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Education, Children and Young People Committee

Scots Leids Bill – Report at Stage 1



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Education, Children and Young People Committee

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



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Memmership chynghes

1. The follaein chynghes tae the memmership o the Committee taen place durin its Stage 1 scrutiny o the Bill—

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

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

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

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

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

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

Innnin

2. The Scottish Leids Bill wis introducit by Jenny Gilruth MSP, Cabinet Secretary fur Education and Skills, on 29 November 2023. In May 2024, Kate Forbes MSP wis appyntit Deputy First Minister and Cabinet Secretary fur Economy and Gaelic. At thon pynt, the Deputy First Minister becam the Minister in chairge o the Bill.
3. The Policy Memorandum that gangs along wi the Bill states—
 - ” The policy ettle o this Bill is tae gie mair support tae Scotland’s hamelt leids, Gaelic and Scots ... The Bill will mak mair strang the uphauin and forderin o Gaelic and Scots by introducun a hantle o meisurs that will hae implications in a nummer o sectors in Scottish public life.”¹
4. The [SNP manifesto in 2021](#) makkit a when commitments in relation tae Gaelic and Scots. These includit—
 - uphauin mair provision o Gaelic Medium Education
 - hauin forrit wi the uphauin o e-Sgoil, Stòrlann and Sabhal Mòr Ostaig
 - explorin the makkin o “a mensefou Gàidhealtachd fur tae heeze levels o leid competence and the provision o mair services through the medium o Gaelic and braiden opportunities tae yaise Gaelic in ilka-day situations and formal settins”
 - reviewin the functions and structures o Bòrd na Gàidhlig
 - bringin forrit a new Scottish Leids Bill coverin baith Scots and Gaelic.
5. The Scottish Government unnertaen [a consultation on Gaelic, Scots and a Scottish Leids Bill in 2022](#). The consultation wis draftit gey braid and didnae contain specific legislative proposals. An [outside analysis o the consultation has been furthset](#). The current Bill wis pit thegither follaein thon consultation.
6. In its Programme fur Government 2023-24, the Scottish Government annooncit that it wad introduce the Scottish Leids Bill tae Pairlament—
 - ” gien Gaelic and Scots legal staunin, makkin mair strang the requirements fur provision o Gaelic Medium Education, introducun meisurs fur tae better bield Gaelic within communities and introducun provision fur tae mak mair strang the uphauin o Scots.
7. The Education, Children and Young People Committee (Education, Bairns and Young Fowk Committee) wis designatit as the heid committee fur Stage 1 o the Bill on 6 December 2023.
8. The Committee pit oot twa [caws fur views](#) – a short survey as weel as a mair muckle caw fur views - on the provisions o the Bill on 22 January 2024. These ran up tae 8 March 2024. Respondents could choose tae repone tae either caw fur views in English, Gaelic or Scots. There wis a BSL option fur the mair muckle caw fur views forby.

9. The Committee received 228 responses to the short surveys and 132 responses to its main consultation questions. An overview of the responses is further set out on [1 May 2024](#). The responses to the main consultation questions are [further set out below](#).

The Committee has taken oral evidence from individuals and organisations including—

- Professor Wilson McLeod
 - Professor Robert McColl Millar, on behalf of Scots Language Dictionaries (Dictionaries of the Scots Language)
 - Scots Language Centre (Centre for the Scots Language)
 - Professor Conchúr Ó Giollagáin
 - Association of Directors of Education Scotland (ADES)
 - HM Inspectors of Education Scotland
 - Education Scotland
 - Comann Luchd-Teagaisg Àrd Sgoiltean (CLAS)
 - Scottish Council of Deans of Education (SCDE)
 - Sabhal Mòr Ostaig
 - UHI North, West and Hebrides
 - Open University
 - Comhairle nan Eilean Siar
 - Orkney Islands Council
 - Highland and Islands Enterprise and
 - Bòrd na Gàidhlig.
10. The Committee has taken evidence from Kate Forbes MSP, Deputy First Minister and Cabinet Secretary for Economy and Gaelic, along with supporting officials. The Scottish Government Bill team gave oral evidence at an earlier session before.
11. The Committee is very grateful to anybody that gave evidence.
12. The Committee makes note, however, that it would have been helpful to have taken evidence from the public bodies that will have duties put on them by the Bill. It had hoped to get a better idea of how local authorities and other public bodies across the country will balance out their relative priorities and spend in response to this Bill. The Committee was very disappointed that the Society of Local Authority Chief Executives and Senior Managers (SOLACE) Scotland did not take up its invitation to give evidence, given its overview of the situation of local authorities across the country.

