

EDUCATION COMMITTEE

Wednesday 19 January 2005

Session 2

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EDUCATION COMMITTEE

2nd Meeting 2005, Session 2

CONVENER

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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)

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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)

THE FOLLOWING GAVE EVIDENCE:

Val Cox (Scottish Executive Education Department)

Dr Penny Curtis (Scottish Executive Education Department)

Elena Groll (Scottish Executive Education Department)

John Gunstone (Scottish Executive Education Department)

CLERK TO THE COMMITTEE

Martin Verity

SENIOR ASSISTANT CLERK

Mark Roberts

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 4

Scottish Parliament

Education Committee

Wednesday 19 January 2005

[THE CONVENER *opened the meeting at 09:49*]

Subordinate Legislation

General Teaching Council for Scotland Election Scheme 2004

Approval Order 2004 (SSI 2004/542)

The Convener (Robert Brown): Good morning and welcome to this meeting of the Education Committee. We are in public session, so please ensure that mobile phones and pagers are turned off.

Agenda item 1 is to consider, under the negative procedure, the General Teaching Council for Scotland Election Scheme 2004 Approval Order 2004 (SSI 2004/542). The purpose of the order is to approve the General Teaching Council for Scotland Election Scheme 2004 and to revoke the General Teaching Council (Scotland) Election Scheme 2001 Approval Order 2001 (SSI 2001/18).

I am not sure that I fully understand all of that, but I am pleased to welcome to this morning's meeting John Gunstone, who is from the teachers division of the Scottish Executive Education Department. Perhaps he can give us some guidance on the order, which seems to be relatively technical. As an expert on the matter, he can let us know a little bit more about it.

John Gunstone (Scottish Executive Education Department): The order is indeed technical, but it is fairly straightforward, despite the number of dates that are contained within its rather lengthy title.

The General Teaching Council for Scotland was set up under the Teaching Council (Scotland) Act 1965. Currently, the council comprises 50 members, of whom 26 are elected every four years. The order concerns the elections that are due during the course of this year. It sets out the details of the dates by which various things must happen, such as the date by which nominations must be received, the date by which votes must take place and the date by which the results are to be made known. The order deals only with the 26 elected members of the council. Various relevant bodies appoint the other 24 members, of whom six are nominated by the Scottish ministers.

The Convener: I do not think that we have any questions on the order. The Subordinate Legislation Committee, which I presume is more

expert on such matters than we are, had no observations to make on the order. The order has been laid under the negative procedure. If there are no objections—I sense that the mood of the committee is that there is no opposition to the order—can we agree that the committee does not wish to make any recommendation on the order in its report to the Parliament?

Members *indicated agreement.*

The Convener: I thank John Gunstone for his brief attendance this morning.

Proposed Early Years Inquiry

09:52

The Convener: Under agenda item 2, we will take background evidence from Scottish Executive officials to inform the committee's consideration of its proposed early years inquiry. In passing, I should say that we have received apologies from Adam Ingram, who is unable to join us this morning.

I welcome the Education Department officials. Val Cox is head of the early education and child care division, Penny Curtis is head of the workforce development branch and Elena Groll is head of the children and family support branch. Val Cox will make an initial statement in support of the briefing note—paper ED/S2/05/2/2—that the department provided to us.

Val Cox (Scottish Executive Education Department): Essentially, the briefing paper provides the committee with an update on the work that we are currently engaged in. I am aware that we provided a briefing to the committee in June 2004 just prior to announcing the national review of the early years and child care workforce. The briefing paper tries to bring the committee up to date on the main initiatives. A wide range of initiatives is being taken forward across the Executive, but the paper focuses on work within the education portfolio. However, we are keeping in close contact with much of the related work, especially that which is being carried out by the Health Department. We have also provided the committee with information about the funding for key services—to expand child care and sure start Scotland in particular—and with basic information about the pre-school education position and several other initiatives. We are happy to answer the committee's questions about those or other matters.

The Convener: The amounts of money to which various parts of your submission refer are impressive and reflect growing and varied provision. The other side of the coin is that the situation looks patchy because all sorts of pots of money and initiatives are involved, some of which look similar to others. Are Executive officials considering how comprehensive provision is and the ease and cost of access? Do people who look for child care and early years learning provision need a case manager to organise that for them?

Val Cox: The multiplicity of funding is probably more of a problem for professionals and those who provide services. We have given them clear steers—certainly in the consultation draft of the integrated early years strategy—about our intention to increase flexibility in the existing

funding streams' boundaries, with a view to encouraging local authorities and other stakeholders to bring together what are seen as separate sources of funding in the interests of delivering the most effective services for our youngest children.

Problems remain at the demand end for people who wish to access child care, which is of course not free—people must pay for that service. A fair degree of United Kingdom Government support is provided for that in the form of the child care element of the working tax credit. As the submission makes clear, the Chancellor of the Exchequer has announced his intention to increase that funding, so more moneys will be available directly to families in support of child care from April this year and in the following year.

The Convener: In relation to the extended schools child care pilot and the working for families fund, you mention that work has been done to evaluate whether the cost of child care puts people off and is difficult to overcome, particularly for disadvantaged parents. Will that lead to something such as a report or research outcome that would give us guidance? If so, what might be the timescale for that?

Val Cox: That matter was covered in recently published research—the survey on parents' access to and need for child care, which showed a reasonably positive funding picture. We are aware of more particular problems, especially in the more vulnerable rural and urban areas. The working for families fund is intended to address those. My colleagues who work in the social inclusion division, which is part of the communities portfolio, will examine the subject more closely. The moneys that have been made available have had early evaluation, but I am conscious that colleagues will do more work on that. I assume that more information will be available in the next 12 to 18 months.

The Convener: I have one or two other points to make, but first I will throw open the meeting to other committee members.

Dr Elaine Murray (Dumfries) (Lab): I noted from your helpful submission that the integrated early years strategy, which was expected to be produced last year, is subject to a process of rethinking as a result of ministers' overall strategy. You are still working on a draft document. Will you give us insight—I know that that is difficult if the document has not had ministerial clearance—into the likely timescale for producing the draft document? What will happen to the draft document afterwards? Will it be subject to further consultation?

Val Cox: We intend to issue the final document as soon as possible, because the substantive

content is largely unchanged from the consultation draft that was issued in March 2003. Essentially, we are still committed to what we described as the five building blocks of that integrated early years strategy. You will be aware that, since that time, ministers have been examining a wider range of issues around early years child care as well as their wider policies on children and young people's services and have asked us to recast that early years strategy in light of their developing thinking. As a result, although the current document is broader in focus than the consultation draft, the substantive messages remain the same.

10:00

Dr Murray: So the document is not likely to be subject to further consultation.

Val Cox: I do not think so. We have not discussed that with ministers but, given that the fundamental messages are unchanged, our assumption is that we would not necessarily need to consult again.

Dr Murray: When might the document be produced?

Val Cox: We hope that it will be produced within the next few months.

Dr Murray: The committee will want to add value to what is happening. However, it is difficult to know exactly what we want to find out until we see the document.

Val Cox: Indeed. Ministers intend to make their position a lot clearer over the next few months. I hope that the document might be publicly available again by the end of March.

The Convener: Nevertheless, you have said that it is likely that its central substance will be similar to that of the earlier consultation paper.

Val Cox: Absolutely. The fundamental messages of drawing services together, the importance of joint planning and commissioning of services and the identification of shared outcomes towards which all the services will be required to work remain unchanged and are central to our thinking.

Mr Kenneth Macintosh (Eastwood) (Lab): I suppose that it is difficult to ask questions about a strategy that has not yet been published. However, is it fair to say that the main developments or concerns revolve around accessing child care rather than learning and education? Although nursery provision has been extended to many, the overlap with child care is the source of concern—if I can put it like that—and needs further development.

Val Cox: We are very aware of existing gaps in child care. Although provision has expanded

significantly over the past two or three years, the parents' needs survey has identified gaps in particular parts of the system, such as the provision of out-of-school care for older children aged between 10 and 14. Members will not be surprised to learn that there are also gaps in provision for families in which the parents work unsocial hours. The briefing paper points out that, in that respect, we are expanding our sitter services.

Furthermore, parents have identified gaps in provision for children who have special needs or a range of disabilities; sitter services will also help that situation. The message from parents is that they want increased flexibility of provision to build around free part-time pre-school education in which, as has been said, we have achieved almost 100 per cent take-up for three and four-year-olds.

In response to the question, there is a need for continued and targeted expansion of particular types of child care. However, we are also very keen to look beyond provision of care for children to a range of other services that might help families to support their children and which might help our youngest children to achieve all that they can and realise their full potential. Work still needs to be done on provision for the most vulnerable children and families.

The Convener: That raises the issue of where child care or early years learning takes place. Obviously, it sometimes takes place in schools or centres of some sort. However, making arrangements when people move from one place to another must be awkward. Is any interest being taken in the concept of family centres, which are being developed in England? At first glance, they sound like quite a good idea.

Val Cox: Our draft integrated early years strategy is essentially predicated on the same model as family centres, although we have chosen not to call them family centres or, indeed, children centres. One of the key ideas in the document concerns the need to draw services physically together as far as possible. That may well happen around existing types of provision so that, for example, a nursery school becomes the hub of the early years community in a certain locality, to which would be drawn a range of other services, whether services for parents or more services for children.

Equally, we might build around a school—for example, in the context of the integrated community schools strategy—or other forms of provision for children. Services might be built around a health centre or a community centre. Essentially, we recognise that requiring families or parents to move children across geographic areas is helpful neither to the families nor to the children. We want to draw services closer together.

The Convener: Perhaps I am going further than I should on this, but does that have any implications for the number of schools that would be required in areas where schools are being closed?

Val Cox: I am not sure that I could comment on that.

The Convener: My point is that, although arguments can be made about the economic viability of a school in the context of the provision of mainstream education, if nursery provision and wider early years provision is added, the economics become slightly different. Could that be examined? It is quite a complex matter.

Val Cox: Yes. I have not looked into that. Much early years provision is provided very effectively by the private sector. One solution to what may be a potential problem—I do not know whether it is a problem—is the fact that we have a range of provision. The message that we are giving out is that communities need to build around what is there and what is currently being used by parents and families. That may not necessarily be a school; in fact, in many cases it will not be.

Fiona Hyslop (Lothians) (SNP): I apologise for arriving late. I had to take my child to nursery in West Lothian. The nursery started at 8 o'clock and my transport was meant to get me here for quarter to 10, but that was impossible, which is relevant to the subject that we are discussing.

The Convener: That is a clever excuse.

Fiona Hyslop: Transport and the location of child care services are important. We could look at that, as long as we do not duplicate the work that is about to be published.

In relation to child care in rural areas, do you anticipate that what is likely to be published in the next few months will be much different from previous rural strategies? The convener mentioned school closures, of which there are likely to be a huge number in Aberdeenshire and we do not want a different pace of development in what is obviously related provision.

Val Cox: I do not want to anticipate the outcome of ministerial consideration. We are aware of the transport issues in rural areas and we are exploring different ways of providing services. We have looked into the possibility of providing peripatetic services. In some remote areas, local authorities already provide a range of early years services using the peripatetic outreach model. It may be possible to roll that out further, but no decisions have yet been made.

Fiona Hyslop: I understand that you have just launched your zero-to-three guidelines.

Val Cox: Yes.

Fiona Hyslop: It would be helpful if the committee could receive copies of those guidelines, if we have not already. The content of provision has implications for the early years development of children. If there is disparity in provision—a wide range of provision—especially in rural as compared to urban areas, how can you ensure that every child gets the same opportunities even though the context and the environment in which the provision is delivered might differ from one part of Scotland to another?

Val Cox: The obvious answer is that that is why we have the Regulation of Care (Scotland) Act 2001 and why the care commission is charged, jointly with Her Majesty's Inspectorate of Education in certain circumstances, to inspect all the formal care provision. It is their responsibility to ensure that wherever a child receives the service, the quality of the service is as high as it can be and that it fully meets our and the minister's expectations about the type of service available and the quality of care in that service. There are genuine issues in that area.

Ms Rosemary Byrne (South of Scotland) (SSP): I return to the subject of support for parents. I note what is in the briefing, but how much progress has been made to link in with parents in more deprived areas or parents who are drug abusers? The committee was taken aback by the numbers of children and young people who live with drug-abusing parents.

Val Cox: We are working closely with our colleagues in the Health Department on their strategy for working with parents who abuse drugs and the impact of that abuse on their children. So we are engaging at a policy level.

