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## Education, Children and Young People Committee

# Scottish Languages Bill - Stage 1 Report



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# Education, Children and Young People Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills and matters relating to the Historical Abuse Inquiry, redress and languages falling within the responsibility of the Deputy First Minister.



[ecyp.committee@parliament.scot](mailto:ecyp.committee@parliament.scot)



0131 348 6225

# Committee Membership



**Convener**  
**Sue Webber**  
Scottish Conservative  
and Unionist Party



**Deputy Convener**  
**Evelyn Tweed**  
Scottish National Party



**George Adam**  
Scottish National Party



**Stephanie Callaghan**  
Scottish National Party



**Pam Duncan-Glancy**  
Scottish Labour



**Ross Greer**  
Scottish Green Party



**Liam Kerr**  
Scottish Conservative  
and Unionist Party



**Bill Kidd**  
Scottish National Party



**John Mason**  
Scottish National Party



**Willie Rennie**  
Scottish Liberal  
Democrats

# Membership changes

1. The following changes to the membership of the Committee took place during its Stage 1 scrutiny of the Bill—

George Adam (SNP) - 18 June 2024 - to date

Ben Macpherson (SNP) - 18 April 2023 - 18 June 2024

Ruth Maguire (SNP) - 29 March 2022 - 18 June 2024

John Mason (SNP) - 18 June 2024 - to date

Michelle Thomson (SNP) - 29 June 2023 - 18 June 2024

Evelyn Tweed (SNP) - 18 June 2024 - to date

# Introduction

2. The Scottish Languages Bill was introduced by Jenny Gilruth MSP, Cabinet Secretary for Education and Skills, on 29 November 2023. In May 2024, Kate Forbes MSP was appointed Deputy First Minister and Cabinet Secretary for Economy and Gaelic. At that point, the Deputy First Minister became the Minister in charge of the Bill.
3. The Policy Memorandum that accompanies the Bill states—

” The policy objective of this Bill is to provide further support for Scotland’s indigenous languages, Gaelic and Scots ... The Bill will strengthen the support for and promotion of Gaelic and Scots by introducing a range of measures that will have implications in a number of sectors in Scottish public life. <sup>1</sup>
4. The [SNP manifesto in 2021](#) made a number of commitments in relation to Gaelic and Scots. These included—
  - supporting more provision of Gaelic Medium Education
  - continuing to support e-Sgoil, Stòrlann and Sabhal Mòr Ostaig
  - exploring the creation of “a recognised Gàidhealtachd to raise levels of language competence and the provision of more services through the medium of Gaelic and extend opportunities to use Gaelic in every-day situations and formal settings”
  - reviewing the functions and structures of Bòrd na Gàidhlig
  - bringing forward a new Scottish Languages Bill covering both Scots and Gaelic.
5. The Scottish Government undertook [a consultation on Gaelic, Scots and a Scottish Languages Bill in 2022](#). The consultation was broadly drafted and did not contain specific legislative proposals. An [external analysis of the consultation has been published](#). The current Bill was developed following that consultation.
6. In its Programme for Government 2023-24, the Scottish Government announced that it would introduce the Scottish Languages Bill to Parliament—

” providing legal recognition for Gaelic and Scots, strengthening requirements for provision of Gaelic Medium Education, introducing measures to provide further protection for Gaelic within communities and introducing provision to strengthen support for Scots.
7. The Education, Children and Young People Committee was designated as the lead committee for Stage 1 of the Bill on 6 December 2023.
8. The Committee issued two [calls for views](#) – a short survey and a longer call for views - on the provisions of the Bill on 22 January 2024. These ran until 8 March 2024. Respondents could choose to respond to either call for views in English, Gaelic or Scots. There was also a BSL option for the longer call for views.



9. The Committee received 228 responses to the short surveys and 132 responses to its longer calls for views. A summary of these responses was published on [1 May 2024](#). The responses to the longer calls for views were also [published in full](#).
10. The Committee took oral evidence from individuals and organisations including—
  - Professor Wilson McLeod
  - Professor Robert McColl Millar, on behalf of Scots Language Dictionaries / Dictionaries of Scots Language
  - Scots Language Centre
  - Professor Conchúr Ó Giollagáin
  - Association of Directors of Education Scotland (ADES)
  - HM Inspectors Education Scotland
  - Education Scotland
  - Comann Luchd-Teagaisg Àrd Sgoiltean (CLAS)
  - Scottish Council of Deans of Education (SCDE)
  - Sabhal Mòr Ostaig
  - UHI North, West and Hebrides
  - Open University
  - Comhairle nan Eilean Siar
  - Orkney Islands Council
  - Highland and Islands Enterprise and
  - Bòrd na Gàidhlig.
11. The Committee took evidence from Kate Forbes MSP, Deputy First Minister and Cabinet Secretary for Economy and Gaelic, accompanied by supporting officials. The Scottish Government Bill team also provided oral evidence at an earlier session.
12. The Committee is very grateful to all those who provided evidence.
13. The Committee notes, however, that it would have been helpful to have more evidence from public bodies that will have duties placed on them by the Bill. It had hoped to get a better sense as to how local authorities and other public bodies across the country will balance their relative priorities and spend in response to this Bill. The Committee was therefore disappointed that the Society of Local Authority Chief Executives and Senior Managers (SOLACE) Scotland declined its invitation to provide evidence, given their overview of the position of local authorities across the country.

# Aims of the Bill

14. In the Policy Memorandum, the Scottish Government explains that the Bill will strengthen the support for and promotion of Gaelic and Scots by introducing a range of measures that will have implications in a number of sectors in Scottish public life.<sup>1</sup>
15. The [Business and Regulatory Impact Assessment accompanying the Bill](#) says that the Bill is intended to “ensure that there is a structure in place across the Scottish Government and wider public sector to meet the needs of Gaelic and Scots communities and ensure the future of the languages in a modern, growing and diverse Scotland.”
16. When giving evidence to the Committee, the Deputy First Minister discussed her goals for Gaelic and Scots in the medium and long term. In relation to Gaelic, the Deputy First Minister stated—
  - ” Ultimately, my aim is that we have a significant increase in the number of speakers, who will have depth of skills in the language. Having skills in Gaelic might be being able to say “Madainn mhath,” or it might be the language being someone’s heart language. My aim is to have a substantial increase year on year, and to stop depopulation of, and the reduction in Gaelic speakers in, more traditional communities.<sup>2</sup>
17. In relation to Scots, she said—
  - ” Individual bodies, such as the Scots Language Centre and Dictionaries of the Scots Language, have undertaken invaluable work on behalf of the language. Through that, they have increased the presence of Scots in education, culture and broadcasting. The bill builds on that work to further improve its representation in public life and make it more visible.<sup>2</sup>
18. With few exceptions, those who have provided evidence to the Committee support the aims of the Bill and the desire of many for Gaelic and Scots to be supported and strengthened.
19. In their written response to the call for views, UHI North, West and Hebrides stated that the Bill’s aims were laudable. However, they stressed—
  - ” ‘Promotion’ of a minority language and ‘strengthening’ a minority language are two different things. Language awareness does not equate to language ability or language usage, and the latter two are what are needed for the strengthening of Gaelic and Scots within Scotland.<sup>3</sup>
20. While some organisations, such as An Comunn Gàidhealach, did not necessarily think that a new Bill was required, they stressed that “it is important to ensure that public bodies have a remit in statute to be pro-active and accountable in ensuring Gaelic and Scots are given every opportunity to develop and thrive.”
21. An Comunn Gàidhealach believed, however, that “targeted, realistic funding with strong governance may achieve the same aims.”<sup>4</sup>

22. The importance of community development and creating opportunities outwith educational environments to speak Gaelic was frequently raised in evidence. So too were the wider issues of housing, transport, infrastructure and economic opportunities, which were highlighted as a threat to the future of Gaelic, particularly in the vernacular communities and without attention to which, the Bill will not achieve its aims.
23. In their written submission, Comhairle nan Eilean Siar stated—
  - ” Important as it is, education by itself will not guarantee the future of Gàidhlig as a living, developing, widely used language. Accordingly, the main emphasis of the Bill should be directed towards reviving Gàidhlig in community settings. <sup>5</sup>
24. When giving evidence to the Committee, the Bill team indicated that infrastructural issues which are of social and economic importance, such as housing and tourism, would feature in the Gaelic language strategy, standards and areas of linguistic significance. <sup>6</sup>
25. The Deputy First Minister recognised the importance of community work in providing opportunities for people of all ages to use Gaelic, increasing the depth of their language learning and enabling them to achieve greater fluency. She said that this is what the Bill is seeking to do. <sup>2</sup>
26. The Deputy First Minister also undertook to "look more broadly at other policy areas and think about how [the Scottish Government] could use transport or housing to further the policy aims" for Gaelic. <sup>2</sup>
27. Ealasaid Dhòmhnallach, Ceannard of Bòrd na Gàidhlig, while very supportive of the Bill's aims, believed that "the legislation will not solve the issues that we face at community development level, which require a new and transparent investment model that can deliver the targets in the new national Gaelic language plan." <sup>7</sup>
28. Not everyone that the Committee heard from supported the Bill. While supportive of the need to support and strengthen Gaelic communities, Professor Conchúr Ó Giollagáin stated that the Bill would not introduce "anything new that will help the vernacular community in the islands with the linguistic crisis that they live with." <sup>6</sup>
29. He went on to say that the measures in the Bill will ensure "a framework or a dispensation that is sufficient for Gaelic as a school language and for its symbolic value to Scottish identity, but that is nowhere near sufficient to help a vernacular community that is struggling to survive." <sup>6</sup>
30. Although other witnesses, such as Donald Macleod of Comhairle nan Eilean Siar, were often reluctant to use the word "crisis", there was an agreement that there is an urgency for Gaelic to be revitalised and supported.
31. The Deputy First Minister acknowledged the urgency of the situation regarding Gaelic and the need to take action. She sees the Bill as part of the solution but stated that other interventions over and above that will be necessary—

” I actually want to solve the problem, and that requires action. It requires legislation, too, but it requires more than that. I am thinking about every intervention that we as politicians make; we all know that legislation is important in underpinning activity, but it does not solve entirely all the economic and social problems that we wrestle with.<sup>2</sup>

32. The 2022 census asked respondents what their main language was. Respondents could choose English or 'write in' another language. 94.5% of those aged 3 and over said that their main language was English, 0.3% of people reported Scots as their main language while 0.1% put down Gaelic.<sup>8 i</sup>
33. The 2022 census also showed that 2.5% of people aged 3 and over reported that they believe they have 'some skills' in Gaelic. This is an increase of 43,100, to 130,161, on the 2011 census. Every local authority area recorded an increase in the census, apart from Comhairle nan Eilean Siar where the number fell from 16,849 in 2011 to 14,632 in 2022. The largest increases were found in Glasgow City Council, City of Edinburgh Council and Aberdeenshire Council areas.<sup>8</sup>
34. Those with some skills includes people who understand, speak, read, or write Gaelic, or have a combination of these skills. Fewer people (43,807) were reported as being able to speak, read and write Gaelic, however, the census does not measure levels of fluency in any of these language skills.<sup>8</sup>
35. Professor Ó Giollagáin stated that his research has indicated that the vernacular community in Scotland is around 11,000 people.<sup>6 ii</sup> The total population, at the 2022 census, was 5,436,600.<sup>9</sup>
36. It was noted repeatedly that Scots is in a significantly different situation compared to Gaelic. Although the framework and infrastructure around Gaelic is more advanced, there are many more people who report being able to speak and understand variants of Scots.
37. In the 2022 census, 46.2% of people aged 3 and over reported that they had some skills in what they defined as 'Scots'. This increased from 37.7% in the 2011 census.<sup>8</sup>
38. Despite this, the Committee heard that there has been a lack of use of Scots in

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i Since the 2001 censuses, statistical modelling has been used across the United Kingdom to produce total population estimates from census responses. Census statistics therefore represent the total population rather than just those who completed the questionnaire. Also, the data for languages is based on the 3 and over population rather than the whole population. The estimate for that population is therefore lower than the total population, at 5,294,858.

ii In his book, *The Gaelic Crisis in the Vernacular Community*, Professor Ó Giollagáin and colleagues presented contemporary data on the societal and spatial extent of Gaelic speakers and Gaelic speaking in a number of the last remaining vernacular communities in Scotland - the Western Isles, in Staffin in the Isle of Skye and in the Isle of Tiree in Argyll and Bute.

more formal settings. Dr Michael Dempster of the Scots Language Centre described the Bill as "deeply significant... Folk need tae unnerstaun that ye can come tae the Pairslament and speak in yer ain Scots—nae maitter whit dialect ye are speakin—and that ye can dae it at work and in education." <sup>6</sup>

39. While "not entirely convinced by the approach" in the Bill, Professor Robert McColl Millar does support it as it represents, in his view, "a mammoth step forward" for Scots. He added that further steps will be required in future. <sup>6</sup>
40. Oor Vyce agreed, describing the Bill as significant while stressing that it is limited in what it can achieve on its own. They stated that while it was "a very welcome and important" step, there will be more to do. <sup>10</sup>
41. In her evidence to the Committee, the Deputy First Minister repeatedly stated that this Bill does not provide everything that is needed when it comes to the Scottish Government's aims; it is only a part, albeit a critical one, of what is required. <sup>2</sup>

42. The Committee recognises the support expressed in evidence for the main aims of the Bill.
43. The Committee notes, however, that stakeholders are looking for more tangible support, particularly in relation to community development, than the structures being established by the Bill will guarantee. The Committee agrees with witnesses that, without that support, the aims of the Bill will not be achieved.
44. The Committee believes that there are significant issues that need to be addressed to support Gaelic, which is in a perilous state. The Committee believes that more needs to be done to urgently support speakers, to ensure that the language thrives as a community language.
45. The Committee notes the issues raised in submissions such as housing, transport and the economy as well as the evidence from the Scottish Government that these infrastructural issues will feature in the National Strategy, standards and areas of linguistic significance. The Committee also acknowledges the commitment from the Deputy First Minister to consider these issues further.
46. The Committee asks the Scottish Government for further information as to how it will use the powers within the Bill to support communities with these issues.

