

EDUCATION COMMITTEE

Wednesday 12 January 2005

Session 2

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GAELIC LANGUAGE (SCOTLAND) BILL: STAGE 12039

EDUCATION COMMITTEE

1st Meeting 2005, Session 2

CONVENER

*Robert Brown (Glasgow) (LD)

DEPUTY CONVENER

*Lord James Douglas-Hamilton (Lothians) (Con)

COMMITTEE MEMBERS

*Ms Wendy Alexander (Paisley North) (Lab)

*Ms Rosemary Byrne (South of Scotland) (SSP)

*Fiona Hyslop (Lothians) (SNP)

*Mr Adam Ingram (South of Scotland) (SNP)

Mr Frank McAveety (Glasgow Shettleston) (Lab)

Mr Kenneth Macintosh (Eastwood) (Lab)

*Dr Elaine Murray (Dumfries) (Lab)

COMMITTEE SUBSTITUTES

Bill Aitken (Glasgow) (Con)

Richard Baker (North East Scotland) (Lab)

Rosie Kane (Glasgow) (SSP)

Michael Matheson (Central Scotland) (SNP)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

*Alex Neil (Central Scotland) (SNP)

CLERK TO THE COMMITTEE

Martin Verity

SENIOR ASSISTANT CLERK

Mark Roberts

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 2

Scottish Parliament

Education Committee

Wednesday 12 January 2005

[THE CONVENER *opened the meeting at 10:14*]

Gaelic Language (Scotland) Bill: Stage 1

The Convener (Robert Brown): Good morning and welcome to this meeting of the Education Committee. I remind everyone that mobile phones and pagers should be switched off so that we do not have funny noises during the proceedings. The only item on the agenda this morning is consideration of our draft stage 1 report on the Gaelic Language (Scotland) Bill, in relation to which the committee heard evidence and went on visits before Christmas.

We have before us a draft report that has been prepared by the clerks, who have been working diligently over the Christmas holidays, for which we are grateful. I am bound to say, as always, that the report seems competent and it encapsulates many of the issues that the committee would want taken on board. However, I want to raise one or two points, as I am sure will other members.

I will first make a general point and we can have a general discussion before we move to stage-by-stage consideration of the draft report. My general point is on the status of the language. It seems to me that the Welsh Language Board and the Bòrd na Gàidhlig, which have the best insight into the way in which these things work on the ground, did not want a rights-based approach to be taken, but felt that there was symbolic and status value in there being greater recognition in statute of the Gaelic language's standing. I do not know whether members agree that we want to reflect that in the report and adopt the relevant phraseology—I have prepared draft phraseology and will return to the detail later if members agree with that approach.

The issue is complex. Members might feel that we need to deal with the issue of individual rights as well as with rights relating to Gaelic-medium education. I have outlined what seems to be the sum of the best information and advice that we were getting from the most professional bodies in the field. I hope that members will be amenable to working along those lines. It seems appropriate for the committee, having heard all the evidence on this matter and being conscious of the historic difficulties that Gaelic has faced, to propose a generous approach—an approach of “good will”, as someone said in evidence. I say that by way of what I hope is a helpful introduction to the matter.

Do members have general comments on that issue?

Alex Neil (Central Scotland) (SNP): The report, for a first draft, is very good indeed, particularly on this area. We will hear your draft phraseology later, convener, but I think that where the report needs to be strengthened and clarified in relation to what you have just said is paragraph 26. Paragraph 19 makes a good point about the official status of the language. The Minister for Education and Young People made the point that the language has de facto official status which, to some extent, the wording of the bill reflects. However, people are not really talking about it having official status. I thought that the phrase “equal validity” sounded about right, given what we are trying to achieve.

Fiona Hyslop (Lothians) (SNP): I agree with the comments about the report as a whole, because the emphasis is right and it covers the areas of particular concern to the committee. Given that it is in draft form, it is very good. I agree with Alex Neil and the convener that we should make up front the positive statement that we want to move things forward from where they have been historically. I do not have with me the *Official Report* of the minister's comments. I questioned him about equal status, which is about the right to use Gaelic everywhere, which is what people want to see, and the practical problems of having that as a legal definition. I also questioned him about equal validity. The use of Gaelic will be determined by the national and local plans. I asked him whether Gaelic will be of equal validity when it is used. I would be interested to hear your proposed wording, but there is a route into allowing us to make a firm statement to move the bill on from where it is, in cognisance of some of the evidence that we have heard about the practical difficulties.

The Convener: There may also be a timescale on these things. Whereas a particular provision may be appropriate now, the matter might have to be revisited in future. I suggest that the issue is not one for our consideration today but one for later in the process.

Lord James Douglas-Hamilton (Lothians) (Con): The draft report that the clerks have prepared is excellent. If I may, I will make two general points on it. My first point is that if support for Gaelic is a continuing process—which we all accept that it will be—once the bòrd is set up, a strong case could be put for an in-depth review of aspirations. Given that they may differ area by area, such information could be useful in focusing attention on where provision is most needed.

My second point relates to the use of high technology. The draft report is fine in this respect. The minister should have a high-powered working

group that will come forward with recommendations. The key point is that, where opportunity does not exist, for whatever reason, the best use of high technology should be made in order to provide opportunity and to enlarge the possibilities for those whose aspirations relate to Gaelic provision.

Fiona Hyslop: I take it that the convener is looking for comments on the general context of the report and on key issues. Later in the report, the debate that was held on whether the bill would preserve a fragile language is reflected along with the subject of the development and promotion of Gaelic. Perhaps we should reflect the committee's views on those subjects earlier in the report, possibly in the introduction. I understand that our view is that we see the bill as being part of both those things. The point about the preservation of the language would be better made if it were done earlier in the report as part of the introduction.

The Convener: Fiona Hyslop is absolutely right. It is highly doubtful whether preservation of the language is ultimately sustainable at current levels of support.

Let us move to a page-by-page discussion. No particular problems should arise on pages 1 to 3, as they cover introductory stuff. Does any member have a comment on those pages?

Lord James Douglas-Hamilton: I have a comment on page 2, paragraph 8. That is where we could mention, in neutral language, the possibility of a further in-depth review of aspirations.

The Convener: I am sure that no one would disagree with that suggestion.

Dr Elaine Murray (Dumfries) (Lab): I have a couple of points on page 2. Paragraph 6 refers to the numbers of people who speak Gaelic. Although Dumfries and Galloway has a fairly low proportion of Gaelic speakers—0.67 per cent—it is not the area with the lowest proportion of Gaelic speakers. East Ayrshire, Midlothian and North Lanarkshire have even lower numbers of speakers.

The Convener: The figures should accurately reflect the situation. One might assume that Shetland also has a low figure.

Dr Murray: No. I think that Shetland is slightly higher, at 0.9 per cent.

The Convener: We will correct the statement about Dumfries and Galloway.

Dr Murray: Paragraph 7 talks about "the delicate state of the language".

I think that we described the state of the language as fragile. For us to say that it is delicate makes it

sound as if the language has been out on the drink the night before.

Mr Adam Ingram (South of Scotland) (SNP): Is it possible to get the statistics on the numbers of people who are undertaking Gaelic lessons? From my knowledge of my own area, I know that there is a substantial demand right across Scotland for learning the language. The statistics on language learning might give us an idea of the potential for expansion.

The Convener: We can endeavour to get them from Cli Gàidhlig, the learners' group. It might have some statistics on the numbers involved.

Mr Ingram: That might give us some indicative figures for the potential in certain areas and help to flesh out some of the arguments that we are having.

Dr Murray: On that point, the potential is also limited by supply. There could be a lot of people who would like to learn Gaelic but are unable to do so because it is not available.

The Convener: Fiona, might your point about potential go in somewhere round about page 2?

Fiona Hyslop: I think so. At about paragraph 8, we start to ask what the previous context has been and what the future context should be and to express our view. I am happy to work with the clerks to come up with something.

The Convener: That would be helpful.

We have dealt with pages 1 to 3. The discussion of the legal status of Gaelic goes over two or three pages, but the introductory bit on page 3 is straightforward enough.

That takes us to pages 4 and 5. I think that Alex Neil is right that we want to introduce something at about paragraph 26. We can work on the wording, but the sort of thing that I want is: "The committee believes that the Gaelic language should be treated on the principle of 'generosity and good will'." I cannot remember who said that, but it is quite a good phrase.

Dr Murray: I think that it was the minister.

The Convener: Was it? It might have been.