As regards speaking directly to families, we expect that local authorities that are charged with the responsibility of assessing local need and delivering services to meet those needs locally will work through their child care partnerships, in which local parents are represented, to get a strong sense of local needs. We do not necessarily engage with parents directly, although we fund organisations that engage directly with parents. I ask my colleague Elena Groll to say a few words about that.

Elena Groll (Scottish Executive Education Department): Sure start Scotland is a major programme that is targeted at providing support for families with very young children. A major part of the programme are the various supporting strands for parents—that could be peer support, parenting skills classes or supported parent and child development. The programme accords to the needs of individual families. The sure start Scotland guidance makes it clear that parents and families should be involved in the development of

those services so that their needs are at the heart of the programme.

Ms Byrne: How widely available are those services at the moment?

Elena Groll: Funding goes to all 32 local authorities to identify local need.

Ms Byrne: Who monitors that programme?

Elena Groll: There is an evaluation programme. A map of services, which is available on the website, was published in 2002 and details are in the briefing. We are doing another mapping exercise to see where progress has been made a couple of years on. We hope that that will give us a lot more detail.

Ms Byrne: Will that be published fairly soon?

Elena Groll: I think that we are hoping to publish it in April.

Dr Murray: I have a question about a slightly different point. You gave us a helpful list of all the different projects in your written evidence, but there are a number of commitments in the partnership agreement and it is not always obvious how the programmes relate to the commitments. It would be interesting to map out how the Executive sees each of the programmes contributing to the commitments in the partnership agreement. The first of the commitments is to improve the transition between nursery and primary and primary and secondary. What is the Executive doing to try to improve those transitions?

Val Cox: The fundamental work that is being developed to address that commitment is the three-to-18 curriculum review, which will also address the commitment to increase the flexibility of primary 1—at least that is our assumption. One of the principles that underpins the review is about managing transitions more effectively and smoothing them for children at whatever stage they occur. We are also looking to roll forward some of the approaches that have been developed successfully in the early years sector into more formal kinds of education. That is a substantial strand of work.

There is also a piece of work that we probably referred to in our submission. We are in the process of commissioning research that will examine best practice in promoting good behaviour among very young children. That is being undertaken on the basis of the concerns that have been expressed by teachers in the early years of primary. They perceive that some very young children who are moving into primary school are not school ready. That position varies across the country. In some local authorities early years services appear to be doing a good job in equipping children to face the different challenges

of primary school and to respond more readily to that transition. We want to learn in a lot more detail what is happening in those areas and ensure that the lessons that are learned are spread more widely and taken forward elsewhere.

10:15

Dr Murray: When are the results of that research likely to be published?

Val Cox: We have not yet let that tender. It is envisaged that the work will take between 12 and 18 months, so that will take us into next year.

The Convener: That is interesting in the light of the current disputes about discipline in schools later on and how a problem develops. It would be interesting to see what can be done in the early years to tackle the issue.

Elaine, are you looking for some more specific information on the partnership agreement?

Dr Murray: It would be interesting, if it is possible, to get some information that maps out how the Executive's programmes and initiatives link with and contribute to the partnership agreement commitments.

Val Cox: We can do that.

Mr Macintosh: Page 2 of your helpful submission mentions

"consideration of the unique pedagogical ... approach in the early years".

The submission goes on to mention the early years longitudinal survey and you have just mentioned a specific piece of research in response to Elaine Murray's question. Do you want to draw our attention to any other work that is being done? A lot of work is going on about how children learn. It would be interesting to know about research that is influencing the Executive's thinking or that the Executive is commissioning, has commissioned or has recently produced.

Val Cox: Probably the most useful research that we have published recently is the baseline study. I cannot remember its title, but we may have provided a link to it in our submission. If we have not, we can send it to the committee.

The research took stock of the provision of early years services in two local authorities and the perceived impact of those services at that time, round about 2003, because we did not have substantial data about their impact. That research has provided us with a baseline against which we intend to measure what we hope will be positive changes that emerge in the course of the early years longitudinal study. That is intended to be a rolling programme over a considerable period, notwithstanding that we obviously only commissioned the first three years of the study.

We are looking widely at research from other jurisdictions. The Scottish Parliament information centre briefing refers to some of that research—in particular to Canadian research. We have also been influenced by the emerging findings of the effective provision of pre-school education project in England. That is a slightly misleading title as the project considers not only education, but the impact of the full range of early years care and learning settings on young children up to the age of five or six. It is a seven-year study. A lot of important information has emerged from that research about the factors that influence children's development positively. We are looking to take account of that information as we develop our policies.

Lord James Douglas-Hamilton (Lothians)

(Con): I note that there is to be a child care workforce review. Would I be right in thinking that, at present, you are broadly content with the training and qualifications for child care employees?

Val Cox: We are in the process of a national review of the early years and child care workforce, by which we essentially mean people who would describe themselves as nursery nurses, people working in out-of-school care settings and people who would describe themselves as play workers. There are currently around 14 different qualifications for those workers at different levels, and they tend to be quite specialist. Part of the purpose behind the review is to examine those qualifications and determine how we might increase the career prospects of workers by, for example, improving flexibility and allowing movement between what are currently different sectors of the workforce. My colleague, Penny Curtis, might like to say a bit more on that.

Dr Penny Curtis (Scottish Executive Education Department): There are five work strands to the workforce review. Perhaps the largest job for one of those strands is an examination of qualifications and training. There is a range of issues, such as whether there should be different levels of qualifications for some or all the workforce or a more generic qualification that would allow people to move across the different sectors. The qualifications might apply to the early years and child care sectors and to other children's services or related professions. How the workforce can access those qualifications also needs to be considered.

Lord James Douglas-Hamilton: I am sure that increased flexibility will generally be welcome.

I understand that inspections are carried out by the Scottish Commission for the Regulation of Care and the social work services inspectorate. Would I be correct in assuming that those arrangements are working extremely well, that the

inspections are dovetailing to perfection and that you are very happy with how that is happening?

Val Cox: We are certainly content with the outcomes of the inspection programme. The joint inspection programme that has been developed and is currently being delivered was originally described as transitional. Essentially, it was expected to test out the model that had been developed. It will come as no surprise to any of you to learn that there have been some hiccups and difficulties. It has been necessary to make some minor adjustments. However, over the piece, the arrangements are working quite well. The approach has been different from that to which most providers had been accustomed. That in itself has required a bit of a shift in people's approach to inspections.

The Convener: Education and child care straddle departmental responsibilities. You are all Education Department officials, but education and child care straddle your department and, presumably, the communities portfolio and other areas, which can cause awkwardness. The curriculum applies from three to 18. A lot of child care stuff applies before the age of three, so there is an issue there. In earlier discussions, we have heard that there is a nothing-to-18 curriculum, with associated provision and arrangements, in Scandinavian countries.

I would like to ask about the interface between different departments and between the three-to-18 curriculum and the nothing-to-three provision. Do they give rise to any particular issues that cause you concern? Clearly, it is easier if one department has the lead role. The more people are brought in, the more complex it becomes.

Val Cox: That is certainly true. The Cabinet delivery group on children and young people draws together the work of different departments and ministerial portfolios relating to children and young people. That is a driver for both co-ordination and progress across different Executive departments in relation to the various work streams.

I do not perceive major dislocations as regards the nought-to-three or birth-to-three care and learning framework and the three-to-18 curriculum. The period from three to 18 years is, essentially, focused on learning—that is the main driver. From birth until three years, the care and learning dimensions are seen as totally related and inseparable. Learning almost falls off the back of high-quality care at that stage.

That said, our colleagues in Learning and Teaching Scotland who worked with us on the development of the birth-to-three care and learning framework were careful to take account of existing and planned Executive policies, as far as

they were aware of them. Therefore, there are strong links between some of the key messages in the birth-to-three care and learning framework and the high-level messages that have already been expressed in relation to the three-to-18 curriculum review. I think that it will be possible for us to hold both together and ensure that there is complementarity between what are clearly two separate pieces of work.

Robert Brown: Finally, I want to ask about the role of playgroups. Obviously, with the provision of nursery education, playgroups have changed over the years. Some playgroups have whole-heartedly entered into the new regime and others have perhaps faded away. What work are you doing with what used to be the playgroup sector to make the best use of the talents of the volunteers and others who are involved?

Val Cox: We provide direct funding to the Scottish Pre-school Playgroup Association and work closely with it with respect to its interests in promoting the work of playgroups and ensuring the quality and expansion of playgroups, where that is necessary. There has been a shift in focus in playgroups, which essentially started from grass-roots activity. Many playgroups developed as a result of parent-led initiatives to fill gaps in the provision of formal care in the late 1980s and early 1990s, but with the expansion of formal care, many people have thought that they no longer need playgroups in their locality. As a consequence, some playgroups have declined—indeed, some have ceased to exist.

That said, a considerable number of new playgroups has developed over the past 12 months, and there is a shifting set of provision arrangements. A number of playgroups have also entered into financial partnerships with local authorities as formal providers of pre-school education. As a result of local initiatives, some playgroups have begun to move away from very informal provision towards something that begins to feel rather more like the more formal provision that is available elsewhere in the sector. However, I am talking about something that is very much a moveable feast and driven by local needs and the wishes of local people. To be honest, I think that the service is in transition.

Dr Murray: I have a definitional question. One of the commitments in the partnership agreement was to

“provide childcare support in areas of high unemployment”.

Will you say a little about what programmes do that? How are areas of high unemployment defined? Are they defined on a local authority basis or on a ward basis? Obviously, areas of high unemployment are not necessarily always the same as areas of low income. There are areas

where unemployment is not high but incomes are generally low and there are pockets of deprivation and families on low incomes. Will you say a little more about that?

Val Cox: Indeed. The latter point is important. People who live in poverty do not necessarily live in wards or areas that are defined as deprived or vulnerable if postcode definitions are considered. The main piece of work on the provision of child care in more vulnerable communities is being taken forward under the communities portfolio by colleagues in the social inclusion division of the Scottish Executive Development Department, who provide the working for families funding that we referred to in the briefing paper. Some £10 million will be provided this year and next, and that will rise to £15 million in successive years. That money is targeted at particular areas. Funding is based on what I fear is a rather complex set of indicators that I do not have details about, although colleagues in the social inclusion division could undoubtedly provide the committee with information about them.

10:30

Ms Wendy Alexander (Paisley North) (Lab): You mentioned the EPPE research, the insights it produced and the lessons that can be learned, but it is not mentioned in the briefing you have sent us and, given that you are embarking on a longitudinal study in Scotland and the new birth cohort will not be recruited—understandably—until 2008, it would be of value to our inquiry if we could get a sense of what the seven-year longitudinal study reveals in the context of the UK. It might be helpful if, as well as providing us with the relevant internet address, you could also tell us what you think are the main insights of that research and what you have taken from it in relation to policy development and the shaping of the Scottish longitudinal study.

Val Cox: Certainly.

Ms Byrne: Paragraph 4 of committee paper ED/S2/05/2/3 says that you will continue support for breakfast clubs. Could you give me an update on progress? Are breakfast clubs only in local authority nurseries and schools, or are they elsewhere as well?

Val Cox: The provision is essentially in local authority schools and pre-schools. They might not necessarily be provided by the local authority; they might be provided by voluntary sector providers or others. There has been a fairly substantial increase—around 25 per cent, although I would have to check the detailed statistics to be sure—in the number of children who are accessing breakfast club provision and other care provision before the start of the school day. We record that

through our pre-school and day care census rather than by number of providers.

Ms Byrne: Do you have a target of increasing that number or a strategy to do so?

Val Cox: We have quite consciously not set central targets for the provision of any of these forms of child care, unlike our colleagues in England. We chose not to do that because we think that local authorities and their partners are better placed to identify the local level of need. There is no doubt that patterns of need shift according to geographic area. We require local authorities to work through the child care partnerships, which bring together a range of service providers and interest groups—including parents, in particular—to identify a local need and deliver the range of services that are required to meet that need.

Ms Byrne: I am trying to point out the fact that there is an uneven spread of provision of breakfast clubs across local authorities. I wondered whether there was a strategy to deal with that or whether you envisaged making any progress in that regard, but you are saying that it is down to local authorities.

Val Cox: At the moment, we have not issued any central targets. Again I say to you that ministerial thinking in relation to the broader sweep of childcare is still developing. We would expect their thinking to become a lot clearer and become publicly known over the coming months. At that point, we might be able to say something more concrete about breakfast clubs.

The Convener: Presumably there is also an issue relating to the demand for the service, leaving aside what the target might be.

Val Cox: That is why, so far, we have tended to allow local authorities to identify the levels of demand, which vary widely across the country. We want to ensure that the money that is allocated to local authorities for all forms of child care—because we do not distinguish between the various models of child care provision—can be used as flexibly as possible, in accordance with local needs.

