CALL FOR EVIDENCE ON THE EDUCATION (SCOTLAND) BILL
Response from Arthur Cormack

1  INTRODUCTION
The following is a response to the call for evidence on the Education (Scotland) Bill (the Bill). I would be happy, if it would be helpful, to give oral evidence at a later stage of its passage.

I am married to a secondary Gaelic teacher and we have three children who benefitted from Gaelic medium education (GME) in primary and secondary school. My work as Chief Executive of Féisean nan Gàidheal involves me in the promotion of Gaelic culture and education on a daily basis and I have an interest in how our work can support children in GME. As a member of Comann nam Pàrant Port Rìgh, I have been involved in a long campaign for a Gaelic school in Portree, as well as running Gaelic pre-school services locally. As a former Cathraiche (Chair) of Bòrd na Gàidhlig, I was very much involved in initiatives to promote and develop GME between 2003 and 2012 and was one of the authors of the National Gaelic Language Plan 2012-17.

I submitted a paper during the consultation on a Gaelic Education Bill the content of which I do not feel was adequately reflected in the document that summarised responses. Rather than go into detail the paper is available here should the Committee wish to augment the following.

2  SUMMARY OF MY VIEWS ON THE EDUCATION (SCOTLAND) BILL
The principal proposal in the Bill is that a statutory process should be put in place to enable authorities to assess and respond to parental requests for GME within a reasonable timescale. This falls considerably short of pre-election promises made in both 2007 and 2011:

<table>
<thead>
<tr>
<th>We will guarantee in law the right to a Gaelic medium education at primary level, where reasonable demand exists, and actively pursue the Gaelic teacher strategy</th>
<th>2007 SNP Manifesto</th>
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<tr>
<td>[We will] Support expansion of Gaelic medium education and examine entitlement to Gaelic-medium education &quot;where reasonable demand exists&quot;.</td>
<td>2011 SNP Manifesto</td>
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Can I recommend to the Committee the following:

- The principle of a clear entitlement to GME should permeate this Bill which would bring it much closer to delivering the commitments set out in the 2007 SNP Manifesto
- Section 11 of the Bill, in particular, should be strengthened to assure parents of a positive outcome from the process of assessing demand for new provision
- Statutory Guidance on Gaelic education is urgently required as many of the provisions in the Bill rely on it being in place

I would urge the Education and Culture Committee to bear the above pre-election commitments in mind and consider amendments to the Bill that would deliver their aspiration. In addition Statutory Guidance should be produced without delay.

3  RESPONSE TO QUESTIONS ON GAELIC IN THE BILL
I would like to offer answers to the following questions posed by the Committee.

3.1  How significant a change in Gaelic medium primary education will the Bill deliver? Do you agree these provisions should be limited to primary schooling?

I do not believe this Bill, as it stands, will effect significant change in GME. The Financial Memorandum accompanying the Bill seems unambiguous stating that a reasonable estimate ...
might be that it would result in the opening of one new unit every two years. It goes on to state that the estimate is based on the number of new units that have opened in the last six years.

The major reason new units have not opened over the past six years, and longer, is not necessarily due to a lack of parental demand but inaction on the part of local authorities and a resistance to making new GME provision.

The Bill seeks to put a time-limited process in place for dealing with requests from parents for GME. That is welcome. However, since it does not compel local authorities to actually do anything on completing the process, it fails to give any right (or entitlement) to parents to secure GME for their children. This could result in no new provision, rendering it a pointless piece of legislation and a missed opportunity.

On whether the Bill should apply to primary schooling only, there is no doubt that secondary GME needs attention and development. However, this would normally be a logical follow-on from already established primary provision and the issues facing secondary provision could perhaps be dealt with in Guidance (see 3.4 below). A clear message therein should be that authorities would be expected to offer a continuum in provision for pupils coming into a secondary school having gone through GME in primary.

If this Bill is to deliver significant change to GME in primary then it will require amendments that would ensure local authorities, having followed the process laid down, act on its conclusions.

3.2 What are the most appropriate ways for education authorities, particularly those with low levels of Gaelic usage, to promote and support Gaelic medium education and Gaelic learner education? What impact is this promotional work likely to have on the Gaelic language and the number of Gaelic speakers?

The Gaelic Language (Scotland) Act 2005 (the Act) confers on Bòrd na Gàidhlig the general function of promoting, and facilitating the promotion of the use and understanding of the Gaelic language, and Gaelic education and Gaelic culture. The Act enables the Bòrd to give a notice in writing to any relevant public authority requiring the authority to prepare a Gaelic Language Plan.