It would continue: "We were impressed with the view of Bòrd na Gàidhlig and the Welsh Language Board that recognition of the language in statute is symbolic and important in giving a status and prestige to the language and also important in winning hearts and minds. We noted this did not necessarily mean that service provision was driven by legal rights. The committee recommends that, for these reasons and on that basis, the status of the language should be more fully recognised in the bill."

At this point, we are dealing not with amendments but with the direction in which we are going. Stage 2 is the point at which we need to spell out what that recommendation means practically. I am making a basic suggestion that can be worked on.

Alex Neil: I take your point that this is not the stage for amendments, but our discussion on status referred to “official status”, “equal status” and “equal validity”—I think that there was a fourth term, but I cannot remember what it was offhand.

Fiona Hyslop: It was “secure status”.

Alex Neil: Yes, we should include that. If you agree, convener, it might be useful to add one sentence saying that, of the options about which we have heard, equal validity came closest to what we believe that people are trying to achieve. That would not commit us to the exact wording for the bill, but it would give the Executive a steer as to what the committee is thinking.

Dr Murray: Because secure status has been mentioned, we need to have a discussion about the meaning of that phrase. It could otherwise come back in the form of suggested amendments and it would be helpful to have a better understanding of it.

The only problem with equal validity is what the minister says in the quotation that is in paragraph 25:

“Frankly, we could not deliver such equality of status.”—
[*Official Report, Education Committee*, 15 December 2004; c 1977.]

He is more or less saying that it is not possible.

The Convener: The minister is undoubtedly under advice from his legal officials about what can be done on equal validity, and they tend to be terrified of the possible implications of certain phraseology. One understands that to a degree, but we can go a bit further, although I am not sure that I want to pin myself down to particular phrases.

Some quite good definitions were given in the evidence from, in particular, the Welsh Language Board and Bòrd na Gàidhlig on the phraseology that is used in Scotland and in Wales. We might have a look at those definitions, such as the one in the Welsh Language Act 1993, which did not sound quite right, to be honest—it seemed to me to be too hedged about—but was what some witnesses suggested.

Alex Neil: Perhaps the committee needs to be clear about what it is trying to achieve. I do not think that anyone is suggesting equal status in the sense that, every time that something is produced in English, we have to have a Gaelic version of it. That is probably what “equal status” means in law,

whereas, as a layman, I would interpret “equal validity” to mean that both versions of something that is produced in English and Gaelic are equally valid in law but there is no obligation to produce a Gaelic version every time that something is produced in English.

The Convener: I am not averse to the direction in which you are going. Perhaps we should consider the phraseology by taking on board your phrase and pondering over it until we finalise the report at our next meeting.

Dr Murray: I presume that the advice that the minister has received is that “equal status” and “equal validity” mean the same thing and would have the same legal consequences.

Fiona Hyslop: I do not think that they necessarily would do. Equal status would confer absolute rights, whereas equal validity relates to when the language is used. The bill is about determining when it is appropriate and reasonable for the language to be used, given the current or potential usage in the country.

Dr Murray: We might need to define the terms more precisely.

10:30

Fiona Hyslop: The draft report is accurate but, because the issue was a key part of our evidence-taking meetings, we should perhaps expand on it. The report does not quote the Bòrd na Gàidhlig submission, which I think helpfully ran through what the bòrd understands by “secure status”, “equal status” and other terms. Perhaps some beefing up of the references would help members who read the report before the stage 1 debate in the chamber.

The Convener: That is helpful. I was trying to get at that when I said that the Welsh Language Board produced quite a good account of the different options and its approach to them.

Fiona Hyslop: I think that the Bòrd na Gàidhlig did that.

The Convener: Both bodies provided useful evidence. We should perhaps consider what they said. The setting out of definitions would help people to understand the situation.

Dr Murray: If the bill were to contain a particular term, such as “equal validity”, it would be possible to amend it to include in the schedule a definition of the term, unless a legal definition already exists.

The Convener: We might be able to get some advice from our legal advisers, although their knowledge of the subject might be limited. We can inquire behind the scenes whether they might contribute anything.

Alex Neil: Elaine Murray made a good point, which might offer a response to the legal advice that the Executive has received. We are the legislators. If we decide to use a term such as “equal validity” we should define it in the legislation, so that there can be no dubiety about its legal meaning.

The Convener: Oddly enough, comments that are made during the progress of a bill through the Parliament can have legal effect when there is ambiguity. One way of clarifying the situation might be for ministers to state that the term is intended to confer not rights but status and so on. That is just a thought.

We will come back to the matter next week, but our discussion has helped us to make progress. Is there general agreement that we want to go a little further on the recognition of the status of the language?

Members *indicated agreement.*

The Convener: We must come up with the phraseology for doing that effectively without tying the Executive up in unusual and unanticipated knots.

Alex Neil: I suggest that we include the convener’s suggested wording, which would helpfully pave the way to the additional sentences that will steer us towards something like equal validity.

The Convener: If there are no further comments about page 5, we move on to page 6 and the long section on education.

Alex Neil: I am not sure whether I should raise this point in relation to page 6. I thought that the section was exceptionally well drafted. I think that we all agree that there is a need for resources for more Gaelic-medium teachers, but I am not sure that we have put enough emphasis on the drop-out between primary and secondary education. Towards the end of the section on education, where we make recommendations, we need to say a bit more about the need to tackle the problem.

The Convener: I agree. I have been working on the phraseology of a sentence that could usefully be inserted at the end of paragraph 31, which ends the section on education. We should say something like, “While recognising the workforce supply issues, the committee recommends that stringent efforts be made to provide Gaelic-medium education at secondary level, particularly in areas where there are reasonable numbers of children being educated in the Gaelic medium at primary level.” We need to include a specific comment on the problem, because the whole thing falls down around our ears if it cannot be tackled. The detail of the issue is workforce supply and so

on, but the concentrated resources of the Executive, Highland Council, the Western Isles Council and so on are needed to make things happen.

Alex Neil: Paragraph 30 makes the point saliently, but we may be able to add a bit to that, just to point out how important the issue is. The point was made by the minister as well as by the bòrd representatives that a lot of the good work that is being done in early-years and primary education is being undone because, by the time that a student has left secondary education, Gaelic has become a secondary language to them. That defeats the purpose.

The Convener: That is absolutely right.

Dr Murray: Like much of the rest of the report, this section is extremely well written. Reference is made in paragraph 28—which is especially important for the south of Scotland and other areas where very little Gaelic is spoken—to the fact that the crux of a Gaelic language plan will be the provision of education as a second language or to adult learners. I feel that that point could be made more prominently, as it is rather lost in the middle of paragraph 28. It relates back to the points that Adam Ingram made earlier about potential. If we are looking for the potential to develop the language in certain areas, we should perhaps highlight the importance of learning Gaelic as a second language for children and adults in some parts of the country.

The Convener: There are two issues involved in that. The first is the learning of Gaelic as a second language in the Gaelic-speaking areas; the second is the learning of Gaelic as a second language in other areas. The learning of Gaelic as a second language in Gaelic-speaking areas is dealt with in the cultural context bit, but the learning of Gaelic as a second language in other areas could be built on in this section.

Dr Murray: I would have thought that the Gaelic language plans that might emerge in places such as Dumfries and Galloway and East Ayrshire would be about the provision of Gaelic education for people who want to learn about the language and culture.

The Convener: Yes, I think that that is right.

Fiona Hyslop: The bill unintentionally confuses the two issues of Gaelic-medium education and the teaching of Gaelic as a second language. We must ensure that we separate those two issues in our report. Amendments may be lodged at a later stage that will help to clarify the positive support that exists for both of those. We should also reflect that distinction in the paragraphs in which we talk about the numbers of teachers. Two figures were given to us: 26 and 40. In the context of the supply of Gaelic teachers, those are the key figures.

The Convener: They relate to the number of secondary school teachers.

Fiona Hyslop: Yes. We were also given good evidence when we visited Portree that, even in secondary schools in which Gaelic-medium education is provided, it is not comprehensive and available for all subjects. It is very selective and people cannot predict which subjects they will be able to take Gaelic-medium courses in. That impacts on pupils' education and their choices; it is not just an issue of teacher supply and demand.

The Convener: That was echoed in the evidence that we received from the Welsh Language Board witnesses, who talked about the diversity of supply in Welsh schools. Many more options are available there; some of them are in Welsh and some are in English. It is much more mixed than an outsider might imagine. Gaelic-medium education at the secondary level is a bit more complicated than it is at the primary level.

Fiona Hyslop: Yes. It would be useful to talk about that in the report. We should check which is the authoritative number of teachers and the report should reflect the concerns that we have about Gaelic-medium education at the secondary level.