The Convener: That was a useful briefing and follow-up. We are grateful for your assistance.

Val Cox: We will provide the additional information in due course.

The Convener: That would be welcome. Thank you.

We now move on to consider the terms of reference for our early years inquiry. The clerks have produced a paper to give a bit of shape to our discussion. We need to see whether we are on the ball or whether the remit needs to be widened

or changed in any way, and to give guidance to the clerks on where to go with it. Are there any comments?

Dr Murray: I would like to see an analysis of what the Executive is doing to support the partnership agreement commitments, because it is a bit disjointed.

Fiona Hyslop: What did you say?

Dr Murray: I am asking the Executive to map out how all the initiatives relate to the commitments, because we have a set of commitments and a set of initiatives, but they are not well cross-referenced. That information would be helpful.

The Convener: In fairness, that does not relate to the terms of reference.

Dr Murray: Maybe not, but it would help to inform us in taking decisions. It is suggested that we address three issues:

“the transitions between nursery and primary; free nursery places for every 3 and 4 year old; and childcare support in areas of high unemployment.”

We might run into a problem with the last one. If most of the work is being done within the social inclusion unit, which is in the portfolio of the Communities Committee, will we be prevented from examining it?

The Convener: I ask Martin Verity to say something on that, because there have been discussions with the Communities Committee clerk.

Martin Verity (Clerk): The discussion was with another clerk, convener. However, broadly speaking, if the committee wants to do an inquiry in a particular area, we will consult the clerks of affected committees. I am not aware of any conflicting work by other committees that would be a problem. If the committee sticks too rigidly to its remit, often it cannot follow through on questions that arise in its inquiry.

Dr Murray: It would be an interesting area to look at. The terminology “areas of high unemployment” is used in the partnership agreement. I would like to examine support for families on low incomes, which would broaden out the inquiry to include individuals on low incomes who are finding it difficult to access education and training.

The Convener: It is open to us to make observations on that.

Dr Murray: It might be an interesting area to follow up.

The statement on free nursery places for every three and four-year-old is just a statement of Executive policy. I am not sure how we can inquire

into that, unless we look at extending it to two-year-olds, for example.

The Convener: I take your point. There might be issues about how effectively it relates to other care and the transition between nursery and primary. A number of issues are connected with it.

Mr Macintosh: I echo that point. One question is whether expanding free nursery places from just morning sessions and afternoon sessions to all-day sessions is the best use of resources, but that policy is already in place, and it is successful, so we should not spend a huge amount of time on it.

The issues in paragraph 2 are exactly right and reflect what we discussed. They all chime with me. I am not sure about the terms of reference. We could expand paragraph 2 and make the points in it the terms of reference. The terms of reference in paragraph 3 are reactive. I would like them to look into the future, rather than just react to the Executive's agenda.

The Convener: It is an issue of interpretation. Holding the Executive to account is the central core, but the remit is sufficiently general for us to address a series of implications and transitions, what might happen in future, and the principle of flexibility which, as officials said, is the overriding issue. The phraseology is not necessarily inhibiting.

Mr Macintosh: If someone from outside was to read the remit as the starting point, they might get the wrong impression. Rather than examine the progress that has been made, we should explore the future direction of early-years education policy. The points raised in paragraph 2, which are followed up in paragraph 5, are the core for me. They are the areas that I want to explore.

I agree that the

"Provision of more flexible and more available childcare"

is a dominant commitment, but I am not sure how that leads into focusing on

"transitions between nursery and primary"

or "free nursery places". They are not in the same bracket. However,

"childcare support in areas of high unemployment"

or low income is. It would be better if we tied up paragraph 5 with paragraph 2.

The Convener: The central point that I think you are making is whether people who may give evidence will understand the terms of reference.

Mr Macintosh: Exactly. We are looking at the future development of policy, not the current development or implementation of policy.

The Convener: There are many initiatives here. It is a question of how they tie together and are

understood. The point about the terms of reference being more easily understood by the customer, as it were, as opposed to the provider has been made. I do not think that we should forget about the overall effectiveness or otherwise of current provision and how it can be made more comprehensive. Such issues are about development, but they are also about accountability, which in some respects is our main focus in relation to what the Executive is doing.

Ms Alexander: Coming back to the point that Ken Macintosh made and the one that the convener has just made, I want to suggest an alternative phraseology to the terms of reference in paragraph 3, to tie them to the forthcoming policy statement from the Executive rather than the partnership agreement. Most partnership commitments were made or thought about in 2002, when much of the emerging evidence in this fast-moving area was perhaps not apparent. My suggestion, both to give us precision and to look forward, would be to consider making the terms of reference: "To examine progress being made by the Scottish Executive to deliver effective early years education in light of the forthcoming Executive policy statement and with particular respect to the following areas:", and we would go on to list the four issues mentioned in paragraph 2. That alternative suggestion ties the terms of reference to the forthcoming document, which is meant to integrate policy, but also flags up the emerging agenda that is captured in paragraph 2.

The Convener: I have three thoughts on that. First, that suggestion is helpful, but the terms of reference should also refer to the commitments in the partnership agreement. Secondly, in order to give the committee flexibility, the terms of reference should say: "the following issues, amongst others". I have forgotten what the third point was.

Ms Alexander: It could say: "In light of commitments in the partnership agreement and the forthcoming policy statement." We want to have a wee bit of scrutiny of where the Scottish Executive has reached and how we might suggest it treats the issues.

The Convener: My third point was about education and child care. Education is in the committee's remit, but I think that we should also take wider issues such as that on board in the inquiry.

Ms Byrne: I am interested in finding out a bit more about the support in areas of high unemployment—particularly what funding streams are being used there, and how long term those funding streams are—and the monitoring and evaluation of such projects. I am saying that because of what I have seen happening in my region in areas where funding has been put in for

such projects. Could we expand on that a bit more? Could we probe a wee bit deeper there?

The Convener: There is general agreement on that, but is that conceivably an issue that is missing in Wendy Alexander's suggestion for the remit of the inquiry? It does not come out very clearly in the issues in paragraph 2.

Mr Macintosh: We could perhaps add it.

Fiona Hyslop: The remit of the inquiry should be about future thinking. Along the way we can consider scrutinising the Executive's commitments to date, which is our responsibility as a committee. I am a bit concerned about the points in paragraph 2. I may have been absent when they were discussed, because I do not recall them. The second bullet point—

“collective versus individual caring for children”—

strikes me as some sort of value judgment. It is as though the committee will somehow decide which is best. I assume that that is not what we want to do, and that what we really want to do is consider how the Government's proposals or any future thinking can concentrate on the quality of opportunity for development for children, regardless of whether it is individual or collective caring.

I would be very worried indeed if we produced a report that concluded by saying that children are better off in collective provision or that they are better off in individual provision. We should not go there.

The Convener: I do not remember the discussion, but the document indicates the number of people who choose to look after their children at home rather than use some form of collective provision. The issue that underlies the discussion is whether children are brought up at home and to what extent they get into formal education there.

10:45

Fiona Hyslop: Obviously, the vast majority are brought up at home, apart from those in care. The list reads as an adult-centric view of child care rather than as a view of early education and development. If we are talking about future thinking in this area, we should consider content that would make for a child-centred approach. The points are all about flexibility for parents and child care provision, support for parenting and availability of choice for parents. The focus must reflect the best interests of the child and what will give the best developmental opportunities, not a value judgment as to whether it is better to be at home or go to nursery.

How does the Government's thinking address the quality of opportunity for the development of the child in early years education and care, regardless of what is provided? It is quite clear from today's evidence that there is flexibility in local provision and the idea that one size fits all is not right. We need to make the paragraph more child-centred and focused on development.

The Convener: The point about being child-centred is valid, but the issues of choice should not be excluded.

Ms Alexander: The second point should really be about the evidence of child development. Paragraph 2 is trying to hint that the work on child development suggests that until somewhere between the ages of two and three, the child bonds better with a single adult than it relates to other children. However, the pattern of Government subsidy is for collective provision in sure start centres and other places rather than for childminders, sitters or nannies. There is a bias in funding that extends through the age range, but the child development literature suggests that child bonding has one pattern until the child is between two and three, then a different one between the ages of three and five. Policy should at least discuss why we subsidise certain forms of child care and not others.

We could change the second bullet point in paragraph 2 to say that we cannot take a blanket approach to under-fives when the pattern of child development varies. Changing the second bullet point into one about child development might be helpful and it might lead us to discuss the forms of child support that we subsidise.

Fiona Hyslop: I would be comfortable with that.

The Convener: Yes, that seems to be a helpful formulation.

We seem to be getting there. Are there any other observations?

Lord James Douglas-Hamilton: I want to add to what Kenny Macintosh and Wendy Alexander said about paragraph 2. As an extension of flexibility of child care provision, there should be sufficient capacity in the system to make certain that parents have access to child care facilities that are relatively close to home and that they are not expected to send their children out a long way to less conveniently situated centres with free places. The services should reflect the aspirations of the families concerned.

The Convener: That is a sort of sub-aspect of choice.

Lord James Douglas-Hamilton: It is part of the aspect of choice.

Ms Alexander: I have one other point on paragraph 7, which is about focusing on efficiency and budget considerations. It is about how we do the inquiry and what sort of support we might need in doing it.

It is fair to say that how we support the parents and mothers of under-fives has probably been debated and researched more than any other policy issue by all political parties that are thinking about the election campaign. The subject will have received a large amount of focus, research and thinking, and there will have been disputes over the meaning of the EPPE research.

I looked at what Camilla Kidner has been able to do. We are awash with new data and information. The Allander series examined the most recent evidence on under-fives in America.

There are two issues arising: first, we have to find our way through what we know about best practice; secondly, we have to determine whether that has been reflected in policy. We need some expert advice. I have no view as to who the expert should be, but we need an adviser to get us up to speed on what the research of the past few years has told us. Although most of the programmes we have heard about are incredibly well intentioned, they were designed prior to the issue of the most recent evidence from the five or six-year longitudinal studies. Perhaps the clerks could think about whether we could have an expert adviser.

The Convener: Before we leave the subject, I suggest that we discuss with SPICe the extent to which it could support that work—whether or not we go as far as the appointment of an adviser. We could also check whether the information that we can obtain in-house from our SPICe researchers is enough for our current purposes.

Ms Alexander: Because of the volume of new research, I am tempted to push for an expert adviser. In the past 10 years, there has been an explosion of new research the world over on the subject. I am thinking, for example, of the forthcoming Organization for Economic Co-operation and Development report on the subject. This is a classic example of an inquiry that calls for the involvement of an outside agency.

I also want to raise the issue of budgetary choices. I would place a bet that, by the time we publish our report, different parts of the UK will be taking different approaches to the subject. Ultimately, those approaches will come down to budget choices. The Executive budget is set for the next three years. Our report will raise questions about whether, if the first five years of education matter most of all, sufficient budgetary focus is placed on that stage.

The Parliament's Finance Committee's budget advisers are hugely useful on the totality of the

budget. They could help us in the second half of this inquiry, when we look at the choices and trade-offs that we might urge the Executive to make. At the end of the day, whatever we suggest will be about the priorities of the first five years of education relative to the priorities for other parts of the education budget. As I said, we might want to take a view on that. Given that our Finance Committee budget advisers are pretty high up the learning curve on the issue, perhaps they could help us at that stage.

The Convener: We will return to the subject at our meeting next week, when we will look at the development of the inquiry. Perhaps we could discuss the matter in between now and then. If Wendy Alexander wants to discuss the subject further with Martin Verity, I welcome her doing so. Did you have another point to make, Wendy?

Ms Alexander: No, that was it. My point was that we need an expert to advise us on what the child psychology literature is saying. I also suggest that we seek to engage our budget advisers in the latter stage of the inquiry, by helping us to look at the costs that are associated with some of our recommendations. I assume that they would be paid £100 a day—or whatever derisory sum the Parliament gives them—for that work. Our report would therefore have a slightly harder edge and not the feel only of a wish list. The criticism that is usually made of committee reports is that they are wish lists.

The Convener: One angle I have thought of in terms of the relative complexity of the current provision relates to whether there might be some overlapping provision that would offer scope for increased efficiency. That may not be the case, but I suggest that we look into the matter.

As members have no further comments to make, I propose that we revise the terms of reference in light of our discussion and bring them back to the committee next week along with some thoughts about how the inquiry will develop.

10:53

Meeting suspended.

11:03

On resuming—

Gaelic Language (Scotland) Bill: Stage 1

The Convener: Item 4 is further consideration of the committee's stage 1 report on the Gaelic Language (Scotland) Bill. Following the discussion that was held at our last meeting, members have before them the second draft of the report.