The Act also amended the Standards in Scotland’s Schools etc. Act 2000 meaning that an education authority shall have regard to (a) any Gaelic language plan published by the authority under section 5(9) of the Gaelic Language (Scotland) Act 2005 (asp 7), and (b) any guidance published by Bòrd na Gàidhlig under section 9 of that Act.

Therefore, mechanisms already exist to facilitate the promotion of Gaelic education, key amongst them the preparation and proper implementation of a Gaelic Language Plan, when required by Bòrd na Gàidhlig to produce one and the need to follow any Guidance from Bòrd na Gàidhlig.

Existing mechanisms allow, too, for Bòrd na Gàidhlig to take cognisance of the varying needs in local authority areas including those where use of Gaelic is low and adjust expectations accordingly. The Guidance on Gaelic Language Plans states that: The Bòrd recognises that Gaelic language plans will differ depending on the functions of individual public authorities and where they operate in Scotland, and in terms of the number of Gaelic users and the potential for the development of Gaelic in their area. The Bòrd is committed to working with authorities individually to achieve Gaelic language plans that are reasonable and proportionate according to their circumstances.

If all the commitments in Gaelic Language Plans were delivered fully, they would make a positive contribution to the development of GME. We suffer not from a shortage of policy and good
intentions, but from local authorities which, having agreed a Gaelic Language Plan, do not then implement it. This includes the promotion of Gaelic education.

**In addition to any change this Bill might effect, existing legislation and Guidance could be used more effectively to ensure Gaelic Language Plans particularly, in relation to the Bill, education commitments are being delivered as fully as possible.**

3.3 Do you agree that the Bill “will establish a clear process for authorities to follow in considering parental requests for an assessment of the need for Gaelic medium primary education”? Do you agree with the thresholds proposed in the Bill in relation to the assessment of parental requests?

A process already exists in the provisions of the Education (Scotland) Act 1980, Section 28(1), the effect of which is that if parents wish there to be Gaelic provision, their request should be granted so long as it doesn’t mean unsuitable instruction and training will be offered, and doesn’t involve unreasonable public expenditure. The current process is based entirely on parental demand to which an authority must respond albeit with no specified time limit.

Conferring a right to GME in legislation should not mean every parent would automatically be entitled to GME for his or her child. I welcome the suggestion in the Bill that a threshold of 5 pupils would be the expected as a demonstration of “reasonable demand” required to trigger the proposed process. But the Bill needs to go further and place a duty on an authority to make the provision if that is found to be feasible following a full assessment.

The reality of what parents have to go through in order to get GME provision in their area, or see it developed, is one of sometimes tortuous delays on the part of local authorities, both in responding and in making the requested provision. In the most extreme cases, a child entering P1 could be in secondary school before an authority decides whether or not to provide primary GME. While local authorities have to respond, how they respond is up to them and the current process can be extremely protracted with parents even having to resort to writing business cases for local authorities.

In terms of getting over some of those particular difficulties, this Bill may help by putting a time-limited, more defined process in place. However, the Bill is weak on what happens following a full assessment (Section 11). If the “reasonable demand” test is met and a local authority produces a report having carried out a full assessment, within the 10-week period, the Bill currently places no duty on the authority to do anything at all.

*I would urge the Committee to consider strengthening Section 11 of the Bill to ensure that a conditional, or staged, right to GME is conferred in circumstances where parents of 5 or more pupils make such a request and it is found to be feasible following full assessment.*

3.4 Under existing legislation, education authorities must have regard to Bòrd na Gàidhlig’s education guidance when they are producing their annual statement of improvement objectives. What will the requirement in this Bill add to this?

Given that Bòrd na Gàidhlig, through the Gaelic Language (Scotland) Act 2005, already has the power to issue Guidance, I am vexed as to why Guidance is not already in place. In the circumstances, placing a duty on the Bòrd to prepare and issue Guidance is welcome.

It is difficult to consider the potential effect of a Bill that places emphasis on the content and quality of Guidance still to be produced. In the absence of Guidance, nobody really knows to what they will be agreeing or what amendments would be necessary to ensure the Bill ends up delivering for Gaelic education. Nor is the status of the Guidance known at this stage or, indeed,
how it will sit alongside the recently published Education Scotland Advice on Gaelic Education. Will it be issued by the Cabinet Secretary and will local authorities, and organisations that could have a positive influence on GME, be compelled to follow it? Will it have ‘teeth’?