Ettles o the Bill

13. In the Policy Memorandum, the Scottish Government sets oot that the Bill will mak mair strang the uphaudin and forderin o Gaelic and Scots by introducun a hantle o meisurs that will hae implications in a nummer o sectors in Scottish public life. ¹
14. The [Business and Regulatory Impact Assessment that gangs along wi the Bill](#) says that the Bill is intendit tae “mak siccar that there is a structure in place athort the Scottish Government and braider public sector tae meet the needs o Gaelic and Scots communities and mak siccar the future o the leids in a modren, growin and diverse Scotland.”
15. Whan gien evidence tae the Committee, the Deputy First Minister set oot her goals fur Gaelic and Scots in the medium and lang term. Anent Gaelic, the Deputy First Minister statit—
 - ” Ultimately, ma aim is that we see a mensefou increase in the nummer o speakers, whae will hae a depth o skills in the leid. Haein skills in Gaelic micht be kennin hoo tae say “Madainn mhath,” or it micht be the leid bein somewan's hert leid. Ma aim is tae hae a muckle increase year on year, and tae stap depopulation o, and the faw in Gaelic speakers in, mair traditional communities. ²
16. Anent Scots, she seyed—
 - ” Individual bodies, sic as the Centre for the Scots Leid and Dictionars o the Scots Leid hae unnertaen braw wark on behauf o the leid. Through thon, they hae heezed the presence o Scots in education, culture and braidcastin. The bill bigs on thon wark tae forder its representation in public life and mak it mair visible. ²
17. Wi nae mony exceptions, the fowk whae gied evidence tae the Committee support the aims o the Bill and the desire o mony fur Gaelic and Scots tae be uphaudit and makkit mair strang.
18. In their scrievit repone tae the caw fur views, UHI North, West and Hebrides statit that the Bill's aims were laudable. Hooivver, they unnerlined—
 - ” ‘Forderin’ a minority leid and ‘makkin mair strang’ a minority leid are twa sindry things. Kennin about a leid disnae equate tae leid ability or leid yaise, and the latter twa are whit 's needit fur tae mak Gaelic and Scots mair strang within Scotland. ³
19. While a when organisations, sic as An Comunn Gàidhealach, didnae necessar think that a new Bill wis needit, they unnerlined that “it is important tae mak siccar that public bodies hae a remit in statute tae be pro-active and accoontable in makkin siccar Gaelic and Scots are gied ilka opportunity tae develop and dae weel.”
20. An Comunn Gàidhealach thocht, hooivver, that “tairgetit, realistic fundin wi strang governance micht achieve the same ettles.” ⁴

