

Providing access to communication
in English for deaf people

Your duties under the DDA

A guide for service providers, employers
and trade organisations

Produced by the

Access to

Communication in

English Coalition



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1 About this guide



This guide is written for service providers, employers and trade organisations. It gives you practical information about the duty to provide Language Service Professionals (LSPs) to deaf people who use English as their first or preferred language as laid out under the Disability Discrimination Act (DDA).

We use the term deaf people throughout to refer to deaf, deafblind, deafened and hard of hearing people.

There are different forms of communication and language support services available to communicate with deaf people who use English or British Sign Language (BSL). Always discuss a deaf person's communication preferences with them.

In this guide we include examples of good practice and how the duty to make reasonable adjustments under the DDA is likely to work in relation to LSPs. The examples are only illustrative of the principles and concepts of the guide. In practice, the LSPs cited in the examples may be supported by other professionals, based on an individual's communication needs.

What does this guide cover?

This guide outlines the duty to use LSPs when communicating with deaf people who use English as their preferred language, as a reasonable adjustment under Parts 2 (Employment) and 3 (Goods, services and facilities) of the DDA.

We do not cover post-16 education and schools (Part 4 DDA) in this guide. However, education providers are covered by the employment and service provisions in three main areas:

- employing staff
- providing non-educational services to the public
- publishing information about arrangements for disabled people.

Wholly privately-funded post-16 education providers and providers of vocational training are covered by Part 3 DDA (Goods, services and facilities).

This guide does not cover the use of BSL/English interpreters. They are only suitable to assist communication between deaf people who use BSL and people who do not use BSL. For more information about using BSL/English interpreters, see the *Guidance on providing British Sign Language/English interpreters under the Disability Discrimination Act 1995 – for employers, trade organisations and service providers*. A summary of this document is also available. You can download the publications at www.rnid.org.uk

2 Deaf people and English



One in seven people in the UK is deaf or hard of hearing. Most deaf or hard of hearing people in this country use English as their first or preferred language. For many deaf people, wearing a hearing aid is enough to help them communicate, with or without the use of a loop system. However, for some deaf people additional steps need to be taken to enable effective communication.

Lipreading, for example, is a very useful skill. Most people lipread a certain amount without realising it, whether they are hearing or deaf. Lipreading skills vary and depend largely on the environment and context in which the conversation takes place. The accent of the speaker, the speed of the conversation, the lighting, the size of group and familiarity with the subject are all factors that influence a deaf person's ability to lipread and therefore their understanding of the conversation.

Example

A mother who is deafened has good lipreading skills. However, at a parents' evening at her child's secondary school, she finds it difficult to understand the different teachers because she is not familiar with their way of speaking. The school therefore arranges for a lipspeaker to be present to enable the teachers to communicate effectively with the mother. It is the school's responsibility to pay for this service.

BSL and English

Some deaf people are bilingual in both BSL and in English, and their preferred communication support may vary according to the situation and environment they need the support for. Always check with the deaf person what their preferred means of

communication is for a particular situation. Providing the wrong communication support service is effectively the same as not making a reasonable adjustment at all – it could put you at risk of court action under the DDA.

Occasionally you may meet a deaf person who is not fluent in either English or BSL. This may be because they use another spoken language such as French, Polish or Bengali, or because they had limited access to any form of language when they were growing up. Communicating with these deaf people may require the services of an LSP who is experienced in working in co-operation with other specialists.

Deafblind people have varying degrees of visual impairment and deafness. Their preferred communication methods differ. Always ask the deafblind person how they prefer to communicate or access information.

Example

Mr Appleby brought a claim for disability discrimination under the DDA against the Department for Work and Pensions. Despite a clear written request for speech-to-text communication support, the court provided BSL/English interpreters for the trial. RNID's Casework Service represented Mr Appleby and issued court proceedings on his behalf. The Lord Chancellor's department (LCD), now the Department of Constitutional Affairs (DCA), subsequently admitted liability. As part of the settlement, the DCA agreed to take advice from the Disability Rights Commission when reviewing its procedures to ensure it is accessible to disabled people. The LCD paid Mr Appleby £1,000 plus costs.