Before we discuss the report in detail, I want to raise a matter that I have thought for a while we have not dealt with properly. I refer to the question whether the report should include a reference to the European Charter for Regional or Minority Languages, given that the United Kingdom is a signatory to the document and has obligations under the charter. Although the charter does not have any direct applicability in domestic law, it is part of the context of the bill and I suggest that it would be desirable for the report to include a reference to it.

I have discussed the matter briefly with the clerk. It would appear that the reference would best be made in the section that deals with the status of Gaelic. I suggest that it would be helpful if, at some point after paragraph 32, we were to insert a section on the charter. After some introductory stuff we could say, "The committee recommends that the Scottish Executive consider an amendment to place a duty on Bòrd na Gàidhlig to advise Scottish ministers of progress against the requirements of the European Charter for Regional or Minority Languages." Are members happy with the direction and detail of that suggestion?

Alex Neil (Central Scotland) (SNP): I am entirely happy with the direction, but I have one issue to raise. As the convener knows, the bòrd is concerned purely with Gaelic, but the charter refers to a number of other minority languages in Scotland, including Scots. I wonder whether the proposed paragraph would be consistent with the rest of the bill, including the long title. If Bòrd na Gàidhlig were to be given statutory responsibility to report on the minority language charter, it would be given a responsibility for Gaelic plus, which may not be consistent with the rest of the bill.

The Convener: The intention behind the suggestion is for the responsibility to relate only to Gaelic. We are not dealing with Scots and we have heard no evidence about Scots. Different issues may be involved, but others would come to them in due course. In the context of the bill and of the bòrd, it is clear that the responsibility would relate only to Gaelic.

Alex Neil: Perhaps we should make that clear in the wording.

The Convener: Yes, that could be done.

Mr Macintosh: May I clarify the proposed wording, convener? Did you say that "a duty" should be placed on Bòrd na Gàidhlig?

The Convener: That is the suggestion. I think that it results from the view that was expressed by Highland Council, which is reasonably knowledgeable on the subject. The duty would relate to the functions of the board and that, after all, is what the bill is about. Members may have different views on the subject, but that is the suggestion that we have received.

Mr Macintosh: I agree with the gist of what you said. I simply wonder whether the proposed wording is too strong. Perhaps it would be better to use the expression "places a responsibility on".

The Convener: It is just a duty to advise ministers of progress; no one can sue on it—it is not that kind of duty.

Fiona Hyslop: The proposed wording is perfectly appropriate. It reflects the advice that we received by e-mail from Margaret Macdonald, who was at our last meeting. We asked her to have a look at the issue in the context of whether we should include a reference to the charter. She says that she thinks the responsibility lies on the bòrd already, but that it would be possible to state it on the face of the bill.

That is the context into which the suggestion to place a duty on Bòrd na Gàidhlig fits. The suggestion is in keeping with the comments that we received about the relationship between the charter and the bill.

The Convener: Perhaps I should make some introductory remarks about the way in which we should deal with the draft report. We must finish the report and have it published by Wednesday of next week. If we cannot finalise the report today, we have a certain amount of time in which to clear any remaining bits and pieces. Members can either remit their suggestion to me or exchange e-mails on the subject. It is highly desirable for us to sort out the report today if we can. If we cannot, some time has been held in reserve.

Unless members have any general comments to make, I propose that we take a page-by-page approach to the report. The introduction on page 1 is fine. I have a minor point that relates to page 2; I understand that the census figures may be wrong and perhaps, for the sake of accuracy, the clerks will check them.

Mr Frank McAveety (Glasgow Shettleston) (Lab): May I add something? I am concerned about the phraseology of the title, "The State of

Gaelic". Should we use such a term? Is it not both pejorative and open to interpretation?

The Convener: Should we use something like "The Future of Gaelic"?

Fiona Hyslop: The position?

Mr McAveety: The status? The condition? I do not know, I am just asking the question.

Fiona Hyslop: We go into the issue of status later in the report. "State" makes it sound as if Gaelic is in a bit of a state.

The Convener: "Position" means the same as "state". It would not advance things if we were to use that word.

Mr McAveety: We could look up the thesaurus. I just think that "The State of Gaelic" sounds pejorative. Some people might argue that that is not the case, but we should not use the term.

Fiona Hyslop: Perception is reality, Frank.

The Convener: Given that the section covers a number of issues that relate to striving to develop and protect the language, why do we not call it "The Future of Gaelic"? Surely that is more aspirational?

Mr McAveety: Okay. That is a better use of language.

Lord James Douglas-Hamilton: Much better.

The Convener: Good point.

Mr McAveety: I am a man for autonomy.

Fiona Hyslop: We want to say that the bill is not just about preservation, but about development. Given that we state in previous paragraphs how grim the situation is and how fragile the language is, I suggest that we reword paragraph 12. In the second sentence, which starts with "This wording", I suggest that we say, "This wording is critical, as the committee believes that it focuses simply on preservation of the current situation and the committee believes that promoting the future development of the Gaelic language should have equal emphasis."

The Convener: That seems all right to me.

Alex Neil: On a minor point, in the first sentence of paragraph 12, there is a "the" missing before "Committee".

Fiona Hyslop: I realised that when I read it just now.

Given that we are saying that the situation is grim and the language is fragile, we should not overemphasise preservation. We recognise that it is important to preserve the language, but we want to ensure that the future is confident as well.

The Convener: I am happy with that suggestion, which seems to attract the committee's support.

We are paying particular attention to the recommendations, but we might want to check them once we have finished going through the text. Are there any comments on pages 3 or 4?

Fiona Hyslop: Paragraph 18, in the section entitled "Official Status", contains the phrase:

"The functions conferred on the Bòrd by this Act are to be exercised with a view to securing the status of the Gaelic language".

There is an issue about what "securing" means. Does it mean simply maintaining the current position? That comes back to the difference between preserving and promoting the language. I am not saying that we should mention that here, just that it is a point of reference for later on.

The Convener: That is right.

Fiona Hyslop: That quotation from paragraph 18 is a quotation from the bill. We are not misquoting—it is accurate—but perhaps the phrase takes us to the nub of the issue that we are trying to wrestle with on secure status. Securing the status means securing the current status, but we are not happy with the current status.

The Convener: Perhaps we could use the phraseology "securing the status in the future".

Fiona Hyslop: We are quoting the bill in paragraph 18, so it would not be appropriate to change that sentence. However, we should flag up the issue for when we get to the parts of the report on validity and status.

The Convener: Give me credit—the long title could ultimately be amended to reflect more genuinely what we want. That may be an issue at the end of the day. I am not quite sure what you are suggesting, Fiona.

Fiona Hyslop: We should not change that sentence because it is a direct quote from the bill. All I am saying is that the sentence highlights the nub of our concern that the bill is more about preserving and securing the current status of Gaelic—which, as the Minister for Education and Young People said, already has official status—than about securing a stronger future for the language.

The Convener: That seems to be a recommendation that the minister might want to consider the long title, with a view to reflecting that aim more adequately. Is that what you are getting at?

Fiona Hyslop: To be fair, the minister said that he would do that; we have quoted him later in the report.

Mr McAveety: He said that he would ponder that issue.

Fiona Hyslop: We should request that he does a wee bit more than ponder.

The Convener: The pondering relates not only to the terminology of the bill, but to the phraseology of the long title, which is not unimportant.

Fiona Hyslop: Yes. That is where the quote comes from. I do not want to change paragraph 18, but it occurred to me when I read it that that is the nub of the issue.

Mr Macintosh: The bill has two purposes: one is to secure the language and the other is to promote it. The point is that the language is in almost terminal decline and is not secure. Securing the language is actually quite important.

Fiona Hyslop: Yes, but we should not leave it at that.

Mr Macintosh: Absolutely, but there are two messages, one of which is that we want to prevent further decline. We need both messages. The phrase "secure status" is terminology that has been used a lot. We are one step ahead of the game in talking about promoting the language, whereas people are worried, with every reason, because the language is not secure.

The Convener: The difficulty is that the long title mentions not secure status, but

"securing the status as an official language",

which is not quite the same thing.

Fiona Hyslop: Exactly. We should flag up that issue about the long title.

Alex Neil: Given that conversation, perhaps paragraph 22 should be changed slightly to read at the end, "and that the wording of the bill should reflect this as appropriate".

The Convener: I am not sure what sentence you are referring to.

Alex Neil: Paragraph 22 states:

"The Committee believes that Gaelic already possesses the status of an official language of Scotland and that the wording of the Bill reflects this appropriately.

In the light of the discussion that we have just had, and given that the minister is pondering the wording, perhaps we should change that wording slightly to, "the wording of the Bill should reflect this appropriately."

11:15

The Convener: That is a different point and I do not think that I agree with it. I think that the bill's wording reflects the fact that Gaelic is an official

language of Scotland; arguably, it does not reflect that the bill is intended to secure the future of the language. That is the point.

Fiona Hyslop: We could have a debate about the long title.

Alex Neil: Perhaps we should add the convener's final point into paragraph 22 and use the word "should".

The Convener: Perhaps we need a reference to the fact that consideration might be given to the phraseology of the long title and whether it adequately reflects the desire to secure the future status and development of the language, or something of that sort. Is that all right?

Fiona Hyslop: That sounds good.

Alex Neil: We could put that into paragraph 22.

Mr Macintosh: Perhaps we could change that once we have had a discussion.

The Convener: Okay. There is an issue there, without question.

Moving to page 6, I had a thought on the section on "Equal Status and Equal Validity". I think that, at some point, the Welsh Language Board referred us to the bit in the Welsh legislation that uses the expression "as far as is reasonably practicable"; I think that that was in one of the sections of the act as opposed to the long title. I wonder whether that wording might be detailed in the section on page 6. The Welsh wording is another formulation that might be worthy of consideration.

We move on to page 7.

Fiona Hyslop: The end of paragraph 31 says:

"not necessarily in all situations".

I do not think that we need that phrase. The sentence begins:

"In contrast, 'equal validity' indicates that both languages are equally valid where they are used".

That should probably say "where and when" rather than just "where". To say

"not necessarily in all situations"

seems a bit nonsensical. Obviously, we would say later that, in different parts of the country, depending on the different plans, Gaelic would be used and that when it is used it has equal validity.

The Convener: I may be wrong, but I think that that sentence in paragraph 31 is trying to get at the fact that it is not necessary to have Gaelic available in all situations.

Fiona Hyslop: That is a different issue. That is in relation to the content of the plans, which will be different from area to area. However, I just do not think that we need the phrase:

“not necessarily in all situations”.

I would take it out.

Alex Neil: It is confusing.

Mr Macintosh: I was not here for the discussion last week, I am sorry to say. However, I have read it and, despite all the subsequent discussion, my conclusion is that I am not sure that I agree with that sentence. The phrase “equal status” implies that Gaelic and English must be equally available; in contrast, the phrase “equal validity” indicates that both languages are equally valid where they are used. I am not sure, despite all the discussion, that that is the conclusion. That is one interpretation of the two phrases, but there is clearly difficulty about interpreting those phrases.

I do not know whether the committee had this discussion at its previous meeting, but I wonder whether it would be possible to make a statement that shows that the committee believes—I imagine that this is the committee’s view, but members can tell me whether I am wrong—that the arguments in favour of some sort of official recognition of the language are important. In other words, we need to send out a sign to the Gaelic community to have confidence in their own language, because it will develop and we are going to try to give them that confidence. The lack of such a clear statement in the bill is undermining that aspiration.

This suggestion is perhaps quite radical, but I wonder whether we could make a statement of equality but put in a caveat. We could say that our position is that the two languages are equal but that that does not mean that all citizens have the right to access all public services in Gaelic whenever they want, because that would be impractical. Cannot we say something to that effect? In other words, cannot we state clearly that we think that the languages should be regarded equally but that we also recognise the practical difficulty of citizens in Dumfries or wherever else in Scotland demanding services across the board in Gaelic? We could indicate that by using a phrase such as “where reasonable”, or “where this is practically possible”. “Reasonable demand” is the phrase that is used in education.

The Convener: That is why I referred to the Welsh Language Board’s evidence, which mentioned something like that.

The underlying question is, what is a legal right? A legal right, in common parlance, implies a legal ability to vindicate the right through court action of some sort. I think that it is reasonably clear that that is not what the committee is suggesting. A legal right can also be vindicated by public sector, ministerial or local authority action. The division goes right across all sorts of things in health and safety legislation and all of that. Some rights are secured by ministerial action and other rights are

secured by the ability to sue in the courts. As long as we make it clear that we are not trying to create under the bill—leaving aside other issues for later—a specific right to sue, that is the essence of what we are trying to say, is not it? How we formulate that is another matter.