The Convener: That is right. The point is that we need to have the option of Gaelic-medium education in a wider number of subject areas, especially in secondary schools.

Fiona Hyslop: Especially in areas such as the Highlands and Islands. If the provision is fragile in certain aspects even in Skye, that reflects the extent to which we must place emphasis on the issue.

The Convener: The point was echoed in what we heard about the Nicholson Institute in Stornoway, where there is not as much Gaelic-medium education as one might have imagined.

Let us move on to page 7.

Fiona Hyslop: On the issue of supply, I was struck by the evidence that we have heard latterly from Sabhal Mòr Ostaig about—

The Convener: Which paragraph is that in?

Fiona Hyslop: The one about the supply of Gaelic-medium teachers. We heard about the step change that would be needed to address that. The evidence that we have received on that in the past few days from the Gaelic college will be helpful, if we agree with it. It states that, under the current circumstances, the supply is not going to meet the demand. A substantial change is needed. Although steps have been taken by the University of Aberdeen and others to help, through the provision of part-time courses and so on, we really need to take a more integrated approach. Sabhal

Mòr Ostaig makes some positive suggestions. The committee will need to decide whether it agrees with those suggestions. We might put something in the report and, at a subsequent meeting, decide whether we agree with the steps that Sabhal Mòr Ostaig recommends. It is an illustration of the substantial step change that will be needed.

Dr Murray: Another way of dealing with the issue without making a legislative change to the bill—which is not what Sabhal Mòr Ostaig proposes—would be to refer to the college's suggestions as a way forward. We could include a paragraph outlining some of those suggestions.

Fiona Hyslop: I previously suggested that we might want to include in the bill something about the need for the Executive to produce a Gaelic-medium education teacher supply strategy. That has been done in previous bills on policy issues. It is for the committee to decide whether we want to lodge a legislative amendment. However, the context of the policy change needs to be emphasised strongly.

The Convener: In paragraph 36, the report states:

"Ultimately, it is the responsibility of local authorities, who employ teachers, to decide whether they need to provide incentives".

The evidence that we have had from various directions suggests that there is a bitty sort of feel to the whole thing. It seems to me that there needs to be a high-level summit or something that will draw the strands together. The Executive is probably in the driving seat for that and should perhaps take a lead role in drawing the agencies together. It is doing some of that, but there are perhaps other things that need to be done.

Dr Murray: Given the power of the bòrd to produce a national Gaelic language plan, surely such issues should be part of the national plan.

Mr Ingram: I think that that is what the Gaelic college is suggesting. Its recent letter to us says that Bòrd na Gàidhlig should be charged with advising ministers on how to put together a co-ordinated strategy. I presume that, under the national plan, the local authorities, the minister and others will have to work together to address the teacher supply problem.

The Convener: That is right. The difficulty is that, although the bill is not an education bill, the duties of the bòrd, albeit with the amendment that was made to the draft bill, straddle the education field. The education authorities have some duties and the bòrd has others. The question is where the expertise lies. I know that we say that there should be teaching expertise on the bòrd—that is right. However, there is an issue to be got at about the relationship, for the Gaelic language plan process, between the bòrd and education, teacher

supply and all that sort of stuff in the more mainstream situation.

Alex Neil: I think that this section of the report is well drafted, although it needs slight changes. It might be useful to reorder the way in which we address each of the issues. The report tends to jump about from the shortage of teachers in primary schools to the problem of secondary schools, and so on. In the section on Gaelic education, it might be useful to start off with a paragraph stating that, although the bill is a Gaelic language bill rather than an education bill, if we do not get the education strategy right, the objectives of the bill will not be achieved. The report can say that a number of issues came up during the committee's evidence taking and can then deal with them in this order: the pre-school education issue, which is currently dealt with at the tail-end of the education section rather than at the beginning, quoting and expanding on what the Welsh Language Board is doing on pre-school education; the issue of primary school education, which is primarily a shortage of teachers; the issue of secondary schools, which we have just discussed; and—as was mentioned in some of the evidence, although it was not given a lot of emphasis—the problem of higher and further education, to which we need to refer.

We can preface all that by saying that, although the bill is not an education bill, those issues will have to be addressed by the same minister if we are to achieve the objectives that are set out in the bill. If we adopt that approach and address the issues in that order, so that the reader can see the continuum through pre-school, primary, secondary, further and higher education, that will set the bill in context.

The Convener: Yes, that is helpful. That is a logical layout.

10:45

Fiona Hyslop: I was struck by the strong evidence from Highland Council that reference needs to be made to the Standards in Scotland's Schools etc Act 2000. We currently have one-way traffic. The bill is about the powers of the bòrd, but there will be a legal way in which we can connect the Standards in Scotland's Schools etc Act 2000 with the bill. I know that the minister said that the Executive would be doing that in guidance, but we have to decide whether that would make the link strong enough or whether we should put something in statute. I am strongly of the view that we should put something in statute.

If the committee accepts that we need to make some connection between the two pieces of legislation, we should do so by referencing the Welsh Language Board's proposals, so that the

national plan refers to the minister dealing with teacher supply and rights to education. Local authority plans would also reflect some of the Welsh approach. We could do that within the context of the bill and shore up the educational responsibilities of local authorities in relation to the rights to education, which the bill probably could not confer, because the long title is about the bòrd. However, the education aspects are so critical that there needs to be a statutory link between the two pieces of legislation.

The Convener: As Alex Neil said, the situation is helped by the fact that the same minister has responsibility for both areas. Our concern is the technicalities of drawing them together.

Fiona Hyslop: But the ministerial remit might not be the same in the future; indeed, it was different in the past. The bill has to stand the test of time.

Lord James Douglas-Hamilton: I have a brief point on paragraph 36. In Scotland there seems to be a lack of enthusiasm for cash incentives, but there may well be a case for adding a sentence to paragraph 36 to the effect that good and persuasive presentation could be usefully advanced by local authorities. For example, Gaelic-medium classes might be smaller in size, with more individual attention to pupils. The importance of presentational aspects could be played up.

The Convener: We also received evidence on the difficulty with promotion rights and sustaining schools. A more stable position for the provision of Gaelic in certain schools and some security on promotion rights would be helpful and would underpin movement in that direction.

Fiona Hyslop: The issue is about career opportunities.

The Convener: Yes.

Fiona Hyslop: We need to touch on the supply, recruitment and training of teachers, then their retention and promotion.

Mr Ingram: There is also the issue of the back-up resources that are available to teachers. The lack of such resources puts off teachers and others from going into Gaelic-medium education, because of the amount of preparatory work that they have to do. There is a disparity between the resources that are available to English-medium education and Gaelic-medium education. Although we address that issue in the report, we should emphasise it if we are to address the supply problem.

The Convener: Gaelic-medium resources are dealt with in paragraph 42 and thereabouts. Such resources fit naturally into the framework that Alex Neil mentioned.

We have moved on to pages 8 and 9, on the same issues.

Alex Neil: Presentationally, it would be useful in this section to have paragraphs in bold, so that we have pre-school, primary and the other issues that Fiona Hyslop raised, ending up with paragraphs on resources and technology.

The Convener: I was going to make that comment in relation to a later section. Breaking the sections into smaller bits might be helpful.

The phraseology of paragraph 40 may be wrong, but we should stress the Scottish Executive's lead role in the area. The recommendation on that is not strong enough.

Lord James Douglas-Hamilton: Paragraph 44 mentions using high tech to advance opportunities where they do not currently exist. Sabhal Mòr Ostaig said that that aspect was very important and I feel that there is scope to add one or two more sentences to the end of that paragraph.

Alex Neil: In addition, the report rightly points out that technology is a useful tool, not a panacea. The increased use of high tech in remote learning and so on might remove some of the pressure caused by the shortage of teachers, particularly in remoter areas. It might be worth making the point that greater use of such technology would overcome at least some of those problems.

The Convener: I am less enthusiastic about that suggestion, because it seems to go against our point that, although there could be videoconferencing, there needs to be a teacher at the other end. We do not want children simply to sit in front of a screen without being able to interact.

Alex Neil: I was thinking more about a teacher with three or four pupils who might be able to reach 12 pupils through such technology.

The Convener: Perhaps we should stress that point.

Dr Murray: Technology can assist in other ways. For example, the Executive used to have a website on the built environment that was aimed at primary schools and contained resources that teachers could download or send away for and then use in the classroom. If teachers are finding it difficult to get good-quality Gaelic-medium resources, it might be possible to produce and disseminate some reasonable-quality resources that they can download.