Guidance should, among other matters:
Define what GME is and what outcomes parents should expect
- Define the length of time that is appropriate for immersion in Gaelic
- Detail aspects of ongoing CPD to ensure teachers have opportunities to improve their immersion techniques and ensure their language skills are ever improving
- Address how best to deal with the ongoing need for teaching resources
- Address GME in secondary schools and stipulate triggers that would compel local authorities to make adequate provision
- Address what constitutes an acceptable Gaelic ethos in primary schools with GME provision and in secondary schools with a large cohort of pupils who have gone through GME in primary
- Define what constitutes a Gaelic school and the point at which it would be desirable for an existing unit to become a Gaelic school
- Take cognisance of ways in which GME can be strengthened with the collaboration of external bodies that could work with schools to enhance the educational experience

A review of the Scheme of Specific Grants for Gaelic Education to ensure gradual mainstreaming of budgets by local authorities (already part of the guidelines although little mainstreaming happens in practice) should ensure existing monies make more of an impact in developing GME and making new provision possible.

I am strongly in favour of authoritative Guidance on Gaelic education being put in place as soon as possible along with a mechanism to ensure adherence to it.

3.5 Overall, to what extent will the Bill help to deliver the Scottish Government’s commitments to grow and strengthen Gaelic education?

The 2011 Manifesto promised the current Scottish Government would examine an entitlement to GME where reasonable demand exists.

The National Gaelic Language Plan is clear that there is a national target, agreed with Ministers, to double the P1 intake in GME by 2017. This cannot be delivered if local authorities fail to play their part by expanding existing GME provision, making new provision, as well as employing and retaining teachers. As one of its authors I know the Plan was framed, and the targets therein formulated, in the expectation that there would be a legal entitlement introduced that would assist delivery of those targets.

In my view, the proposed Bill falls considerably short of delivering the 2007 SNP Manifesto commitment to guarantee in law the right to a Gaelic medium education at primary level, where reasonable demand exists or even the more limited commitment in its 2011 Manifesto.

From my experience it seems that unless local authorities are compelled, through legislation, to expand current provision and make new GM provision where reasonable demand exists, the prospect of meeting the targets set out in the National Gaelic Language Plan are slim.

I believe the Bill, as it stands, has little prospect of helping to deliver the Scottish Government’s commitments to grow and strengthen Gaelic education putting in place, as it proposes, the right to a process rather than any right to GME. This could be overcome by strengthening Section 11 in particular.
3.6 What potential impact on other educational services might arise from the local authority having to implement these new duties?

It is difficult to see any negative impact on other education services as a result of local authorities having to implement the new duties in this Bill, or even strengthened duties if the Bill is appropriately amended. Indeed, because bilingual pupils perform as well or better, in general, than monolingual pupils, it could be argued that greater promotion and uptake of GME could lead to positive educational impacts which, I feel sure, local authorities would welcome.

All children have to be educated and the cost per pupil has to found whether that pupil is being taught in Gaelic or in English. The Highland Council, for example, has acknowledged that there are no additional costs in making GM provision. To fund a general expansion of GME does not need millions of new money. A shift of some of the billions spent on English-language education towards ensuring more existing funds are spent on new GME provision would suffice as a starting point.

In instances where provision is new, with a small number of pupils being taught by a teacher, GME is often deemed not to be value for money. On the other hand, the country is littered with small, rural schools which often have a full-time teacher, or two, for 4, 5, 6 or 10 pupils with few questioning value for money. The Scottish Government has a Scheme of Specific Grants for Gaelic Education designed to even out peaks and troughs and ensure 'extra' initial costs of making GM provision are not an unacceptable burden on local authorities.

Additional capital and revenue funds should be set aside to ensure local authorities get the support they need to establish new GM provision and, when the time is right, new Gaelic schools.

4 CHIEF EDUCATION OFFICER

Lack of senior support for Gaelic teachers is a significant problem, since many local authorities no longer have individuals with the necessary educational and linguistic skills at management level to offer advice and assistance. Guidance should address this but having a Chief Education Officer who understands and supports GME, with responsibility for its development, would also be helpful.

5 CONCLUSION

In my view, nothing short of a clear entitlement to GME alongside authoritative Statutory Guidance is required to ensure the aim of increasing numbers in GME is realised, to deliver the commitments made by the SNP prior to the last two elections and to help deliver the targets signed up to by the Scottish Parliament in its agreement of the current National Gaelic Language Plan.

Arthur Cormack
Portree
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