



Department  
for Education

# **British Sign Language GCSE**

**Equalities impact assessment**

**December 2023**

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## **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. We consulted on the subject content between 15 June and 8 September 2023. In which we asked questions on equality; whether the proposals had the potential to have an impact on those who shared a protected characteristic, and how the content could be altered to improve equality. We have updated the EIA and the final subject content in light of the consultation responses.

Now that the final subject content is published, Ofqual will develop and publicly consult on the detailed assessment requirements. After Ofqual's consultation and once those requirements have been published, awarding organisations will be able to develop their qualifications. Where suitable qualifications have been developed, the aim is that accredited specifications will be available to schools from September 2025.

The final 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 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 provide the opportunity for 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, including those cases where we have identified no evidence either way.

### **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. Primary schools and, of course, schools that cover Key Stage 3, are able to teach BSL to their students if they wish to do so. When this GCSE is introduced, older students or adults will also be able to gain an official qualification by studying it 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 it 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 is 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 impairment<sup>1</sup> who currently use BSL, we collect data in the school census on the number of students with special educational needs in state-funded schools, non-maintained special and state-funded alternative provision (AP) in England, who have

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

hearing impairment recorded as their primary or secondary type of need. The tables below are split by type of SEN provision and include those aged 2-19 years old.

**Primary type of need:** Number of students in schools with hearing impairment as their primary type of need on SEN Support or with an Education, Health and Care (EHC) plan in England for 2022/23<sup>2</sup>

	2022/2023	
	EHC plan <sup>3</sup>	SEN Support
Hearing Impairment	6,242	16,947

**Secondary type of need:** Number of students in schools with hearing impairment as their secondary type of need on SEN Support or with an EHC plan in England for 2022/23<sup>4</sup>

	2022/2023	
	EHC plan	SEN Support
Hearing Impairment	2,422	2,634

In England, BSL is the main language of just over 21,000 people (0.04%)<sup>5</sup>. 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.

We have identified a small subset of students for whom the GCSE is likely to be inaccessible, as there are unlikely to be reasonable adjustments that can be made to the assessment of this qualification for these groups that would not fundamentally change the nature of the subject. This includes potentially some students with mobility and upper limb difference (use of one hand, missing fingers, hemiplegia,

<sup>2</sup>'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](https://explore-education-statistics.service.gov.uk))

<sup>3</sup>Education, Health and Care (EHC) plan - a student 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.

<sup>4</sup>'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))

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



facial paralysis), and also for some students with a visual disability (for example students who are blind or deafblind). This is due to the nature of BSL as a visual gestural language and which uses a two-handed alphabet. Other GCSEs may be accessible for this small subset of students with reasonable adjustments, and some students in the above groups may be able to communicate in BSL depending on their individual circumstances.

Adjustments can only be made to an assessment, or to the way an assessment is carried out, to support disabled students, including students with a learning disability, to show what they know, understand and can do in relation to the subject content. They are not intended to compensate for knowledge, skills and understanding that a student does not have, including where their disability is the reason for any gap in their knowledge, skills or understanding. The Equality Act 2010 requires exam boards to make reasonable adjustments to assessments for disabled students. Ofqual requires exam boards to publish their arrangements for making reasonable adjustments, including how a student qualifies for a reasonable adjustment and what reasonable adjustments will be made.

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 against deaf students who feel the GCSE should be aimed at a level of difficulty suitable only for 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 are detailed further in their consultation response.

### **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 consultation analysis, we have updated this EIA and have published the final subject content for a British Sign Language GCSE.

Whilst the BSL consultation had an overwhelmingly positive response to the requirements set out in the subject content, we have made some minor changes as a result of some feedback.

Alongside the final content we have published a consultation response document - this includes analyses of responses to questions about equalities and our responses to the points raised. This includes issues raised in these questions such as GCSE accessibility for individuals with limited mobility in their hands and who have a visual disability, including issues not directly related to the BSL content such as the teachers who would teach the new 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. Due to the nature of BSL as a visual gestural language and which uses a two-handed alphabet, the GCSE is unlikely to be accessible to a small subset of students, for example some students with mobility and upper limb difference, and some students with a visual disability.

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.

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

*\*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. Awarding organisations that have chosen to offer the GCSE will provide the necessary resources to support schools. Stakeholder organisations will also support its teaching.

This EIA has been updated and will also be kept under review and if new relevant information comes to our attention, it will be considered and factored into the EIA.

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