# Official status for Gaelic and Scots

47. Sections 1 and 26 of the Bill declare that Gaelic and Scots have official status in Scotland, within certain circumstances.
48. In providing Gaelic with official status, the Scottish Government states that it will "strengthen the confidence of the speaker community and lend greater weight to future efforts on behalf of Gaelic." <sup>1</sup>
49. When giving evidence to the Committee, the Deputy First Minister stated—
  - ” "We have a moral duty to recognise them [the languages] legally, but more than that, we have a moral duty to support, recognise and protect the speakers." <sup>2</sup>
50. The evidence showed support for Gaelic and Scots being recognised as official languages.
51. Questions were raised, however, as to what 'official status' will mean in practice, for instance in relation to public administration, justice, or communications.
52. While welcoming 'official status', Scottish Arts and Humanities Alliance noted that the Bill does not introduce specific language rights for either Gaelic or Scots. <sup>11</sup>
53. MG ALBA, Traditional Arts and Culture Scotland (TRACS), FC Sonas and Urras Thiriodh responded regarding Gaelic. They highlighted that the declaration of official status seems to be given legal effect only in limited functions, that is in the promotion, facilitation and support for Gaelic and laws relating to Gaelic education.
54. Misneachd Alba added—
  - ” The 'official status' conferred in this section of the Bill is...essentially symbolic as it does not provide any additional protection or status for the language. <sup>12</sup>
55. Various respondents, including National Trust for Scotland, asked for more clarity, with Comunn na Gàidhlig stating—
  - ” It is not clear to us what 'official' status means in practice; what the particular differences would be between the current Bill and the 2005 Act; but most importantly how it would help drive the change needed in the face of the language crisis. <sup>13</sup>
56. The Law Society of Scotland stated that "official status" is not defined in the Bill and suggested that an explanatory provision giving clarity to this expression be added to both these sections.
57. The Bill team asserted that sections 1 and 26 will raise the status of the languages which is important in itself. In relation to Scots, they confirmed that "official recognition represents a first step in giving recognition, but without any particular duties following from that statement." <sup>6</sup>

58. In the Policy Memorandum, the Scottish Government stated that the official nature of Scots has frequently been recognised in non-legal documents and in ministerial statements but not in legislation. Scottish Ministers intend that official status for Scots will help address stigma and discrimination that Scots speakers often refer to.
59. Oor Vyce stated that official status for Scots would be a significant step forward for the language although they noted that section 26 could go further, to declare Scots to be deserving of equal respect and status to English.
60. Support for official status was echoed in the responses received from the Scots Language Centre, the Association for Scottish Literature and Scots Hoose.
61. The Scots Language Centre, however, stressed the need for spoken and written Scots to be specifically referenced in the Bill, as opposed to "the use of Scots", stating that this would help to ensure that written representation does not become the default consideration. They stated that including "speaking and writing" in the language of the Bill will "assure that the spoken language, the bedrock of any living language, is explicitly prioritised." <sup>14</sup>
62. Dictionaries of the Scots Language queried what official status would mean. Highlighting the experience in Norway, they stated that the concept 'official' involves considerable status planning which itself requires a negotiation over what this means in relation to the use of English and Gaelic. While looking for more, they stated that even if the designation is symbolic at present, making Scots official is still "an act worth doing in a country and a world where the English language is hegemonic." <sup>15</sup>
63. In its written submission, the Law Society noted that section 26(4) defines "the Scots Language" as the Scots language as used in Scotland, and asked "is that definition clear enough to take account of regional variations within Scotland?" <sup>16</sup>
64. In their evidence the Association of Scots Languages, Highlands and Islands Enterprise, Time for Inclusive Education (TIE) and the Doric Board welcomed official status for Scots but emphasised the diversity of the language across the country.
65. The Doric Board highlighted the "linguistic richness and diversity of that Scots tongue, a language of dialects" and their belief that "recognition of (and indeed support for) this important nuance is critical in the successful promotion of Scots." <sup>17</sup>
66. Education Scotland concurred, suggesting a "fuller, more detailed description of what Scots is and where it is spoken" be explored. <sup>18</sup>
67. James Wylie of Orkney Islands Council stated that Orcadian is not a Scots dialect but a separate language, coming from a different tradition, as does Shetlandic. He asked for special recognition for these languages in the Bill—

” Our language is based on strong links with Faroese and Icelandic tradition, so we would be looking to see a clear acknowledgement of that clear language. From our perspective, we want to see more detail that links specifically to supporting our specific language, so that it is not just lumped in with a wider concept.<sup>7</sup>

68. The Deputy First Minister stated that recognising the diversity and variation within Scottish languages is important.”<sup>2</sup> She also assured the Committee that the Scottish Government would engage with those who have raised this issue.

69. The Bill team stated that more detail could be provided in the strategy and the standards that will follow the Bill. This could include “more exemplification of the different things that Scots encompasses.”<sup>2</sup>

70. While noting that the declaration of 'official status' in the Bill has limited practical effect, the Committee notes evidence of the symbolic importance of Gaelic and Scots being designated as official languages within legislation.

71. The Committee acknowledges the evidence from some organisations that the umbrella term 'Scots' may not be helpful to the achievement of the Bill's aims. While recognising that the Scottish Government may provide more clarity within the strategy and standards to follow, the Committee believes that if the purpose of official status is to give recognition to Scots in all its forms, there must be more explicit reference to those forms. The Committee therefore recommends that the Bill sets this out more clearly.



# Gaelic language

## Role of Bòrd na Gàidhlig

72. Bòrd na Gàidhlig is a non-departmental public body funded by the Scottish Government to support the promotion of Gaelic development. The Bill would change the role of the Bòrd.
73. Section 2 of the Bill would shift the responsibility to produce the national strategic document for Gaelic and the duty to prepare and publish statutory guidance on Gaelic education from Bòrd na Gàidhlig to Scottish Ministers.
74. The Bill would also create additional duties on Bòrd na Gàidhlig. These include:
- reporting on progress on the objectives of the National Strategy
  - reporting on the compliance with any standards set by Ministers and agreed by Parliament
  - reporting on public bodies' fulfilling the general duty to "have regard to the desirability" of supporting Gaelic and Gaelic culture.
75. Bòrd na Gàidhlig would have duties to advise or assist public bodies, or "any person", on matters relating to the language, Gaelic education, or Gaelic culture. Bòrd na Gàidhlig will retain their powers to require public bodies to develop Gaelic plans.
76. Professor Wilson McLeod described Bòrd na Gàidhlig as "hugely underpowered in what they are able to deliver, especially with regard to action on the ground and community development work in Gaelic, which is hugely underfunded ... it cannot push public bodies hard to demand strong language plans and does not really have the power to enforce them effectively."<sup>6</sup>
77. Organisations including Ceòlas also argued that Bòrd na Gàidhlig should have more powers, to ensure that the Bòrd can not only advise but "lead across areas such as the development of Gaelic language, Gaelic education and Gaelic culture."<sup>19</sup>
78. TRACS and Comhairle nan Eilean Siar noted the tension between Bòrd na Gàidhlig's responsibilities to both assist bodies to formulate plans and then monitor their enforcement, describing it as "unenviable ... unless the Government's commitment to addressing non-compliance is strengthened through the Bill."<sup>5</sup>
79. An individual responding to the call for views stated—
- ” The Gaelic Language Act of 2005 already gives the Bòrd the powers to do certain things but often these powers are not exercised due to lack of resources and a culture of not challenging a failure to deliver.<sup>20</sup>
80. Comann Luchd-Teagaisg Àrd Sgoiltean (CLAS) argued for more clarity within the Bill regarding the role and responsibilities of Bòrd na Gàidhlig concerning the

leadership and development of Gaelic Medium Education (GME) and Gaelic Learner Education (GLE) at a national level.<sup>21</sup>

81. Under section 3 of the Bill, Bòrd na Gàidhlig will be required to prepare a corporate plan. Historic Environment Scotland welcomed this provision, stating that it will "give focus and transparency to Bòrd na Gàidhlig's work, improve accountability and help to give more clarity on how they will achieve their ambitions."<sup>22</sup>

## Areas of Linguistic Significance

82. Section 4 of the Bill provides local authorities the power to designate part or all of their area as "areas of linguistic significance". This designation is subject to a consultation and approval by Ministers. The Policy Memorandum stated that this approach would ensure support for Gaelic across Scotland while including "the possibility of proportionate support, dependent on the profile of the language in differing areas".<sup>1</sup>

## Criteria

83. The Bill proposes that areas that meet any of the following criteria could be designated an area of linguistic significance—
- at least 20% of the population of the area have "Gaelic language skills"
  - the area:
    - "is historically connected with the use of Gaelic"
    - has GME provision, or
    - has "significant activity relating to the Gaelic language or Gaelic culture".
84. Scottish Government officials stated that areas of linguistic significance are "a device that, as well as contributing to strengthening areas where there are a significant number of speakers, is of benefit to areas where Gaelic might be growing in towns and cities."<sup>6</sup>
85. When giving evidence to the Committee both Professor Conchúr Ó Giollagáin and Professor Wilson McLeod queried the criteria set out in the Bill.
86. Professor Ó Giollagáin described the four designations in these terms—
- ” one of which [the designations] relates to the Gaelic communities in the islands—the 20 per cent-plus density areas. Those are the communities that are in crisis, and they will now have to compete with three other designations. Therefore, rather than identifying the main challenge, we have created a diffuse dispersal of responsibility.<sup>6</sup>
87. In their written evidence, Comann nam Pàrant (Nàiseanta) stressed that "all areas delivering GME are linguistically significant."<sup>23</sup>

88. Urras Thiriodh stated that "the creation of ALSs [areas of linguistic significance] cannot be at the expense of urban Gaelic communities as each supports the other, and essentially cannot exist without the other." However, they were concerned that, as currently drafted, the provision for areas of linguistic significance would be unable to "make a real impact in areas such as Tìree, where the language is a living one, but on the cusp of viability."<sup>24</sup>
89. There were other organisations which did not think that designation should be optional for the local authority. Several, including Misneachd Alba, argued that in areas where at least 20 per cent of the population had language skills, designation as an area of linguistic significance should be mandatory.

## What will an area of linguistic significance look like?

90. Numerous respondents questioned what an area of linguistic significance would look like, and what it would entail.
91. The National Trust for Scotland highlighted the consensus from the responses to the Scottish Government's consultation on Gaelic, Scots and a Scottish Languages Bill that: "for a community to thrive, cultural initiatives like supporting traditional/folk music, promoting local Gaelic artists, and developing cultural centres and language festivals should be promoted within a Gàidhealtachd."<sup>25</sup>
92. In their evidence, the Bill team explained that the areas of linguistic significance policy is the Scottish Government's response to exploring the creation of the Gàidhealtachd while acknowledging the profile of Gaelic in Scotland, as it "could provide for areas where there are higher numbers and a higher density of speakers, but it also seemed to offer something for areas where Gaelic is growing and is being spoken."<sup>6</sup>
93. With concerns that the legislative language regarding their creation is "a little opaque"<sup>26</sup> organisations including Wester Ross Biosphere, An Comunn Gaidhealach, Ceòlas, FC Sonas, Misneachd Alba and TRACS requested further clarification as to what areas of linguistic significance would actually mean for Gaelic and its users.
94. Glasgow City Council stated that, as a local authority with a "wealth of Gaelic education, heritage and culture",<sup>27</sup> they welcomed the proposal to designate areas of linguistic significance. However, they said that they are also looking for greater detail as to what this would mean in practice.
95. Bòrd na Gàidhlig stated that the enablement of community-led development must be a priority, and that a framework has to be put in place to ensure that communities within an area of linguistic significance can "take ownership of their development and drive strategic priorities in a way that works best for their area."<sup>28</sup>
96. Comunn na Gàidhlig stated that, as a minimum, provisions must be added to specify that "within any areas of linguistic significance the presumption would be that all public bodies would act together, and in a focussed fashion to deliver concrete, significant and measurable action to improve and strengthen the position

of Gaelic.”<sup>29</sup>

97. There was some caution regarding potential unintended consequences of this provision. For instance, the Scottish Qualifications Authority (SQA) raised concerns that the designation of ‘areas of linguistic significance’ may reduce or remove access to GME and GLE for some learners in areas which are not designated as being linguistically significant. They suggested that such a development could impact upon the SQA as national providers of a range of Gaelic medium and Gaelic-language qualifications.<sup>30</sup>
98. The Policy Memorandum highlighted local community initiatives that are currently in place in Staffin and South Uist, where groups in local areas are working together with the support of Bòrd na Gàidhlig to articulate their language planning needs and strategy for their local areas.<sup>1</sup>
99. In their written evidence, COSLA stated that, given that such work is already taking place, it is unclear—
- why there is going to be a shift from community initiatives to responsibility being placed on local authorities and
  - what the responsibilities placed upon local authorities will involve.<sup>31</sup>
100. When giving evidence on behalf of Comhairle nan Eilean Siar, Donald Macleod explained that, in the case of the Western Isles, an area of linguistic significance would mean a Gaelic first approach, where the language is expected and becomes a standard practice for use in those communities.
101. Mr Macleod acknowledged that some of the measures envisioned by the Bill could be delivered without legislation, providing examples of initiatives that Comhairle nan Eilean Siar is already delivering or supporting, to provide opportunities for people to speak Gaelic in the community and to increase its use.<sup>7</sup>
102. Mr Macleod echoed the responses of many when explaining that there was limited resource for the local authority to offer the level of support required. However, he stated that, if the Bill was strengthened in relation to areas of linguistic significance, including “a meaningful framework that will drive those improvements in a structured and strategic way, married with a robust plan and well-defined measures and accountability, we could see a more co-ordinated approach to the arresting of decline and fostering of growth in the use of the language.”<sup>7</sup>
103. Joanna Peteranna from Highlands and Islands Enterprise agreed with the importance of Gaelic being used in the community, stating that the language “needs to thrive within communities, and thriving communities require all that wider social and economic infrastructure.”
104. She stressed the importance of the Bill recognising the wider community infrastructure and, in areas of linguistic significance, ensuring that “housing, digital and transport connectivity and so on are all in place to make those attractive places to live and work.”<sup>7</sup>
105. Under the current proposals, the decision to designate an area of linguistic

significance will be made by the local authority, however, all relevant public bodies within that area will have to have regard to the strategy, standards and guidance set by Scottish Ministers and may make specific provisions in relation to exercising their duties within areas of linguistic significance. Any public body that has a Gaelic language plan would also need to consider what additional steps would be taken within any area of linguistic significance.

106. In her evidence to the Committee, the Deputy First Minister stated that the areas of linguistic significance will allow a more joined-up approach to be taken to the work that is required—
- ” At the end of the day, Gaelic thrives in a community, so acknowledging that, in a particular area, multiple agencies and bodies will be responsible and accountable to the community is one significant change.<sup>2</sup>
107. Donald Macleod, Joanna Peteranna and Bòrd na Gàidhlig agreed that there would need to be an implementation plan, based on consultation with the community as to what the priorities for the area of linguistic significance should be. Joanna Peteranna stated that there should be metrics attached to any implementation plan.<sup>7</sup>
108. Both Comhairle nan Eilean Siar and Bòrd na Gàidhlig stressed that there must be a sense that designation makes a difference.
109. Am Pàipear welcomed the ability to designate areas of linguistic significance, stating that it could add real value in growing the cultural and economic value of Gaelic and allow best practice centres to be established as future models. Their submission highlighted work currently underway in Uist, where they said—
- ” there is clear, everyday evidence of how an 'area of linguistic significance' works in practice - from Cnoc Soilleir and Ceòlas, to Taigh Chearsabhagh and Am Pàipear. When projects are established, they thrive, expanding the use of Gaelic, growing the economy and generally, adding joy.<sup>32</sup>
110. The majority of respondents stressed that these provisions need to be accompanied by a clear strategy for funding as, without further resource, the power of designation would not be effective.
111. Fèisean nan Gàidheal noted that in Ireland additional resources are put in place to ensure better support for the use of Irish in Gaeltacht areas. They explained that each area has an officer, or officers, and a budget to support development and activities and, in some cases, government jobs have been relocated to those areas with a requirement that staff are able to offer services in Irish.
112. Fèisean nan Gàidheal contrasted the Irish model with the approach used in the Bill which does not anticipate any additional spend in relation to the provision to designate an area of linguistic significance. They stated that without a financial incentive for local authorities to encourage such designations, it seems unlikely this power will be used.<sup>33</sup>
113. While stating that Comhairle nan Eilean Siar would strongly support being designated as an area of linguistic significance, and want to find the resources for it, Donald Macleod and Bòrd na Gàidhlig acknowledged that, for other local

authorities, it could be difficult to incentivise designation.<sup>7</sup>

114. Historic Environment Scotland stated that as the costs for designating and delivering within an area of linguistic significance will fall to the local authority, "cases could arise where areas and Gaelic communities that meet the definition and requirements of areas of linguistic significance are denied this designation due to a local authority's lack of support for Gaelic or because of wider funding pressures."<sup>22</sup>

115. Sabhal Mòr Ostaig argued that community language learning, through a nationwide programme of Gaelic language officers with dedicated funding, should be embedded in the proposed areas of linguistic significance in the Bill. They went on to say that there should be one or more full-time language officer in each area of linguistic significance.<sup>34</sup>

116. The Deputy First Minister said that, in an area of linguistic significance—

” I hope that you will hear Gaelic being spoken ... because it is a living, breathing language for those individuals. It remains living and breathing, because when they go into a local shop, go to church or whatever, they do whatever they do in Gaelic. They feel that they can live their lives entirely through the medium that they choose to live in. That is the difference that I hope you will see.<sup>2</sup>

117. She acknowledged that a lot of what is intended for the areas of linguistic significance could be done already, however, she said this proposed measure reflects that more needs to be done, accelerated and given much greater focus, asserting that the area of linguistic significance process will allow Scottish Ministers to think through where those key Gaelic communities are and what a network looks like.<sup>2</sup>

118. The Deputy First Minister added—

” I think that the community work should be of equal standing, but to do community work, you need to recognise the community. There needs to be an identifiable community.<sup>2</sup>

119. The Committee recognises that some of the activities which would take place in an area of linguistic significance are already in place. It is not clear to the Committee that legislation is in fact required to deliver an area of linguistic significance in practice.

