



Department
for Education

British Sign Language GCSE

Equalities impact assessment

June 2023

Contents

The Public Sector Equality Duty.....	3
Introduction	4
Consideration of the protected characteristics identified in the Equality Act 2010.....	6
Equalities analysis.....	12
Next steps	12

The Public Sector Equality Duty

This document records the analysis undertaken by the Department for Education to enable Ministers to fulfil the requirements placed on them by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. The PSED requires the Minister to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

These aims are also known as the three limbs of the PSED.

Introduction

In 2018, the Department for Education announced a commitment to introduce a GCSE in British Sign Language (BSL) following a succession of important developments in the recent history of BSL. In March 2003, BSL was recognised as its own language, and the government reaffirmed its commitment to improving accessibility for deaf people across the country by backing a Private Members' Bill (The British Sign Language Bill), introduced by Rosie Cooper MP on 16 July 2021. The Bill was given royal assent on 28 April, and it became the British Sign Language Act 2022. The British Sign Language Act 2022, which recognises British Sign Language as a language of England, Wales, and Scotland, provides for the promotion of BSL when making public service announcements (e.g. press conferences, consultations, strategies, green and white papers, policy announcements), encouraging other service providers to do the same.

A number of stakeholders have campaigned for the introduction of a GCSE in BSL. This includes the National Deaf Children's Society (NDCS) which, through its campaign 'Right to Sign', aimed to advance opportunities for deaf young people. In July 2018, Daniel Jillings, then a 12-year-old student, met Minister of State for Schools, Nick Gibb, to advocate for the GCSE. The Department and Ofqual received a formal proposal for a BSL GCSE from Signature in November 2018. Following further discussion, the Department confirmed it would begin the process of developing draft subject content for a new GCSE in BSL.

Our ambition is to create a BSL GCSE which is knowledge rich, coherent, satisfying and worthwhile for the students who study it. The Department has worked closely with subject matter experts, awarding organisations and wider stakeholders, to develop proposed subject content for public consultation. Our intention is that, following publication of the final subject content, awarding organisations will be able to develop specifications such that first teaching of the new GCSE could take place from September 2025.

The draft subject content sets out:

- the knowledge and understanding required of students to demonstrate sufficient BSL comprehension, production and interaction;
- knowledge and understanding required of the history of BSL;
- BSL definitions and parameters, for example, vocabulary size and range, and expected pace;
- grammar requirements; and
- an advisory list of 1000 commonly used signs in the established lexicon of BSL that awarding organisations may use in selecting vocabulary when writing specifications.

While there are other BSL qualifications available, they are not normally taken in schools. By creating a BSL GCSE which is accepted in school and college performance tables, we hope that more schools and colleges will teach BSL. We have decided to design a GCSE for students with no prior knowledge of BSL, but which is accessible for all students including those that currently use BSL. We expect this will both allow deaf students to study an internationally recognised qualification, and increase the number of students with no prior knowledge of BSL learning the language, such that more people are able to use BSL in social and work settings. We expect that the GCSE may particularly appeal to students with deaf family members or friends.

Consideration of the protected characteristics identified in the Equality Act 2010

The below sets out the positive and negative impacts we have identified when considering the different protected characteristics. Where we have not identified any impacts, we will be asking questions related to equalities in the consultation to ensure that we understand the impact on these groups. We will update this EIA before publishing the final subject content.

Age

Although GCSEs are designed for and typically taken by students aged between 14 and 16 years old, they are not restricted to this age group alone, which means older and younger students can choose to enter the BSL GCSE if they wish. This will enable older students or adults to gain an official qualification by studying the GCSE as a private candidate or possibly through the adult education budget. The knowledge and skills acquired through the study of BSL will be of direct value and relevance for immediate and future use in social, academic and work related settings.

We have not identified evidence that the development of a BSL GCSE and the proposed subject content of the GCSE would result in a negative impact relating to the need to eliminate unlawful discrimination, harassment and victimisation, in relation to the protected characteristic of age.

Disability

We have not identified evidence that the new BSL subject content will result in unlawful discrimination, harassment and victimisation in relation to the protected characteristic of disability.

In fact, we believe the introduction of the BSL GCSE will have a positive impact on deaf people and will support all three limbs of the equality duty, to have due regard to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations. For example, we believe the new GCSE will promote inclusivity by improving communication with deaf people. This GCSE may also encourage students in the future to take up a greater range of employment prospects, both directly (e.g. working with people who are deaf) or indirectly (e.g. being able to provide better customer service).