Dr Murray: I, too, have some difficulty with the wording of paragraph 31. Although it says what equal validity means in contrast to what equal status means, that was not the minister’s understanding of equal validity. He had obviously been advised by his officials that equal status and equal validity were, basically, the same thing. Last week, we discussed the possibility of including in the bill a statement that both languages should be equally valid when they are used; however, that might need to be strengthened by some sort of definition in a schedule to the bill.

Fiona Hyslop: That is right. That is what we agreed last week.

Dr Murray: I do not think that that is reflected in the wording of paragraph 31.

Fiona Hyslop: No. I also made a note that equal validity needed to be defined as when the language is used: that is what Ken Macintosh is trying to get at. If that is what we mean, we should not only say that in the report but there should be something about it in the bill.

The Convener: I do not think that, at this stage, the committee wants to sign itself up to a specific phrase.

Dr Murray: No, but a suggestion could be made.

The Convener: Equal validity may or may not mean what is stated in paragraph 31, but that is not the issue; we are trying to get across the concept. We are urging the minister to recognise the committee’s desire and the desire of the Gaelic community in that regard. I do not believe that it is beyond the wit of the legal officials in the Executive to reflect that concept in a form of words.

Lord James Douglas-Hamilton: I support the concept that Ken Macintosh proposes. As a non-practising advocate, I am of the conviction that what the words “equal status” would mean in practice would be unknown until the matter was tested in the courts. It is an unknown area, and what we are seeking is supportive encouragement that is not seen as being oppressive.

Mr Macintosh: That is exactly it. To be fair to the minister, he was equally supportive of that idea. However, as an Executive minister he had to take a far more cautious line because he cannot allow the Executive to make an uncostered commitment. If the phrase—accidentally or otherwise—created a commitment to deliver every

public service in Gaelic wherever that was demanded, that would be asking the minister to go too far.

I agree with the convener that we could come up with a form of wording. We could make a statement that addressed the point and include a caveat. Perhaps we, like the minister, need to think about how we might do that.

The Convener: We will do, but for the purpose of the stage 1 report we should not be tied to specific words. We are not experts, and we would need legal guidance on the definitions anyway if it came to it.

Paragraph 31, as drafted, is not quite what we want to say—we are all agreed on that. Some reference needs to be made to the use of the phrases “equal status” and “equal validity”. We might be able to say that equal validity might indicate that both languages were equally valid, but that would be a matter for interpretation by the courts. That was Lord James’s point.

The committee would want to accept that, at this stage, any such formulation should not confer rights on individuals as opposed to duties on public bodies. We might want to say something along those lines to confirm that.

Somebody said that we should include an interpretation section on what we mean by our phraseology. If we want, we can define our phraseology, in legal terms, to mean particular things. The minister can also confirm in the debate on the bill that the provision is not intended to create rights, and that would be taken into account in any legal case that were to arise, would it not?

I think that we need to take those points into account and say that although the committee is not thirled to any particular phraseology, it believes that we ought to respond to the legitimate aspiration of the Gaelic community to have included in the bill a statement of confidence about the future of the language and its standing in Scotland.

Perhaps we should leave it at that. It is a tricky point and we will have to circulate our proposed wording to the committee. May we ask the clerks to work on that in the context of those comments? I hope that they were helpful.

Alex Neil: I agree with what you say, but may I add a point? The Enterprise and Culture Committee is dealing with the Further and Higher Education (Scotland) Bill and we had a debate with the minister and his legal advisers on fees. We were specifically advised by both the parliamentary legal advisers and the Executive’s legal advisers that one cannot rely on a ministerial statement in the chamber holding any sway in court. The provision must be clearly written into

the bill rather than our relying on a ministerial statement in the chamber, which, according to the advice that we received, has no legal status.

The Convener: I take that point, although my understanding is that ministerial statements have legal status in situations of ambiguity.

Fiona Hyslop: A statement can be presented, but it is not definitive.

The Convener: It might be helpful if I put on the record the reference that we are after. Section 47 of the Government of Wales Act 1998 provides that the Welsh Assembly must,

“so far as is both appropriate in the circumstances and reasonably practicable”,

give effect

“to the principle that the English and Welsh languages should be treated on a basis of equality.”

That is a slightly different formulation, but I think that it would be worth while including it in our report in the interest of fullness. Its phraseology is circumscribed by practical considerations.

Mr Macintosh: The main thing is for the idea that you mentioned to be included. I am sure that the clerks noted down that idea, but it was that the bill gives public authorities a duty rather than conferring on individuals a right to sue.

The Convener: That is helpful. We will have to finalise the wording, which we will do via e-mail when we have another formulation, but we have the framework. That was a helpful discussion, if I may say so. Are there any other comments on the section about status? Members will remember that at that point we bring in the reference to the European Charter for Regional or Minority Languages.

The section on Gaelic education begins on page 7.

Fiona Hyslop: Paragraph 36 says that we interpret the reference to Gaelic education in section 9 of the bill to mean not only Gaelic-medium education but the teaching of Gaelic as a second language. Should we add that we ask the Executive to reflect on any amendments that would clarify that?

The Convener: It is part of the bill, so I think that that would be reasonable.

Mr Macintosh: Are there any amendments to clarify?

Fiona Hyslop: We have not got to that stage, but the matter is confusing enough for us to say something about it in our report and if there is a simple way to clarify it in the bill we should ask the minister to reflect on that.

The Convener: The balance of that paragraph is not quite right. I wondered whether the committee would accept, "The committee also recognises the vital importance of Gaelic-medium education in securing the future of the language, but interprets the reference to Gaelic education in section 9 of the bill as relating to the teaching of Gaelic as a second language, both to adults and children and young people, as well as to Gaelic-medium education." At the moment, the paragraph downplays Gaelic. Is that agreed?

Members indicated agreement.

The Convener: Are there any points about pages 9, 10 or 11?

Fiona Hyslop: My point probably fits in around paragraph 50. I do not think that we have included a reference to the problems that part-time students face and the implications that that has for the supply of teachers. In some universities, it is more difficult and expensive for students to study part time. On Skye, there is the grow-your-own policy, which seeks to identify people in the community who could go away to study. I noticed that reference to that seemed to be missing.

The Convener: Are you talking about the difficulty that teachers experienced in going to Skye for a period to study at the Gaelic college?

Fiona Hyslop: No, I am talking about the problems that people from the Highlands and Islands experience when they go to do the part-time course at the University of Aberdeen, for example. The people concerned are often older students, such as mothers with families. That is a problem not just with Gaelic courses; there are more general concerns about funding for part-time students.

11:30

The Convener: Do we need to go into that level of detail in our report? Although I do not deny the validity of your point, it sounds as if it would be fiddly to fit it in.

Fiona Hyslop: I am not saying that it is a major issue, but it is one of the practical barriers to encouraging more people to go into teaching.

The Convener: Do you have a phraseology that you would like to suggest?

Fiona Hyslop: Not off hand.

The Convener: We could put in a sentence on that. The clerks will do that.

Mr McAveety: In line 2 of paragraph 50, the word "in" is missing. It should be inserted after "a step change".

The Convener: Okay.

I have a couple of points on paragraph 49. Firstly, the phrase "Gaelic medium education teachers" seems tautologous; the phrase should be "Gaelic-medium teachers". Secondly, we have dodged the question of how to bring together all the recruitment and retention stuff. Perhaps we should have something about that at the end of paragraph 50; I am not quite sure where to put it. There is no doubt that we are right to say that it is for local authorities to provide incentives. Although the bòrd will have to do certain things, it will not be in charge of education per se. Perhaps we could say: "The committee believes that the Scottish Executive must retain the lead role in the drive to recruit and retain more high-quality Gaelic-medium teachers and urges that this issue continue to be addressed urgently at ministerial level." In some respects, that is the central point of that part of the report. Does the committee agree?

Members indicated agreement.

Mr Macintosh: Should that go before or after paragraph 49?

The Convener: There is a question about where it would be most convenient to put it.

Fiona Hyslop: As it is a fairly strong statement, I think that it deserves a paragraph on its own.

The Convener: It is a recommendation. Perhaps it would fit in earlier on in the report.

Mr Macintosh: We want to ensure that it is not contradicted by paragraph 49, which begins

"Ultimately, it is the responsibility of local authorities", so it should follow paragraph 49.

The Convener: You are right: it should go after paragraph 49.

Mr Macintosh: In effect, we are saying that the Executive has that strategic duty.

The Convener: Absolutely.

Mr McAveety: Instead of saying that it is local authorities' responsibility to provide incentives, could we say that that is their key role? That would work better, given that we will have just made a strong statement about the Executive's role in the development of Gaelic-medium education.

Mr Macintosh: We are putting that statement after paragraph 49, rather than before it.

Mr McAveety: Okay; we will leave paragraph 49 as it is.

Fiona Hyslop: Paragraph 52 does not really make sense. The first sentence should read: "The Committee whole-heartedly supports this view and believes that pupils receiving Gaelic-medium education should receive a quality standard of education that happens to be in the medium of Gaelic." I do not think that we need the Hawaiian

example. We are reinforcing the evidence that Sabhal Mòr Ostaig gave us. Our point is about quality standards. We go on to support Highland Council's arguments and to say that there needs to be a connection with the Standards in Scotland's Schools etc Act 2000.

The Convener: You are suggesting that we should knock out the bit about Hawaiian speakers. I agree that it does not add anything.

Fiona Hyslop: I do not like the statement that

"the quality and standard of education must not be compromised in the wholly valid drive to increase the number of Gaelic medium teachers",

because it implies that we do not think that teachers are meeting the right standard at the moment. I do not want us to say that in the report, as I do not think that it is the case.

The Convener: Some reference is made to the difficulties that the emphasis on Gaelic can cause for other parts of the curriculum.

Fiona Hyslop: That comes later on in the report. We should take out the Hawaiian example and just stop paragraph 52 after the first sentence.

The Convener: I do not like the phrase:

"should be receiving education that happens to be in medium of Gaelic."

That does not sound quite right.

Fiona Hyslop: The issue is that those pupils should receive a quality standard of education. The emphasis is probably right when you say it, but it does not read well on the page.

Lord James Douglas-Hamilton: When we were at Portree Primary School, we heard evidence that much more support was needed for Gaelic-medium teachers, but we were told that only certain subjects were taught in the medium of Gaelic.

Fiona Hyslop: That comes later on in the report.

Lord James Douglas-Hamilton: That implies that everything should be in the medium of Gaelic, and that is certainly not what is happening at present. It is quite a big leap.

The Convener: Should not we say something like "receiving education in the medium of Gaelic wherever possible"? I do not think that we can say that education should always be in the medium of Gaelic, because there are resource issues.

Lord James Douglas-Hamilton: Yes.

Mr McAveety: That would be better.

Fiona Hyslop: The issue is about standards, and the standard is an educational standard, not a Gaelic standard.

The Convener: Your suggested phrase was something about receiving a quality standard of education.

Fiona Hyslop: Yes. The issue is that, regardless of whether somebody is being taught in English or in Gaelic, every child deserves to receive a quality standard of education. That is important because it is a reference that ties into the Standards in Scotland's Schools etc Act 2000.

The Convener: Let us not lose that reference. That is the way to put it: regardless of whether education is in Gaelic or in English, it ought to be of high quality. However, there is still the other point about education in the medium of Gaelic across the curriculum wherever possible in Gaelic-medium schools.

Fiona Hyslop: I think that that is right, but it probably fits in later on in the report, because we mention the evidence that we received in Skye about the limited range of the curriculum.

The Convener: Is that manageable?

Martin Verity: Yes. Do you want to delete the sentence that starts with "Furthermore"?

Fiona Hyslop: I would delete it.

The Convener: It does not add anything. The phraseology that Fiona Hyslop suggested earlier begins to give us the picture.

Mr Macintosh: We could put it the other way round. We could say that there is no evidence to suggest that there has been any lack of quality. In fact, if anything, the anecdotal evidence is that Gaelic-medium education is of a very high quality.

Dr Murray: Except on the issue of materials. There was evidence that, although the achievements of Gaelic-medium pupils were no less good, they were struggling with fewer resources. That is referred to later in the report.

Fiona Hyslop: That is the important point. The materials and content are as much the responsibility of the local authority, under the Standards in Scotland's Schools etc Act 2000, as they will be the responsibility of the bòrd. I do not think that the bòrd should necessarily act as an inspectorate of education for materials.