The Convener: The resource issue could be upgraded in the report. Paragraph 42 states:

"The Committee has heard anecdotal evidence of the poor quality of Gaelic medium resources".

That evidence was more than anecdotal; we saw it for ourselves at Portree Primary School. Moreover, we heard evidence from other sources that was not anecdotal but showed what was happening on the ground. The issue is perhaps less significant than it was five years ago; however, it is still on-going and there are various ways of tackling it. For example, paragraph 42 mentions the national resource centre. Moreover, we must not forget the efforts of the Gaelic college and should remember that the Glasgow Gaelic schools have done quite a lot of work to develop their own resources. I suspect that the same thing happens in schools up in the north. That said, although a lot of work is being carried out, there are still some quite significant gaps, particularly in the more technical areas of secondary education.

Fiona Hyslop: At the Gaelic college, we heard about a major on-going project involving new technology. Perhaps we should say in the report: "We acknowledge that work is currently being carried out, but blah blah blah."

The Convener: Did we hear any evidence about that project, or did we just pick it up in conversation?

Dr Murray: I do not think that there is anything about it in the *Official Report*.

Fiona Hyslop: There is another aspect to the resource issue. Obviously, it has implications for teachers. For a start, they will have to do extra work to prepare materials and the whole matter will have an impact on recruitment and retention. However, the more important issue relates to young children's perception of the status and educational value of the language. Because they have to use second-class materials, they have the impression that the language is a paste-over job. This all brings us back to cultural context and the issue of value and validity. One strong memory of the visits was the teachers' concern about giving youngsters the impression that their language was worth only a paste-over job in their school books. Obviously, that is not the case, but that message is being sent out.

Ms Rosemary Byrne (South of Scotland) (SSP): We could make a link in that respect with Learning and Teaching Scotland and the Scottish Qualifications Authority, which are mentioned in paragraph 39. It is important for such bodies to help with the production of proper resources. For example, Learning and Teaching Scotland provides not only resources but advice and Her Majesty's Inspectorate of Education will be aware of the resources that are available in schools.

Schools with good Gaelic-medium education could pass on resources to other local authorities. We should add to the report comments about highlighting good practice where good resources

are being used and the need to spread such resources to local authorities in other parts of Scotland that are developing Gaelic-medium education.

In addition, there should be a role for Learning and Teaching Scotland and the SQA in developing resources. As there is a higher in Gaelic, there must be resources. The provision of such resources must be part of the incentive for young people to continue Gaelic-medium education if they are going to get qualifications at the end of it. As well as doing a course in Gaelic that would lead to a higher, some people might prefer the broader Gaelic-medium education if the resources were there.

I do not know how we do it, but we need to say something about how to make people aware of existing resources and how to publish more within the current constraints. If we leave the matter to local authorities, they will not have the wherewithal to produce decent resources. National working groups produce education resources for various reasons. There would need to be a national strategy.

The Convener: Centres of excellence may emerge, with the critical mass in the Gaelic college, the new all-through Glasgow school and places such as that, where a lot of resources are produced. We are aware that, unlike with other languages, there is no hinterland where lots of things are published. Anything that is published generally has to be produced in Scotland; if it is not produced in Scotland, it is not produced at all.

Dr Murray: Agencies and non-departmental public bodies such as Learning and Teaching Scotland, the SQA and HMIE must also have Gaelic plans.

The Convener: That is a good point, which we should incorporate into the report.

Mr Ingram: We have not mentioned anywhere in our report the contribution that Gaelic-medium education is making towards achieving the national priorities for education. We received evidence to the effect that Gaelic-medium education is producing very good results in terms of pupil attainment. We have also received evidence that Gaelic-medium education is a good gateway to learning other modern languages. I would like that to be reflected in the report, particularly in the context of trying to encourage more people to go into teaching. We should emphasise that Gaelic-medium education is at the cutting edge of educational improvement in Scotland.

The Convener: I seem to recall that the evidence was a bit more mixed than that on the attainment front. Did we not get evidence from somewhere that there were problems in keeping

up with other aspects of the curriculum if too much emphasis was given to Gaelic? Was that not an issue? I cannot remember where that evidence came from, but I have a feeling that the issue was mentioned. However, the point about the language facility is an important one and it should be reflected in the report.

Mr Ingram: I am pretty sure that the statistics indicate that attainment levels are higher on average in Gaelic-medium education. That may be related to pupil-teacher ratios, but it is still a point worth making.

The Convener: Okay.

Page 10 raises the issue of demand for a statutory right to Gaelic-medium education. The thrust of the substantial evidence, if I can put it that way, was that one understood where the demand came from, but that, in practice, because of the resource issues, a statutory right was perhaps not the best way to go—certainly not at this stage. I do not know whether the committee has a view about that. I can readily understand people's support for such a right, but it seems to me that we must concentrate on sustainability rather than on the rights-based issue. Members may have other views.

11:00

Fiona Hyslop: We should have a section in the report entitled "The right to Gaelic-medium education", as that was a substantial part of the written and oral evidence and is a matter of concern. Obviously, the bill has moved some way towards a recognition of that aspect because, initially, there was no mention of education at all.

I have concerns about the reference to the powers of the bòrd in the long title of the bill and the question whether it would be possible to include some reference to educational rights in that regard. I would like the bill to establish a statutory right to Gaelic-medium education if possible. However, I recognise the concerns about the sustainability and practical effects of that right. It is proper that the report should reflect the concerns that the minister articulated as well as the concerns about the point of a right if it cannot be met.

The Welsh proposals that are mentioned in paragraph 46 are useful. We could say that there needs to be a connection between the Standards in Scotland's Schools etc Act 2000 and the bill in terms of the educational instruction that is produced, because it would not be right to leave that responsibility to Bòrd na Gàidhlig, which is not an educational organisation.

The Convener: Surely, in practical terms, that right could not be delivered in anything like the

near future in a large number of local authorities in Scotland.

Fiona Hyslop: That is my concern. It would be useful if we were to acknowledge that the local plans that will be agreed with Bòrd na Gàidhlig will reflect the access to Gaelic-medium education that is available in other local authorities. The Welsh route would be useful in that regard and would ensure that the plans were reasonable from the point of view of the local authority. However, we would require the local authority to state what the right to Gaelic-medium education was in that area. The wording that the Welsh use in that regard is particularly helpful, in that it places the right to Welsh-language education into the educational context, which is correct.

The Convener: Is that not a policy matter for Bòrd na Gàidhlig to develop over time? The issue is linked to resources; there are no two ways about it. I do not follow why it would be in any way helpful to put anything of that sort in recommendations at this stage.

Fiona Hyslop: If we do not, we are saying no to movement towards the right to Gaelic-medium education and we are saying that we do not think that such a right is appropriate.

The Convener: No, that is not what we are saying. We are saying that the production of proposals is a matter for Bòrd na Gàidhlig in light of what is practicable and reasonable, taking into account the differing situations in various local authorities. One would not exclude the possibility of there being further legislation, if that is the direction in which the issue moved.

Fiona Hyslop: Under the current legislation, this is a critical point. I agree with Highland Council that it would be incorrect from an educational point of view to leave the question of education provision to Bòrd na Gàidhlig. You are right in saying that, currently, such proposals will be a matter for Bòrd na Gàidhlig, but I think that local plans of councils and the national plans of the Scottish Executive should build a bridge between the responsibilities that local authorities and the Scottish Executive will have in relation to the provision of and right to Gaelic education.

Alex Neil: We need to make a clear distinction between the right to Gaelic-medium education and the right to be taught Gaelic, which are entirely separate issues. As I understand it, the Welsh have established a right not to Welsh-medium education but to be taught Welsh. Perhaps we should say that we aspire to reach within a reasonable period of time a position in which Gaelic-medium education is available throughout Scotland for those who wish it. I am not saying that, for example, the East Ayrshire education authority would have to make that provision within

East Ayrshire; it might buy it in from North Ayrshire, Glasgow or wherever.

Mr Ingram: East Ayrshire has a Gaelic-medium school.

Alex Neil: Yes, it does. There is one in Kilmarnock. What I am saying is that we should state that, as an aspiration, we would like to be in a position in which Gaelic-medium education is available throughout Scotland for those who want it. However, I would have thought that being taught Gaelic as a language should be as much of a right as the right to be taught English as a language.

Dr Murray: We have to be careful about not creating a statutory right that we are then unable to deliver. People would then be able to take a local authority or whatever body to court because it had not fulfilled its statutory obligations. I am concerned because the resources are not there to ensure that everyone can be given the right.

Alex Neil: That is where the Welsh wording is useful.