3 Language service professionals (LSPs)



Deaf people who use English as their preferred language are often placed in a situation where it is difficult for them to communicate successfully with other people. Depending on their needs, there are different types of LSPs available to help them.

The most commonly-used LSPs for English users are:

- lipspeakers
- speech-to-text reporters
- electronic notetakers
- manual notetakers
- deafblind interpreters (manual)
- deafblind communicator guides.
- cued speech transliterators.

Appendix A has detailed information about the different types of LSPs.

The Council for the Advancement of Communication with deaf People (CACDP) holds professional registers for lipspeakers, speech-to-text reporters and deafblind interpreters (manual). CACDP also publishes a directory which provides contact details of registered LSPs in these fields.

If you are booking these LSPs, make sure the person you book is registered. Registered LSPs are professionally qualified in the service they offer, and work to a code of practice and ethics. Relying on a partner, family member or friend to assist in communication is not appropriate, unless it is the deaf person's choice. This is because there is no assurance that information will be relayed accurately and impartially.

To find other LSPs (electronic and manual notetakers and deafblind communicator guides), contact the appropriate organisation listed in Appendix B.

Alternatives to the deaf person's preferred type of LSP 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
- with the full knowledge and consent of the deaf person.

Get advice when making a booking and make sure you book the appropriate type of LSP.

Information in written English

Written communication is not as direct as spoken or signed communication. It is not always appropriate to use pen and paper, especially if more complex issues are discussed, or if more than two persons are involved.

When producing audiovisual material in English, make sure that this is accessible for deaf people, such as through subtitles. For more information, see our leaflet *STOP before producing information for deaf people*, which you can download from www.rnid.org.uk

4 The DDA and the duty to make a reasonable adjustment



Definition of disability

The DDA definition of disability is “a **physical or mental impairment** which has a **substantial** and **long-term adverse effect** on [the person’s] ability to carry out **normal day-to-day activities**”.

A deaf person who needs language service professionals (LSPs) is likely to meet the definition of disability as used in the DDA.

What is a service provider?

Under the DDA, ‘service providers’ are most companies or organisations that provide, in the UK, goods, facilities or services to the public or a section of the public. It does not matter whether the services are free or paid for.

Examples include banks, hospitals/GPs, hotels, restaurants, solicitors, local authorities and museums.

What is a reasonable adjustment?

Service providers have a duty under the DDA to make ‘reasonable adjustments’ to the way they provide their services so that they are accessible to disabled people.

I am a service provider. When do I have to provide a LSP?

When you are deciding if it is a ‘reasonable adjustment’ for you to provide an LSP a number of factors have to be taken into account. Four of these are:

- the size of the service provider
- the cost of the adjustment
- the resources available to the service provider – including any help or advice
- the nature of your service.

Ultimately, only a court can decide what is reasonable in a particular situation; however, the Disability Rights Commission has produced a Code of Practice on goods,

facilities, services and premises which you can view at

www.drc-gb.org/thelaw/practice.asp

Goods, facilities and services

A service provider who provides services to the public or a section of the public in the UK also has to make reasonable adjustments. This duty has four forms.

- To change a practice, policy or procedure which makes it impossible or unreasonably difficult for deaf people to use the service, with or without communication support.
- To provide additional aids or services, such as communication support, if these would enable or assist a deaf person to make use of the services.
- To provide the service in a reasonable alternative way.
- To remove or alter physical features if these make it impossible or unreasonably difficult for deaf people to access a service or to provide the service in another way.

