



Select Committee Team
House of Commons
London
SW1A 0AA

MoJ ref: ADR

Date: 26 April 2022

Dear Dame Diana,

DEAF SURVIVORS OF DOMESTIC ABUSE

Thank you for your letter of 18th of February addressed to the Secretary of State, on behalf of the Home Affairs Committee, regarding the challenges that deaf survivors of domestic abuse, whose first language is British Sign Language (BSL), face when engaging with the justice system. I have been asked to reply as the Ministry of Justice minister responsible for violence against women and girls.

Firstly, I want to assure you of the Government's absolute commitment to ensuring that deaf survivors of domestic abuse receive equal and accessible services in accordance with Section 20 of the Equality Act 2010 and the Public Sector Equality Duty set out within the Act. It is essential that all victims, including any person with hearing loss of any degree have the support they require to engage fully with the criminal justice system and that the system provides a timely and effective response to their particular needs.

I was very saddened to hear about the survivor's case and the distress she experienced. We are committed to ensure accessibility for all victims to criminal justice services and will continue work to ensure victims with protected characteristics receive the support they require to engage fully with the criminal justice system.

In your letter you raised a series of important issues, which I will respond to in turn below.

Review of BSL interpreters in the Crown Court and Data

A review of Language Service provisions, including BSL, has commenced and as part of this, HMCTS are reviewing existing contracts and identifying new requirements for arranging BSL interpretation across all court jurisdictions. This work also includes exploring areas that require improvement, such as booking processes, court staff guidance and training. In the meantime, during this review HMCTS will continue to work with existing suppliers and venues to resolve issues that may occur locally, as well as reviewing performance and trends at a national level to improve the provision of BSL interpreting services. As part of the re-procurement of Language Service provisions, HMCTS are working to develop future data streams to explore the feasibility of collating robust data on the number of court cases which have been delayed due to the absence of a BSL interpreter, alongside other similar data.

Deaf Registered Intermediaries

Registered Intermediaries (RIs) are self-employed and impartial communication specialists who are available to help prosecution and defence witnesses with communication difficulties to give evidence in police interviews and to the court. A vulnerable witness is eligible for assistance from an RI if they are under the age of 18, or if the court considers that the quality of evidence given by the witness is likely to be diminished by a mental health issue, difficulty with social functioning, a learning disability or a physical disability.

The Ministry of Justice is committed to providing RIs, including Deaf RIs, to eligible witnesses. For all deaf witnesses, the need for a Deaf RI is considered if the deaf witness is under the age of 18 or has an additional communication need beyond deafness that may impair the quality of evidence given. If the deaf witness does not have an additional communication need and is not a child, a BSL interpreter is able to facilitate the giving of evidence, and an RI is not required.

Cost for BSL interpretation

In your letter you ask whether legal aid covers the cost of BSL interpretation. I am pleased to tell you that the Government provides for the cost of BSL interpretation as a disbursement under legal aid.

Deaf perpetrators

You asked whether there are provisions in place to ensure Deaf perpetrators fully understand the legal ramifications of a court order after it has been applied. The court must facilitate the participation of Deaf defendants under Section 3.8 of the Criminal Procedure Rules and to do so may include establishing whether the defendant requires interpretation, such as a BSL interpreter. In addition, section 24.11 of the Rules provides that sentences and orders are to be explained to defendants in terms that they can understand.

Judicial training on Deaf awareness

In response to your question on what training is provided for the Judiciary and court officials on deaf awareness, the Equal Treatment Bench Book (ETBB) published by the Judicial College, is used as a tool to assist all judicial office holders and is a publicly available document. The ETBB provides specific guidance and information on hearing loss and deafness and sets out the ways in which deaf people may find court proceedings challenging as well as reasonable adjustments that can be considered in these instances. There is also a series of online diversity e-learning modules available to all judicial office holders. These modules provide awareness around the experiences of individuals who are deaf, deafened or hard of hearing as well as those who may require additional support.

All HMCTS staff also have access to reasonable adjustment guidance and learning, including broader disability guidance. This guidance raises awareness of the additional challenges people with hearing loss and deafness may face and provides the reasonable adjustments that can be considered.

I hope that the responses set out above provide some reassurance on how we are promoting and facilitating the use of BSL across the justice system.

Continually improving awareness of services available to Deaf victims and the accessibility of such services to all users in the justice system are key priorities for us as a Government. The department continues to meet regularly with a range of charities and organisations who support victims, including those who support disabled victims such as Stay Safe East, to ensure that their experiences are fed in appropriately to policy development on violence against women and girls.

I am grateful to you for raising the issues you have described in your letter. It is of paramount importance that we continue to work to provide victims the support they require to ensure we eliminate any challenges and obstacles faced by deaf survivors of domestic abuse when engaging with the justice system.

Yours ever,

A handwritten signature in blue ink that reads "Victoria Atkins". The signature is written in a cursive style with a large initial 'V' and a long, sweeping tail on the 'y'.

VICTORIA ATKINS MP