The Convener: I support the view that that sentence should perhaps just go. I do not think that it adds anything to the report. There is a case for saying that, because of the rarity of Gaelic-medium teachers as a resource, those that we have are of very high quality and have considerable commitment.

Fiona Hyslop: I do not think that we need to go into that. By putting a reference to that in the report, we are trying to ensure that there is an educational standard and to make the point that

there is education legislation that needs to be upheld.

The Convener: I think that members agree that we should redo the phraseology to reflect our view that, whether it is in Gaelic or in English, there should be high-quality education. We are talking about the standard of education and we shall knock out the second sentence in that paragraph and move the reference to having Gaelic across the curriculum in Gaelic-medium schools to a later part of the report.

We move to page 12.

Fiona Hyslop: In paragraph 54—

Mr Macintosh: Can anyone explain paragraph 54 to me?

Fiona Hyslop: Well, the provision already exists. That is why we need to change paragraph 54, which reflects the reference to the guidance on Gaelic in the Standards in Scotland's Schools etc Act 2000 that is already in the bill. We need to move the reference to the quality of education five lines down, to where we mention what we think the Executive should consider presenting as an amendment to the bill. We need to say something along the lines of "to strengthen the role and responsibilities in the provision of Gaelic in the Standards in Scotland's Schools etc Act 2000". That leaves it open to suggestions that might come from the minister or from members of the committee in future. We are reflecting the fact that responsibility for standards in education ultimately lies at the door of local authorities, as directed by the Standards in Scotland's Schools etc Act 2000 and as inspected by HMIE.

Members will remember that the minister said in his evidence that he is confident that the guidance is sufficient and that a statutory reference is not needed in the bill. It was put to him that a future minister might not be so supportive of Gaelic. He confessed that he probably should not have told us this, but the people in the sector seemed to think that, as a minister, he was doing the right thing in producing guidance. I do not think that we should rely on that for any future legislation or any future minister.

The Convener: I am not sure that I have got to the nub of the problem. When the matter was discussed previously, I thought that there was a more substantial point. The position is that the Standards in Scotland's School etc Act 2000 will be amended by the bill so that there will be a requirement for education authorities to have regard to the guidance from the bòrd. That seems to link the bòrd to the framework of the 2000 act, which refers to progressive education across the board, improving standards and getting the context right. I am not sure what we can say to strengthen that by further amendment.

Mr Macintosh: I do not understand the change that is being suggested. The draft report states that the bòrd has to refer to the Standards in Scotland's School etc Act 2000, but it is being suggested that there should be an amendment to say that the 2000 act should apply to the bòrd.

Fiona Hyslop: That is what Highland Council suggests. It has suggested some amendments to us, and that is what it thinks should happen. There should be a reciprocal arrangement, whereas currently the traffic is one way.

Mr Macintosh: Is that definitely the case? I am not sure that it is.

Fiona Hyslop: Yes, it is.

The Convener: Could we go back a stage and recommend that the minister might care to look more closely at the relationship between the 2000 act and the bill to ensure that they interface adequately? Would that be all right? We should think about the matter further.

Members indicated agreement.

The Convener: Paragraph 56 refers to the national resource centre. My understanding is that a lot of the development of material is done by individual teachers in, for example, the Glasgow Gaelic School and schools in Skye and elsewhere and by the Gaelic college. Should that be reflected in the text?

The paragraph states that the committee recognises that

"this is not a universal picture and

welcomes—the word "welcomes" is missing—

"the work done by the national resource centre".

We should say instead that there are "various organisations involved in the support of Gaelic, including the national resource centre, the Gaelic college and individual schools", or words to that effect.

My impression is that a lot of work is done by individual teachers who strike out on their own and produce resources, and developments spread to other areas by way of good practice, if things work well. We should recognise that work because without it Gaelic provision would be manifestly worse than it is.

Are there any other comments on page 12?

Lord James Douglas-Hamilton: The Gaelic college could be recognised as a centre of educational excellence that has developed enormously. That would help.

The Convener: I think that that is done by the existing phraseology.

Page 13 covers technology, in which Lord James has an interest. I do not know whether he has anything to say on the matter.

Fiona Hyslop: On paragraph 61, I think that we should stop the first sentence after “Gaelic medium education”. I do not think that what is said after that is accurate. The sentence up to that point states:

“the most common theme in the written submissions made to the Committee was a demand for a statutory right to Gaelic medium education”.

I am not sure that the thrust of the written submissions was that that should be the same as

“the statutory right to Welsh medium education”

The Convener: You are right. That phrase confuses matters.

Fiona Hyslop: If we make that change, we could state in paragraph 62 that some submissions said that such a right should be similar to the Welsh situation, but then state

“However, the Welsh Language Board clarified that”.

The Convener: Okay. We will move on to page 14.

Fiona Hyslop: Is “deliverability”, in paragraph 64, a word? I suggest that the third line should instead state that the committee

“recognises the Scottish Executive’s concerns over the”

ability to deliver such a right in practice.

The Convener: That is certainly more elegant.

Fiona Hyslop: We should try to be more explicit about what we are saying where we currently use the phrase “the language learning process” at the end of paragraph 64. I suggest that the second sentence should read: “However, the committee believes that the establishment of such a right should be a commitment and aim”—rather than an aspiration—“of the national plans and all local plans from education authorities.” That is what we mean. All local authorities should have a Gaelic language plan eventually, but they might not all have such a plan in phase 1, as Bòrd na Gàidhlig has said that it will require 10 public bodies each year to produce a Gaelic language plan.

11:45

The Convener: I am not quite sure whether that is what we mean. I like a good bit of the phraseology that you use—I have made similar written comments—but I think that your suggestion takes over the function of the Bòrd na Gàidhlig, whose job it is to say whether, to what extent and at what point one moves forward through the process.

Fiona Hyslop: I am not saying that we should take over that function; I am suggesting that we should say that the establishment of such a right should be a commitment and aim of the national and local plans.

The Convener: Are we saying that there should be a statutory right to Gaelic-medium education across the country in every local authority in the land? Maybe we will say that, but I am not entirely convinced that that is quite what we are saying at this point.

Alex Neil: I think that I made a suggestion about this matter last week. The word “right” is the one that gets us into difficulty because it suggests something statutory and, as I think Ken Macintosh suggested, relates to the ability to sue and so on. However, I think that we agreed last week that, as an aspiration, we should try to ensure that everyone in Scotland has access to Gaelic-medium education. That means that, for example, East Ayrshire could provide that facility for East Ayrshire, North Ayrshire and South Ayrshire and that North Lanarkshire might provide it for South Lanarkshire. However, if you build in the word, “right”, it sounds as if people could go to court and sue North Ayrshire Council because it is not providing Gaelic-medium education in every school in North Ayrshire. I do not think that any of us are suggesting that that would be a realistic proposition in our lifetime.

We should be aspiring to be in a position—in 15, 20 or 25 years’ time—to ensure that people who want Gaelic-medium education have access to it. That is not to say that it would be provided in the school or local authority area of their choice, of course.

The Convener: Do members of the committee accept that as the aspiration? I think that Alex Neil put it in a helpful way.

Mr Macintosh: I have no difficulty with what Alex Neil is saying, apart from the fact that the section in the report that we are discussing is headed “Statutory right to Gaelic medium education”. A lot of people are hung up on the issue of there being a right to Gaelic-medium education and we have to say, one way or another, where we stand on that issue. While I agree with Alex Neil that we are going down the route of developing greater access and that we believe that people should have a right to access a school that provides Gaelic-medium education—not necessarily in their local neighbourhood—and that local authorities, working together, have a duty to provide some sort of reasonable access, it is important to state that we are not endorsing the creation of an absolute right, which is what some people are pushing for.

The Convener: That is essentially what Alex Neil was saying.

I will try to divide the issue up. First, do we accept Fiona Hyslop's suggested phraseology for the first sentence of paragraph 64?

Members indicated agreement.

The Convener: Secondly, we need a phraseology along the following lines: "The committee believes that a right of access to Gaelic-medium education throughout Scotland should be an aspiration for the future as the language planning process moves forward."

Fiona Hyslop: Fine, but could we say that the language planning process should be reflected in the national plan and all local plans from education authorities?

The Convener: There is a point at which we might begin to instruct the Bòrd na Gàidhlig instead of laying out the high-level strategy. I do not know whether your suggestion adds too much to the paragraph.

Fiona Hyslop: Well, perhaps it does. It is not unreasonable for the Parliament to say to the bòrd that it expects the national plan and all local plans to reflect that aspiration. We are not prescribing when, where and the extent to which the aspiration must be met; instead, we are simply giving the direction that we expect all plans to reflect the aspiration.

Alex Neil: Your wording is very good and is not too prescriptive.

Mr McAveety: Perhaps the last two lines of paragraph 64, which say:

"the establishment of such a right should be an aspiration for the future depending on the development of Gaelic through the language planning process"

meet that requirement. Much of the evidence that we received on this issue suggested that people did not want an oppositional perspective but instead wanted the language planning process and the bòrd's work to provide encouragement. In fact, I felt that the Welsh Language Board's submission showed that, although people thought that a confrontational approach might have been taken to the development of the Welsh language, a spirit of co-operation emerged instead.

The Convener: My only concern is the phrase "depending on", which is why I wanted to end the paragraph with "as the language planning process moves forward". Some progress is being made on the matter and we should show our commitment to that instead of leaving the sort of ifs-and-buts tone of the current phrase.

I think that my suggestion hits the fulcrum of the committee's views. Although I take Fiona Hyslop's

point that the aspiration should be reflected in the plans—which might happen anyway—I believe that that is to all intents and purposes implied in the current wording and does not need to be stated explicitly. In any case, we are talking about the aspirational thing, so the matter is relatively weak as these things go.

Fiona Hyslop: Why do we not follow your suggestion about the language planning process with the clause "and therefore we would expect it to be reflected in national plans"? At least that points to a tangible end result. Anyone who is not involved in the language planning process might wonder what it means to them. We need to make it clear that we expect the local plans to have—

The Convener: The point about the language planning process seems almost superfluous, because the issue centres on the national and local plans.

Fiona Hyslop: Exactly.

The Convener: I do not see your point.

Fiona Hyslop: If we refer to all local authorities, we are making it clear that we expect all local authorities to reflect the aspiration in their plans. However, that does not necessarily mean that every local authority will make a commitment to do so from day one. We know that. I just think that we need to be a bit more explicit.

The Convener: I do not think that I agree with you. My suggestion hits the fulcrum of the committee's views; I accept that it does not entirely reflect your view, but perhaps it reflects other members' views a little more accurately. I believe that what I have proposed hits the sense of the meeting, if I can use that Quaker expression in such a way. Obviously, I am happy to consider any amendments, but I feel that my approach is reasonable.

Are members happy with that?

Members indicated agreement.

The Convener: If members have no other comments on page 14, we move on to page 15.

Someone made a point about the importance of intergenerational transmission—in other words, learning from your granny. We have reflected that cultural-economic aspect to a degree, but I wonder whether we could add something more along those lines. The process of learning the language in the home and transmitting it down through the generations provides a far more solid basis for the language than simply learning it in school. Although the phrase "intergenerational transmission" sounds a bit cumbersome, it encapsulates the idea quite well. Does anyone have any objections?

Fiona Hyslop: I cannot remember the figures, but I recall being struck by the situation in primary 1 at Portree Primary School. Not all the children in Gaelic-medium education have Gaelic-speaking parents; support is needed not just for parents who are native Gaelic speakers but for parents who are learning the language.

The Convener: I think that we have specifically made that point in paragraph 71.

Fiona Hyslop: Yes, but I want to make it clear that we are talking about both.

The Convener: I am sorry—could you repeat that?

Fiona Hyslop: We want to support non-Gaelic-speaking parents whose children are learning Gaelic. However, the question is whether Gaelic-speaking parents should also receive support. They seem to have been left out.

The Convener: You are right. Intergenerational transmission somewhat implies that over a number of years Gaelic has been discouraged in popular culture in some Western Isles Council and Highland Council areas. People regard it as a sign of failure if someone speaks Gaelic instead of being linguistically competent in English.

Fiona Hyslop: Perhaps you should try to capture that intergenerational transmission idea, which we can then link to the point about parents in paragraph 71.

The Convener: Yes, I think that we can do something there.

Dr Murray: I am not quite sure whether the phraseology is the best, but I would say that children in GME in many parts of Scotland—Glasgow and Edinburgh, for example—are unlikely to have Gaelic-speaking parents. We need to be quite strong on the point about support for non-Gaelic-speaking parents, who are probably the majority in most areas of Scotland.