Dr Murray: I do not know about that, because I interpreted the right to education in Welsh as meaning education using the Welsh language rather than education to learn Welsh. I am not sure that I interpret that in the same way as Alex Neil does.

Alex Neil: Perhaps for the purposes of our report we need to make the distinction between Gaelic-medium education and being taught the Gaelic language.

The Convener: Yes, it is quite obvious that the two are different. However, we have perhaps jumped the question of whether it is our job, or the job of Bòrd na Gàidhlig, to make detailed comments on that. After all, we are employing the bòrd to develop the language plans.

Fiona Hyslop: Can we not say that the national plan and the plans of local authorities will include information on how parents will access Gaelic-medium education in their areas? That may mean that some authorities will lay on transport to allow people to go to other areas.

The Convener: I do not think that there is any controversy at that level but, as Elaine Murray has said, we have to consider the ability to create meaningful rights if resources are in question—as they certainly are at the moment.

Lord James Douglas-Hamilton: Paragraph 48 says:

“Highland Council have adopted four pupils seeking Gaelic medium education as representing reasonable demand.”

My recollection of the answers that we received in evidence is that three to five persons constituted reasonable demand. I wonder whether it would be possible to check the *Official Report* on that point. What does or does not constitute reasonable demand is a crucial question. What we say in our report could determine how the matter is handled in future.

The Convener: My recollection is that the answers were more complicated; they considered sustainability. For example, if a family with four children was the only family interested in having Gaelic-medium education, the question arose over whether the interest could be sustained. Was that not part of the evidence?

Lord James Douglas-Hamilton: I think so, but it would help if our report contained a few more sentences on the issue of reasonable demand. The answers that we received were less than wholeheartedly emphatic. More explanation would help.

The Convener: I will try to summarise where we are. Fiona Hyslop spoke about expecting the Gaelic language plans to contain an indication of where we were going with Gaelic-medium education and Gaelic learner provision. That was a reasonable and obvious point and I do not think that there was any great disagreement on it. However, the question of rights—whether phrased as by the Welsh Language Board or in some other way—is still a big issue. I do not sense agreement round the table that we should go as far as to offer a right at this stage.

Because of my background in the law, I often approach issues from a rights-based position. In many instances, that is the proper way in which to approach issues. However, we have to consider resources—perhaps in the future if not now. Because of the resource problem, I am not clear that we can deliver a meaningful right now or in the medium term.

Alex Neil: I can see the problem with the word “right”. However, perhaps we should go further—just as we did on the issue of status—and try to set an aspiration. Perhaps we should say that, within the foreseeable future, within a generation, or whenever, access to Gaelic-medium education should be guaranteed to every child in Scotland. That is not to say that it should be available in their own school—we are not saying that. However, it would be legitimate to have some kind of aspiration in the recommendations.

The Convener: That is reasonable. The question is what the driver is. In that regard, there is a distinction to be made. Is the driver an individual’s right to sue in the courts to vindicate their position or is it administrative provision that is made by ministers? Personally, I would be happy

with the direction in which Alex Neil is going on that.

Dr Murray: That ties in with your point about the need for good will. If Gaelic-medium provision is stimulated by the ability to take somebody to court in an adversarial fashion, we will not get the good will towards the language that we are trying to encourage. It is a question of aspiration. Ministers should aspire to make improvements.

Alex Neil: I am sympathetic towards the idea of providing a statutory right to Gaelic-medium education, but the reality is that giving every child such a right might involve saying to a family that lived in Ayr that it had to go to Inverness. Although in theory children would have a statutory right, in reality they would not. If we talked about providing guaranteed access to Gaelic-medium education within a reasonable area within a generation, for example, at least we would be setting some parameters on what the minimum acceptable levels of provision would be.

The Convener: We could work up some phraseology on the basis of the position that we have arrived at on that. We will leave the matter for the time being. A lot of work remains to be done, but we have had a useful discussion.

On page 11, the education section ends and the cultural context section begins. I echo Alex Neil’s point: it would be helpful to have subheadings to distinguish between different issues. The first issue in this section is Gaelic’s status as the language of the home and the playground, the second is broadcasting and the third is culture and tourism, which we do not touch on and which should probably get a mention at some point.

On Gaelic as the language of the home and the playground, I think that we should use stronger language. Not only in Portree, but in Stornoway in the Western Isles, we heard that English had become the language of the playground. Obviously, it is not easy to reverse that, but things can be done to support non-Gaelic-speaking parents who want their children to learn Gaelic. We should mention specifically the support and encouragement that should be given to parents in that position. In addition to what such parents can do to help their kids, we need to consider what other measures can be taken to support Gaelic as the language of the home and the playground. It is for Bòrd na Gàidhlig to decide how that is to be done, but it is clear that, unless there is a Gaelic-speaking milieu, there are limitations on how far Gaelic can be sustained for the future as a vibrant and self-sustaining language.

Alex Neil: Although we did not take evidence from Sir Iain Noble, I can tell members that he is devising an awards scheme for the use of Gaelic in playgrounds in the Highlands and Islands. Such

initiatives are the best way of trying to turn round the situation.

Fiona Hyslop: It might be helpful if we could reflect the information that we got from Portree Primary School on the percentage of parents of children in primary 1 getting Gaelic-medium education who spoke Gaelic and the percentage of parents who did not. The number of such children whose parents did not speak Gaelic was quite striking.

Dr Murray: That might need to go in paragraph 52, which refers to the support that is required for parents who do not speak Gaelic.

The Convener: The percentage of Gaelic speakers must vary across the Highlands and Islands according to the extent to which people have come into an area to set up home. The numbers of such people will be lower in more static communities.

Fiona Hyslop: In the cultural context, the language is partly a sustainability issue in such rural areas. It is an important issue, given that we want to encourage the dispersal of jobs and so on.

The Convener: That is one of the aspects that I was referring to when I said that the report should include something on culture and tourism towards the end of this section. Cultural stuff such as Runrig is important, as is cultural tourism. We took evidence on a number of such issues—Frank McAveety asked a few questions about that.

Fiona Hyslop: We heard some strong evidence on the economic case. I am trying to remember who gave that evidence; we might want to ask the clerks to check.

Dr Murray: There was some good evidence from Skye, in particular, about the development of Sabhal Mòr Ostaig and how related activity has created jobs and so on.

Fiona Hyslop: It is the symbiosis between the language and the economy that surrounds it that is creating that engine for development.

Dr Murray: If we are going to say something about the contribution of Scotland's cultural heritage we must be clear that the comment does not relate to the whole of Scotland. Otherwise, we will start to hear the arguments from Dumfries and Galloway and so on that Gaelic is not part of the culture there.

11:15

The Convener: That highlights one of the difficulties with how we have taken evidence and compiled the report, which is that different situations exist in the Gaidhealtachd, or Gaelic-speaking areas, and the bulk of Scotland. A lot of what we are talking about refers particularly to

Highland Council, Western Isles Council and perhaps, to a degree, Argyll and Bute Council.

Alex Neil: Perhaps we should add a section on lifelong learning, which relates both to the fact that the language of the playground is English and to the fact that when the kids go home the parents are speaking English. Although we did not take much evidence on that, we should refer to lifelong learning facilities in a paragraph under the cultural context. It is clear that night classes and the like should be encouraged so that parents and others can undertake to learn Gaelic. Anecdotal, I find that a lot of the interest in learning Gaelic comes from people in their 30s, 40s, 50s and beyond, and that should be encouraged.

The Convener: If there are no other points on the cultural context, which is covered in paragraphs 50 to 55, we move on to the section on other organisations, on pages 12 to 14.

This is a tricky section, which raises a number of complex issues to do with UK bodies and associated organisations, private sector bodies, independent and voluntary groups, and the use of Gaelic in the courts. Before the meeting, we heard in private some guidance on the legal issues that are involved, and we must take account of that because of schedule 5 to the Scotland Act 1998.

In committee, we heard evidence from the Welsh Language Board, which dealt with the matter in a different way because the Welsh Language Act 1993 is UK legislation. The Welsh Language Board works with all sorts of organisations and it made the point that, for the most part, it proceeds by persuasion rather than legislation. It has never had to take anybody to court. The central core of the matter is the relationship between the Gaelic bàrd and other bodies. We want there to be a responsive relationship; the issue is how to bring that about and whether there are legislative issues involved. It is within that context that we have to view the matter.