120. The Committee notes that some stakeholders are unclear what an area of linguistic significance means and what it will look like.

121. The Committee acknowledges the evidence from Comhairle nan Eilean Siar and others, including the Deputy First Minister, explaining what an area of linguistic significance would look like in the Western Isles. As a result, the Committee is clear on the vision for an area of linguistic significance there.

122. It remains unclear to the Committee, however, what an area of linguistic significance would look and feel like within local authorities where there are

proportionately fewer Gaelic speakers, and how national and locally based public bodies will work together to deliver outcomes for the language and the duties that an area of linguistic significance will impose.

123. The Committee therefore asks the Scottish Government for further detail as to how the Scottish Government envisions these measures will work in practice and how local authorities and public bodies will work together to deliver opportunities for Gaelic speakers and learners.
124. The Committee notes the Bill does not provide tools, mechanisms or funding for local authorities once an area of linguistic significance has been designated.
125. Local authorities are currently dealing with financial challenges and competing priorities. The Committee therefore questions why a local authority would wish to designate an area of linguistic significance if this created additional duties without commensurate additional funding.

## Designation process

126. While there was broad support for the idea of areas of linguistic significance from stakeholders, some argued for a change to the designation process.
127. Some organisations, including Fèisean nan Gàidheal, Comann nam Pàrant (Nàiseanta) and Historic Environment Scotland, said that Bòrd na Gàidhlig should be involved in the designation process.
128. Professor McLeod described the current proposal as "quite institutional" with such a high-level role for local authorities. He stated that this had, to some extent, "come out of nowhere in relation to the language planning framework for Gaelic, because local authorities have not had a key role in strategic planning for Gaelic up to now." He went on to say that the proposal also fails to "create a mechanism for community-driven activity or for the funding that would make that possible."<sup>6</sup>
129. Others including Bòrd na Gàidhlig, CLAS and Highlands and Islands Enterprise stated that there should be a right for a community to request a designation. Commenting on the proposals as currently drafted, Bòrd na Gàidhlig stated—
  - ” the reality is that, with the focus just being on the public body and the local authority, we have, to some extent, lost sight of the needs of the actual community.”<sup>7</sup>
130. Joanna Peteranna of Highlands and Islands Enterprise explained—
  - ” It is important that the actual communities get a voice in the decision about whether they are or are not an area of linguistic significance. It should not be purely down to an agency, such as a local authority, to make that decision on behalf of the community; it must be based on robust community engagement.”<sup>7</sup>
131. This suggestion was put to the Deputy First Minister at the Committee meeting on

22 May 2024. In her response, the Deputy First Minister stated—

” I am sympathetic to exploring that, as it would emphasise the grass-roots approach. There is something quite powerful about things coming from within a community.<sup>2</sup>

132. Although Highland Council welcomed the provisions on the designation of areas of linguistic significance, they called for further detail, including statutory guidance, concerning the scope of the public consultation to be carried out.<sup>35</sup>
133. The Gaelic Committee of the Church of Scotland agreed that designation should be left to local authorities.<sup>36</sup>
134. Comhairle nan Eilean Siar has already indicated that the whole of the Western Isles should be designated as an area of linguistic significance. Glasgow City Council also indicated that they would be interested in designating at least part of the local authority as an area of linguistic significance.
135. However, there is less clarity as to how areas within local authorities would be established. Several individuals along with FC Sonas and Misneachd Alba suggested using local authority wards as the smaller areas.

136. The Committee agrees with stakeholders about the importance of community engagement and support when designating an area of linguistic significance. Therefore, a useful amendment to the Bill might be a provision for the local community to be involved in the decision to designate its area as one of linguistic significance.
137. The Committee believes that it is important for local communities to have a voice in this process. The Committee therefore urges the Scottish Government to consider how the Bill could be amended to provide for community input, including considering measures to allow communities to propose an area of linguistic significance as well as local authorities.

## Provision for Scots areas of linguistic significance

138. There is no provision in the Bill for Scots areas of linguistic significance. However, in their written evidence Oor Vyce suggests that this approach could be used for Scots. They said that Scots areas of linguistic significance could provide a framework for community engagement and delivery of funding and services in areas such as Aberdeenshire, Shetland, East Ayrshire, and others. Oor Vyce stressed that further research would be required in order to establish how best to geographically define areas.<sup>10</sup>
139. James Wylie of Orkney Islands Council explained that an area of linguistic significance covering the Orkney Islands would mean that on arrival people would notice measures such as announcements on the ferry and signage and street names in Orcadian.



140. Mr Wylie added that this work was already being done across the local authority so, in a sense, the area of linguistic significance already exists. He questioned, however, given that activity was already underway, whether the Council would wish to incur the costs involved in designating itself as an area of linguistic significance, even if there was provision added to the Bill to do so. <sup>7</sup>
141. In its submission, the National Trust for Scotland stated that, in their view, just as Gaelic could benefit from cultural initiatives within a Gàidhealtachd, the Scots language could also benefit from this kind of support. <sup>25</sup>
142. When asked why there are not measures to facilitate Scots areas of linguistic significance, the Deputy First Minister was unable to provide an answer and said that she would take the issue away for consideration. <sup>2</sup>
143. The Committee notes the Deputy First Minister's commitment to consider the omission of areas of linguistic significance provision for Scots Language areas and looks forward to receiving the results of her consideration.

## National Strategy

144. Under section 5 of the Bill, the Scottish Government will produce a National Gaelic Strategy, replacing the National Gaelic language plan which had been prepared by Bòrd na Gàidhlig. The Financial Memorandum indicates that the first National Gaelic Strategy will be issued around 2028, at the end of the period covered by the current National Plan.
145. In advance of preparing the strategy, Scottish Ministers must publish a draft strategy and consult with "such persons as they consider appropriate".
146. Many respondents to the call for views, including Historic Environment Scotland and Am Pàipear, welcomed giving Ministers responsibility for the strategy, as they considered that this would increase the visibility of Gaelic and provide for a more joined-up approach across Scottish Government. Am Pàipear stressed, however, that "strategies need hard working delivery plans if real outcomes are to be delivered." <sup>32</sup>
147. In their written evidence, Misneachd Alba stated—
- ” The increased role for the Scottish Government in steering language policy rather than Bòrd na Gàidhlig could risk accusations of centralisation, but should also increase democratic accountability, and the range of expertise and resources within the civil service which can be more easily drawn on in the development of policy. <sup>12</sup>
148. Bòrd na Gàidhlig described the move as integral to ensuring that Gaelic is not siloed, as often feels the case at present, so that key, relevant issues to areas where Gaelic is spoken, for instance housing, can be considered. <sup>7</sup>

149. City of Glasgow Council also welcomed the potential for Gaelic to be considered across wider policy areas but expressed concern that a strategy from Ministers could make Gaelic development more vulnerable to political priorities.<sup>27</sup>
150. Various organisations including UHI North, West and Hebrides and HM Inspectors highlighted the need for specialists in minority language planning and Gaelic education to be involved in the preparation of the strategy. COSLA raised concerns that expertise could be removed from the process with a strategy produced by Ministers, rather than Bòrd na Gàidhlig.<sup>31</sup>
151. Under the current Bill Scottish Ministers will have to consult "such persons as they consider appropriate"
152. Some organisations, while welcoming the fact that the national planning document for Gaelic will now be the responsibility of Scottish Ministers, suggested measures which would, in their view, strengthen the consultation requirements for the draft strategy.
153. Organisations including An Comunn Gàidhealach, Bòrd na Gàidhlig, MG ALBA, Ceòlas and Comann nam Pàrant (Nàiseanta) all advocated a wider and more transparent consultation process, to involve consultation with Bòrd na Gàidhlig, representative groups and communities.
154. Comann nam Pàrant (Nàiseanta) said—
- ” As currently set out there seems to be a great deal of discretion given to Scottish Ministers in the preparation of a Gaelic Language Strategy to replace the National Plan ... This is ambiguous language that potentially allows Ministers to discharge their duty under the statute without recourse to a clear and transparent process that involves consultation with representative groups.<sup>23</sup>
155. In their response to the call for views, the Law Society of Scotland highlighted the many instances in the Bill which will involve consultations, for instance on strategies, standards and guidance. They noted that, at present, there is no requirement for Scottish Ministers to publish the results of these consultations and suggests that this be changed.<sup>16</sup>
156. Comhairle nan Eilean Siar and TRACS asserted that a National Gaelic Strategy should be implemented sooner than 2028, and should not wait for the current National Plan to run its course.
157. HM Inspectors noted that the Bill could be more urgent in its efforts to arrest language decline and create a faster rate of sustaining the language. They cited the Scottish Government's decision to wait until 2028 to implement a strategy as an example of this.
158. In her evidence to the Committee, the Deputy First Minister agreed that urgency is required in the action to support Gaelic.
159. The Committee notes the support from stakeholders for Scottish Ministers to take

ownership of the National Gaelic Strategy.

160. The Committee believes that this will allow for more policy coherence across many policy areas including housing, transport and the economy.
161. The Committee notes the concern from some stakeholders that the consultation required on the draft strategy could be limited. The Committee believes that it is important that the strategy reflects the needs and priorities of communities. As such, the Committee asks the Scottish Government to set out how it will ensure that key stakeholders and communities are consulted on the draft strategy.
162. The Committee notes the suggestion by the Law Society of Scotland that the results of the various consultations conducted when preparing strategies, standards and guidance, should be published.
163. The Committee recognises the calls from some stakeholders for Scottish Ministers to expedite the drafting of a National Gaelic Strategy, rather than waiting until the proposed date of 2028. The Committee further recognises the urgency of the current situation. As such, the Committee recommends that the Scottish Government considers accelerating its work on the strategy.
164. The Committee acknowledges the evidence highlighting the challenges facing Gaelic. The Committee is of the view that the current National Plan is not adequate to deal with them and that the next national strategic document for Gaelic must be strengthened. Whether, at the end of the Bill process, the national strategic document for Gaelic is the responsibility of Scottish Ministers, or remains with Bòrd na Gàidhlig, the Committee recommends that work to develop and strengthen policy does not wait for the outcome of the Bill.

## Increased reach

165. Under the Gaelic Language (Scotland) Act 2005, Bòrd na Gàidhlig may require any relevant public authority to develop a Gaelic Language Plan. The public body is required to have regard to the National Gaelic Language plan in developing or reviewing their organisation's plan.
166. Currently only those 57 public bodies which have a Gaelic Language Plan have a duty to have regard to the National Gaelic Language plan in considering how they exercise their functions – through the process of developing or reviewing a Gaelic Language Plan.
167. Under the Bill, all relevant public authorities would need to have regard to the National Strategy in exercising their functions – whether they have a Gaelic Language Plan or not. The number of relevant public bodies that would have to have regard to the strategy, guidance etc. would be considerably more than the current number of public bodies that have Gaelic plans in place.
168. In their evidence, local authorities for areas which do not have a strong, or any, connection to Gaelic, such as Orkney Islands Council, expressed concerns about the duties and financial commitments that the Bill could place on them to promote the language and culture. In their response to the call for views, Dumfries and Galloway Council stated—

” we would be cautious about placing new and increased expectations/ requirements on local authority areas where there is not evidenced need, and particularly where they may be increased budget/resource implications.<sup>37</sup>

169. The Policy Memorandum explains that issues including provision for establishing stand-alone Gaelic schools or simplifying the process to request Gaelic medium education (GME) will be dealt with in the Gaelic strategy and standards rather than within the Bill. In their written evidence, COSLA stated that these are important issues and questioned why, if it is the Scottish Government's intention to pursue them, these are not being included within the Bill.<sup>31</sup>

170. The Committee recognises that the number of public authorities which would need to have regard to the National Strategy in exercising their functions – whether they have a Gaelic Language Plan or not - would increase as a result of section 5 of the Bill.

171. However, it is not clear to the Committee how many more public bodies will be affected or what the associated costs to those public bodies might be as a result. As such, the Committee asks the Scottish Government to provide details of the public bodies which have duties under the existing arrangements and those which will have duties placed upon them as a result of the strategy and other aspects of the Bill, as well as an indicative cost to those public bodies.

172. The Committee notes that the new strategy may contain significant changes such as provision for establishing stand-alone Gaelic schools or simplifying the process to request GME. Given the potential impact of such changes on local authorities, including on their resources, the Committee asks the Scottish Government to consider setting these measures out on the face of the Bill and the likely costs which local authorities would incur as a result.

## Measuring success

173. Fèisean nan Gàidheal stated that, for a move to a strategy to be worthwhile, there should be more ambitious targets for Gaelic, with commensurate resources, to ensure the language's future.<sup>33</sup> Professor Wilson McLeod also called for high level targets for improvement, stating that systematic planning could achieve such targets.<sup>6</sup>

174. In her evidence to the Committee, the Deputy First Minister stated—

” I am in two minds about targets. They can be quite dangerous, because they end up focusing a lot of money and attention on particular areas that might be successful but do not reveal the breadth of the issue.<sup>2</sup>

175. Iain Macmillan from Bòrd na Gàidhlig stressed—

” The strategy should make it clear how we measure success, but the bill should contain a requirement that the strategy has to do that. We need to be explicit about that in the primary legislation in order to ensure that the secondary steps come back with the answer. We need to be clear about what it is that we are trying to achieve. That in itself will determine the timescale in which we should be doing things. I still think that there is a question in that regard around the setting of the strategy and looking at the outcomes. Realistically, is there any point in having ... a strategy for five years if we cannot measure the outcomes for 10 years? <sup>7</sup>

176. Given that bespoke approaches will be required in different areas, the Committee understands the need for nuance in the setting of ambitions within the strategy.

177. However, the Committee believes that it is important to set clear ambitions and targets for what is to be achieved. As such, the Committee recommends that a statutory duty to develop and set out short- and long-term outcomes is included within the strategy provisions, along with measures which will be taken to facilitate the achievement of those targets and ambitions.

## Standards, guidance and directions

178. Section 6 of the Bill gives Scottish Ministers a power to make regulations to specify standards and requirements relating to promoting and facilitating the use of the Gaelic language which are to apply to relevant public authorities in exercising their functions. <sup>38</sup>

179. The Policy Memorandum states that—

” The intended use of the standards powers in the initial period of implementation of the Bill will be to move content and requirements that have appeared in statutory guidance and Gaelic language plans into regulations. This will consolidate base line requirements that the Scottish Administration will have to comply with and will ensure that standards continue to be adhered to. The three elements of Gaelic language strategy, standards and Gaelic language plans will work together to ensure progress and consistency in the promotion of Gaelic in Scotland. <sup>1</sup>

180. The Policy Memorandum also explains that, under section 7, relevant public authorities will be required to have regard to the desirability of promoting and supporting the use of the Gaelic language in exercising their functions. Scottish Ministers will have a power to give guidance to relevant public authorities relating to their duty to Gaelic and Scottish Ministers will also have a power to give directions. <sup>1</sup>

181. Before laying regulations containing standards and requirements and in preparing guidance, Scottish Ministers will have to consult Bòrd na Gàidhlig and such other persons as they consider appropriate. Ahead of issuing a direction to a public authority, Scottish Ministers must have consulted the public authority in question.