21. Pynts about the importance o community development and creatin opportunities ootwi educational environments tae speak Gaelic wis aften makkit in evidence. The braider issues o hoosin, transport, infrastructure and economic opportunities aften cam up forby, which were unnerlined as a threit tae the future o Gaelic, abuin aw in vernacular communities, which, gin no taen tent o, the Bill willnae achieve its ettles.
22. In their scrievit submission, Comhairle nan Eilean Siar statit—
 - ” Important as it is, education on its ain willnae mak siccar the future o Gàidhlig as a livin, developin, braidly yaised leid. Syne, the heidmaist emphasis o the Bill maun be directit taewart revivin Gàidhlig in community settins. ⁵
23. Whan ghen evidence tae the Committee, the Bill team indicatit that infrastructural issues that are o social and economic importance, sic as hoosin and tourism, wad be pairt o the Gaelic leid straitegy, staurarts and areas o muckle linguistic mense. ⁶
24. The Deputy First Minister taen tent o the importance o community wark in ghen fowk o aw ages opportunities tae yaise Gaelic, heezin their leid learnin and allooin thaim tae achieve mair fluency. She seyed that thon is whit the Bill is ettlin at. ²
25. The Deputy First Minister unnertaun forby tae "look mair braidly at ither policy airts and think about hoo [the Scottish Government] could yaise transport or hoosin tae forder the policy ettles" fur Gaelic. ²
26. Ealaseyed Dhòmhnallach, Ceannard o Bòrd na Gàidhlig, while gey supportive o the Bill's ettles, thocht that "the legislation willnae solve the trauchles that we face at the level o community development, which wad require a new and transparent investment model that can deliver the tairgets in the new national Gaelic leid plan." ⁷
27. No awbody that the Committee heard fae wis in support o the Bill. While supportive o the need tae uphaud and mak mair strang Gaelic communities, Professor Conchúr Ó Giollagáin statit that the Bill wouldnae introduce "onythin new that will help the vernacular community in the islands wi the linguistic crisis that they bide wit." ⁶
28. He gaed on tae say that the meisurs in the Bill will mak shair o "a framewark or a dispensation that is sufficient fur Gaelic as a schuil leid and fur its symbolic value tae Scottish identity, but that is naewhaur near sufficient tae help a vernacular community that is strauchlin tae survive." ⁶
29. Although ither witnesses, sic as Donald Macleod o Comhairle nan Eilean Siar, were aften sweirt tae yaise the word "crisis", there wis greement that it is urgent that Gaelic be revitalisit and uphaudit.
30. The Deputy First Minister taen tent o the urgency o the situation wi regaird tae Gaelic and the need tae tak action. She sees the Bill as pairt o the solution but statit that ither interventions ower and abuin thon will be necessar—

” Ah actually want tae solve the problem, and thon requires action. It requires legislation, forby, but it requires mair nor thon. Ah am thinkin about ivery intervention that we as politicians mak; we aw ken that legislation is important in unnerpinnin activity, but it disnae richt solve on its ain aw the economic and social problems that we strauchle wi. ²

31. The 2022 census speirt respondents whit their main leid wis. Respondents could opt fur English or 'scrive in' anither leid. 94.5% o thaim aged 3 and ower seyed that their main leid wis English, 0.3% o fowk reportit Scots as their main leid while 0.1% pit doon Gaelic. ^{8 i}
32. The 2022 census set oot forby that 2.5% o fowk aged 3 and ower reportit that they believe they hae 'some skills' in Gaelic. Thon has gaed up by 43,100, tae 130,161, compared tae the 2011 census. Ivery local authority area recordit an increase in the census, apairt fae Comhairle nan Eilean Siar whaur the nummer gaed doon fae 16,849 in 2011 tae 14,632 in 2022. The maist muckle increases were fund in Glesga City Council, City o Embra Council and Aiberdeenshire Council areas. ⁹
33. Thaim wi some skills includes fowk whae unnerstaun, speak, read, or scribe Gaelic, or hae a combination o they skills. Nae as mony fowk (43,807) were reportit as bein able tae speak, read and scribe Gaelic, hooivver, the census disnae meisure levels o fluency in ony o they leid skills. ⁹
34. Professor Ó Giollagáin statit that his research has indicatit that the vernacular community in Scotland is around 11,000 fowk. ^{6 ii}The hale population, at the 2022 census, wis 5,436,600. ¹⁰
35. Ower and ower again, the fact that Scots is in gey sindry situation compared tae Gaelic wis taen tent o. Although the framewark and infrastructure around Gaelic is mair advancit, there are mony mair fowk whae report bein able tae speak and unnerstaun variants o Scots.
36. In the 2022 census, 46.2% o fowk aged 3 and ower reportit that they had some skills in whit they definit as 'Scots'. This gaed up fae 37.7% in the 2011 census. ⁹

i Fae the 2001 censityaises, statistical modellin has been yaised athort the Unitit Kingdom tae produce hale population estimates fae census repones. Syne, census statistics represent the hale population raither nor jist thaim whae completit the questionnaire. Forby, the data fur leids is foondit on the 3 and ower population raither nor the hale population. The estimate fur thon population is syne lower nor the hale population, at 5,294,858.