Example

A couple, one of whom is deaf, have an appointment at the bank to discuss a mortgage. The bank has booked a lipspeaker – the deaf person’s preferred choice of LSP. When the meeting starts, the deaf person realises that they cannot see the lipspeaker properly because of bad lighting. The bank manager moves the meeting to a different room with better lighting.

If you are a service provider then you owe these duties to disabled people generally. This means that you should not wait until a deaf person needs to use your service before thinking about adjustments. The service provider has an **anticipatory duty**, which means that you have to think in advance about when LSPs may be required, and then make the necessary arrangements to ensure they are used effectively.

4 The DDA and the duty to make a reasonable adjustment



You must plan ahead, and keep those plans under regular review, as adjustments may change. Service providers are not allowed to pass the cost of reasonable adjustments on to deaf or other disabled customers. This means that you have to pay for these costs yourself.

The DDA Codes of Practice give more detailed information about the DDA. If you are based in Great Britain you can buy these from the Stationery Office or download them from the Disability Rights Commission website www.drc-gb.org

If you are based in Northern Ireland, visit the website of the Equality Commission www.equalityni.org

Employers and trade organisations

For more information on the DDA if you are an employer, read the *DRC Code of Practice – Employment and Occupation*. If you are a trade organisation, see the *DRC Code of Practice – Trade organisations and qualification bodies*.

Examples

It is likely to be reasonable for a large service provider such as a college to provide an LSP on request for a formal induction to the college library for new students. However, it is unlikely to be reasonable for the college to provide an LSP every time a deaf student visits the library in order to borrow a book.

It is not likely to be reasonable for a small service provider such as a corner shop to be expected to provide an LSP. However, the shop would be expected to make other reasonable adjustments, such as communicating via written notes, allowing assistance dogs onto the premises or providing a member of staff to help a deafblind customer to find things on the shelves.

Reasonable adjustments if you are an employer

The DDA says that employers have to make 'reasonable adjustments' (changes) to the workplace and to employment arrangements, including recruitment, if the disabled person is put at a substantial disadvantage compared with people who are not disabled. This could include:

- any physical feature of the premises occupied by the employer, or
- a 'provision, criterion or practice' which is applied by or on behalf of the employer. Provisions, criteria and practices might include arrangements, for example, how an employer determines who they are going to employ. This includes job interviews and the terms and conditions of employment, promotion, training or any other benefits.

The employer has to take reasonable steps to ensure the disabled person is not placed at a disadvantage.

What is a reasonable adjustment?

The DDA does not say what adjustments are reasonable and what are not. What is reasonable depends on the circumstances of the particular situation. The DDA does say that when an employer is thinking about what could be reasonable, they should consider some factors that may be relevant to the situation. These factors can include:

- the extent to which making the adjustment would prevent the effect in question
- how practical it is to make the adjustment
- the financial and other costs of making the adjustment and the extent to which making the adjustment would disrupt any of the employer's activities
- the extent of the employer's resources, such as money or equipment
- the availability of financial or other assistance for making the adjustment – for example, funding from the Access to Work scheme or advice from disabled people's organisations.

4 The DDA and the duty to make a reasonable adjustment



Employers, trade organisations and similar bodies cannot justify a failure to make a reasonable adjustment.

The DDA also covers practical work experience and employment services. For example, vocational training. Employers, trade organisations and other bodies have a duty to use LSPs if this would be a reasonable adjustment.

Help to pay for LSPs 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 candidates who come for interviews. You can find more information about Access to Work from www.jobcentreplus.gov.uk

Trade organisations

The DDA also covers trade organisations. These include trade unions and professional organisations. Trade organisations are not

Example

A new employee who is hard of hearing attends an induction meeting which includes health and safety issues. The employer has booked a speech-to-text reporter, who makes a verbatim record of the entire meeting.

If a deaf person needs an employer to make a reasonable adjustment, then they need to tell the employer that they are deaf and the type of adjustment they need – for example, a speech-to-text reporter for an interview or a lipspeaker at an in-house training day. Employers only have to make reasonable adjustments if they know or could reasonably be expected to know that an employee has a disability.