182. The Bill team explained that, in order to make the system more efficient, the standards and requirements will set out provision, such as bilingual logos and visibility of signage, that will now be non-negotiable for public bodies to follow. As such, public authorities' discussions with Bòrd na Gàidhlig can be focused on what else can be done rather than "revisiting measures that should be accepted practice." <sup>6</sup>
183. There is acknowledgement from several respondents of the importance of the standards, guidance and directions which could be issued by Scottish Ministers.
184. As such, organisations including Glasgow City Council, City of Edinburgh Council, Highland Council and Highlands and Islands Enterprise all called for clarity as to what standards would entail for public bodies, to understand how they would interact with strategies, budgets and activities already in place. Several also sought clarity as to how compliance would be assessed and by who, as well as the consequences should a public body be deemed to have been non-compliant.
185. Multiple respondents to the call for views, including organisations such as FC Sonas and Misneachd Alba, highlighted language standards which have been implemented in Wales under the Welsh Language (Wales) Measure 2011. Misneachd Alba explained that the Welsh legislation is "considerably more specific about the content of the standards, which relate to service delivery, policy making, operational matters, promotion, and record keeping." <sup>12</sup>
186. These submissions suggested that such categories are likely to be relevant to Gaelic, and therefore called for greater specificity to be provided in the Bill.
187. Misneachd Alba also highlighted that the Financial Memorandum estimates that consideration of the 'existing suite of Gaelic language plans and statutory guidance and to instruct these into regulations would cost in the region of £5,000 of staff costs across policy and legal'. In Misneachd Alba's view, this equates to a fairly small amount of time formulating this important policy change and may suggest that a relatively minimal regime is envisaged.
188. They contrasted this with the Welsh standards regime which took several years to formulate and enact. While acknowledging that the corresponding framework for Gaelic might be expected to be less extensive, Misneachd Alba urged the Scottish Government to give this matter the amount of time and attention it deserves. <sup>12</sup>
189. Concerns were raised by some about standards being set for all areas. While representing the Association of Directors of Education (ADES), Donald Macleod stated that there was a diverse picture across the country with some areas concerned about the "potential imposition of standards that their community does not aspire to." <sup>39</sup>
190. COSLA highlighted that these measures seem to include considerable powers to direct local authorities and remove local decision making. They questioned how this approach "fits with the empowerment agenda and commitments made through the Verity House Agreement". <sup>31</sup>
191. Dumfries & Galloway Council highlighted their relatively low number of Gaelic speakers. They stated that they would therefore be cautious about placing new and

increased requirements on local authority areas where there is not evidenced need, particularly where there may be increased resource implications. As such, they argued that there "needs to be flexibility built in to be reasonable and proportionate in this regard."<sup>37</sup>

192. Similarly, Orkney Islands Council explained that Gaelic had never been part of the Islands' culture and is, consequently, not a priority for them. They expressed concern that the Bill would place requirements on the Council in relation to the delivery of Gaelic and consequently described the necessity to consult local authorities as very important.<sup>40</sup>
193. The Bill team explained that the provisions allow for standards to be varied. This would allow for standards to be set higher within an area of linguistic significance and also for some areas, such as Orkney Islands Council, to be exempt from having any duties applied.<sup>6</sup>
194. Comann Luchd-Teagaisg Àrd-sgoiltean (CLAS) welcomed the provision to allow Scottish Ministers the power to give more direction to local authorities. Glasgow City Council also welcomed Scottish Ministers being able to provide guidance and direction but stated that the provisions were quite vague.
195. TRACS similarly asked for greater clarity as to how the Scottish Government intends to encourage public bodies to support and promote Gaelic.
196. Comunn na Gàidhlig and Comann nam Pàrant (Nàiseanta) both called for a strengthening of the language in section 7. Both believe that the requirement for relevant public authorities to have 'regard to the desirability' of promoting and supporting the use of the Gaelic language in exercising their functions, lacks any positive direction and advocated that this be amended to make "proactively supporting Gaelic development" the default position.<sup>29</sup>
197. Professor Ó Giollagáin did not agree with the approach being set out in these measures. In his evidence, he stated that the Bill moves the approach from an overly bureaucratic Gaelic language one towards a language standard process which "will introduce an even greater bureaucratic burden without addressing the issues."<sup>6</sup>

198. The Committee notes the policy intention of setting standards and requirements across the country, to ensure that there is a consistent baseline of "accepted practice".
199. The Committee recognises, however, that the Bill will allow—
  - different standards to be set for different areas, with higher standards likely within areas designated as of linguistic significance
  - local authorities which do not have a history of Gaelic, or where it is not a priority, for instance the Orkney Islands, to opt out of these requirements.
200. The Committee is unclear how the Scottish Government will balance its aim to introduce standards that progress Gaelic with the ability of local authorities to opt

out. The Committee asks the Scottish Government to set out whether it intends to set criteria for applying Gaelic standards to public authorities, and the circumstances in which a public authority will be able to opt out.

201. The Committee acknowledges the calls from many public bodies for more detail as to what may be contained in the standards. The Committee asks the Scottish Government to provide sight of draft standards and requirements to illustrate what measures may be included, at the latest prior to Stage 2.

## Public Bodies' Plans and Reporting

202. Section 8 of the Bill will amend the Gaelic Language (Scotland) Act 2005 to require Bòrd na Gàidhlig to prepare and publish reports about—
- Scottish Ministers' progress towards meeting the objectives set out in the Gaelic language strategy; and
  - the compliance by relevant public authorities with their duty to:
    - have regard to the Gaelic language strategy,
    - comply with standards and requirements specified in regulations under section 2C(1) and the duties imposed by section 2D.
203. Section 8 will also allow Bòrd na Gàidhlig to lay these reports before the Scottish Parliament.
204. Glasgow City Council welcomed the provisions in section 8, relating to reporting on progress and compliance with the strategy, standards and duties which they described as very important.<sup>27</sup>
205. When giving evidence on behalf of Comhairle nan Eilean Siar, Donald MacLeod stated that it was not clear how public bodies are meant to measure success in relation to Gaelic and Scots, saying that "the national measures struggle to capture Gaelic in a meaningful way, particularly where there are areas of small cohorts".<sup>7</sup> Mr Macleod added that any measures are basic and quantity focused. There is a need to have measures which are quality focused too. This point was also made by Jennifer McHarrie of Bòrd na Gàidhlig.<sup>7</sup>
206. The Committee received calls from individuals and organisations for a Language Commissioner. The monitoring of compliance with language plans, and taking action in the event of non-compliance is a key role that they would wish a Commissioner to take up.
207. Organisations such as Comann nam Pàrant (Nàiseanta) suggested that a Commissioner or an independent review panel could deliver the "more robust system of reporting and scrutiny" that they believe is required.<sup>23</sup>



208. Fèisean nan Gàidheal stated that more clarity was needed as to the consequences of non-compliance—

” Enabling Bòrd na Gàidhlig to report on non-compliance to the parliament, as well as to ministers, may mean more people would be aware of instances of non-compliance, but it is not clear what role the parliament would have should such a report land in its inbox. Directions Scottish Ministers could make are outlined in the Bill but the Financial Memorandum states it would be the intention to use such powers “infrequently” and “as a last resort.”

We, therefore, wonder what effect those changes in legislation would have and our position remains that an independent commissioner would offer the best solution to the separation of duties and have the best chance of ensuring the compliance by public bodies with their agreed Gaelic Language Plans.<sup>33</sup>

209. The Scottish Government does not consider that a Commissioner should be created at this time. The Bill team stated—

” We feel that there is more opportunity to make a lot of progress with Scottish Government leadership and by having public bodies working collaboratively and being positive about the language, rather than by having an ombudsman in an adversarial role at this point.<sup>6</sup>

210. Section 9 of the Bill makes various changes to section 3 of the 2005 Act on Gaelic language plans, to take account of the new Gaelic language strategy and to adjust the process for preparation of Gaelic language plans for individual public bodies.

211. When discussing language plans, Bòrd na Gàidhlig stated—

” Language plans are not the only answer to developing Gaelic, but they are an important part of the framework in an environment in which public bodies will do what they are required to do.<sup>7</sup>

212. CLAS welcomed the provisions in this section and advocated for individual local authorities' Gaelic plans to include "concrete and measurable targets in regards to education, in particular relating to the promotion of the learning of Gaelic through Gaelic Learner Education, as well as ensuring that promoted posts are created with designated strategic and middle leaderships roles for Gaelic Medium Education."<sup>21</sup>

213. Joanna Peteranna from Highlands and Islands Enterprise said that public bodies should be accountable for delivering on their plans which should be in line with an overall strategy and reflect local circumstances; however, public bodies should also be sufficiently funded to do so.<sup>7</sup>

214. The Law Society of Scotland noted that section 9, along with several others across the Bill (sections 7, 12 and 14), contains a power to issue a direction to a public authority, with which it must comply. They highlighted that, at present, there is no provision, within any of these sections, for enforcement in the event of non-compliance with the direction nor any provision for an appeal in connection with such a direction.

215. The Committee recognises the general support from stakeholders for measures in the Bill relating to public bodies' plans and reporting.
216. The Committee notes that there is a lack of clarity regarding the potential consequences for non-compliance or non-delivery of commitments made in a public body's Gaelic plan. The Committee therefore asks the Scottish Government for a clear statement as to what those potential consequences would be, at the latest prior to Stage 2.
217. The Committee further notes the Law Society of Scotland's observation that a public authority must comply with a direction made by Scottish Ministers under several sections of the Bill, with no provision for an appeal. The Committee asks the Scottish Government to set out its rationale for this approach and make clear whether, on reflection, there should be provision for an appeal and, if so, what that appeal process might look like.

# Gaelic Education

## Functions of Scottish Ministers

218. Sections 11 to 14 of the Bill contain measures in relation to the provision of Gaelic learner education (GLE) and Gaelic medium education (GME) and the teaching of the Gaelic language in the provision of further education by education authorities.
219. Section 11 would impose a duty on Scottish Ministers to promote and support such provision. Sections 12, 13 and 14 would give Scottish Ministers the power to—
- prescribe standards and requirements, which can be different for different education authorities or even within an education authority (Section 12);
  - give guidance to Scottish public authorities (Section 13); and
  - issue directions to education authorities (Section 14).
220. Taken together, the Bill seeks to increase local authorities' focus on the provision of Gaelic education and provides the Scottish Government with more tools with which to shape or direct the provision of Gaelic education across Scotland or in local areas.

## Duty to promote Gaelic education

221. Section 11 provides a new duty on Scottish Ministers to “promote, facilitate and support” Gaelic education in school education and adult education provided by local authorities. The Bill also provides that every local authority must “promote, facilitate and support” Gaelic education in school education and adult education provided by local authorities. This creates a broader duty on local authorities than exists currently.
222. Bòrd na Gàidhlig, Ceòlas, FC Sonas, Stòrlann and Misneachd Alba all welcomed this provision, with some highlighting that it would lead to a new national strategic approach.
223. While welcoming this provision, Comann nam Pàrant (Nàiseanta) believed that it should explicitly include a duty to adequately resource GME.
224. Historic Environment Scotland stated that ministerial support for Gaelic education is important for public authorities to ensure the workforce of the future have the necessary Gaelic skills and knowledge.
225. Dr Inge Birnie, Co-chair of the Languages Group at the Scottish Council of Deans of Education (SCDE) stressed that it is important for there to be clarity around what GME is for and what it is to achieve, including the proficiency levels of young people and what they should be able to do with the language when they leave school.<sup>39</sup>
226. Several respondents to the call for views welcomed that the duty on the Scottish Government to promote Gaelic education will also include the provision of further education by education authorities (e.g. adult learning classes).

227. In his role representing ADES, Donald Macleod stated that he hoped that the Bill would bring growth in adult learning, both in terms of a pathway from education into post-school destinations and among adult learners who are engaging with the language for the first time.
228. UHI North, West and Hebrides noted that the reference to further education in this section only seems to refer to further education which is provided by education authorities. As a college provider of GME and Gaelic language learning, UHI North, West and Hebrides suggested the addition of 'and other recognised Further Education providers' to this section.
229. The college also criticised a measure within section 11 which would substitute "used" for "spoken" in relation to the Gaelic language, within the Education (Scotland) Act 2016 . They argued that this may be interpreted as promoting visibility (such as signage) rather than actual community language usage. <sup>3</sup>

## Standards, guidance and directions within education

230. The Policy Memorandum states that standards will be able to set out what can be expected when a young person commences Gaelic medium education in respect of a number of issues. These could include—
- access to GME provision and local authority promotion of GME
  - GME as a 3-18 experience and GME continuity
  - GME subject choice, curriculum and assessment arrangements
  - GME teacher recruitment, placement, retention and professional learning
  - Teacher and pupil support and resources
  - 0-3, early years provision and linguistic acquisition
  - Class sizes, language assistants, immersion and fluency
  - Taking account of GME when setting national expectations
  - Inclusion of GME in the planning for and reporting by schools where GME is provided
  - Gaelic learner education at all levels
  - Establishing how national bodies and agencies can better work together to support GME and GLE.
231. In their responses Misneachd Alba <sup>12</sup> , FC Sonas <sup>41</sup> and several individuals called for the Scottish Government to consider explicitly including some of these issues on the face of the Bill with a requirement for them to be addressed in the regulations.
232. The Bill team stated that "the many things that we would like to see focused on in Gaelic-medium education will be included in the provision of the Gaelic standards."

They explained that these will then set the expectations for what local authorities and public bodies will be expected to deliver and what parents will be able to expect.<sup>6</sup>

233. As with Gaelic language standards, standards and requirements in relation to Gaelic education could be tailored for different areas, for example being set higher within areas of linguistic significance.
234. The Committee received a lot of evidence, both written and during Committee meetings, about the provisions for the Scottish Government to set standards, provide guidance and make directions in relation to Gaelic education.
235. Many respondents welcomed the provisions. However, there were various calls from individuals and organisations who raised points around—
- what will be included in the standards and guidance and how that will take into account the need for local decision making
  - the need for more Gaelic speaking teachers and staff
  - consultation on these measures
  - the importance of language fluency
  - how these measures will intersect with ongoing education reform
  - the need for a Gaelic curriculum.
236. ADES highlighted that, across the country, there are different degrees of involvement in Gaelic and Scots. As such local authorities required "clarity on the detail of the standards, the expectations that education authorities will have of implementing the standards, how they will be measured and evaluated, and what the potential negative consequences are for an education authority if those standards are not met."<sup>39</sup>
237. While respecting the aim of setting national standards, ADES stressed the need for local authorities to keep hold of local decision making as much as possible.
238. Individual education authorities, including Glasgow City Council and City of Edinburgh Council, called for more details on standards, how they would be set and which stakeholders would be consulted.
239. HM Inspectors stated that the Bill is reliant on the use of the new powers to create regulations, standards, guidance and strategies. They stated that there is a need for further clarification and transparency in "how secondary legislation will drive change, the pace of this change, how data will be used to identify the focus of secondary legislation and what will be prioritised."<sup>42</sup>
240. Foghlam Thidsearan (Teacher Education), Sabhal Mòr Ostaig, The National Centre for Gaelic Language and Culture suggested that the Committee seek examples of the structure and scope of the standards, to aid their scrutiny of the Bill.