The Convener: I am conscious of the fact that we have sometimes not made the distinction between Gaelic-speaking areas, where a significant number of people speak Gaelic, and other areas, where it is an unusual minority occupation, as it were. We need to draw that out a little bit in this context.

Mr McAveety: Could we avoid the phrase “intergenerational transmission”? It sounds like an illness. I do not want to sound like Roy Jenkins trying to draft a report here but, in language terms, it—

The Convener: I know. I take your point.

Mr McAveety: We should be reasonably subtle.

The Convener: We want the concept to be clear.

Fiona Hyslop: Make it simple.

Alex Neil: I thought that that phrase was widely used in Shettleston. [*Laughter.*]

Mr McAveety: Many languages are used in Shettleston.

The Convener: It does not necessarily mean exactly what it sounds like it means, does it?

Mr McAveety: It is not for broadcast.

The Convener: Let us turn to page 16.

Mr Macintosh: I thought that we were missing an opportunity to go a bit further than we have done on page 16.

The Convener: On the economic value of Gaelic?

Mr Macintosh: I was thinking more about the Scottish Executive's role. Although broadcasting is a reserved matter, the budget for Gaelic broadcasting is devolved.

The Convener: Yes. That is a good point.

Mr Macintosh: Control over Gaelic broadcasting effectively lies in Scotland. We cannot legislate in non-devolved areas, but we could certainly ask the Scottish Executive to clarify its role in Gaelic broadcasting and Bòrd na Gàidhlig's role in advising the Executive in that respect. We are missing an opportunity if we simply say that

“broadcasting remains a reserved issue”.

All the decisions on Gaelic broadcasting are taken here. Therefore, Gaelic broadcasting should be part of the Gaelic language strategy.

The Convener: That is a valid point. We have always accepted that education and broadcasting were the two legs on which the development of the language mostly stood.

Mr McAveety: I agree with Ken Macintosh. There are two fundamental issues here. First, we should ask more strongly about the progress that has been made to find appropriate funding to meet the development needs of Gaelic broadcasting. In blunt terms, there is not a lot of money, and it falls into different categories of Executive spend. Some areas of Executive expenditure find things disproportionately difficult in comparison with others.

Secondly, we are moving into an area that is governed by broadcasting legislation at the UK level, and there are some major issues relating to the BBC's charter. Although I acknowledge that there is a remit for UK ministers, decisions at that level can impact on Scotland in relation not just to

public broadcasting but to commercial broadcasting. It is about the role that broadcasters play, particularly given the development of digital transmission. Perhaps we should focus on the progress that has been made in establishing appropriate funding for Gaelic broadcasting in Scotland. The funding is devolved, but matters under UK broadcasting legislation are reserved. There is also the issue of progress on the opportunities that digital transmission could open up in making Gaelic more available. One idea is essentially that folk can plug into digital to—

The Convener: So this is about transmission and the review of the BBC charter.

Mr McAveety: There is a real opportunity here, which might allow ministers to respond collectively and in a more appropriate way than might have been the case in the past.

Lord James Douglas-Hamilton: When I was minister with responsibility for education, I was always told not only that Gaelic had an economic value, but that its encouragement was of great benefit to the Gaelic community. Encouragement increased the self-confidence of people whose first language was Gaelic, for example when they applied for jobs. If Gaelic was encouraged, people who had the language were much more able to get the jobs that were suited to their aptitudes, abilities and inclinations. The overall benefit of that to the Gaelic community is worth recognising.

The Convener: That is a good point, although we did not hear a lot of evidence on that area. I have slight concerns that we have not fully reflected the possibilities of that bit of the bill, but I do not think that we have an awfully strong evidence base on which to say much more. However, I take the point on board.

Fiona Hyslop: I thought that Ken Macintosh's wording was good. Was he not trying to—

The Convener: What wording?

Mr Macintosh: I suggested asking the Scottish Executive to clarify its role and Bòrd na Gàidhlig's role in Gaelic broadcasting.

The Convener: We are mixing up two issues. Rightly or wrongly, I noted that we wanted to take on board Ken Macintosh's and Frank McAveety's comments—I reflect the lack of dissentients and of boos during that discussion. James Douglas-Hamilton's comment deals with a separate issue that falls under the heading "Economic value of Gaelic". The point about self-confidence was also valid and the committee agreed with it.

Do members have anything more to say about broadcasting?

Members indicated disagreement.

12:00

The Convener: We will revise the phrasing reasonably substantially to cover what members have said. Mark Roberts will be burning the midnight oil after the committee's efforts today.

I am not altogether satisfied with the section on the economic value of Gaelic, but we did not have much evidence on which to go further. Is that subject dealt with adequately?

Members indicated agreement.

The Convener: The next heading is "Other Organisations". Pages 16 and 17 deal with UK bodies.

Alex Neil: The accuracy of some of what is on page 17 needs to be tightened. What is said is based on what Margo Macdonald—we should emphasise that that is the legal adviser and not the MSP—told us.

Mr McAveety: So the information is much more accurate.

Fiona Hyslop: The adviser's name is Margaret, not Margo.

Alex Neil: We need to be sure that the report is accurate. I will point out two or three places in which more accuracy is needed. Paragraph 79 says:

"The Bill as introduced refers to public authorities with mixed reserved and devolved functions (for example, local authorities) or public authorities with no reserved functions and the Scottish Parliamentary Corporate Body."

A similar comment will apply to item ii in paragraph 80. I understood the legal advice to be that the key point about reserved bodies that have a mixture of reserved and devolved functions is that the bill can apply to the devolved functions of cross-border agencies and reserved bodies. We can tell any body that has a devolved responsibility, "You must do this." The wording does not reflect that and we need to tighten it.

The Convener: I thought that that was mentioned somewhere, but I cannot see it.

Alex Neil: You may remember that five categories of body were described. The bill clearly applies to the wholly devolved body with purely devolved functions. It also applies to the devolved functions but not to the reserved functions of cross-border bodies with reserved and devolved functions and of reserved bodies with a mixture of reserved and devolved functions. The Food Standards Agency Scotland is in a category of its own. That can be dealt with fine, because it just requires an amendment to the bill, according to the legal advice.

If we wanted to extend the bill's scope to cover reserved functions that were undertaken in

Scotland, an order in council would be required under section 5 of the Scotland Act 1998 for a reserved body and under section 89 of that act for a cross-border body. We need to tighten the accuracy and explain the situation a wee bit better on page 17.

The Convener: The missing core relates to bodies with reserved and devolved functions. It is probably right to say that we can do things with devolved functions, but not with the rest. Is that all right?

Alex Neil: It is fair to say, as the bottom of page 17 does, that we can cover the reserved functions of cross-border agencies or reserved bodies in Scotland if we obtain an order in council.

That brings us to the next point, which James Douglas-Hamilton made. The bòrd should try to work in co-operation in relation to reserved functions. An order in council would be necessary only when such co-operation was not forthcoming. The wording on page 18 needs to be changed.

The Convener: I, too, have noted that. I will make a suggestion about paragraphs 83 and 84. Paragraph 83 states:

"The Committee encourages Bòrd na Gàidhlig, under the functions in section 1(2) of the Bill, to work with those UK public bodies that deliver key public services in Scotland in a cooperative manner to find ways to improve their Gaelic provision".

That is fine, but we should go on to say, "and believes that legal sanctions—which have never had to be used in Wales—would always be a last resort." Would that cover the point?

Alex Neil: I think that there should be another sentence in there. We should say, "This is based on the assumption that there would be co-operation from the relevant reserved bodies." We have to get two-way co-operation. I am sure that the bòrd will co-operate with cross-border agencies and reserved bodies. The issue is whether all the reserved bodies and cross-border agencies will co-operate with the bòrd. Although we cannot build it into the bill, we should express in our report a hope that the bodies will co-operate with the bòrd.

Fiona Hyslop: The way the paragraph reads just now suggests that the order in council would always be used as a last resort as a legal sanction. The Westminster Government and the reserved organisations might in a spirit of co-operation want to find ways to improve their Gaelic provision as a positive step forward. We should not say anything that implies that the order in council will always be used as a legal sanction. Westminster and reserved bodies might agree to do something as a matter of course, as housekeeping. The emphasis of the report should be that seeking an order in council is a legal

mechanism and is not necessarily always a legal sanction.

The Convener: The phraseology that I suggested covers that, because it knocks out the reference to the order in council. I wanted to add another recommendation using the phraseology, "The committee also believes that it is anomalous that the bill, unlike its Welsh equivalent, does not apply to all public bodies operating in Scotland, both reserved and devolved. It urges the Scottish Executive to seek a formal undertaking from Westminster that bodies under its control will co-operate with the spirit of the bill." That does not get us into orders in council, which might be necessary later, but it develops the partnership aspect and gives a bit of a push to some of the people who we have heard have not done what they should have done. Would that be okay?

Alex Neil: That is fine, but we are not talking only about bodies under the sole control of the UK Government but about bodies under shared control of the UK Government and the devolved Administration. We need to ensure that we cover both.

The Convener: My phraseology covers that as it refers to "all bodies operating in Scotland, both reserved and devolved", which is a general phrase. Are members happy with that? I appreciate that we are touching on the edges of the constitutional settlement, but it is important. I was struck by the oddity that the Welsh Language Bill, which the UK Parliament passed, applied to UK bodies, whereas the Gaelic Language (Scotland) Bill did not, because of the division between the Scottish Parliament and UK Parliament in that context.

Alex Neil: We could add in a sentence saying that this is the arrangement pending independence.

The Convener: I thought that I had hit the fulcrum of the committee's thoughts on that.

Mr McAveety: I note with interest that Alex Neil did not include a date.

The Convener: It is an aspiration.

Mr McAveety: Or an obsession.

The Convener: We move further down page 18 to private and voluntary sector organisations and courts. Is that bit all right? I think that it probably is.

Paragraph 88 refers to the right to use Gaelic in a court. I wonder how members feel about adding the phrase, "It is in fact an essential component of the administration of justice that people should feel comfortable in the language used." That might not be quite right, but we could have something along those lines. It is about someone who is a Gaelic speaker, or a speaker of any other language,

understanding the nuances of what they are trying to say more readily in their own language than in another language.

Fiona Hyslop: We got evidence of that from Sabhal Mòr Ostaig.

The Convener: Yes. For what it is worth, we also got it from the body that dealt with English as an additional language when we discussed the Education (Additional Support for Learning) (Scotland) Bill.

Alex Neil: On your previous amendment to the paragraph on cross-border bodies, I take it that we are leaving paragraph 84 as it is.

The Convener: Yes. We will check that it runs together all right.

Mr Macintosh: I did not understand paragraph 84 until Alex Neil repeated the explanation that was given to the committee last week. Currently, the paragraph stands out, because the reader wonders why the bill should encompass the Food Standards Agency Scotland. It is perhaps worth while explaining that the agency is a unique body.

Alex Neil: In law, the Food Standards Agency Scotland is a Government department rather than an agency or quango. Apparently, it is the only body of its kind that has that status.

Mr Macintosh: We might want to prefix paragraph 84 with something like "Recognising its unique standing under the constitution".

The Convener: The issue that arises, perhaps, is whether the Food Standards Agency is a mule that cannot breed and produce other bodies of the same kind.

Let us move on to page 19.

Mr Macintosh: I was unsure about paragraph 90. I thought that the statement that the Minister for Education and Young People made to the committee was stronger than the evidence from the Welsh Language Board. This is not an important point, but it seems a bit strange to quote the Welsh Language Board, which has just lost its independent status and been taken back into the Welsh Assembly Government. The board's evidence is not particularly impressive, given that Wales seems to have changed its mind on the issue. The minister, on the other hand, made a strong statement to the effect that he wanted to set up Bòrd na Gàidhlig because not all future ministers might be as sympathetic to Gaelic as he is. The minister's statement was very clear.

Alex Neil: I thought that we had agreed that the section on Bòrd na Gàidhlig should not start with the example of the Welsh Language Board for the very reasons that Ken Macintosh has outlined.

Mr Macintosh: The Welsh Language Board does not provide a very strong example.

The Convener: The language in the paragraph has been turned round since last week. Ken Macintosh's point is absolutely valid, but the Welsh Language Board's evidence uses some good phraseology, which is in some ways better than the minister's.

Mr McAveety: Perhaps we could incorporate both elements. We could say that we welcome Peter Peacock's comments about the need to provide an assurance that a government body will articulate the needs of the Gaelic community. We need some phraseology for that—I am afraid that none comes to mind—to strengthen the paragraph. However, I agree that there is a dichotomy between paragraph 90 as it stands and the decision, which was understandable in the Welsh context, to bring the Welsh Language Board under the control of the Welsh Executive.