If an adjustment is reasonable, the employer, trade organisation or other body has to make this. Failure to make a reasonable adjustment cannot be justified under the DDA.

allowed to discriminate against deaf or other disabled people.

Trade organisations have to make reasonable adjustments for their members or disabled people who are or might apply for membership. They also have duties towards disabled people who are holders of professional or trade qualifications or who are applying or might apply for these. Trade organisations may need to make reasonable adjustments in many situations, including annual conferences, training events, general meetings, face-to-face advice or counselling. An example would be a trade union which provides a speech-to-text reporter at its annual conference.

Practical tips for making the most of an LSP

If you have to make a reasonable adjustment you need to make sure that as well as providing the right type of LSP that you also make adequate arrangements to assist communication on the day. For example:

- Have you briefed the LSP in advance?
- Are there good seating/standing arrangements?
- Has the LSP met the deaf person before the meeting so that they understand the deaf person's requirements?

The duty to use LSPs as a reasonable adjustment

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

1 Booking an LSP

- Demand for LSPs exceeds supply. Allow plenty of time for booking (at least four to six weeks in advance, if possible). Some agencies offer a short-notice service.
- Be flexible with arrangements around making appointments.
- Remember, the cost of providing LSPs cannot be charged to the deaf employee or customer.

4 The DDA and the duty to make a reasonable adjustment



Example

The audiology department in a hospital books timed appointments for its patients. However, the appointments frequently run over and patients can wait for anything up to an hour for their appointment. The department has booked a deafblind interpreter (manual) for a deafblind person at a certain time and may have to see the deafblind patient out of turn in order to ensure that the interpreter is still available.

Before booking an LSP, find out what kind of communication support the deaf person wants for that particular situation.

2 Working with an LSP

- When booking, ask for a qualified and where applicable, a registered LSP. LSPs registered with CACDP will have an ID card.
- Give information about the nature, content and length of the assignment.
- Send the LSP background information in advance, for example, frequently used jargon, terminology, or a list of the attendee names.
- When the LSP arrives for the assignment, introduce yourself and the deaf person(s).
- At the place of assignment, make sure that the LSP and the deaf person are comfortable with the seating and lighting.
- Be aware the deaf person and/or the LSP may ask you to move to an appropriate environmental position for good communication.
- Talk to the deaf person, not the LSP.

Example

A deafblind person attends a council meeting with a communicator guide. The local authority ensures that they sit where there is good reception and where the deafblind person is fully part of the audience.

5 Ensuring compliance with the DDA



Training

Make sure that your members of staff have received deaf awareness or communication tactics training. The training should help them be aware of different ways of communicating with deaf and hard of hearing people, including using and booking appropriate communication support. The training should also include information about how to use equipment such as loop systems, textphones, or RNID Typetalk, the national telephone relay service for deaf, deafened, hard of hearing, deafblind and speech-impaired people.

Advertise the service

Make sure that deaf staff and the general public know that communication support can be booked, and how they can request it. Make it possible for deaf people to contact you in a variety of ways, such as by telephone, textphone, fax, email, SMS,

or post. Keep up to date with technological advances in text solutions, as deaf people are quick to take advantage of them.

Plan ahead

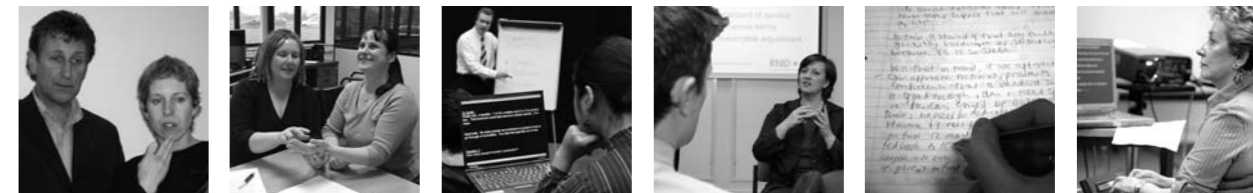
- Draw up practical guidelines for booking and using communication support services, and distribute these to all staff.
- Build communication support service costs into budgets at the beginning of each financial year or into any relevant project.
- Make a list of local providers of LSPs. Local providers can be interpreter agencies, local authorities or regional deaf organisations.