## Consultation

241. Under these provisions, the Scottish Government will consult—
- key stakeholders when preparing standards and guidance and,
  - an education authority ahead of issuing a direction to that authority.
242. Foghlam Thidsearan at Sabhal Mòr Ostaig acknowledged and welcomed the provision in the Bill for consultation with key stakeholders; however, they also called for a public consultation to allow all interested parties to contribute.<sup>43</sup>
243. The call to extend the consultation was also made by Orkney Islands Council, which noted that the Scottish Government has repeatedly stressed that Gaelic education is part of a more significant cultural movement that can be felt outwith the schools themselves. They further noted, however, that the list of those who must be consulted when regulations are being prepared for education authorities does not include local authorities or local communities.<sup>40</sup>

## Teaching and support staff

244. Several organisations highlighted the role that teaching and school staff will play in meeting any standards set. HM Inspectors welcomed the fact that Ministers would now be setting standards, stating that it could allow a more strategic approach. They noted, however, that "a more strategic approach to Gàidhlig Medium Education is dependent on more teaching and non-teaching staff."<sup>39</sup>
245. Seonaidh Charity of Comann Luchd-Teagaisg Àrd-sgoiltean (CLAS), highlighted that the latest teacher census showed that 418 primary teachers are able to teach through the medium of Gaelic, but that only 266 currently work in GME.
246. The Deputy First Minister confirmed that, for secondary teachers, 183 are able to teach through Gaelic, with 121 currently doing so.<sup>2</sup> There are currently a total of 54,033 FTE teachers working in Scotland.<sup>44</sup>
247. In his role representing ADES, Donald Macleod said that, anecdotally, the biggest single reason for teachers not delivering GME when they are capable of it, is a lack of confidence in their language ability.
248. He added that in Comhairle nan Eilean Siar, the issue was more with secondary school teachers, rather than primary. He explained that, to address it, teachers who have degrees of fluency in Gaelic but require professional development and learning, are being supported.<sup>39</sup>
249. Seonaidh Charity said that teachers need professional support but there also needs to be more infrastructure around them to help support pupils, for instance Pupil Support Assistants and Additional Support Needs staff who speak Gaelic.<sup>39</sup>
250. COSLA raised concerns about the potential consequences facing education authorities, should they fail to meet the set standards as a result of being unable to recruit staff in some disciplines and for some areas, saying—

” The pipeline of Gaelic teachers is often outwith local authority control, and without concerted action from the Scottish Government and partners to increase the number of Gaelic teachers, any expansion would not be deliverable.... The Policy Memorandum suggests that issues outwith local authority control will not be an acceptable reason for not meeting any new standards, which seems unreasonable.<sup>31</sup>

251. Common Weal stated that the Bill fails to address the falling numbers of Gaelic teachers and the struggle that many local authorities have in recruitment. They called for clarity as to how the Scottish Government and local authorities will overcome this.<sup>45</sup>
252. Dr Inge Birnie, of the SCDE, stated that "we are facing significant recruitment challenges, as you need to be proficient in a language if you are to teach in it."
253. Dr Birnie went on to outline some of the efforts that have been made to allow and encourage people to deliver secondary subjects in Gaelic, and for teachers to re-train to be able to teach in GME, in primary and secondary schools. However, she stated that the numbers coming through these pathways are "quite small, due to the small number of proficient Gaelic speakers."<sup>39</sup>
254. The Deputy First Minister recognised that where someone worked and lived was entirely a personal choice; however, she stated that it was important to make GME as attractive a place to work as possible. She said that, ultimately, "it is about providing pathways: where there are skills that teachers want to use, we should be sure to provide them with opportunities to do that."<sup>2</sup>
255. In their written evidence, the General Teaching Council of Scotland (GTC Scotland)<sup>iii</sup> expressed concern that standards may be created in respect of "GME teacher recruitment, placement, retention and professional learning." They highlighted that under the [Public Services Reform \(General Teaching Council for Scotland\) Order 2011](#), it is for the GTC Scotland to determine what constitutes a recognised teaching qualification for individuals seeking registration with them as a school teacher.
256. The GTC Scotland also sets the minimum entry requirements for the Initial Teacher Education (ITE) programmes in Scotland that lead to a recognised teaching qualification and accredits programmes of ITE. Any new teacher education programme must be assessed by the GTC Scotland through its accreditation framework.
257. They stated that, at present, it was unclear how regulations developed by Scottish Ministers would align with the GTC Scotland's statutory functions. They stressed that any new standards and requirements must work alongside (and not seek to override or undermine) their function to establish the standards of education appropriate to teachers and the standards of conduct and professional competence

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<sup>iii</sup> The General Teaching Council Scotland responded to the call for views before it closed, however, due to a technical issue, their submission was not received at the time that it was sent. After this issue was identified, in late May, the submission was published alongside the other written evidence received by the Committee.

expected of a registered teacher.<sup>46</sup>

258. The Gaelic education standards and requirements will not only cover schools, but also early learning and childcare (ELC) settings including nurseries.
259. Thig a Chluich welcomed the Scottish Government's support of Gaelic education but highlighted the need for more Gaelic nursery staff. They stated that more value, and resources, had to be placed on the skills of bilingual ELC workers.<sup>47</sup>
260. In terms of training for early years practitioners to work in an ELC setting, the Committee heard that there is a Higher National Certificate available through the University of Highlands and Islands network. However, in general, the training is the same as it would be for someone entering English medium education, and relies on the current linguistic ability of the practitioners.
261. Dr Birnie and Thig a Chluich both explained that the role of an ELC practitioner in a Gaelic medium setting has additional challenges as they are trying to ensure that the children acquire language and reach a sufficient level of proficiency before they go to primary school in what is, for many of them, an additional language.

## Fluency

262. The Committee has received many submissions highlighting the importance of fluency when people are learning, and maintaining, Gaelic.
263. In their written evidence, HM Inspectors stated that the provisions on Gaelic education in the Bill need to be more clearly connected to increasing the speakers of Gaelic. They further noted that, while welcoming the increased status given to GLE, that there should be—
- a presumption that all education authorities prioritise GME for its impact in creating, at pace, fluent speakers of the language, who accrue all the benefits of bilingualism
  - more emphasis on providing continuity in learning from three to 18 and beyond, with qualifications.<sup>42</sup>
264. For Bòrd na Gàidhlig, the variation in the options available in GME in secondary schools, and in the senior phase, across Scotland is a key issue—
- ” We would not expect children to choose between continuing with English and some other subject. However, for Gaelic-medium education, that can be the case.<sup>7</sup>
265. CLAS called for standards which support young people to become fluent in Gaelic, and to achieve a qualification, advocating a greater focus on ensuring that GME is a 3-18 experience, across the country. They also called for a national road map which would set out how provision will be increased in each area, taking into account where they are starting from as some local authorities currently do not offer any provision.
266. Comunn na Gàidhlig agreed with this point, suggesting that it should be an interim



target that 90% of children entering GME be 'functionally fluent' when they leave secondary school. They described such a target as "powerful and meaningful" which would "drive a focus on language ability, and provide a cohort of new speakers for the future." <sup>13</sup>

267. The Deputy First Minister agreed with the need for functional fluency and said that she would like to go even further, with a target of 100 per cent. She added that this required more than just the academic teaching of Gaelic. She stated—

” genuine fluency has to happen outside the classroom. It is all about the opportunities that a person has through youth work, fun, family and then on to employment. <sup>2</sup>

268. Multiple respondents to the call for views, including Donald Morris, Am Pàipear, Ceòlas Uibhist, Sabhal Mòr Ostaig and Sradagan Dhun Eideann, agreed that Gaelic education was a success but argued that it was essential to have opportunities to speak Gaelic outwith the classroom, to ensure this fluency.

269. CLAS, ADES and HM Inspectors agreed that opportunities to speak in Gaelic outwith school were critical and highlighted work with partners including FC Sonas and Comunn na Gàidhlig to create such opportunities.

### Education reform alignment and a Gaelic curriculum

270. In their responses to the call for views, Bòrd na Gàidhlig, City of Edinburgh Council and HM Inspectors asked for clarity as to how any decisions on education standards will be integrated into the ongoing education reform process.

271. The Committee also heard from several contributors, including Dr Inge Birnie and Dr Gillian Munro of Sabhal Mòr Ostaig, that there should be a Gaelic curriculum. They stated that a Gaelic curriculum should be of equal standing to the English-medium one, but not merely a translation of it.

272. Dr Birnie stated that a Gaelic curriculum could include a cultural element which is "so important for developing the pluricultural identity, by which I mean children learning about a sense of place and space in Scotland and where Gaelic fits." <sup>39</sup>

273. The Committee notes the evidence from stakeholders highlighting the need to consult with communities on standards and guidance for Gaelic education. The Committee asks the Scottish Government to consider this further.

274. The Committee notes that in order to achieve the aims of the Bill in relation to Gaelic education, it is imperative that there is a sufficient supply of teachers who can teach Gaelic and do so in Gaelic.

275. The Committee recognises that there are numerous courses and initiatives in place to promote teaching Gaelic or in Gaelic as a career. The Committee further recognises from the evidence that relatively small numbers of people are making use of these pathways.

276. The Committee notes the concerns of local authorities that a lack of qualified staff is a barrier to expansion of GME and GLE, one that is outwith their control. The Committee asks the Scottish Government whether there are further measures that it could take to help to increase the pool of teachers, school staff and nursery staff. The Committee also asks the Scottish Government to set out what, if any, actions it would take were a local authority to experience a lack of staff, and whether they would take into account factors outwith their control.
277. The Committee recommends that the Scottish Government undertakes a workforce planning exercise in respect of teaching and support staff for ELC, primary and secondary settings and to consider whether such an obligation should be inserted in the Bill.
278. The Committee notes the evidence of the GTC Scotland regarding its statutory role and how regulations developed by Scottish Ministers will align with its functions. The Committee asks the Scottish Government to set out how it will ensure alignment with the GTC Scotland in respect of relevant regulations.
279. The Committee notes the evidence that, while welcomed by many, the provisions on standards, guidance and directions lack clarity as to what they will cover. As such, neither local authorities nor parents/carers have a clear idea of what possible expectations they can have in relation to Gaelic education provision and standards.
280. Given that the requirements that standards or guidance could place on local authorities could be significant, the Committee asks the Scottish Government for sight of draft standards and requirements to illustrate what measures may be included, and the associated costs, at the latest prior to Stage 2.
281. Under the current proposals, the standards created would be set out in subordinate legislation subject to the negative procedure. This means that the relevant Committee would be made aware of the subordinate legislation and could make comments on the record. However, it generally would not involve a Minister giving evidence to the Committee about the measures, how they would work or why the Scottish Government had drafted them in that way, as would happen under the affirmative procedure. This is of concern to the Committee.
282. The Committee notes that Gaelic language standards prepared under section 6 powers within the Bill will be subject to the affirmative procedure whereas Gaelic education standards, prepared under section 12, will be subject to the negative procedure.
283. Given the potential impact of measures that could be brought in under these regulations, the Committee recommends that regulations containing Gaelic education standards are also subject to the affirmative procedure.
284. The Committee notes the evidence highlighting the desire for speakers to have 'functional fluency' in Gaelic as an outcome of GME. The Committee recommends that the Scottish Government include this as one of the identifiable outcomes within the strategy and to develop a consistent national measure for this.

285. The Committee further notes the evidence stating that achieving 'functional fluency' requires opportunities to speak Gaelic in community settings. The Committee asks the Scottish Government how it intends to support and facilitate such opportunities.
286. The Committee notes calls for a distinct Gaelic curriculum. The Committee asks the Scottish Government what consideration it has given to the feasibility of this, including in relation to assessment and examination.

## Ministers' and Local authorities' duties

287. The Explanatory Notes accompanying the Bill state—

” Section 15 of the Bill modifies the 1980 Act so it is clear that the provision of Gaelic learner education and Gaelic medium education comes within the definition of school education, and that therefore an education authority's duty to secure the provision of adequate and efficient school education for the authority's area may include Gaelic learner education and Gaelic medium education (inserting definitions of those terms into the 1980 Act to be consistent with the 2016 Act). This no longer applies only in Gaelic speaking areas (which was not defined in the 1980 Act, resulting in potential uncertainty). The teaching of the Gaelic language as part of an education authority's duty to provide further education also no longer applies only in Gaelic speaking areas.  
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288. During the meeting on 1 May, the Bill team stressed that this section would remove what could be construed as a limit to where Gaelic medium education can be provided; put simply that this measure is about removing a barrier rather than putting in an obligation.<sup>6</sup>

289. However, HM Inspectors believes that this measure will clarify that all education authorities have a duty to provide Gaelic Learner and Medium Education and should increase equity.

290. Following his appearance before the Committee, Professor Wilson McLeod provided supplementary written evidence which stated that—

” As written, the bill expands the general duties of education authorities in Scotland to make provision for Gaelic. This obligation would now extend to all authorities.<sup>48</sup>

291. In his evidence to the Committee, Professor McLeod stated that there has been a lack of initiative and energy on the part of many local authorities to drive forward the development of Gaelic education.<sup>6</sup> Given this, he views the expansion of the duties on education authorities as a welcome and overdue reform.<sup>48</sup>

292. However, Professor McLeod noted the disparity between his reading of this provision and the evidence provided by the Scottish Government, as well as some

statements in the Explanatory Notes and Policy Memorandum on the Bill, stating—

” It is important that the bill proceeds as written and not on the basis of the much weaker position articulated by the Scottish Government.

In my view, it is important that the bill proceed as written, so that the duty to secure ‘school education’ will henceforth extend to ‘every education authority’ and ‘school education’ will include ‘Gaelic learner education and Gaelic medium education’. This would mean that all education authorities will be required to make some provision for Gaelic and will no longer have the option of not making any provision at all.<sup>48</sup>

293. Glasgow City Council welcomed what they described as the clarification that Gaelic education comes under the definition of school education, stating that it would give weight and status to Gaelic education.

294. In their evidence, COSLA raised concerns that the Bill appears to place requirements on education authorities to consider increasing provision without there being parental demand. They said that, should this be the case, it will place additional burdens on local authorities. COSLA went on to say—

” We already have processes in place where parents and carers can request Gaelic Medium Education, with a strong presumption within existing legislation and statutory guidance that that will be provided.<sup>31</sup>

295. The Bill team confirmed that it is not the Government’s stated intention that school education must include Gaelic education for all education authorities. Both the Explanatory Notes and the Policy Memorandum state that the duty as amended “may include” the teaching of Gaelic. However, the Bill does not use the word “may” in relation to the teaching of Gaelic.

296. If the Scottish Government's intention was to clarify that school education “may include”, rather than “includes”, the teaching of Gaelic, the drafting of the Bill could have more closely matched the wording in the accompanying documents.

297. The Committee received evidence from many individuals and organisations calling for an explicit right to Gaelic Medium Education.

298. Sabhal Mòr Ostaig, Fèisean nan Gàidheal, Gaelic Committee of the Church of Scotland, TRACS and individuals including Timothy Currie Armstrong and Professor Wilson McLeod, along with many others, backed a right to access GME. At present, there is a right to request Gaelic medium primary education (GMPE).

299. Fèisean nan Gàidheal highlighted that the [Short Life Working Group on Economic and Social Opportunities for Gaelic](#) (convened in March 2022 by the then Cabinet Secretary for Finance and the Economy) concluded that access to Gaelic education should be enshrined in law. The Short Life Working Group recognised the practical challenges there may be in providing this, for instance sufficient staffing, but stated “a legal right – even if a qualified right initially – sends a clear signal about intent.”<sup>33</sup>

300. Donald Macleod from Comhairle nan Eilean Siar asked for the educational position of the Bill be strengthened with consideration given to including right to GME as well

as the role of GLE.<sup>7</sup>

301. Other contributors also highlighted the need to look at the role of GLE, with Professor Wilson McLeod stating that, in recent years, there has been an approximately 50 per cent drop in the level of provision for GLE in primary school.<sup>6</sup>
302. CLAS also noted the fall in the number of Gaelic learners, stating that it has taken "a nosedive to the point that there is an existential threat to the qualification."<sup>39</sup>
303. In her evidence to the Committee, Dr Birnie stressed that young people need to have opportunities to learn the language in primary school as it is much harder to stimulate the uptake in secondary school.<sup>39</sup>
304. Education Scotland, ADES and HM Inspectors all highlighted the role that the 1+2 language policy<sup>iv</sup> has played in spreading Gaelic, with HM Inspectors noting that existing statutory guidance encourages all children and young people to learn Gaelic in school.<sup>42</sup>
305. However, in Professor McLeod's view, the implementation of the 1+2 strategy has gone badly for Gaelic with, in many cases, local authorities dropping the existing Gaelic provision within their schools.<sup>6</sup>
306. HM Inspectors would like more schools to offer Gaelic as one of their languages. They believe that this will help to arrest the decline in numbers that has been seen in recent years. Bòrd na Gàidhlig said that they would also like Gaelic to be one of the two languages taught in schools.
307. CLAS flagged the need to provide successful learners with a pathway to senior phase to ensure "what is happening in primary schools continues to develop and that in secondaries the structure of the curriculum and the provision that is in place allow them to continue it."<sup>39</sup>
308. In her evidence to the Committee, the Deputy First Minister stated that she was very supportive of the Gaelic first approach taken in the Western Isles. While acknowledging that a balance was to be struck—  

” there are some local authority areas in which there are communities of large numbers of speakers, such as the Western Isles, the Highlands and Argyll and Bute, for which I generally favour a more Gaelic first approach.”<sup>2</sup>
309. As with section 11, section 15 specifically mentions further education that is provided by education authorities. Lydia Rohmer, Principal of UHI North, West and Hebrides reiterated her point that other further education providers, such as colleges, should be included in the description in this section.
310. Section 18 of the Bill will require a local authority to set out its plan for the provision of Gaelic education within its Gaelic language plan, should it have one. The local

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iv The 1+2 programme is the Scottish Government's policy for language learning in Scotland. It aims for every child to be able to learn a modern language (known as L2) from P1 until the end of the broad general education (S3). Additionally, each child is entitled to learn a second modern language (known as L3) from P5 onwards.

authority must also consult interested persons on those elements of the plan.