ii The term 'vernacular community' wis yaised by a wheen respondents/witnesses, but nae definition wis set oot durin evidence. Hooivver, should Members aye wish tae add a bit context, we could eik on the follaein footnote here: In his book, *The Gaelic Crisis in the Vernacular Community*, Professor Ó Giollagáin and colleagues set oot contemporary data on the societal and spatial extent o Gaelic speakers and Gaelic speakin in a nummer o the lest ayebidin vernacular communities in Scotland - the Western Isles, in Staffin in the Isle o Skye and in the Isle o Tiree in Argyll and Bute.

37. Despite thon, the Committee heard that there has been a lack o yaise o Scots in mair formal settins. Dr Michael Dempster o the Centre for the Scots Leid descrievit the Bill as "deeply significant... Folk need tae unnerstaun that ye can come tae the Pairlament and speak in yer ain Scots—nae maitter whit dialect ye are speakin—and that ye can dae it at wark and in education." ⁶
38. While "no ower convinced by the approach" in the Bill, Professor Robert McColl Millar does support it as it represents, in his view, "a muckle step forrit" fur Scots. He addit that mair steps will be needit in future. ⁶
39. Oor Vyce agreed, descrievin the Bill as significant while unnerlinin that it is limitit in whit it can dae on its ain. They statit that while it wis "a gey walcome and important" step, there will be mair tae dae. ¹¹
40. In her evidence tae the Committee, the Deputy First Minister statit ower and ower that this Bill disnae provide awthin that is needit when it comes tae the Scottish Government's ettles; it is anely a pairt, awbeit a critical ane, o whit is needit. ²

41. The Committee taks tent o the support set oot in evidence fur the main ettles o the Bill.
42. The Committee maks note, hooivver, that stakehauders are lookin fur mair mensefou support, abuin aw in relation tae community development, nor the structures bein set up by the Bill will mak siccar o. The Committee agrees wi witnesses that, wioot thon support, the ettles o the Bill willnae be achievit.
43. The Committee believes that there are muckle issues that maun be dealt wi fur tae uphaud Gaelic, which is in a gey shooglie state. The Committee believes that mair needs tae be done, wi urgency, tae support speakers fur tae mak siccar that the leid thrives as a community leid.
44. The Committee taks tent o the issues pyntit tae in submissions, sic as hoosin, transport and the economy, forby the evidence fae the Scottish Government that siclike infrastructural issues will be pairt o the National Straitegy, staunarts and areas o muckle linguistic mense. The Committee taks tent forby o the commitment fae the Deputy First Minister tae consider they issues mair.
45. The Committee speirs at the Scottish Government fur mair information as tae hoo it will yaise the pooers within the Bill tae support communities wi they trauchles.