Lord James Douglas-Hamilton: When we met the chief executive of the Welsh Language Board, we got the impression—although he did not say this to us—that the decision to bring the board in house was contentious.

Mr Macintosh: But the decision was still taken. Assuming that people do not act irrationally, we must assume that there was some evidence for that decision.

The Convener: In this context, I think that it is valid to refer to the experience of the Welsh Language Board, at least in its developmental phase. We need some phraseology around that, but it should go further down the page, after the comment from the minister.

Fiona Hyslop: We should refer to the historical context. The Welsh Language Board was set up some time ago. To a great extent, we are playing catch-up, in that we are only now establishing a language board. I think that we should mention the Welsh Language Board at the start of this section on Bòrd na Gàidhlig.

The Convener: Currently, the draft report does not present the issue fully, but the argument is that the Welsh Language Board is being mainstreamed now that it has developed the language base to a certain stage. Having been in existence for a number of years, the board has got the language up to the desired level. On any view, that is not the position of Gaelic.

Alex Neil: On a presentational point, I suggest that we need headings for the different subsections of this section of the report. If we had a heading about the bòrd's independence from the Executive and another heading about the bòrd's structure and membership, the reader would find it easier to identify the issues.

The Convener: That would be helpful.

If members have no more points on page 19, let us turn to page 20.

Lord James Douglas-Hamilton: Paragraph 101 states:

“Although the Committee accepts it would be desirable for members of Bòrd na Gàidhlig to have some knowledge of Gaelic, it does not believe that this should be prescribed in statute”.

I sought to make the slightly different point last week that some members of the bòrd should have specialist expertise in Gaelic and Gaelic-medium education. We need not specify numbers, but the appointments to the bòrd would be subject to criticism if no members of the bòrd had specialist expertise in Gaelic or Gaelic-medium education.

Fiona Hyslop: I think that we already make that point at the end of paragraph 101, which refers to the need for “particular educational expertise.”

The Convener: However, particular educational expertise is currently given just as an example rather than as a requirement.

Mr Macintosh: Lord James’s point is that there is a difference between saying that all members should have some knowledge and saying that some members should have expertise.

The Convener: There are various ways of reflecting that. Some people said that every member of the bòrd should be a fluent Gaelic speaker—or words to that effect. We rejected that position because it might exclude people with expertise whom we would want to include. Most members of the bòrd will be fluent Gaelic speakers, but that does not mean that there cannot be one member who is not fluent but brings other skills. In addition, someone on the bòrd should specifically have expertise in education. I think that that was Lord James’s point.

12:15

Lord James Douglas-Hamilton: No, that point is covered by paragraph 99. I am quite happy with paragraph 99, which says that the bòrd should have

“educational expertise among its members.”

However, I am talking about specialist expertise in Gaelic and Gaelic-medium education. If there is no one on the bòrd who has such expertise, I think that the Gaels will feel that they have been let down.

The Convener: You are suggesting that there should be someone on the bòrd with experience of Gaelic-medium education.

Fiona Hyslop: We can change paragraph 99 to recommend that the bòrd should include members

who have effective expertise in Gaelic-medium education.

The Convener: That is probably a better way of putting it.

Dr Murray: We could include in paragraph 99 the need for specialist expertise in the language. Paragraph 101 comes at the matter from the wrong direction. There is obviously a need for some members of the bòrd to be fluent Gaelic speakers, as Lord James says, but we want to make the point in paragraph 101 that we would also welcome people with other areas of expertise.

Mr Macintosh: I suggest that we add “including Gaelic-medium education” at the end of paragraph 99.

The Convener: Paragraph 101 seems to be all right per se; the question is what is missing from paragraph 99.

Alex Neil: Rather than have paragraphs 98, 99 and 100, would it be better to have one paragraph that calls on the minister to ensure that when the bòrd is appointed its membership reflects a mixture of expertise and experience, including for example experience in education and in speaking Gaelic? We should also build in expertise in minority languages outwith Scotland and the UK, so that there can be an international perspective. I think that one of the witnesses from Bòrd na Gàidhlig was Canadian and had a background in minority languages. We talked about the European charter for minority languages. I am not suggesting that this should be a statutory requirement, but it might be useful for the bòrd to include someone who has experience of minority languages in other parts of Europe.

The Convener: I agree. The phrase would be “educational expertise such as”—

Alex Neil: Such as education and the other areas of expertise that we mentioned, but we should make it clear that the list is not exhaustive.

The Convener: The words “such as” would indicate that what followed was an illustration. Shall we make that amendment?

Mr Macintosh: I thought that we had already got quite close to what we wanted. Nothing is lacking in the wording that we have. We are not stipulating that the bòrd must include someone who has experience of minority languages. That would be desirable, but it is not necessary. However, we are strongly recommending that someone on the bòrd should be an expert in Gaelic and that someone on the bòrd should be an expert in education, including Gaelic-medium education. Those are two strong commitments. We are also rejecting the proposal that every member of the bòrd must speak Gaelic. We must make all three points but we must certainly make

the last point, which rejects a specific recommendation that was made to us.

The Convener: We should have another go at the wording, because there is a lack of coherence in how the points are coming through. Ken Macintosh's suggestion would make the points in a more focused way.

Martin Verity: We can revise paragraphs 98 to 101.

The Convener: Yes.

Alex Neil: We know what we are trying to achieve; the question is how we present it.

Lord James Douglas-Hamilton: I venture to suggest that the clerks have the expertise to do that.

The Convener: We move on to page 21.

Lord James Douglas-Hamilton: In paragraph 105 we say that there is a case for

"developing language plans for areas where Gaelic is less widely spoken but where there is a potential for use".

Could such areas be identified by an in-depth survey? I am not sure whether such a survey has been carried out.

Fiona Hyslop: That is the nub of the matter. As we said, if everything is limited by the current demand, we will not tap into the potential demand and we will simply make provision to meet existing demand rather than to develop for the future.

The Convener: I think that the phraseology is all right, to be honest. I take the point about research. We had some evidence about research and watching the census figures, but I do not think that it is central to the point.

Ms Alexander: The bold section in paragraph 105 ends with the words "potential for use". Might it help if we substitute that with the phrase "potential demand"? That would leave research separate.

Fiona Hyslop: I disagree with that. The whole point is that we want to move away from the concept of demand, which refers to the current demand, to use, which could mean future use.

Mr McAveety: What about "future demand", then?

Dr Murray: We are trying to say that the early tranches of Gaelic plans should cover not only those areas where there is a high level of Gaelic speech already, but some of the areas that had a Gaelic tradition in the past but which have very little in the way of Gaelic at the moment.

The Convener: That is why I suggested Perth and Kinross. It is in the middle of Scotland and it has a lot of Gaelic place names. I think—I do not

know, because I do not have detailed local knowledge—that there is probably a demand and a potential there.

Ms Alexander: We could use "demand and potential".

Fiona Hyslop: Yes.

The Convener: We move on to page 22 of the draft report. Under paragraph 114, there might be an issue about whether an outline of the parameters of the guidance to Bòrd na Gàidhlig would be in the bill. I am not sure whether that is of major significance. The issue is how far we should go in the bill in specifying what the outline of the parameters of the guidance should be. Would we appreciate clarification from the minister on the extent to which the parameters would be in the bill and the extent to which they would be in subordinate legislation?

Members indicated agreement.

Alex Neil: In paragraph 110, we refer to the review of the Gaelic language plans every five years. Should we not be a bit more specific in paragraph 111 and recommend that the Executive review the national plan every five years? In a sense, the bòrd will be reviewed every three years as part of the comprehensive spending review and will no doubt also be subject to quinquennial review, so to review the national plan any more often than every five years is, to be frank, unproductive. Perhaps we should make the two recommendations consistent.

The Convener: I am advised that, in fact, the recommendations are consistent, because the Scottish Executive's performance review of the bòrd is five-yearly anyway.

Alex Neil: Should we build that in, then? Some organisations in Scotland are getting reviewed to death.

The Convener: The draft report says that the plan should be reviewed "at regular intervals"; do we want to say "five-yearly intervals" specifically?

Mr Macintosh: We did not hear much about the time of review.

The Convener: I do not think that we want to say it. How about adding "five-yearly" between "possibly" and "at the same time as"?

Members indicated agreement.

The Convener: That gives an element of clarity.

We move on to page 23. In paragraph 118, we have not quite taken on board the point about funding. It is about the funding not just of the plans but of the development of Gaelic. I know that we have said that it will be mainstreamed over time and there will be no extra costs in the long term,

but in the short term, there clearly will be. At the end of paragraph 118, we could say something like, "The committee believes that it will be necessary to invest continued and probably increased funding in Gaelic language development in future." That is an implication of the bill that we have not entirely written into the report.

Mr Macintosh: I have a separate point. The end of paragraph 116 talks about

"language plans as, it will be seen as, as in Wales",

That needs to be corrected.

I was not overly impressed by Glasgow City Council's evidence on costs, nor by its bid for financial support for Gaelic plans, which was in huge contrast to Highland Council's evidence that it does not need any money. I was more impressed by Highland Council than I was by Glasgow City Council, which was making up figures—it said that if it had a consultation, that might cost £50,000.

It would be totally unfair to give none of the money for Gaelic to the councils that have introduced a policy and which are doing a lot for Gaelic, while giving a lot of money to the councils that are not doing anything for Gaelic. I am not saying that Glasgow City Council is not doing an awful lot for Gaelic—it has a Gaelic-medium education secondary school and tremendous commitment. However, the idea that we should give more money to those councils that have yet to show any commitment is slightly unfair. Councils that have shown a commitment to Gaelic should not be penalised for making those difficult financial choices early on, but the report seems to imply something else.

The Convener: The councils that have developed Gaelic policies have taken advantage of the Gaelic-specific grant. Therefore, funding has already gone into the development of Gaelic.

Mr Macintosh: Possibly, but we did not take a huge amount of evidence on that issue. Our report should state that the funding ought to be balanced fairly. At present, the report seems to endorse the view that the councils that have a long way to go in developing a Gaelic policy should receive more funding from the Executive than the councils that already do a lot for Gaelic.

The Convener: I do not read the report as saying that, but other members may have different views.

Fiona Hyslop: From what I remember from last week's meeting, the point that we wanted to capture was that we received different evidence from different local authorities. We wanted to compare and contrast, but particularly to emphasise Highland Council's view—which was basically that upfront funding is needed—rather

than say anything about who should get how much. Ken Macintosh is right that, in public policy, bad performance is too often rewarded with more money than good performance is. However, we do not want to discuss that issue in the report. We can compare and contrast the evidence that we took on the issue, but we should reflect that Highland Council stated that the scare stories of some organisations about the bill's cost implications might not be true.

The Convener: Paragraph 118 states:

"The implication of this is that for some public authorities there could be a need for upfront funding".

If we knocked out the words "for some public authorities", that would make it a bit more general. However, it seems to me that Ken Macintosh and Fiona Hyslop are reading a bit too much into the paragraph.

Mr Macintosh: I do not want to pick on Glasgow City Council, which was the first council to develop a Gaelic-medium education secondary school and has done a huge amount for Gaelic, which required financial commitment. However, we should make it clear that we want a fair allocation of funds to local authorities. We should say, "The implication is that for public authorities there could be a need for upfront funding, but this should be distributed fairly." I am not sure whether we need to discuss the point about rewarding.

Fiona Hyslop: That is right, but it would be wrong of us not to reflect in the report the different evidence on the costs that we received from local authorities. We do not have to pass judgment on that, but it would be wrong not to reflect the differences.

The Convener: In the paragraph in which we quote from Glasgow City Council's evidence, we state that the costs could vary.

Fiona Hyslop: Could we not quote Highland Council as well?

Ms Alexander: Ken Macintosh offered a solution, which was to state, "The implication of this is that there could be a need for upfront funding before the normal costs of Gaelic provision can be mainstreamed into normal operations. The distribution of additional available funds must be done on a fair basis." That captures both of the distinct points.

The Convener: We should bear it in mind that none of that is recommendation. The point in paragraph 119 about saving costs by using a template in different authorities is relevant.

That brings us to the end of the report. I do not think that we need to go back to the recommendations because we have dealt with them. Are there any other comments?

Mr McAveety: Well done.

The Convener: I report that, unsurprisingly, the Scottish Parliamentary Corporate Body has approved the translation of our report into Gaelic. Oddly enough, the report on the matter to the corporate body said that the alternative option was not to translate the report into Gaelic, which seemed a bit bureaucratic.

Our report will be published next Wednesday, which is 26 January, after which we will proceed to stage 2. I thank members for that session, which was lengthy but useful and which has led to a reasonable report.

Meeting closed at 12:30.

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