Many LSPs are self-employed. CACDP's website www.cacdp.org.uk and some LSPs' professional associations have details of qualified LSPs in your area.

Get feedback

Monitor the service regularly to check that you are booking and providing effective communication support and that you are meeting the needs of deaf people. You can use this feedback to take follow-up action and to develop good practice.

Appendix A LSPs for people who use English as their preferred language



Remember, for meetings over two hours long you may need to book two LSPs.

Lipspeakers

Lipspeakers work with deaf people who prefer to communicate through lipreading and speech. The lipspeaker listens to what is being said and silently repeats it to the lipreader, using exceptionally clear speech movements, reproducing the rhythm and phrasing of the words used by the speaker, and supporting the meaning with gesture and facial expression. If requested, the lipspeaker will fingerspell the initial letters of any difficult words. If a lipreader requires it, a lipspeaker may repeat the speaker's words aloud, using clear communication techniques.

If hearing people are having difficulty understanding a deaf person directly, lipspeakers may be able to relay what the deaf person is saying.

Lipspeakers are qualified at CACDP levels 2 and 3. The level of lipspeaker you require depends upon the nature of the assignment and on the speed and complexity of the language used. Ask for advice when making a booking.

Electronic notetakers

Electronic notetakers type a summary of what is said on a computer. This information then appears on a screen for the deaf person to read it, or via a refreshable braille output for a deafblind person. The deaf person can type a reply which the operator can read to hearing people in the room. Electronic notetakers work with deaf people who are comfortable reading English, as all notes are typed in English. The summarised notes are the property of the deaf person at the end of the meeting. A speech-to-text reporter is more appropriate if a word-for-word account is preferred.

Manual notetakers

Manual notetakers are trained to take handwritten notes for deaf people in meetings, on courses or at other events. It is quite common for someone to have a notetaker as well as another communication support service. If a deaf person uses an LSP, it is impossible to take notes and follow what is being said at the same time. Notes are typically read after the event. The notes are the property of the deaf person at the end of the meeting.

Verbatim speech-to-text reporters

A speech-to-text reporter (STTR) will listen to what is being said and type it, word for word, onto an electronic shorthand keyboard (either Palantype or Stenograph), which is linked to their laptop. The text is displayed either on the screen of a laptop for one deaf user, or projected onto a large screen or a series of plasma screens for more users.

Unlike a QWERTY keyboard, the STTR will not press every letter in a word on the keyboard but will press several keys at once, which represent whole words, phrases or shortforms. The specially-designed software will then convert these phonetic chords back into English, which is then displayed for the deaf person to read. The STTR produces a word-for-word account of what is said at speeds in excess of 200 words per minute and will also give extra information, such as {laughter} or {applause}, to keep the deaf person informed of the mood of the meeting.

Deafblind manual interpreters

Deafblind manual interpreters are trained to use the deafblind manual alphabet, where words are spelt out onto the fingers and hands of a deafblind person. Deafblind manual interpreters work in more formal settings and at faster speeds than deafblind communicator guides. Registered deafblind manual interpreters have the CACDP level 4



Certificate in Deafblind Interpreting and can work to speeds of 60wpm.

Deafblind communicator guides

Communicator guides work with deafblind people and provide support to meet a variety of communication and mobility needs.

Deafblind communicator guides work informally. For example, they help deafblind people with writing letters, reading, or they go out and about with the deafblind person to help with everyday activities.