Alex Neil: In the light of the legal advice, I suggest that the section on other organisations probably needs to be rejigged. To summarise the legal advice, the way to do that perhaps involves the categorisation of agencies into agencies that are entirely devoted to devolved issues, which are not a problem; agencies that are devolved but have reserved responsibilities; agencies that are entirely reserved; agencies that are cross-border; and, in a separate category, the Food Standards Agency Scotland. The first and last categories are easy to deal with, because devolved agencies and bodies are already covered by the bill, and the FSA can be dealt with by a simple amendment. We should report that we encourage the Executive to lodge an appropriate amendment to ensure that the FSA—which is a particularly important

agency—is covered by the bill. The other three categories of organisation—wholly reserved, partially reserved and cross-border—are more of an issue. As I suggested in the private session before the meeting, we should invite the Executive to explore along with UK colleagues the possibility of producing, as appropriate, an order in council, while emphasising the point that was made earlier that the bodies in Scotland will in any case probably be prepared to prepare Gaelic language plans in co-operation with the bòrd and without compulsion. That should be the first line of attack. We would use any new powers under an order in council only in extreme cases, but it is worth saying that the Executive should pursue that.

My final detailed point is that paragraphs 57 and 58 should be withdrawn entirely because they snipe at people who gave evidence in good faith. The issue that is raised in those paragraphs is a debating point rather than a substantive one that has to be in the report.

The Convener: That can be dealt with as part of the rewriting exercise. I am sure that your point will be taken on board.

Dr Murray: I agree with Alex Neil that it would be helpful to summarise the legal advice that we have received in order to clarify some of the issues.

Perhaps we should set out different ways of dealing with the problem of agencies that do not come within the scope of the bill at present, such as the Welsh Language Board's approach, the possibility of concerted action with Westminster, or the possibility that Sabhal Mòr Ostaig raised—to which Fiona Hyslop referred in the private session—of referring to the European Charter for Regional or Minority Languages. We may come to the conclusion that we should promote one of those possibilities over the others, but simply describing the different possibilities and their sources might be helpful.

The Convener: So we would include options that we might wish to consider.

Dr Murray: Yes. We could invite the Executive to examine them.

The Convener: If we forget the legalities of the matter, I see no reason in principle why the Scottish Parliament should not regulate, for devolved purposes, UK bodies that exist within its jurisdiction. However, I am conscious that such measures might have resource implications. The question is whether it is appropriate for the Scottish Parliament to impose on UK bodies measures that have resource implications. A number of issues would have to be teased out. Elaine Murray's suggestion of encapsulating for the moment the range of possibilities would probably be an acceptable way for the committee

to proceed. I am interested in members' views on the matter.

Mr Ingram: I emphasise the convener's point that the Welsh language is different in that UK legislation was involved and therefore all UK public bodies were covered. Certain UK public bodies or agencies in Scotland have proved in the past to be resistant to responding to the Gaelic community, such as the Royal Mail and other bodies of which we have been given examples. There is a strong case for something like the order in council that we heard about earlier, through which UK public bodies could be covered by the bill, with agreement from Westminster and Whitehall. Through that process, we could, I hope, deal with some of the issues about resource implications that the convener flagged up. We should get the ball rolling on that front.

The Convener: Somebody made the valid point that, primarily, the bill will impose on bodies an obligation to create a Gaelic language plan and that that can come out in the wash at a later point.

Fiona Hyslop: We must emphasise the context that the bill is about plans. There is too much expectation that the bill will mean that everything, as of day one, will have to be translated into Gaelic. The committee has a duty and responsibility to ensure that people understand that the bill is about development plans for Gaelic rather than translation plans, as some people think. That might also help to address some of the issues. Just as we expect the Scottish Executive to implement Gaelic development for devolved bodies, which we are pleased that it wants to do, so we expect the Westminster Government to support the use and development of Gaelic in its organisations. We need to give that steer.

We could pursue different legal mechanisms. We should ask the Scottish Executive to discuss with the Westminster Government that Government's role and the potential to use orders in council or other legislative methods. The Executive will have to respond to our stage 1 report. That will be the appropriate time to give it the opportunity to comment. The committee could then decide how to proceed and whether amendments are required.

We should put in the report a recommendation for a requirement for the bòrd to have proactive discussions with agencies in Scotland. That would not place a duty or responsibility on UK bodies, but it would strengthen what we expect of the bòrd. Rather than just advising on request, it should be a bit more proactive in fulfilling its duties.

The Convener: That is valid.

Fiona Hyslop: Another issue is prioritisation. I was surprised at how few agencies the Welsh

Language Board deals with each year. It has an order for the organisations that it expects to produce language plans. If the bòrd's experience reflects the Welsh board's experience, some Westminster organisations will be much further down the line.

We should make it clear whether the committee agrees the principle that places such as the jobcentre in Stornoway should make provision for conducting activities in Gaelic. I think that we should agree on that. The committee is leaping to solutions before deciding whether it agrees in principle that it is right and proper for some activities that are conducted through UK Government departments to be affected, as our witnesses have said. If we are leaping to inviting the minister to produce solutions, it might be useful to state why it is important for some such bodies to be responsive.

The Convener: We should expect Westminster to be sympathetic. It is paradoxical that Westminster began the process of reviving the language, whereas legislation from the earlier Scottish Parliament—not ours—appears to show that it was doing its best to kill off the language.

Dr Murray: If we impose a legal requirement on Bòrd na Gàidhlig to be proactive in approaching UK bodies in the public, private or voluntary sector, we must recognise that that could have financial implications for the bòrd, which would have to be reflected in the financial memorandum. We would create an additional workload if the bòrd was expected to contact more than just the 10 or so organisations a year that are expected to produce plans. We must recognise that placing extra duties on the bòrd would increase its workload.

The draft report says:

"The Committee encourages Bòrd na Gàidhlig".

I know that the draft report will be rewritten, so that phrase might not be in the next draft, but if the bill has not been passed, we cannot give the bòrd that encouragement.

Alex Neil: The report could say, "would encourage".

Dr Murray: The wording must change a little.

Fiona Hyslop: Something could be put in the bill.

The Convener: The comment concerns Bòrd na Gàidhlig's powers and duties and what we expect of its targets.

Lord James Douglas-Hamilton: I echo the convener's point that the bòrd should form a responsive and persuasive relationship with relevant bodies, especially on practicalities.

To give Gaelic interests the best service, we must get the timing right for applying for an order in council. It would not be in the best interests of Gaelic interests if that were knocked back because evidence was insufficient. If and when clear evidence is identified of a problem and the need for an order in council, we should go for it with the Parliament's and the Executive's full support. If we go for it straight away, when it is unclear whether an absolute need exists, the danger is that we could be knocked back unnecessarily. We should go for an order in council when the case for it is at its strongest point.

Alex Neil: Would Michael Howard make it a manifesto commitment to support that?

The Convener: Thus sustaining logically your earlier support for research.

11:30

Alex Neil: I have one point for the clerks. The section of the report from paragraph 59 onwards relates to encouraging voluntary bodies, and I think that we should keep references to those issues. We have tended exclusively to discuss reserved bodies and so on, but I think that we should retain in the report something about encouraging voluntary organisations.

The Convener: That is right. I also suggest that the reference to the courts, from paragraph 62 onwards, is slightly different and might need to be put under a separate heading.

Lord James Douglas-Hamilton: With regard to the courts, there was a certain amount of evidence about the rules of court dealing with the matter already. I think that a little more background ought to be put in, because a lot has happened over the years that should be within the knowledge of the committee.

The Convener: Did we get total clarity about that in the evidence that we heard? I was not sure that we did.

Fiona Hyslop: Did we not ask the clerks to write separately to the court authorities to find out the background?

Lord James Douglas-Hamilton: I think that witnesses wanted the opportunities to be extended from the present position, but a certain amount of evidence was given about instances, particularly in the north-west Highlands and in the Western Isles, where cases had been heard in Gaelic.

Fiona Hyslop: I do not quite like paragraph 62. I do not think that it should be there. What should be there is a factual explanation of what currently happens and, as Lord James Douglas-Hamilton has said, of developments in the past.

Dr Murray: I think that that comment from Comann nam Pàrant was light-hearted, but I am not sure that that comes across in writing.

The Convener: The witness was referring to the law-abiding nature of the Gaelic community.

Dr Murray: Yes, but I think that it was a light-hearted remark.

Fiona Hyslop: It is not appropriate in the report.

The Convener: There is another aspect to the issue. If Gaelic is your first language—or indeed if any other language is your first language—expressing concepts and giving evidence to the best of your ability is best done in that language.

Fiona Hyslop: We had good evidence of why that is important, from a justice point of view, when we were at Sabhal Mòr Ostaig.

The Convener: We move on to the Gaelic bàrd itself, which is dealt with on pages 14 and 15 of the draft report.

