why current Frameworks have been overlooked in the COVID-19 response by both the UK and Scottish Governments.

Statistically there is historical evidence of the problems which should have been factored into the design of the COVID-19 response:

- 23% of disabled people say they are quite or very lonely on a typical day.<sup>4</sup> People affected by deafness can be lonely in a busy room as they can hear nothing, are disabled by the environment and their voice is not heard either.
- 46.7% of disabled people are employed compared to 80.3% of non-disabled people.
- 25% of disabled adults have never used the internet, compared to 10.2% of the entire UK population.
- Disabled adults make up 50% of the 0.9 million lapsed internet users (those who last used the internet over 3 months ago).
- Disabled people are significantly less likely than non-disabled people to have internet access (65% compared to 88%).
- Employers report that 92% of the positions they recruit for require at least basic level IT skills, so having this skills set is a key gateway to employment
- Disabled people spend on average £550 a month on disability related expenditure.
- Poor or non-existent internet signals magnify the frustration and misery of some people in rural areas of Scotland.
- Telephones often act as a gateway to the internet. Those affected by deafness are much less likely to find use for the telephone although benefit significantly from smartphone facilities and tools.

A strategy that depends on digital communication as the gateway to benefits, services and advice to keep you healthy and safe is problematic as deaf and hard of hearing people are not all digitally included. This is a problem generally as there are 12.6 million UK adults who lack basic digital skills and 5.3m have never been online.

deafscotland has been inundated with calls, emails and texts, from people and families as well as service providers about providing for accessibility through inclusive communication.

People affected by deafness are disproportionately and negatively impacted by the current approach to the design and delivery of general access services, the 'emergency' services and new Covid-19 mitigated services by many public bodies, Third Sector Organisations and private companies.

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<sup>2</sup> At

<https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#33>

<sup>3</sup> More information is available at <http://www.gov.scot/Publications/2016/12/3778>

<sup>4</sup> 'Doing Digital Inclusion: disability handbook' pub by The Good Things Foundation  
[https://www.goodthingsfoundation.org/sites/default/files/research-publications/disability\\_handbook-with\\_links-final.pdf](https://www.goodthingsfoundation.org/sites/default/files/research-publications/disability_handbook-with_links-final.pdf)

## Deafness

Service design and delivery needs to be recalibrated to cater for the communication rights and the social and economic needs of those affected by deafness. The result will be inclusion and increased wellbeing. Over 1 million people are impacted by some sort of hearing loss in Scotland and that is a significant proportion of the population whose needs require to be considered, planned for and met. In our experience, everyone knows someone who has some degree of hearing loss either due to age, illness, trauma or other cause of loss. It is useful to quantify our diverse population to plan to for their needs. In Scotland:

- Deaf/Deaf Sign Language users (12,500)
- Deafened (355,000)
- Deafblind (4,000)
- and Hard of Hearing (700,000).

There are different barriers and solutions requires across the spectrum of deafness. From our members, we have been alerted to the barriers to accessing many of the new services funded to help address the pandemic but routine actions, singly and collectively, directly and indirectly negatively impact on the lives of people with a hearing loss. This is not inevitable and going forward it is important to ensure that the spend of public money yields the maximum benefit, inclusively.

People's experiences across Scotland raise similar issues: the majority feel they don't have a 'voice' because of the communication barriers in place which negatively impact on all aspects of their lives; as their voices and opinions are not heard, they are excluded, and their needs are unmet; services which should be available are inaccessible because of the systemic design problems. The remedy is to establish Scotland as an Inclusive Communication Nation – a world first – and equip our people with the skills, the understanding and the resources to make it happen.

## Impact of COVID-19 on those affected by deafness

*All services related to COVID-19 crisis, including remote/telephone medical advice, quarantine facilities, public information, including information on essential supplies and services should be accessible for persons with disabilities on an equal basis with others and provided on accessible platforms in various alternative formats, modes and methods of communication. Chair, UN Committee on Rights of Persons with Disabilities and the Special Envoy of the UNSG on Disability and Accessibility<sup>5</sup>*

deafscotland suggests the Committee could explore what data gathering has been undertaken to assess the needs of those affected by deafness in service design generally and specifically on inclusive communication. Article 31 of the UNCRPD obliges both the UK and Scottish Government to collect data so that policies and services achieve equal outcomes.