311. The Policy Memorandum explains—

” The power for the Scottish Ministers to make regulations about the content of Gaelic language plan is expanded to allow for further provision about the matters which must be included. The Gaelic language plans of education authorities will be strengthened by greater specificity for how the delivery of Gaelic medium education and Gaelic learner education should be approached as part of the Gaelic language planning process.<sup>1</sup>

312. Comman nam Pàrant (Nàiseanta) not only welcomed the provision for education authorities to include Gaelic education delivery planning in their Gaelic language plans but also the provision which ensures that Comman nam Pàrant, along with HM Inspectors will be consulted.<sup>23</sup> Stòrlann Nàiseanta na Gàidhlig suggested that service delivery agents ‘with which the authority might collaborate’ should be added to the list of consultees.<sup>49</sup>

313. In their response to the call for views, CLAS argued that it is vital that under these provisions, language plans are used to hold education authorities to account.<sup>21</sup>

314. In their written evidence, Glasgow City Council asked how these provisions would work in practice. The local authority said that guidance and mutual support is often highly beneficial; however, “it is important that Education authorities maintain control of the content that goes into the authority’s Gaelic Language Plan and how it fits into their overall strategic planning.”<sup>27</sup>

315. Bòrd na Gàidhlig expressed concern about section 18, stating that the measure is unnecessary if Gaelic education is being embedded in the education system. The Bòrd argued that it “goes against the principle of embedding Gaelic education fully into the education legislative arrangements”<sup>28</sup> and requested that the section be removed.

316. The Committee notes the disparity in the evidence regarding what effect section 15 will have. The Committee therefore asks the Scottish Government to clearly set out, on the face of the Bill, what the intention of this provision is, what that intention will achieve, and when it will be achieved.

317. The Committee acknowledges calls from many stakeholders for an explicit right to GME. While the Committee understands the desire behind such calls, it notes existing barriers to delivering this, including teaching staff numbers and other resource challenges and agrees with the Scottish Government that this is not required to be in the Bill.

318. The Committee also acknowledges calls for clear pathways for Gaelic learners, to ensure that they can take their learning from primary through to senior secondary school and achieve qualifications.

## Gaelic Medium Education Assessments

319. Currently, there is a two-tiered process if a parent/carer wants their child to be taught in Gaelic medium primary education (GMPE). First they make a request to the local authority, providing evidence of demand amongst other parents of children in the same year group. The local authority must then make an initial assessment of the need for GMPE. Following that, if the local authority has determined that there is a potential need for GMPE, it can undertake a full assessment of the need for GMPE or take the decision to secure the provision of GMPE without an assessment.
320. The Bill would extend this process to include Gaelic Medium Early Learning and Childcare (GMELC). The Bill will also allow for changes to the Scottish Government's powers to make regulations in relation to thresholds required for local authorities to undertake initial assessments for GME provision.
321. Many organisations, including Bòrd na Gàidhlig and Comann nam Pàrant, welcomed that the process would be extended to include GMELC. They highlighted the importance of children being immersed in Gaelic from an early age and stated that this provision should allow more children to receive this.
322. Donald Macleod, representing ADES, said—
- ” Gaelic-medium ELC is a massive driver of onwards uptake of Gaelic-medium primary education and a key foundation stone of that three-to-18 Gaelic pathway.<sup>39</sup>
323. In their written submission, Comhairle nan Eilean Siar called for clarity within the Bill as to whether GMPE will be provided in new areas in which GMELCs are established. That is, whether it would be starting a pathway that could be followed into primary school.<sup>5</sup>
324. Comann nam Pàrant went further, stating that while a parental request for GME may initially be for ELC or GMPE, education continues throughout secondary school and that there will need to be provision made throughout education. They added that the variation in provision currently seen between schools suggests that clarification is essential on the secondary curriculum.<sup>23</sup>
325. In their response to the call for views, Foghlam Thidsearan at Sabhal Mòr Ostaig highlighted—
- ” The development of Gaelic Medium Education at secondary school level, and particularly at the senior phase, is essential if GME pupils are to leave school as fluent and confident Gaelic speakers who can see a viable future for themselves as members of the Gaelic community.<sup>43</sup>
326. Numerous submissions, while welcoming the provision for parents/carers to be able to request GMELC, highlighted that the process to request GMPE is cumbersome and requires simplification.
327. Dr Birnie of SCDE noted how complicated the process currently is for parents to secure Gaelic medium education. However, HM Inspectors stated that the "extent to

which parents have to campaign for access to Gàidhlig should be reduced by Gàidhlig being embedded in Scottish Education." <sup>42</sup>

328. Comann nam Pàrant suggested that the process could be streamlined by replacing the two-tiered assessment process with a requirement for local authorities to have one full assessment. <sup>23</sup>
329. When giving evidence alongside the Deputy First Minister on 22 May, the Bill team recognised that the current system places quite a heavy burden on parents as it requires them to find five children in the same year group who also want to receive GME.
330. The Bill team highlighted that section 22 of the Bill would provide a power to change the number of five for areas of linguistic significance and/or other areas, stating that the Government could "potentially put in a bit more nuance", to make the process easier. <sup>2</sup> These measures will be subject to the affirmative procedure.
331. ADES recognised that the Bill is trying to simplify the process for parents who want their children to be taught in a GMPE environment. However, they urged caution, highlighting the need to ensure "genuine, sustainable and resourced demand and that the legislation leads to the creation of viable provisions where there is a genuine need for them to be established. We do not want requirements being imposed on authorities where demand is not sustainable, simply as a side effect of the legislation." <sup>39</sup>
332. Although they welcomed standardisation and clarification of the process, Glasgow City Council also highlighted that the increased duty to undertake assessments as to the need for GMELC will have financial and staffing implications for local authorities.
333. Section 24 will amend section 50 of the Children and Young People (Scotland) Act 2014 so that an education authority is required to consult on whether and, if so, how it should make Gaelic medium early learning and childcare available.
334. The Bill team explained that education authorities already have to consult their communities on a regular basis to ask what sort of ELC they want and where. They explained that this is to help authorities plan, so that the services that they design are appropriate to the needs of their communities.
335. The Bill team went on to say that, at present, there is no requirement for education authorities to ask about language. Section 24 will change this, to ensure that when that exercise is carried out, the question about language is being asked. <sup>2</sup>

336. The Committee notes the evidence supporting the provision to extend the right to request Gaelic Medium Primary Education, to now include Gaelic Medium Early Learning and Childcare.

337. The Committee further notes, however, evidence from local authorities relating to the resources required to undertake assessments and the need for demand to be sustainable. The Committee notes that the Financial Memorandum does not set out the costs of such an extension.



## Further and Higher education

338. Section 25 provides that Scottish Government funding of the Scottish Funding Council may include “terms and conditions for the purpose of enabling, encouraging or increasing participation in fundable further education and fundable higher education in the Gaelic language and in Gaelic culture.”<sup>1</sup>
339. The Committee received evidence from community organisations highlighting the importance of learning opportunities for people of all ages.
340. An Comunn Gàidhealach stressed that there needed to be a more comprehensive strategy for school leavers looking to utilise their language skills, for instance modern apprenticeships through the medium of Gaelic.<sup>4</sup>
341. In their response to the call for views, Ceòlas stated that training at all levels is required to strengthen Gaelic skills and expertise of Gaelic including continuous professional development. They further stated that there are gaps in skills and confidence which creates a barrier to those who may otherwise apply for Gaelic essential/desirable posts and that training needs to be accessible and available in all communities.<sup>19</sup>
342. CLAS advocated a significant expansion in the provision of further and higher education for Gaelic medium, noting that a lack of graduates in Gaelic or Celtic Studies has a major impact upon the numbers of qualified secondary teachers.<sup>21</sup>

343. The Committee notes the link between creating more opportunities to speak and study Gaelic in further and higher education and developing more Gaelic speaking capacity within the workforce, including new Gaelic teachers.
344. The Committee asks the Scottish Government what measures it intends to introduce in relation to further education, to help address the issue of low teacher numbers, what the cost of those measures would be to the providers and whether the Scottish Government intends to meet the cost of that new provision.
345. The Committee also asks the Scottish Government how it will ensure that Gaelic learning is available in education beyond school, including further education and apprenticeships.

# Scots language

346. Measures within Part 2 of the Bill relate to Scots.
347. The first measure is Section 26, which provides for the official status of the Scots language. This is discussed earlier, alongside Section 1, which provides for the official status of the Gaelic language.
348. As noted earlier, in paragraphs 63 to 69, a key issue raised in evidence was the diversity of the languages and dialects across the country, and the need for the legislation to explicitly recognise that.

## Scots Strategy

349. Section 27 would require Scottish Ministers to prepare and consult upon a Scots language strategy.
350. Ministers and Scottish public authorities will have to “have regard to” the strategy in performing their functions. Ministers will then report on progress of the strategy. This is a different approach to the one for the Gaelic strategy, the progress of which will be reported on by Bòrd na Gàidhlig rather than the Scottish Government.
351. In their response to the call for views, Scots Hoose stated that a Scots strategy could have a positive impact in a number of ways—
- ” A strategy that gies value and practical support tae the language o young Scots through education and inwith their community and across wider Scottish society as weel wid help tae normalise the Scots language in positive weys and challenge and hopefully end the discrimination young Scots speakers thole in modern Scotland on a daily basis.<sup>50</sup>
352. Oor Vyce called for the initial strategy to be detailed in its short-term plans and bold in its vision for the future. In their view, the strategy should cover community, education, both new and existing speakers, primary, secondary and tertiary levels, broadcasting and media and governance framework.
353. They also suggested that the strategy set out a timetable of actions to be achieved in the short-term, as well as how success will be measured.<sup>10</sup>
354. Dr Michael Dempster agreed on the need for the strategy to include markers for success. He also called for the insertion and incorporation of linguistic rights into Scots Law within the Bill.<sup>6</sup>
355. Common Weal suggested that the strategy include consideration of how adult learners of Scots would be facilitated.
356. As highlighted earlier, while welcoming the potential of the Bill to “provide protection to language in Scotland”,<sup>7</sup> Orkney Islands Council has been very clear in their evidence that Orcadian is different from the standardised Scots that has been used in the Scots translation of the Bill, with different sentence structures and syntax.

357. Orkney Islands Council is concerned that "a national Scots Language Strategy and a push for standardised education in or around Scots may unintentionally erase Orkney's unique voice."<sup>40</sup> They are therefore looking for reassurance that Orcadian has been considered and will be protected under the Bill.
358. COSLA similarly highlighted the need for consideration and inclusion of other varieties and dialects of Scots, including Doric.
359. When giving evidence to the Committee, Dr Michael Dempster asserted—
- ” One o the strengths o the Scots strategy is that we can bring thegither dialects and see whit they have in common. Where dae we work fae, fae here? How does the Shetland speaker speak wi the Dumfries speaker? Whit is common there?<sup>6</sup>
360. As with the National Strategy for Gaelic, several respondents highlighted the importance of the consultation that would take place in the preparation of the Scots Strategy. The submission from Scots Radio stated—
- ” I feel that the most important aspect of this new Bill will be to involve communities right at the beginning so that the communities can feel part of the process. By so doing it will be guaranteed that the regional language diversities will be safeguarded.<sup>51</sup>
361. The Scots Language Centre and The Doric Board also stressed the need for "genuine and broad engagement right across the country"<sup>17</sup> in the development of the strategy, to ensure that the diversity of the language is reflected within it.
362. Some respondents, including the Association for Scottish Literature, expressed concern that Ministers will report on how successful the strategy has been, rather than an independent Board or Commissioner.<sup>52</sup>
363. The Committee received many calls from individuals and organisations including TRACS, Education Scotland, and Oor Vyce for a statutory Scots Board to be established, similar to Bòrd na Gàidhlig and the role it plays for Gaelic.
364. In their response to the call for views, Dictionaries of the Scots Language stated, were a Board to be created, it should be 'bottom up' in its design, with boards or equivalent in place for each dialect/region such as the Doric Language Board and Shetland ForWirds.<sup>15</sup>
365. However, when giving evidence to the Committee, Professor Robert McColl Millar highlighted the importance of understanding that there is an overarching connection between the variants and dialects. He cautioned that "if we were to call ourselves a collective of different dialects, that would really not make us very strong; it would be an easy way of picking us off, one at a time."<sup>6</sup>
366. The Scots Leid Associe expressed doubts about a Scots Board, questioning who would choose the members.<sup>53</sup>
367. Oor Vyce suggested that, ahead of the creation of any Scots Board, a voluntary group be set up. This group should be "representative of different Scots dialect

regions, heritage and artistic organisations, and other key actors" <sup>10</sup> and should be consulted on the strategy (section 27), guidance for public authorities (section 30), guidance to education authorities (section 32) and standards relating to Scots education (section 33).

368. The Bill team explained that Scots structures are being put in place. While there is no proposal for a Scots Board at present, the Bill team highlighted that there is an invitation to Scots bodies, and leaders of those bodies, to contribute to the preparation of Scots standards and guidance. <sup>6</sup>
369. Dr Dempster, representing the Scots Language Centre, noted these invitations but highlighted that Scots organisations were already at, if not working beyond, their capacity, yet the financial memorandum is "presented as though there will be zero costs for the centre" in supporting additional policy development. <sup>6</sup>
370. During the meeting of 22 May, the Deputy First Minister stated—
- ” I am a lot more interested in [outcomes and outputs] and in distributing the funding directly among communities than I am in establishing structures and organisations. <sup>2</sup>
371. In terms of the implementation of the strategy, the Association for Scottish Literature said that there was currently a lack of clarity as to how local authorities would implement the Scots strategy. They also queried why local authorities were not expected to have a Scots Plan as they are expected to have a Gaelic Plan. <sup>52</sup>
372. More detail was also requested by local authorities, including Dumfries & Galloway Council, who wished for a "greater understanding of the detail of expectation of Councils, in particular those expectations with financial implications." <sup>37</sup>
373. Public bodies such as the SQA agreed that clarification is required on what duties, responsibilities, and obligations will arise from the strategy for Scots. <sup>30</sup>
374. As with the proposed Gaelic strategy, all relevant public authorities would have a duty to have regard to the Scots language strategy in exercising their functions. The Financial Memorandum stated that "costs to local authorities of bringing their activity into line with the Scots strategy, Scots standards and Scots guidance will be difficult to predict until the precise content of those documents is known". <sup>54</sup> Given this, COSLA urged that this detail to be placed on the face of the Bill. <sup>31</sup>

375. The Committee notes the provision in the Bill for the drafting of a National Scots Strategy by Scottish Ministers. The Committee believes that it is important that the strategy recognises the rich diversity of Scottish languages and dialects.
376. Given the concerns raised in evidence at Stage 1, the Committee asks the Scottish Government to consider whether the Bill, as currently drafted, adequately encompasses the range of languages and dialects which it considers constitute the umbrella term 'Scots', in order to provide a meaningful definition and sufficient clarity for the targeting of the 'support' the Bill envisages.

377. The Committee agrees with the Deputy First Minister that there should be a focus on outcomes and in distributing the funding directly among communities.
378. The Committee notes that, in the absence of a Scots Language Board, the Scottish Government is relying on Scots organisations to engage.
379. The Committee further notes that, given resource constraints, those organisations may not have the capacity to engage in these processes without affecting their other activities.