Lord James Douglas-Hamilton: Paragraph 71 mentions strong educational expertise. There was evidence that there is a need for a percentage of Gaelic speakers at certain levels of ability, and there should be some recognition of that need for linguistic expertise as well as strong educational expertise.

Alex Neil: I agree with that. As the report is presented at the moment, it jumps out at you all of a sudden. That part of the report needs to be rejigged. The first few paragraphs deal primarily with the Welsh experience. I can see why we would want to refer to the Welsh experience, but the report gives the impression, for example, that the Welsh Language Board has been integrated into the Welsh Executive because of its success. In fact, the driver for that reorganisation of Government in Wales was the feeling that all the quangos should be brought into Executive departments. It actually had nothing to do with progress in the Welsh language. The Welsh Development Agency and the Wales Tourist Board are also being brought into the Executive, and that move is being driven by issues other than specific Welsh language issues.

I think that we need to rejig that part of the report, which should be along the lines of what the structure and operation of the bàrd should be, where we can learn lessons from the Welsh example, and what evidence we received. Witnesses argued for the bàrd to be independent of the Executive in Scotland. We need to quote that evidence and say whether we agree or disagree with it—I presume that the committee will agree with it. Although I am not one to argue for a quango, there might be a good case for one here. The structure of the bàrd is a separate issue and Lord James's point about that was valid. The

structure should reflect various strengths, expertise and skills including education, the examples that Lord James cited and, no doubt, others as well.

There are two angles on the matter, but I think that we need to take a different angle to that which is being taken at the moment.

The Convener: I agree with Alex Neil about the bàrd's structure. The Welsh experience is relevant in the context of whether the structure of their board is suitable for us. Therefore, that part of the draft report should be restructured. Paragraph 65, in particular, should go, particularly the stuff about the bàrd's hypothetical

"demise as an independent body".

I do not think that that is relevant.

I do not agree that the Gaelic expertise of bàrd members and all that should be laid down in tablets of stone. It is pretty obvious that such expertise exists. If one member of the bàrd were not as expert in Gaelic as others, would that matter if they brought other qualities?

Alex Neil: We have been dealing with the Further and Higher Education (Scotland) Bill in the Enterprise and Culture Committee. One of the points that we made about the new merged funding council was that there should be appointees from outside Scotland to bring in international expertise.

The general point about the structure of the Gaelic bàrd is that it must reflect different strengths, skills and expertise. Lord James made that point and it was also made in evidence. We might want to say that consideration should be given to appointing people from outwith the Scottish Gaelic community and from other minority language areas to bring in outside expertise. We are trying to say that the board should be a dynamic, diverse organisation that can drive Gaelic forward.

The Convener: That is right. We know from opinion polls that there is 80 per cent support for more Gaelic, but that support would be quickly eroded if an insensitive approach were taken in non-Gaelic areas. It is important that that is recognised as we progress, and introducing a broader language expertise might be a way of doing that.

Alex Neil: We would not build that into the bill; we will just point it out to the minister who will be responsible for the appointment of bàrd members.

Dr Murray: I agree with many of the points that have been made about the Welsh Language Board. I did not like paragraph 64 terribly much because our task is not ironic. Like Alex Neil, I think that there is a case for getting rid of some

non-departmental public bodies and I am sure that the Executive will look at that in the context of efficient government. The Gaelic bàrd is an example of a body that should be independent at this stage. We do not want to give any impression that it is in an inferior position.

The Convener: So, in short, we want to stress the bàrd's independence.

Dr Murray: The bàrd's independence is important. We do not need to be too prescriptive about its composition. It is important that native Gaelic speakers and people with linguistic and educational expertise are represented, but we do not want to indicate that that is all that matters because other qualities that people might bring are equally important.

Fiona Hyslop: Are we okay to move on to discuss paragraph 71? I have strong disagreements and concerns about that paragraph that were reflected in some of the evidence from witnesses. The middle of paragraph 71 talks about the need for

"strong educational expertise among the ordinary members of the Bàrd to assist in ensuring that the quality of Gaelic medium education is equal to English medium education."

I do not think that it should be the bàrd's responsibility to manage the quality of education that people receive, whether in Gaelic or in any other medium. There is confusion between the provision of guidance by the bàrd and the provisions of the Standards in Scotland's Schools etc Act 2000. Managing the quality of education should not be the bàrd's role. This is no reflection on the clerks, but there is confusion about that area in this first draft of the report. Highland Council was absolutely right to say that HMIE and the 2000 act should determine the quality of education that people receive. The bàrd is responsible for advising on the development of the language. I seriously think that we need to make a connection with the 2000 act when it comes to the content of the local and national plans.

The Convener: The central point is still on the need for strong educational expertise among members of the bàrd. I think that we agree on that.

Fiona Hyslop: That is fine.

The Convener: It is about the reason that is given for that.

Fiona Hyslop: Yes, and I think that the reason that is given is the wrong reason, which reflects people's confusion about the matter. Highland Council is absolutely right: we are talking about education, and there is a right to quality education, whether in the medium of Gaelic, English or whatever. It is not the bàrd's responsibility to ensure that; that should be a statutory function executed under the Standards in Scotland's

Schools etc Act 2000. Whether the guidance connection in the bill is strong enough is open to debate—I think the connection should be stronger. Even if we simply take the bill as it stands, I do not think that we can provide the right rationale.

The Convener: It is the other way round: because of the importance of the vision of Gaelic-medium education as something to support and sustain the language, it is important to have strong educational expertise among members of the bàrd.

One or two people have made a suggestion about elections to the bàrd. I am not sure whether the committee has a view about that, but I thought that it was worth while raising the issue. I am not sure how that would be done. It is not quite like the national park boards, which act within geographical areas.

Dr Murray: It would be difficult to define who would be entitled to vote.

The Convener: It seems that there is not much support for such a suggestion. I am not sure whether we need to say that we do not particularly support that suggestion, or whether we could just leave it out.

Fiona Hyslop: We could say that it was raised as an issue but, as Elaine Murray said, the question is who would be eligible to vote.

The Convener: That problem would probably be insuperable in a practical sense. Is there anything else under that section of the report, on Bàrd na Gàidhlig?

Members: No.

The Convener: The next section of the report, comprising paragraphs 73 to 84, is on language plans.

Lord James Douglas-Hamilton: On paragraph 84, I think that parliamentary approval for the national language plan is important. I am very glad to see that included.

The Convener: The Scottish Executive has already given an undertaking on that. That is fine.

Fiona Hyslop: We should say that, then.

The Convener: Yes—in fact, we do. I am not sure that I quite followed the recommendation that follows, however.

Alex Neil: Would the plan be the subject of a statutory instrument?

Mr Ingram: Yes.

Lord James Douglas-Hamilton: Yes.

Alex Neil: I suggest that, if the plan is genuinely to be subject to parliamentary approval, it should

not be a negative instrument that is used, but a positive statutory instrument.

Lord James Douglas-Hamilton: It should be done by affirmative resolution.

Alex Neil: Yes.

Mr Ingram: I raised the matter at the Subordinate Legislation Committee and asked that committee to request that the Executive use the affirmative resolution procedure. We got confirmation of that.

I do not quite follow the bit that follows over the page.

The Convener: The point is that the affirmative resolution procedure should be used. We can reflect that appropriately, taking the advice of our resident subordinate legislation expert.

Do we have the stuff about the potential for the development of the language right?

Fiona Hyslop: Yes, but it is in the wrong place. We need to include that up front. Among our concerns, that is an important theme.

The Convener: It is. Do you mean “up front” in a section or “up front” up front?

Fiona Hyslop: Up front at the start.

The Convener: I think that, in practical terms, we have already agreed that.

Lord James Douglas-Hamilton: I am not certain whether this is the right time to mention this, but I think that we have missed an opportunity here. We have not recognised the Gaelic college as a centre of educational excellence. I do not know where that would best fit in, but I think that there should be some mention of the fact that the college has rapidly expanded in recent years and that it is providing an extremely good service, which is well recognised not just in Scotland but in Wales, Ireland and North America. Some recognition of its excellence somewhere in our report would be helpful.

11:45

The Convener: That could go in the section on education, perhaps in the resource bit. That general area would be as good a place as any.

I have slight qualms about the phraseology in paragraph 76. I thought that we should concentrate not on the ones at the bottom, such as the Dumfries and Galloways—if I may put that the wrong way—but the ones in the middle, such as the Perthshires and other areas where there is a greater potential for Gaelic and a greater traditional interest. I wonder whether the paragraph reflects that point. The phrase “such as Perthshire” might clarify it.