NDCS published a survey in March 2017 about interest in, and opportunities to learn BSL. The survey was aimed at people aged between 8 and 25 years old and engaged 2,128 children and young people. There were high levels of responses from

deaf and hearing young people from different age groups and across the four nations of the UK. That said, it should be noted that, due to the self-selecting nature of the sample, the survey results are likely to be somewhat biased towards those who already had positive views and experiences of BSL:

- 97% thought BSL should be taught in schools
- 92% thought BSL should be offered as a GCSE or equivalent
- 91% wanted to learn more BSL
- 83% said they would be interested in studying BSL to GCSE level or equivalent
- 75% knew at least some BSL (84% among those identifying as deaf)
- 44% were, or had been, active learners of BSL (mainly at introductory level and Levels 1 and 2)
- 21% used either BSL or a combination of speech and signing to communicate.

Reasons for learning or wanting to learn BSL included:

- inclusivity – making sure that deaf people were fully integrated in society and not disadvantaged because others couldn't communicate with them effectively
- the importance of communication in general
- being able to communicate with family and friends
- being able to use BSL can help people with employment prospects, both directly (e.g. working with people who are deaf) or indirectly (e.g. being able to provide better customer service).

This survey outcome provides evidence that some hearing students are likely to be interested in taking up the opportunity, and is likely to foster good relations between groups (limb 3), particularly if the availability of the GCSE leads students to take up careers in which effective communication using BSL are key, such as translation and interpretation, care, and public services.

The extent of any positive impact is dependent on how many schools offer the GCSE and how many students decide to study it. We expect the introduction of the GCSE in BSL as a rigorous and internationally recognised qualification is likely to boost interest in the subject within and beyond schools and colleges.

We have identified further positive impacts for people with a disability and, more specifically, people who are deaf or have speech, language and communication needs. Though we do not collect data on the number of students with a hearing impairment¹ who currently use BSL, we collect data in the school census on the number of students in state-funded schools, non-maintained special and state-funded AP in England, who have hearing impairment recorded as their primary or

¹ The school census uses the term 'impairment'. We have retained that language here to ensure presentation of the data is clear.

secondary type of need. The tables below are split by type of SEN provision and includes those aged 2-19 years old.

Primary type of need: Number of students with a hearing impairment, SEN Support and Statement or with an EHC plan² in England for 2021/22³

	Statement or EHC	SEN support
Hearing Impairment	6,189	16,695

Secondary type of need: Number of students with hearing impairment on SEN Support and Statement or with an EHC plan in England for 2021/22⁴

	Statement or EHC	SEN support
Hearing Impairment	2,374	2,744

In England, BSL is the main language of just over 21,000 people (0.04%)⁵. As GCSEs are not limited to a particular age, it is likely that the GCSE would interest many members of this group, whatever their age. The GCSE will advance equality of opportunity between deaf and hearing students (limb 2) as it will encourage more teaching of BSL in schools, enabling better communication between deaf and hearing students and with adults.

We have not identified any groups who share particular protected characteristics where the subject content of the proposed BSL GCSE could have a negative impact. The GCSE subject content requirements apply equally to all students undertaking this qualification regardless of particular protected characteristics or socio-economic status.

²Education, Health and Care (EHC) plan - a pupil has an EHC plan when a formal assessment has been made of their SEN needs. A document is in place that sets out the child's need and the extra help they should receive. Prior to September 2014, a statement of SEN was used. The period for local authorities to transfer children and young people with statements of SEN to EHC plans started in September 2014 and ended in 2018. Following the introduction of EHC plans in September 2014, statements of SEN and EHC plans were grouped together within the data.

³['02 - Age and Gender, by type of SEN provision and type of need - 2016 to 2022' from 'Special educational needs in England', Permanent data table – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](#)

⁴['05 - Secondary need, by type of SEN provision and type of need - 2016 to 2022' from 'Special educational needs in England', Permanent data table – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](#)
<https://explore-education-statistics.service.gov.uk/data-tables/permalink/ed9e8c9a-af8e-45f1-c652-08db513bbb31>

⁵<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/language/bulletins/languageenglandandwales/census2021#toc>

We have, however, identified a small subset of students for whom the GCSE is likely to be inaccessible. This includes students who are blind or deafblind, or who are paralysed in the upper body. This is due to the nature of BSL as a visual gestural language - there are no reasonable adjustments that could be made to the assessment of this qualification for these groups that would not fundamentally change the nature of the subject. Tactile signing is out of scope for this GCSE.