Official staunin fur Gaelic and Scots

46. Sections 1 and 26 o the Bill set oot that Gaelic and Scots hae official staunin in Scotland, within certain circumstances.
47. In gien Gaelic official staunin, the Scottish Government states that it will “mak mair strang the confidence o the speaker community and gie mair wecht tae future efforts on behauf o Gaelic.”¹
48. Whan gien evidence tae the Committee, the Deputy First Minister statit—
 - ” “We hae a moral duty tae tak tent o thaim [the leids] legally, but mair nor thon, we hae a moral duty tae uphaid, tak tent o and bield the speakers.”²
49. The evidence showed support fur Gaelic and Scots bein taen tent o as official leids.
50. Questions were speirt, hooivver, as tae whit 'official staunin' will mean in practice, fur instance in relation tae public administration, justice, or communications.
51. While walcomin 'official staunin', Scottish Arts and Humanities Alliance notit that the Bill disnae introduce specific leid richts fur either Gaelic or Scots.¹²
52. MG ALBA, Traditional Arts and Culture Scotland (TRACS), FC Sonas and Urras Thiriodh reponed wi regaird tae Gaelic. They unnerlined that the declaration o official staunin seems tae be gied legal effect anely in limitit functions, that is in the forderin, facilitation and uphaidin o Gaelic and laws anent Gaelic education.
53. Misneachd Alba addit—
 - ” The ‘official staunin’ gied in this section o the Bill is...essentially symbolic as it disnae gie ony mair bieldin or staunin fur the leid.¹³
54. A when respondents, includin National Trust fur Scotland, speirt fur mair clarity, wi Comunn na Gàidhlig statin—
 - ” It isnae clear tae us whit ‘official’ staunin means in practice; whit the particular differences wad be atween the current Bill and the 2005 Act; but maist importan o aw hoo it wad help forder the chynge needit in the face o the leid crisis.¹⁴
55. The Law Society o Scotland statit that "official staunin" isnae definit in the Bill and proponed that an explanatory provision gien clarity tae thon expression be eikit on tae baith they sections.
56. The Bill team threapit that sections 1 and 26 will heeze the staunin o the leids which is important in itsel. In relation tae Scots, they confirmit that "official staunin represents a first step in giein recognition, but wioot ony particular duties follaein fae thon statement."⁷
57. In the Policy Memorandum, the Scottish Government statit that the official nature o Scots has aften been taen tent o in non-legal documents and in ministerial

- statements but no in legislation. Scottish Ministers intend that official staunin fur Scots will help address the stigma and doonhaudin that Scots speakers aften refer tae.
58. Oor Vyce statit that official staunin fur Scots wad be a muckle step forrit fur the leid although they notit that section 26 could gang faurer and declare Scots tae be deservin o equal respect and staunin tae English.
59. Support fur official staunin wis echoed in the repones receivit fae the Centre for the Scots Leid, the Association fur Scottish Literature and Scots Hoose.
60. The Centre for the Scots Leid, hooivver, unnerlined the need fur spak and scribeit Scots tae be makkit specific mention o in the Bill, as opposed tae "the yaise o Scots", statin that this wad help tae mak siccar that scribeit representation disnae become the default consideration. They statit that includin "speakin and scribein" in the language o the Bill will "mak shair that the spak leid, the bedrock o ony livin leid, is makkit an explicit priority" ¹⁵
61. Dictionars o the Scots Leid speirt anent whit official staunin wad mean. Pyntin tae the experience in Norway, they statit that the concept 'official' involves muckle staunin plannin, which itsel requires a negotiation anent whit this means in relation tae the yaise o English and Gaelic. While lookin fur mair, they statit that even if the designation is jist symbolic fur noo, makkin Scots official is nanetheless "an act wirth daein in a kintra and a world whaur the English leid is hegemonic"
62. In its scribeit submission, the Law Society notit that section 26(4) defines "the Scots Leid" as the Scots leid as yaised in Scotland, and speirt "is thon definition clear eneuch tae tent o regional variations within Scotland?" ¹⁶
63. In their evidence the Association o Scots Leids, Hielands and Islands Enterprise, Time fur Inclusive Education (TIE) and the Doric Board walcomed official staunin fur Scots but unnerlined the diversity o the leid athort the kintra.
64. The Doric Board hielichtit the "linguistic richness and diversity o thon Scots tongue, a leid o byleids" and their belief that that "recognition o (and indeed uphaudin fur) this important nuance is critical tae the successfou forderin o Scots." ¹⁷
65. Education Scotland wis o the same view, proponin that "a mair fousome, mair detailed description o whit Scots is and whaur it is spak" be explorit". ¹⁸
66. James Wylie o Orkney Islands Cooncil statit that Orcadian isnae a Scots byleid but a freestaunin leid, comin fae a sindry tradition, as does Shetlandic. He speirt fur special recognition fur they leids in the Bill—
- ” Oor leid is foondit on strang links wi Faroese and Icelandic tradition, sae we wad be lookin tae see a clear acknowledgement o thon clear leid. Fae oor perspective, we want tae see mair detail that links specifically tae uphaudin oor specific leid, sae that it isnae jist lumpit thegither wi a braider concept. ⁶
67. The Deputy First Minister statit that takkin tent o the diversity and variation within Scottish leids is important." ² She assurit the Committee forby that the Scottish Government wad engage wi thaim whae pyntit oot thon issue.