## Language guidance

380. Section 30 gives Scottish Ministers a power to give guidance to relevant public authorities relating to promoting, facilitating and supporting the use of the Scots language and developing and encouraging Scots culture.
381. In preparing the guidance, Scottish Ministers must consult interested persons. The explanatory notes state that this could include, for example, the Scots Language Centre, Scots Hoose and Yaldi Books.<sup>38</sup>
382. In their written response to the call for views, COSLA stated that local authorities must be added to the list of organisations to be consulted.
383. The Association for Scottish Literature stated that guidance on standards is welcome; however, they stressed that there needs to be a "clearer statement of mechanisms of implementation and oversight".<sup>52</sup> The Scots Language Centre is also calling for a strengthening of the guidance provisions within the Bill, so that the Scottish Government "must" give guidance instead of "may".
384. Subsection 5 of section 30 defines Scots culture as including "...the traditions, ideas, customs, heritage and identity of those who speak or understand the Scots language".
385. In their response to the call for views, TIE considered that this could be read as if there was one homogeneous culture whereas the traditions, ideas, customs, heritage and identity of those who speak or understand the Scots language are varied. TIE therefore urged a re-drafting of this definition to be more inclusive of the many Scots traditions and languages.<sup>55</sup>
386. The Scots Leid Associe questioned who would set the standards and guidelines. They also highlighted that there was—
  - ” some agreement that a staunert screivit form o Scots micht be desirable sae lang as it is no prescriptive.<sup>53</sup>
387. In his response to the call for views, Chris Gilmour advocated that, when creating guidance for public bodies, Scottish Ministers should employ Scots speakers to help them. He added that these speakers should be drawn from "not just a wide range of

sectors, regions and social strata, but that they should disproportionately use Scots speakers from DE social grades and outwith the education and communications sectors.”<sup>56</sup>

388. The Committee recognises the concerns of some stakeholders that the reference to "Scots culture" could be read as one culture, rather than the many Scots traditions and languages.
389. The Committee therefore recommends that the Scottish Government more explicitly reference Scots languages and dialects in all their forms within the Bill and seeks the Scottish Government response to these concerns.
390. Given that multiple measures in the Bill will involve consultation with relevant organisations, for instance on standards and guidance in relation to Scots language and Scots education, the Committee asks the Scottish Government for an assurance that it will consolidate consultations as much as possible, to take into account the impact on resources of multiple consultations on public bodies and interested parties and when it proposes to undertake these consultations.

# Scots Education

391. Section 31 requires Scottish Ministers to promote, facilitate and support Scots language education in schools. An education authority must also promote, facilitate and support Scots language education in the schools under its management.
392. Local authorities questioned the purpose of the measures pertaining to Scots education. In their submission, City of Edinburgh Council stated that within their schools, there is currently engagement with Scots, in large part through interdisciplinary activities and learning linked to literacy and literacies.
393. They further stated that it was not clear whether the Bill intends to encourage more of this work or whether Scots is to come under the 1+2 agenda. They also asked for clarity as to how the inclusion of Scots will be planned, supported and resourced.
394. The Bill team explained that the Bill is trying to create an "authorising environment"<sup>6</sup> so that teachers who wish to use Scots in the classroom know that they are allowed to do so.
395. The Bill team,<sup>6</sup> Bruce Eunson of Education Scotland and Dr Sylvia Warnecke of Open University highlighted the range of resources as well as new professional learning that were in place to support and encourage teachers to understand and use those resources to bring Scots into the classroom.<sup>39</sup>
396. However, many contributors stated that the Bill would not require a new component to be added to the curriculum. Bruce Eunson of Education Scotland stressed that there was already a lot of work being done in and on Scots in classrooms across the country and these measures would ensure that it was recognised—
- ” All 32 local authorities will have schools that use Scots in some form—they just might not be in the habit of calling it Scots. Speakers in Aberdeen will call it Doric, speakers in Orkney will call it Orcadian and speakers in Shetland will perhaps call it Shetland dialect, Shetlandic or just Shaetlan.
- We want the bill to ensure that when local authorities are asked for evidence of what they have been doing, they will all answer with details of that work.<sup>39</sup>
397. Orkney Islands Council told the Committee that, in Orkney, all pupils are taught Orcadian as their L3 (within 1+2) to ensure that all children will have the capacity to understand and use it.<sup>7</sup>
398. For Education Scotland, two key focuses for Scots activity in schools should be that—
- no child in Scottish education should be discriminated against for the language they speak and
  - no member of education staff at any level should be discriminated against for the language they speak.<sup>18</sup>
399. The Committee received evidence, from Scots Hoose, the Scots Language Centre

and the Scottish Government, which stated that the use of Scots in schools had led to improved attitudes and engagement, and increased confidence and attainment.

400. Scots texts and writing can be used in SQA qualifications in English and the SQA also offers awards in Scots language and Scottish studies.
401. The Scottish Studies Award may include units covering Gaelic, Scots or English. The Scots Language Award is sized as [12 SCQF points](#). This is half the size of a National 4, 5 or Higher which are sized as 24 SCQF points. 1 SCQF point nominally equates to 10 hours of learning, including instruction, preparation and so on.
402. In 2023, there were a total of 1,585 entries (from local authority schools) for the Scottish Studies Award, from [SCQF levels 2 - 6](#). There were 395 entries for the Scots Language Award, from SCQF levels 3-6.
403. In his evidence to the Committee, Bruce Eunson of Education Scotland, noted that all local authorities can already include Scots as their L3 option within 1+2, as Orkney Islands Council has done. However, current Education Scotland guidance <sup>57</sup> states that, to be an L2, pupils have to be able to take the language on to a National Qualification.
404. He added that, should there be further progression, and the development of more Scots qualifications, Scots could also be an option as an L2. As a result, "we could see its role in the one-plus-two offer develop even further." <sup>39</sup>
405. The Association for Scottish Literature and the Scots Language Centre had a more significant change in mind. The Association for Scottish Literature suggested—
- ” a future examination / qualifications authority should require a greater level of mandatory coverage of Scottish literature either in the exam or as part of coursework assessment and we also think that a Scots Language Qualification should be developed at National 5-6 levels to complement the existing Award. <sup>52</sup>
406. The Scots Language Centre similarly advocated—
- ” a full stream of education and support of Scots from early years through primary and secondary education, integration of Scots with specific qualifications at all SCQF levels, and Scots' inclusion in all communication skills HNC/D modules, with the development of single honours Scots language and/or literature degrees and post graduate programmes. <sup>14</sup>
407. They also called for Scots to be included in all performance and language based creative programmes as this would be vital to Scots language cultural production. <sup>14</sup>
408. Various respondents including Scots Radio and the Scots Language Centre, while welcoming provisions for school education, stressed the importance of ensuring that there were also opportunities for adults to learn Scots and about Scots.
409. In her evidence, the Deputy First Minister agreed with the need for other opportunities and stated that the principle of functional fluency applies to Scots as well as Gaelic—



” One can demonstrate academic and functional ability to read, write and speak a language, but for it to be a living language, it has to come into use across life. Therefore, the responsibility on us—indeed, on all of us—is to bring languages to life beyond the classroom.<sup>2</sup>

410. The Committee notes that Scots activity is already taking place in schools and that some resources and professional learning are available to support teachers.
411. The Committee further notes that some local authorities are unclear as to what role Scots education is to play within the curriculum.
412. The Committee heard different visions for Scots education from witnesses and in written evidence. It is unclear to the Committee whether the primary focus is to, for instance—
- ensure that people can use the language that they are most comfortable with
  - develop an appreciation and understanding of local heritage and culture
  - develop a Scots curriculum
413. The Committee therefore asks the Scottish Government for a clearer articulation of what role Scots education will play, what it hopes to achieve with Scots education and how it will measure success.
414. The Committee asks that the Scottish Government clarify how Scots Language is taught within the 1+2 Language framework including how it takes different dialects and variants into account.

## Guidance relating to Scots language education

415. Section 32 gives Scottish Ministers a power to give guidance to education authorities about Scots language education in schools. Scottish Ministers must consult interested persons in preparing the guidance.
416. As with Scots language guidance, COSLA called for local authorities to be included in the list of those to be consulted on Scots education guidance.
417. In their response to the call for views, the Doric Board stressed the need for the standards and guidance to recognise, support, encourage and celebrate the "rich dialectic and linguistic diversity across the nation and ensuring that this is central to the whole approach of supporting Scots in education."<sup>17</sup>
418. COSLA highlighted that the Bill does not articulate what the guidance on Scots education in schools is likely to contain, other than the promotion of the Scots Language. They therefore called for more clarification as to what the guidance would cover.
419. Ultimately, it seems that it will be a decision for local authorities. In her evidence to the Committee, the Deputy First Minister stated—

- ” It is a local choice. A local education committee might want to have more Scots teaching in its schools. That will be an internal conversation for the local authority, because local authorities have the freedom to make decisions.<sup>2</sup>

420. As with official status for Scots and the Scots strategy, the Committee recommends that the Scottish Government recognise the rich diversity of Scottish languages and dialects when developing its guidance on Scots education, to take into account the range of languages and dialects which it considers come under the umbrella term 'Scots'.

## Standards within education

421. Section 33 gives Scottish Ministers power to make regulations to prescribe the standards and requirements to which an education authority must conform in discharging its functions in relation to Scots language education in the schools under its management.
422. Regulations may make different provision for different purposes and different areas (including different parts of an education authority's area). Scottish Ministers must consult interested persons in preparing the regulations<sup>38</sup> which would then be set out in subordinate legislation subject to the negative procedure.<sup>1</sup>
423. The Bill team stated that the setting of the strategy and standards will improve what parents can "expect in the classroom and what teachers and local authorities should expect to deliver in certain circumstances. It brings about growth and improvement in quality."<sup>6</sup>
424. The team confirmed, however, that standards could be different for different areas. This means, for areas like the Western Isles, it would be possible for no duties to be imposed in relation to Scots.<sup>6</sup>
425. Local authorities again called for greater clarity on what standards would mean. Dumfries and Galloway Council described the word standards as "too undefined" which leaves "too many areas of potential financial uncertainty".<sup>37</sup>
426. The General Teaching Council (GTC) Scotland also called for more clarity, specifically in relation to the standards that would be set for Scots in schools and how they would interact with its statutory functions of determining recognised teaching qualifications, accrediting Initial Teacher Education (ITE) programmes and setting the minimum requirements for entry, as well as setting the standards that teachers are required to meet and maintain.<sup>46</sup>
427. Other organisations called for the strengthening of standards, to ensure impact. For Scottish Arts and Humanities Alliance (SAHA), that means changing the language in the Bill so that standards and requirements 'must' be specified, rather than 'may' be specified.<sup>11</sup>

428. For the Scots Leid Associe, it means more direction for schools and local authorities—

” Scots needs tae be taught in a systemised and structured wey in schuils. This needs tae be mandatory and biggit intil the curriculum. Siller and resources need tae be provided. <sup>53</sup>

429. Given that the requirements any standards or guidance could place on local authorities could be significant, the Committee asks the Scottish Government for sight of draft standards and requirements to illustrate what measures and requirements may be included, as well as the projected costs to local authorities associated with those measures, at the latest prior to Stage 2.


430. The Committee also asks the Scottish Government to provide a clear statement on whether—

- a local authority is obliged to implement those measures regardless of cost,
- the local authority has full discretion to implement the measures set out in the Bill and any future ancillary provisions
- once implemented, a local authority has the ability to amend, cease, or modify such measures, should it wish to do so.

431. The Committee asks the Scottish Government to explain how it will ensure alignment with the GTC Scotland in respect of relevant regulations for Scots education.

## Consideration of delegated powers

432. It has been noted by many giving evidence to the Committee that much of the detail of what the Bill seeks to put in place will be provided in the strategies, guidance, standards and directions created in relation to Gaelic and Scots.
433. The Bill will provide for, in both Gaelic and Scots—
- A national strategy
  - Language guidance
  - Education standards
  - Guidance relating to education
434. It will also provide powers for Scottish Ministers to prescribe Gaelic Language standards and make directions regarding—
- the functions of relevant public authorities in relation to Gaelic
  - Gaelic language plans
  - Standards within Gaelic education
  - Gaelic education
435. It is the role of the Delegated Powers and Law Reform (DPLR) Committee to check whether proposed powers to make secondary legislation in Bills, such as these, are appropriate.
436. At its meeting on 5 March 2024, the DPLR Committee considered the powers to make secondary legislation within this Bill.
437. The Committee agreed to [write to the Scottish Government](#) to raise questions in relation to 9 of the 18 powers conferred by the Bill—
- Powers to issue guidance: Sections: 4(2), 7(2), 9(6), 13, 30 and 32(1);
  - Use and proportionality of directions in the Bill:
    1. Section 7(2): Power for Scottish Ministers to give directions to relevant public authorities;
    2. Section 9(6): Gaelic language plans;
    3. Section 12(5): Powers for Scottish Ministers to give directions in relation to standards for Gaelic Education; and
    4. Section 14(2): Directions to education authorities relating to Gaelic education.
438. The Scottish Government [responded on 19 March 2024](#).

439. Following its consideration of this correspondence, the Committee was generally content to note the responses from the Scottish Government and the further information provided.
440. However, the DPLR Committee wished to highlight two points in its [report](#), to the lead Committee.
441. The first concerns the guidance proposed under sections 4(2), 7(2), 9(6), 13, 30 and 32(1). The Committee asked the Scottish Government to clarify the nature of this guidance, and in particular, whether the guidance is intended to assist or direct local authorities. In other words, the DPLRC asked whether the guidance is administrative or legislative in nature, and—
- If it is administrative, why is it considered necessary to place a duty on local authorities to have regard to it?
  - If it is legislative, why it is not subject to any parliamentary procedure?
442. The response from the Scottish Government stated—
-  The guidance proposed under each of the sections referred to above is intended to assist local authorities (in the case of provisions relating to Areas of Linguistic Significance) or public authorities (in the case of the other sections mentioned) in complying with their duties. The essential characteristic of guidance is that it is advisory rather than directory and does not impose legally binding duties. The guidance will therefore not be of legislative character and as such it would not be appropriate to attach parliamentary procedure to the powers to issue guidance. However, failure to comply with guidance may be relevant in determining whether an authority has complied with the duties created by the Bill. We consider it appropriate for authorities to be required have regard to the guidance when making a relevant decision, in order to consider how that guidance may be relevant to the exercise of their functions. There are many legislative examples of a duty to have regard to guidance.
443. In its report, the DPLR Committee noted that, whilst it is not uncommon for guidance to be subject to a “must have regard to requirement”, whether that is appropriate will depend on the circumstances and the nature of the guidance proposed. In this instance, it appears the nature of the guidance is to assist rather than direct.
444. The Committee therefore drew all of the guidance-making powers to the attention of the lead committee to consider whether, in the circumstances, it is appropriate and necessary to give the guidance to be issued legal force by making it subject to a “must have regard to” requirement.
445. The second issue highlighted by the DLPR Committee relates to the use and proportionality of directions in the Bill, in respect of section 9(6): Gaelic language plans.
446. The Committee asked the Scottish Government—
- Why does the Scottish Government consider that a direction-making power is proportionate in the circumstances, given that a relevant public authority will require to have regard to any guidance issued under section 7A of the 2005 Act

and apply any standards and requirements specified in regulations made by Scottish Ministers under section 2C of the 2005 Act?

- Does the Scottish Government anticipate that it will not be clear on the face of the regulations what standards or requirements must be met by relevant authorities? If not, why is this power necessary?

447. In its response, the Scottish Government noted that there is precedent for its approach in the 2005 Act and that it is proportionate to ensure that Scottish Ministers have powers to require action across all elements of the language planning structure provided throughout the Bill.

448. However, the Scottish Government acknowledged that the circumstances in which this power could be used may be quite remote and limited. It stated that it will consider streamlining the range of direction-making powers as the Bill proceeds. The Scottish Government also confirmed that it is not intended that the power be used to supplement, clarify or amplify the law.

449. In its report, the DLPR Committee stressed that delegated powers should only be taken where necessary and fully justified. From Scottish Government's response, the Committee considered there is some doubt as to the necessity of taking this power.

450. The Committee noted that the Scottish Government intends to consider this matter further and highlighted its response to the lead committee.

451. The Committee notes the points made by the Delegated Powers and Legal Reform Committee in its report and seeks a further response from the Scottish Government on these matters. Specifically, the Committee asks the Scottish Government to set out whether it intends to streamline the range of direction-making powers in the Bill and, if so, to set out details of how this will be done.