As there are no further comments on that area, we move on to the Finance Committee's recommendations. Elaine Murray made a point earlier about what would happen if we brought in UK bodies. That is a valid point and perhaps it should be echoed in our report. I do not know whether the Finance Committee touched on the wider financial implications of the bill. It is one thing to produce the Gaelic language plans, but there must be resources to implement them. Replacing English-medium education with Gaelic-medium education should not be a cost in the long term, but it will be a cost in the short term. Putting more resources into Gaelic language plans might have implications, although I accept that the Executive has given a lot of support to the development of Gaelic in the relevant fund. I wonder whether we should refer to the possible wider financial implications of the bill and the need to resource the implications of the Gaelic language plans adequately over time.

Dr Murray: That could certainly be part of the narrative. Some of the funding that supported the aims of the Education (Additional Support for Learning) (Scotland) Bill was not mentioned in the financial memorandum to that bill. There is an expectation that the funding would be evident.

The Convener: There is an advantage to that approach. We expect the bill to be backed by appropriate resources over time to make its aims a reality.

Alex Neil: In paragraph 87, which is left hanging high and dry, as it were, there should be a round-off sentence recommending that the Executive revise the financial memorandum to take account of the points raised above, or something to that effect. That would cover the point that you have just made about the need to reflect properly the costs of implementing the bill, which is the purpose of the financial memorandum.

The Convener: Did not that point arise in relation to the Education (Additional Support for Learning) (Scotland) Bill, when we discussed whether that was the proper thing to do?

Fiona Hyslop: The Executive came back on it.

The Convener: Did it amend the financial memorandum?

Dr Murray: It came back with correspondence that clarified the way in which the financial implications—

Alex Neil: We should make a point about revising the financial memorandum, or whatever the phraseology is. When we pass the bill we should know how much its implementation will cost.

The Convener: It might be helpful for the Executive to make a statement as to the resources

currently going into the area and how much it anticipates going into the area in future.

Alex Neil: There is a presentational point about paragraphs 85 and 86. At every other point where the committee has made a recommendation, the text is bold. I suggest that we put in bold the phrase in paragraph 85:

"The Committee support the Finance Committee's recommendation".

We should also put in bold the phrase in paragraph 86:

"The Committee support wholeheartedly the Finance Committee's recommendation".

Fiona Hyslop: We also had evidence from organisations and public bodies to the effect that they thought the cost would be far more than £10,000. We should reflect that evidence. In the wording that we have just discussed we are asking the Executive to respond to issues and concerns about the financial memorandum. We should also ask it to make a statement about what the costs will be to public bodies in implementing the plans. We should reflect that important evidence. We had the likes of Highland Council saying, "We do not think that the plans themselves will be the expense," whereas we heard a different view from other bodies where things were still in development. We should accurately reflect the concerns that witnesses raised and invite the minister to respond to them.

Dr Murray: Stirling Council in particular, I think, said that it would need a Gaelic officer to implement a language plan but, to be honest, that point is debateable. If we are to reflect that evidence, we should also reflect Highland Council's evidence, which indicated that the financial memorandum provided a reasonable assessment of the cost.

Fiona Hyslop: We should reflect both views.

Ms Wendy Alexander (Paisley North) (Lab): I apologise to the sound engineer that I have no card, but I forgot to keep it when I took off my coat.

I agree with Fiona Hyslop that our report should record the evidence that we heard about what a language plan for a big authority might cost. Glasgow City Council is probably the best example, because its officials testified to us and because it is such a large authority. As I recall, the work that Glasgow City Council had done suggested that the cost might be £85,000.

However, the overwhelming message that we heard from the Gaelic community was that such cost issues should not be a bar to the bill. Indeed, Highland Council found that, the deeper its commitment to the language had grown, the easier it became to mainstream it. We should record Glasgow City Council's evidence but set it

in the context that such concerns should not be a bar to action because, paradoxically, when the language is mainstreamed, the additional costs may not increase proportionately.

The Convener: We also heard evidence that it was likely that language plan templates could be developed for perhaps three different sorts of authorities.

Ms Alexander: Exactly. Different templates will be given to small, medium and large authorities.

The Convener: Once those three templates have been produced, it should be possible to use them in all the other authorities. In that way, the production costs could be significantly lower.

Fiona Hyslop: Our report should include those points, which will help to emphasise the fact that the bill is about language plans.

The Convener: Okay. We can reflect those comments.

If members have no other points on the financial memorandum, let us move on to the report's conclusions.

To be honest, I did not like the tone of paragraph 90. As it stands, the report ends up a bit negative, whereas most people took a positive view of the bill, which they regarded as a mechanism that will provide a step change that will go a long way towards supporting the language's long-term future. Rather than adopt the current apprehensive tone, we want to say that we are confident and positive about the bill. I entirely accept that the bill's success will depend on the resources that are put in. I suggest that we say something like, "Most witnesses thought that the bill will provide a framework in which the language can be secured and can prosper." That would lead into the sentence in paragraph 88, which states that the committee

"recommends that Parliament supports the general principles of the Gaelic Language (Scotland) Bill."

That might give a degree of proper coherence to the end of our report.

Lord James Douglas-Hamilton: I agree.

Fiona Hyslop: Paragraph 90 contains the important point that there will be real problems if we do not get the education policy right. We should be positive about the bill in its own context, but the emphasis in the paragraph is absolutely correct. We need some consensus on how to present that point. Perhaps instead of saying that our primary concern lies not with the bill itself but with education policy, we could emphasise that most of the evidence was supportive of the bill, which we view as a positive step, but it would be remiss of us not to mention our serious concerns

about the implications of education policy for the language's sustainability and future development.

The Convener: That is true, but Scottish Executive ministers and officials have made quite strong statements of their commitment to the direction in which the bill is travelling. In that context, given the qualifying notes that we have added as we have gone through the draft report, I think that we should end our report on a confident note.

Lord James Douglas-Hamilton: I suggest that we insert a sentence to the effect that the committee believes that there should be a continuing commitment to ensuring that the purposes of the bill are realised in the years to come. The bòrd might have problems in particular areas, but such problems should melt into insignificance provided that the matters that we have highlighted are focused on.

The Convener: That is very good. We should take that line.

Dr Murray: I am concerned not so much about policy implications but about resource implications. My concerns relate to whether resources will be made available. Given that the Executive has indicated its willingness to legislate, the issue is not one of a lack of desire on the part of the policy makers to have the appropriate legislation, but whether the Executive puts its money where its mouth is.

Another issue concerns whether it is possible to grow the number of Gaelic-medium teachers and so forth sufficiently to fulfil the aspirations in the bill. The issue that we should highlight is that of resources—I think that Lord James was also making that suggestion.

Fiona Hyslop: Potentially, the question is one of policy and resources. Obviously, resources are absolutely key. If that was the strong theme that emerged in our evidence taking, it would be wrong if we did not reflect it in our conclusions. We need to get the pitch right.

The Convener: That is right. I commend the broad line of the changes that have been made. Although we have got a good bit of it right, the clerks and I will have another shot at it, if we may. We will come back to the committee on it.

We touched on the issue of the European charter earlier. Should we reconsider what we are saying about where reference to the charter should come in the bill?

Fiona Hyslop: It is important that the comment is made in context. We should make a factual reference to the charter up front in the report.

The Convener: That is my point.

Fiona Hyslop: During our pre-meeting, I asked

for further legal advice from the Parliament's lawyers about the context of the charter in relation to other bodies, particularly Westminster bodies. It might be helpful if we were to wait until we hear what the lawyers have to say on the subject.

The Convener: We should also note in our introduction that the United Kingdom has signed up to the charter.

Fiona Hyslop: That should be said right at the beginning, when we set the context of the report. We have had correspondence from Comunn na Gàidhlig and the Gaelic college on the subject of how we could usefully include a reference to the charter in amendments that are made to the bill. We might want to reflect on that point before next week's meeting.

The Convener: That takes us to the end of the draft report. Do members have anything further to suggest that might have been missed out of our discussion?

Members: No.

The Convener: That indicates the thorough nature of our review of the draft report. In that event, we will return to our consideration of the draft report next week. Mark Roberts has all the work of trying to make sense of our discussion and comments today and of producing a revised draft report. We wish him well in that regard.

Do members agree that approval be sought from the Scottish Parliamentary Corporate Body for the translation of the report into Gaelic? It seems highly appropriate that we do so.

Members: No.

The Convener: At the beginning of the meeting, I omitted to welcome everybody and to wish you all a happy new year. I hope that everyone had a good break.

Meeting closed at 11:57.

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