68. The Bill team statit that mair detail could be gied in the straitegy and the staunarts that will follae fae the Bill. Thon could include "mair exemplification o the sindry things that belang unner the term Scots." ²

69. While kennin that the declaration o 'official staunin' in the Bill has limitit practical effect, the Committee maks note o evidence o the symbolic importance o Gaelic and Scots bein set oot as official leids within legislation.

70. The Committee taks tent o the evidence fae a wheen organisations that the ower-airchin term 'Scots' micht no be richt helpfou tae the achievement o the Bill's ettles. While notin that the Scottish Government micht gie mair clarity within the straitegy and staunarts tae follae, the Committee believes that gin the ettle o official staunin is tae gie recognition tae Scots in aw its forms, there maun be mair explicit reference tae they forms. The Committee syne recommends that the Bill sets thon oot mair clearly.

Gaelic leid

Role o Bòrd na Gàidhlig

71. Bòrd na Gàidhlig is a non-departmental public body fundit by the Scottish Government tae uphaud the forderin o Gaelic development. The Bill wad chyng the role o the Bòrd.
72. Section 2 o the Bill wad flit the responsibility tae pit thegither the national strategic document fur Gaelic and the duty tae pit thegither and furthset statutory guidance on Gaelic education fae Bòrd na Gàidhlig tae Scottish Ministers.
73. The Bill wad create mair duties fur Bòrd na Gàidhlig forby. These include:
- reportin on progress on the ettles o the National Strategy
 - reportin on the compliance wi ony staunarts set by Ministers and agreed by Pairlament
 - reportin on public bodies' fulfillin the braid duty tae “hae regard tae the desirability” o uphaudin Gaelic and Gaelic culture.
74. Bòrd na Gàidhlig wad hae duties tae advise or assist public bodies, or “ony person”, on maitters relatin tae the leid, Gaelic education, or Gaelic culture. Bòrd na Gàidhlig will haud ontae its pooers tae require public bodies tae pit thegither Gaelic plans.
75. Professor Wilson McLeod descrievit Bòrd na Gàidhlig as “awfie unnerpooered in whit they are able tae deliver, abuin aw wi regard tae action on the grund and community development wark in Gaelic, which is gey unnerfundit ... it cannae richt push public bodies tae demand strang leid plans and disnae really hae the pooer tae enforce thaim in a mensefou wey.”⁶
76. Organisations includin Ceòlas threapit that Bòrd na Gàidhlig should hae mair pooers as weel, fur tae mak siccar that the Bòrd can no jist advise but mairower “lead athort areas sic as the development o Gaelic leid, Gaelic education and Gaelic culture.”¹⁹
77. TRACS and Comhairle nan Eilean Siar taen tent o the tension atween Bòrd na Gàidhlig's responsibilities tae baith assist bodies tae pit thegither plans and syne monitor their enforcement forby, descrievin it as “no enviable ...unless the Government’s commitment tae addressin lack o compliance is makkit mair strang through the Bill.”⁵
78. An individual whae reponed tae the caw fur views statit—
- ” The Gaelic Leid Act o 2005 awready gies the Bòrd the pooers tae dae certain things but aften these pooers arenae yaised due tae lack o resources and a culture o no challengin a failure tae deliver.”²⁰
79. Comann Luchd-Teagaisg Àrd Sgoiltean (CLAS) threapit fur mair clarity within the

Bill anent the role and responsibilities o Bòrd na Gàidhlig wi regard tae the leadership and development o Gaelic Medium Education (GME) and Gaelic Learner Education (GLE) at a national level.²¹

80. Unner section 3 o the Bill, Bòrd na Gàidhlig will maun pit thegither a corporate plan. Historic Environment Scotland walcomed thon provision, statin that it will "gie focus and transparency tae Bòrd na Gàidhlig's wark, mak fur better accoontability and help tae gie mair clarity on hoo they will achieve their ettles."²²