## Financial Memorandum vs Finance

452. The Financial Memorandum (FM) sets out the expected additional costs that will arise from the Bill – around £700k over five years. The FM sets out the costs of taking forward the provisions in the Bill, not the costs of the consequences of those actions. For example, it provides estimates of the costs to develop strategies, that is additional work for existing public servants in local or central government, but not costs of delivering on those strategies.
453. The FM also provides an insight into how the Scottish Government expects provisions of the Bill to be utilised and sequenced over the first five years of operation. These include—
- around five local authorities are expected to seek to designate an area of linguistic significance in the first five years
  - the National Gaelic Strategy is expected to cover the five-year period from 2028
  - the National Scots Strategy and the statutory guidance will be developed in 2025-26
  - regulations setting education standards for both Gaelic and Scots are expected around 2025-26.
454. The FM states—
- ” The main impact of the Bill provisions is a shift in activity, a repurposing of resources in terms of effort and attention. The Scottish Government considers that provisions do not create wholly new costs or a requirement for wholly new spend.<sup>54</sup>
455. In her evidence to the Committee, the Deputy First Minister stated that the Bill gives legal backing to what is already in place. It does not place "a massive suite of new requirements and regulations" on public bodies who are, in many cases, already doing this work.<sup>2</sup> The Deputy First Minister added—
- ” The financial memorandum is an estimate based on the work that is already happening, on the understanding that there might be a need to do a little more work or to pivot to other work.<sup>2</sup>
456. The vast majority of those who provided evidence to the Committee expressed their disappointment that the Financial Memorandum contained such limited costings. They highlighted what they see as a lack of resources for Gaelic and Scots, and the need for increased funding to support the languages.
457. Multiple respondents, comprising individuals and organisations including Misneachd Alba, Glasgow City Council and Bòrd na Gàidhlig, argued that there has been an under investment in Gaelic since, and before, the passing of the Gaelic Language (Scotland) Act 2005.
458. In its submission, Glasgow City Council noted that the total Gaelic budget is £29.6m

in 2024-25, which it stated is approximately 0.0005% of the total Scottish budget of £59.7bn. It further noted that the budget for Bòrd na Gàidhlig increased from £4.4m in 2006-07 to £5.125m in 2024-25, an increase which Glasgow City Council described as "paltry".<sup>27</sup>

459. Urras Thiriodh agreed, stating that "the existing funding for Gaelic alone has been amply demonstrated to be wholly inadequate... Gaelic cannot survive and thrive without increased funding".<sup>24</sup>
460. The Bill team highlighted that although the Gaelic and Scots budget for 2024-25 is £29m, there is also other funding to Gaelic and Scots projects through other public bodies including Creative Scotland, Highlands and Islands Enterprise, Skills Development Scotland, NatureScot, Education Scotland and the SQA. As such, there is more than £29m spent on Gaelic and Scots each year.<sup>6</sup>
461. Community development has regularly been highlighted as being key to the strengthening of Gaelic, to ensure that it remains a living language and not just an academic one.
462. Earlier this year it was announced that top up funding of £354,000 to support Gaelic Development Officers, that had been in place for 2023-24, was not being continued for 2024-25.
463. Several individuals and organisations including An Comunn Gàidhealach and Culture Counts criticised this decision, stating that it called into question the value being placed on Scotland's languages and Gaelic in particular.<sup>58</sup>
464. On 5 April 2024, the Scottish Government confirmed that it would provide initial funding of £175,000 for 2024-25, to pay for 27 jobs focused on community development at Bòrd na Gàidhlig. It also asked the Bòrd to carry out a review of the community scheme to help guide what further funding might be needed.<sup>59</sup>
465. In its evidence to the Committee, Bòrd na Gàidhlig noted that community work is not only critical but also much in demand. It highlighted that its community grant scheme, its primary fund for supporting projects to promote and increase the usage and learning of Gaelic at community level, is significantly oversubscribed; so much so that the Bòrd could only fund - or part-fund - 39 per cent of projects in the last funding cycle.<sup>60</sup>
466. In response to the call for views and during evidence sessions, local authorities, organisations and individuals all called for more resources, stating that the Bill's aims will not be achieved without more financial support. When giving evidence to the Committee, Bòrd na Gàidhlig stated that, ultimately—
- ” There is an investment crisis in Gaelic that does not match the policy aspirations that have been set out for the language. You can have great policy, but if the funding model is not adequate, the policy will fail, whereas weak policy can make a difference if it has money behind it.<sup>7</sup>
467. Most individuals and organisations acknowledged the difficult financial climate; however, several respondents, including Misneachd Alba, stated—



- ” language shift is an ongoing process which will not wait until the economy is stronger: indeed, research in Ireland has shown that economic downturns accelerate language shift, taking vitality from the language community which cannot easily be recovered later on. <sup>12</sup>
468. When giving evidence to the Committee, the Deputy First Minister and the Bill team have repeatedly made a distinction between the costs set out in the Financial Memorandum and the wider spend on Gaelic.
469. The Bill team explained that the Bill is trying to create a significant shift but doing so—
- ” principally by reprioritisation and improving the status and visibility of the languages. ...
- That is a slightly separate thing to how much money is applied, year on year, through the budget process to Gaelic and Scots. That is for the budget bill and will be decided year on year. <sup>6</sup>
470. Oor Vyce expressed its disappointment that the Bill and associated documents do not make provision for increased funding for Scots and Scots organisations. They stated that it "questions how a bold new agenda can be achieved over and above what we have today". <sup>10</sup>
471. The Association for Scottish Literature noted that "the very small number of Scots Language Co-ordinators originally created over a decade ago was reduced in 2017 to one single post, now attached to Education Scotland." They also stated "if the SG [Scottish Government] is serious about supporting Gaelic and Scots then it is essential that Gaelic Development Officer posts and Scots Language Coordinators should be retained and increased in number, with their remits expanded." <sup>52</sup>
472. Many respondents, including the Scots Language Centre and Oor Vyce, highlighted that Scots organisations are extremely stretched, both in terms of resource and funding. The Bill is expected to raise the profile of Scots but also the expectations of the Scots community. However, at present, organisations warn there is no spare capacity to deliver more.
473. Those whose responsibility it will be to deliver the duties placed on them by the Bill, such as James Wylie of Orkney Islands Council, stated—
- ” We have to stop kidding ourselves that repurposing is going to achieve the outcomes that we are looking for. <sup>7</sup>
474. Donald Macleod of Comhairle nan Eilean Siar concurred—
- ” to do something meaningful will require financial resource. <sup>7</sup>
475. The Deputy First Minister acknowledged that more would be required—
- ” I suggest that the financial memorandum alone is not the sum of all money that needs to be brought in to meet our objectives when it comes to Gaelic. <sup>2</sup>

476. However, in their evidence, many organisations have highlighted that the Financial Memorandum does not set out potential costs or funding for—
- The delivery of enhanced provision of services and support for Gaelic within areas of linguistic significance;
  - Scots organisations, to ensure they can contribute, as envisioned by the Bill, to the preparation of the Scots strategy, Scots guidance or Scots standards;
  - local authorities or public bodies who—
    - as yet, have not undertaken work to promote or support Gaelic or Scots;
    - will have commitments to deliver as a result of the National strategies, standards or guidance, which are yet to be determined;
    - intend to designate multiple different areas within their boundaries as areas of linguistic significance.
477. The Finance and Public Administration Committee is responsible for scrutinising Financial Memorandums to Bills. As with the evidence received by this Committee, the written submissions to its [call for views](#) raised concerns regarding the limited costs set out in the Financial Memorandum, as well as funding for the support of Gaelic and Scots more generally, and questioned whether the Bill could achieve its aims in the absence of additional funding.
478. The [Finance and Public Administration Committee wrote to the Deputy First Minister on 13 May](#), to highlight these issues and ask for further information.
479. The Deputy First Minister [responded on 17 May](#), ahead of her evidence session with this Committee on 22 May, stating that “new spend on Scotland’s languages is currently taking place” and “is not a factor that should solely be associated with the Bill provisions”.
480. She also reiterated the point made by Scottish Government officials, that there is already a level of Gaelic activity taking place in local authorities, which can be shifted, with resources repurposed. Therefore, the Scottish Government “expect[s] the current activity associated with Gaelic language plans will be similar to the future task and that the Bill provisions, in relation to these processes, are unlikely to create wholly new costs.”
481. Following consideration of the Deputy First Minister's response, the [FPA Committee wrote to this Committee on 5 June 2024](#) to highlight key issues which, it believes, still need to be addressed.
482. The Finance and Public Administration Committee stated—
- ” It is unclear how the Cabinet Secretary has satisfied herself that no wholly new costs are likely to be required. The FM should, under Standing Orders, clearly set out “the best estimates of the costs, savings, and changes to revenues to which the provisions of the Bill would give rise” - that is any and all costs associated with the Bill’s provisions, whether these will, in future, require to be met through new or repurposed funding. <sup>61</sup>

483. The Committee also noted the Deputy First Minister's comments that the "Scottish Government might suggest that there is a more varied context which includes current statutory expectations and associated spend and growth of provision as a result of other factors unrelated to legislation." The Deputy First Minister went on to say that the Scottish Government has "taken a wider, dynamic approach which takes into account local prioritisation and developing provision, current statutory expectations and resulting activity and new provision resulting from the Scottish Languages Bill".
484. In its letter, the Finance and Public Administration Committee suggested that clarity is sought on the "more varied context" that has led to a "dynamic approach" being taken and how this has impacted on the costs presented in the Financial Memorandum.
485. The Committee noted the Deputy First Minister's comments that these costs are not associated solely with the Bill's provisions, and therefore transcend the limitations of the Financial Memorandum. However, it is concerned about the accuracy of the FM presented to the Committee, in the absence of further clarification on the practical and financial implications of such a "dynamic approach".
486. It therefore suggested that the lead Committee pursue this further detail from the Scottish Government on the full financial costs associated with the Bill's provisions.

487. The Committee notes the Scottish Government position that the Financial Memorandum is not a budget, and that it does not account for the total of what will be spent on the Gaelic and Scots, but rather is an estimate of costings of the specific actions within the Bill.
488. However, the Committee also notes concern from stakeholders, including the Finance and Public Administration Committee, that it is unclear how the Scottish Government has satisfied itself that no wholly new costs are likely to be required, or what the practical and financial implications of a "dynamic approach" would be. The Committee therefore asks the Scottish Government to revisit the costs set out in the FM and provide further detail on the full financial costs associated with the Bill's provisions, at the latest prior to Stage 2.
489. The Committee notes that the Financial Memorandum aims to provide an estimate of costs that local authorities would incur going through the process of designating part or all of their area as one of linguistic significance, including consultation with communities. However, there is no indication within the Financial Memorandum or other Bill documents that further Scottish Government funding would accompany a designation, for the delivery of increased activity or the meeting of higher language standards.
490. While recognising the current financial climate for all levels of government, the Committee is concerned that, without funding, the measures in the Bill - particularly areas of linguistic significance - will raise expectations that cannot be delivered by local authorities, Gaelic or Scots organisations, on current budgets.
491. The Committee notes the evidence from witnesses highlighting the need for financial, and other, support. The Committee further notes the comments from several witnesses that without extra resources, it would be difficult for

communities or public bodies to recognise the added value of the Bill.

## Conclusion

492. At Stage 1, the lead committee's role is to consider and report to the Parliament on the general principles of the Bill – that is, on the principal purposes of the Bill.
493. The Committee notes that the aims of the Bill are to strengthen support for and the promotion of Gaelic and Scots. The Committee acknowledges the symbolic value of according the languages with official status, and the potential impact of measures in the Bill relating to education, guidance and standards. However, the Committee also notes challenges around resources for delivering these measures and uncertainty around what will be set out in guidance and standards. The Committee also shares concerns about definitions around Scots and how variations will be dealt with.
494. The Committee supports the general principles of the Bill which are "to provide further support for Scotland's indigenous languages, Gaelic and Scots"<sup>1</sup>; however it does not consider that, on its own, the Bill will create the necessary conditions to address the challenges facing the Gaelic language or provide the necessary support and protection to both Gaelic and the languages and dialects that come under the term Scots. The Committee believes that more needs to be done by the Scottish Government beyond what is set out in the Bill, if it is to meet its aims to effectively support these languages and dialects and if the Bill is to make any meaningful difference rather than simply being symbolic.
495. The Committee is concerned by the lack of clarity within the Bill, particularly in relation to what obligations the strategies, standards and guidance, which will be developed pursuant to the Bill, will place on public bodies, and the associated costs of meeting such obligations. Meeting such costs will be particularly challenging given competing pressures on local authority budgets at this time. The Committee expects the Scottish Government to provide the required clarity, at the latest prior to Stage 2.

# Annex A

Extracts from the minutes of meetings of the Education, Children and Young People Committee.

## 13th Meeting, Wednesday 1 May 2024

1 Scottish Languages Bill:

The Committee heard evidence on the Bill at Stage 1 from—

Claire Cullen, Head of Gaelic and Scots, Douglas Ansdell, Team Leader, Gaelic and Scots and Niall Bartlett, Policy Officer, Gaelic and Scots, Scottish Government;

Nico McKenzie-Juetten, Lawyer, School Education Division and Ninian Christie, Lawyer, Economy and Social Protection Division, Scottish Government Legal Directorate;

and then from—

Professor Conchúr Ó Giollagáin, Gaelic Research Professor and Director of the UHI Language Sciences Institute, University of the Highlands and Islands;

Professor Wilson McLeod, Emeritus Professor of Gaelic, University of Edinburgh;

Dr Michael Dempster, Director, Scots Language Centre;

Professor Robert McColl Millar, Chair in Linguistics and Scottish Language, University of Aberdeen.

2 Evidence Session (In Private): The Committee considered the evidence it heard earlier under agenda item 1.

## 14th Meeting, Wednesday 8 May 2024

1 Scottish Languages Bill:

The Committee heard evidence on the Bill at Stage 1 from—

Donald Macleod, Chief Officer for Education & Children's Services, Comhairle nan Eilean Siar; Bruce Eunson, Scots Language Co-ordinator and Joan Esson, HM Inspector, Education Scotland; Seonaidh Charity, Chair, Comann Luchd-Teagaisg Àrd Sgoiltean;

and then from—

Dr Inge Birnie, Co-Chair of the Languages Group, the Scottish Council of Deans of Education;

Dr Sylvia Warnecke, Associate Head of School Students and Nations, School of Languages and Applied Linguistics, Open University in Scotland;

Dr Gillian Munro, Principal, Sabhal Mòr Ostaig;

Lydia Rohmer, Principal and Chief Executive, UHI North, West and Hebrides.

2 Evidence Session (In Private): The Committee considered the evidence it heard earlier under agenda item 1.

#### 15th Meeting, Wednesday 15 May 2024

1 Scottish Languages Bill:

The Committee heard evidence on the Bill at Stage 1 from—

Donald Macleod, Chief Officer for Education & Children’s Services, Comhairle nan Eilean Siar;

Joanna Peteranna, Area Manager, Highlands and Islands Enterprise;

James Wylie, Corporate Director of Education, Leisure and Housing, Orkney Islands Council;

*and then from—*

Ealasaid Dhòmhnallach, Chief Executive Officer, Iain MacMillan, Director of Development and Jennifer McHarrie, Director of Education, Bòrd na Gàidhlig.

2 Evidence Session (In Private):

The Committee considered the evidence it heard earlier under agenda item 1.

#### 16th Meeting, Wednesday 22 May 2024

1 Scottish Languages Bill:

The Committee heard evidence on the Bill at Stage 1 from—

Kate Forbes, Deputy First Minister and Cabinet Secretary for Economy and Gaelic, Claire Cullen, Head of Gaelic and Scots and Douglas Ansdell, Team Leader, Gaelic and Scots, Scottish Government.

2 Evidence Session (In Private): The Committee considered the evidence it heard earlier under agenda item 1 and at previous meetings.

#### 20th Meeting, Wednesday 19 June 2024

4 Scottish Languages Bill (In Private):

The Committee considered a draft Stage 1 report.

#### 21st Meeting, Wednesday 26th June 2024

1 Scottish Languages Bill (In Private):

The Committee considered and agreed a draft Stage 1 Report.

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