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<sup>5</sup> Para 9 Joint Statement: Persons with Disabilities and COVID-19 by the Chair of the United Nations Committee on the Rights of Persons with Disabilities, on behalf of the Committee on the Rights of Persons with Disabilities and the Special Envoy of the United Nations Secretary-General on Disability and Accessibility  
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25765&LangID=E>

The issues which have arisen for people across Scotland evidence that the needs of people affected by deafness have been overlooked in health and social care. The results can be huge:

- A person's hearing aid breaks. They find it very hard to get it fixed as they need to find out if their Audiology service is still working, then they have to find out how they get their hearing aid to Audiology safely and securely. Some of this information is available online, but it is not clear. Many older people and those on low incomes especially use their library computers to access online services but this option is not available to them presently.
- The person needs new batteries for their hearing aid(s), but the libraries and drop-ins where they usually pick them up are no longer available to them. Even if they can access information online, people need to email Audiology to order batteries, which then are posted out. If a person cannot access information online, they are left with an aid they cannot use.
- The telephone helplines that have been set up to support people through the pandemic are not accessible to those with a hearing loss and most do not offer another method of access apart from an email address. SMS works better for most people with a hearing loss.
- Hearing Aids are assistive, not corrective therefore a combination of solutions is required including the use of subtitles.
- The use of PPE in pharmacies and other services means that people with a hearing loss lose the ability to use any residual hearing and/or lip read which supplements what they can hear and their understanding of what is being said. This leads to people not having the information they need to make informed choices and give informed consent. It can also lead to misunderstandings.

NHS Boards have made general statements about service provision during the crisis, but there was little information available to inform people affected by deafness on how to access new batteries, hearing aid repairs or adjustments to their hearing aids. However unintentional, this leaves rights holders feeling anxious and more isolated than what they are usually. NHS Boards have sent information about hearing aid batteries, repairs and contacts to deaf organisations and See Hear Leads across Scotland. However, this is not an approach that works eg people may not be known to support organisations and they would not think to contact social work or a Health and Social Care Partnership for information about their hearing aids.

There does not appear to be anything in the funding agreements between Scottish Government, public funding bodies and other funders about accessibility and inclusion of helplines. Most telephone helplines in Scotland are not accessible for people with a hearing loss who do not use BSL (12,500 of the population) as they do not provide an alternative such as SMS or webchat. Email addresses are often provided but they are not "real time" information services.

PPE is needed for health and social care providers, as well as some other essential service providers, to ensure staff are kept safe and well. However, buying PPE that mask the lower face means that people with a hearing loss may lose residual hearing and those who lip read lose their right to communication, to informed choice

and to informed consent. Exemptions for disabilities are vague and unhelpful on this matter.

### **Legislative Foundation for Inclusive Communication**

The Scottish Parliament has already spoken four times on mainstreaming inclusive communication, but the challenge remains on closing the gap between law and practice so that Scotland recovers better economically, socially and culturally. The legislation specifically caters for inclusive communication either as a process or to promote a specific language:

- Section 6 of the Coronavirus (Scotland) No 2 Act 2020<sup>6</sup>
- Section 6 (7)(b) of the Consumer (Scotland) Act 2020<sup>7</sup>
- Section 4(2) of the Social Security (Scotland) Act 2018<sup>8</sup>.
- British Sign Language (Scotland) Act 2015<sup>9</sup>
- Gaelic Language (Scotland) Act 2005<sup>10</sup>

Meeting these duties requires skills, services and equipment. Therefore, the laws requiring inclusive communication are an entrepreneurial opportunity.

This legislative base fits with other policy developments on integrating UK domestic and international human rights obligations such as the UNCRPD and the European Convention on Human Rights (ECHR). Communication is an established human right and a gateway to other human rights eg the right to respect for private and family life, home and correspondence – Article 8 of the ECHR given effect through the Human Rights Act 1998.