Communicator guides have the CACDP level 3 Certificate in Communication and Guiding Skills with Deafblind People and can work to speeds of 15wpm.

Cued Speech transliterators

Cued Speech Transliterators (CSTs) silently repeat verbatim (word for word) all that is said using clear lip patterns, together with eight different handshapes called cues, at the rate of normal speech. This enables a deaf user to see a full visual representation of spoken language sound-for-sound. Cued Speech is particularly useful for indicating sounds that are not visible on the lips. CSTs work in any situation but are mainly used in education.

For more information about CSTs contact the Cued Speech Association UK.

Appendix B Useful contacts and organisations



Access to Work

For information about the Access to Work scheme, visit a disability employment adviser, based at local Jobcentre Plus offices, or contact your local Access to Work Business Centre. See your local phonebook for contact details or visit

www.jobcentreplus.gov.uk

ACE Coalition

For full contact details of all organisations listed, and of other deaf-related organisations, go to

www.deafcouncil.org.uk/memdir.htm

Aberdeen and North East Deaf Society

Provides services for deaf and hard of hearing people throughout the North East of Scotland.

www.aberdeennedeaf.org.uk

Association of Lipspeakers

The professional body that represents lipspeakers.

www.lipspeaking.co.uk

Association of Verbatim Speech-to-Text Reporters

The professional body representing verbatim speech-to-text reporters.

c/o UK Council on Deafness, Westwood Park, London Road, CO6 4BS.

Telephone 01206 274075

Textphone 01206 274076

Fax 01206 274077

British Institute of Verbatim Reporters

The professional body representing verbatim reporters.

www.bivr.org.uk

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

UK awarding body accredited by the Qualifications and Curriculum Authority (QCA) offering qualifications (from basic to advanced levels), in deaf awareness and communication methods commonly used by deaf, deafened, hard of hearing and deafblind people.

www.cacdp.org.uk

Cued Speech Association UK

Provides information about and training in Cued Speech.

www.cuedspeech.co.uk

Deafblind UK

Provides services for deafblind people throughout the UK.

www.deafblind.org.uk

deafPLUS

A national organisation with a grassroots focus, delivering services through its England-wide regional structure. Provides information, support and training across the range of deafness in partnership with others.

www.deafplus.org

Hearing Concern

Provides advice, information and support, promotes communication access and raises public and professional awareness of the issues associated with hearing loss.

www.hearingconcern.com

LINK Centre for Deafened People

A national organisation for late-deafened adults in the UK., Delivers a wide range of direct services, conducts targeted research, and provides training for professionals working in relevant disciplines.

www.linkdp.org

Appendix B Useful contacts and organisations



National Association of Deafened People

Aims to provide information and support for people with a profound, acquired hearing loss.

www.nadp.org.uk

RNID

RNID is the largest charity working to change the world for the UK's 9 million deaf and hard of hearing people. We do this by campaigning and lobbying, with the help of our members, raising awareness of deafness and hearing loss, providing services and through social, medical and technical research.

www.rnid.org.uk

RNID Typetalk

National telephone relay service for deaf, deafened, hard of hearing, deafblind and speech-impaired people.

www.rnid-typetalk.org.uk/

Sense

A national charity that supports and campaigns for children and adults who are deafblind.

www.sense.org.uk

UK Council on Deafness

Works with and for deaf organisations in the UK by providing information, advice and support. Represents the views of the sector to the government and to policy makers.

www.deafcouncil.org.uk

There are a number of ways to find out more

www.rnid.org.uk

Information line

Telephone 0808 808 0123

Textphone 0808 808 9000

Or write to us

informationline@rnid.org.uk

19-23 Featherstone Street

London EC1Y 8SL

Fax 020 7296 8199

Full contact details of all organisations that support this campaign, including those organisations not actively involved in producing this report can be found at:

www.deafcouncil.org.uk/memdir.htm



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United Kingdom Council
on Deafness

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