The GCSE has been designed for students with no prior knowledge of BSL but will be accessible for students who use BSL as their first language. We believe this will help to ensure the BSL GCSE is viable and therefore more likely to be offered by an awarding organisation. A GCSE aimed only at first language users would be inaccessible for people who had no prior knowledge of BSL, and to ensure the GCSE is viable and inclusive, we actively want to encourage students with deaf family members and friends, and others who have no prior knowledge of BSL to take the subject, which will help to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

The fact that we had designed the GCSE to be accessible to all could raise concerns that it is indirectly discriminating deaf students who feel the GCSE should only be aimed at first language users. To mitigate this risk, we have worked with awarding organisations, subject matter experts, and stakeholders to ensure the content is rigorous and challenging for all students in line with other GCSEs.

The assessment arrangements are for Ofqual to decide and will be detailed further in their consultation and EIA.

Gender reassignment

We have not identified evidence that the development of a BSL GCSE and the proposed subject content of the GCSE would result in a negative impact relating to the need to eliminate unlawful discrimination, harassment and victimisation; the need to advance equality of opportunity between people who share a protected characteristic and those who do not; the need to foster good relations between people who share a protected characteristic and those who do not - in relation to the protected characteristic of gender reassignment.

Marriage and Civil Partnership

We have not identified evidence of unlawful discrimination, harassment and victimisation - in relation to the protected characteristic of marriage and civil partnership.

Pregnancy and maternity

We have not identified evidence that the development of a BSL GCSE and the proposed subject content of the GCSE would result in a negative impact relating to the need to eliminate unlawful discrimination, harassment and victimisation; the need to advance equality of opportunity between people who share a protected characteristic and those who do not; the need to foster good relations between people who share a protected characteristic and those who do not - in relation to the protected characteristic of pregnancy and maternity.

Race (which includes nationality)

We have not identified evidence that the development of a BSL GCSE and the proposed subject content of the GCSE would result in a negative impact relating to the need to eliminate unlawful discrimination, harassment and victimisation; the need to advance equality of opportunity between people who share a protected characteristic and those who do not; the need to foster good relations between people who share a protected characteristic and those who do not - in relation to the protected characteristic of race (which includes nationality).

Religion or belief

We have not identified evidence that the development of a BSL GCSE and the proposed subject content of the GCSE would result in a negative impact relating to the need to eliminate unlawful discrimination, harassment and victimisation; the need to advance equality of opportunity between people who share a protected characteristic and those who do not; the need to foster good relations between people who share a protected characteristic and those who do not - in relation to the protected characteristic of religion or belief.

Sex

We have not identified evidence that the development of a BSL GCSE and the proposed subject content of the GCSE would result in a negative impact relating to the need to eliminate unlawful discrimination, harassment and victimisation; the need to advance equality of opportunity between people who share a protected characteristic and those who do not; the need to foster good relations between people who share a protected characteristic and those who do not - in relation to the protected characteristic of sex.

Sexual Orientation

We have not identified evidence that the development of a BSL GCSE and the proposed subject content of the GCSE would result in a negative impact relating to the need to eliminate unlawful discrimination, harassment and victimisation; the need to advance equality of opportunity between people who share a protected

characteristic and those who do not; the need to foster good relations between people who share a protected characteristic and those who do not – in relation to the protected characteristic of sexual orientation.

Equalities analysis

As a result of our analysis, we find that we should proceed as planned to consult on draft content for a British Sign Language GCSE.

We conclude that in certain characteristics such as disability, we have identified that this policy will have an overall positive impact on eliminating discrimination and by advancing equality of opportunity and fostering good relations. In all characteristics we do not envisage any negative impact on the three limbs of the PSED. The BSL GCSE will have no adverse or disproportionately negative impact on people who share a protected characteristic in gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

<i>Protected characteristic</i>	<i>Positive</i>	<i>Negative</i>	<i>Neutral*</i>	<i>No impact</i>
<i>Disability</i>	X			
<i>Pregnancy and maternity</i>			X	
<i>Marriage or civil partnership</i>			X	
<i>Race</i>			X	
<i>Religion or belief</i>			X	
<i>Sex</i>			X	
<i>Sexual orientation</i>			X	
<i>Gender reassignment</i>			X	
<i>Age</i>			X	

**A decision which maintains a positive impact and/or doesn't introduce a negative impact can be assessed as Neutral.*

Next steps

One of the key aims of the new GCSE in British Sign Language (BSL) is to create a rigorous, motivating and stretching course that is accessible to all students. We are confident that we will achieve this.

Whilst the Department is responsible for creating the subject content for this GCSE, it will be up to the awarding organisations to decide whether they wish to offer the GCSE and develop the specifications for it. Should awarding organisations offer the GCSE, they will provide the necessary resources to support schools. Stakeholder organisations will also support its teaching.

We will seek to review the policy once we have analysed responses from the public consultation later this year. This EIA will also be kept under review and if new relevant information comes to our attention, it will be considered and factored into the EIA. The public consultation on the subject content will include one or more questions on equalities impacts.