### **Communication, the Economy and Enterprise**

Enabling inclusive communication is a business requiring skills, qualifications, accreditation, CPD, and an infrastructure to recruit, promote, manage payments for salaries and invoice for services delivered. State funding to kick start an inclusive communication enterprise is key to making inclusive communication happen.

The UK benefit 'Access to Work'<sup>11</sup> is a gateway to increasing employment amongst those affected by deafness. Immediately an organisation benefits as that communication support is available to the whole organisation and in the longer term saves money. This needs to be understood better by employers. However, Access to Work is not available to everyone such as volunteers, people on work placements, those who do not fit the criteria and not everyone who has a communication support need can access Personal Independence Payment.

Any inclusive communication strategy needs increased access to

- Equipment such as hearing loops and speech to text apps.
- Communication support workers.

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<sup>6</sup> At <https://www.legislation.gov.uk/asp/2020/10/contents/enacted>

<sup>7</sup> Available at <https://beta.parliament.scot/-/media/files/legislation/bills/current-bills/consumer-scotland-bill/stage-3/bill-as-passed-consumer-scotland-bill.pdf>

<sup>8</sup> Available at <http://www.legislation.gov.uk/asp/2018/9/section/4/enacted>

<sup>9</sup> Available at <http://bslscotlandact2015.scot/>

<sup>10</sup> See <http://www.legislation.gov.uk/asp/2005/7/contents>

<sup>11</sup> At <https://www.gov.uk/access-to-work>

- BSL/English Interpreters, Translators, and Electronic Notetakers; and
- Training on how to access and use communication support for policy makers, finance staff and frontline staff so that policy, budgets and services know the benefit of Inclusive Communication.

More needs to be done to bring together the uncoordinated but exemplar pockets of good practice such as on using technology and symbols and mainstream the recruitment of people with hearing loss, access benefits through the DWP and nurture and fund inclusive communication enterprises. deafscotland has produced a briefing on this issue which is available on request.

## Conclusion

There is a growing body of evidence that people affected by deafness have been particularly badly hit by the actions taken to mitigate COVID-19. Whilst not intentional and some of it was unforeseen, the impact is the same and occurred due to inclusive communication not yet being understood as a priority and a mainstream service and right in Scotland.

The inability of people affected by deafness to influence the way services were designed and funded to cope with the COVID-19 emergency is a matter of concern. Had their voices been heard, the same amount of money would have been spent but the impact would have been more inclusive for society as well as the individuals.

The ripple effect of failure to communicate effectively is significant, for example on people's well-being and the links between deafness and dementia are increasingly well evidenced.

Issues have arisen due to the lack of deaf awareness in UK and Scottish Government departments which amplifies previous problems. deafscotland does not believe the repeated failure to follow the Principles of Inclusive Communication<sup>12</sup> - is deliberate rather it is a list of successive actions and decisions of omission. However, the impact on people affected by deafness, their carers and families is the same. **Exclusive communication limits** the effectiveness of any government strategy.

## Recommendations

1. Existing commitments on Inclusive Communication such as under the UNCRPD have not been delivered so it is important to understand why and plan for better compliance.
2. There needs to be a UK wide "Communication for All" strategy that covers all communications from government, public bodies and those Third Sector and Private Sector organisations and services paid from the public purse.
3. Compliance with the strategy needs to be linked to the receipt of funds part of the evaluation of the successful use of funds.
4. Agree the importance of rolling out an economic strategy around inclusive communication.

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<sup>12</sup> See <https://www.gov.scot/publications/principles-inclusive-communication-information-self-assessment-tool-public-authorities/pages/9/>

5. PPE for service providers and guidance for use should be designed inclusively so that clinically safe PPE and relevant practices enables communication with those affected by deafness. For example, the use of Visors by staff and providing technology for all service providers to enable the provision of visual, real time speech to text communication.

### **About deafscotland**

deafscotland is Scotland's national specialist organisation promoting equality, access and citizenship for those affected by deafness. We support the social model of disability, promote a rights - based, person-centred approach. Our work, research, evidence led policy, practice and remedies can usefully inform the inquiry remit so that Scotland can recover better from this health emergency.

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