Areas o muckle linguistic mense

81. Section 4 o the Bill gies local authorities the poer tae designate pairt or aw o their area as "areas o muckle linguistic mense". Thon designation is subject tae a consultation and approval by Ministers. The Policy Memorandum statit that thon approach wad mak siccar the uphaudin o Gaelic athort Scotland while includin "the possibility o proportionate uphaudin, dependent on the profile o the leid in sindry areas".¹

Criteria

82. The Bill propones that areas that meet ony o the follaein criteria could be designatit an area o muckle linguistic mense—
- at least 20% o the fowk o the area hae "Gaelic leid skills"
 - the area:
 - "is historically connectit wi the yaise o Gaelic"
 - has GME provision, or
 - has "mensefou ongauns relatin tae the Gaelic leid or Gaelic culture".
83. Scottish Government officials statit that areas o muckle linguistic mense are "a device that, forby contributin tae makkin mair strang areas whaur there are a guid hantle o speakers, is o benefit tae areas whaur Gaelic micht be growin in toons and cities."⁶
84. Whan gien evidence tae the Committee baith Professor Conchúr Ó Giollagáin and Professor Wilson McLeod speirt anent the criteria set oot in the Bill.
85. Professor Ó Giollagáin descrievit the fower designations in the follaein terms—
- ☞ ane o which [the designations] relates tae the Gaelic communities in the islands—the 20 per cent-and ower density areas. They areas are the communities that are in crisis, and they will noo hae tae compete wit three ither designations. Syne, raither nor identifyin the main trauchle, we hae creatit a diffuse skailin oot o responsibility.⁶
86. In their scrievit evidence, Comann nam Pàrant (Nàiseanta) unnerlined that "aw

areas deliverin GME are o linguistic significance." ²³

87. Urras Thiriodh statit that "the creation o AMLMs [areas o muckle linguistic mense] cannae be at the expense o urban Gaelic communities, as ilka ane uphauks the ither, and essentially cannae exist woot the ither." Hooivver, they were fasht about the prospect that, as draffit the noo, the provision fur areas o muckle linguistic mense wadnae be able tae "mak a mensefou impact in areas sic as Tiree, whaur the leid is a livin ane, but whase viability hings on a shooglie peg." ²⁴
88. There wis ither organisations that didnae think that designation should be optional fur the local authority. A when, includin Misneachd Alba, threapit that in areas whaur at least 20 per cent o the fowk had leid skills, designation as an area o muckle linguistic mense maun be makkit mandatory.

Whit will an area o muckle linguistic mense look like?

89. A hantle o fowk speirt anent whit an area o muckle linguistic mense wad look like, and whit it wad entail.
90. The National Trust fur Scotland unnerlined the consensus amang the repones tae the Scottish Government's consultation on Gaelic, Scots and a Scottish Leids Bill that: "fur a community tae thrive, cultural ongauns like uphaukin traditional/fowk music, upsteerin local Gaelic artists, and developin cultural centres and leid festivals should be fordert within a Gàidhealtachd." ²⁵
91. In their evidence, the Bill team set oot that the areas o muckle linguistic mense policy is the Scottish Government's repone tae explorin the creation o the Gàidhealtachd while takkin tent o the profile o Gaelic in Scotland, as it "could provide fur areas whaur there are muckler nummers and a muckler density o speakers, but it seemed tae gie somethin, forby, tae areas whaur Gaelic is growin and is bein spak." ⁶
92. Wi concerns that the legislative language in relation tae their creation is "a wee bit mirkie" ²⁶ organisations includin Wester Ross Biosphere, An Comunn Gaidhealach, Ceòlas, FC Sonas, Misneachd Alba and TRACS speirt fur mair clarification as tae whit areas o muckle linguistic mense wad actually mean fur Gaelic and its yaisers.
93. Glesga City Cooncil statit that, as a local authority wi a "wealth o Gaelic education, heritage and culture", ²⁷ they walcomed the proposal pit forrit tae designate areas o muckle linguistic mense. Hooivver, they seyed that they are also lookin fur mair detail as tae whit thon wad mean in practice.
94. Bòrd na Gàidhlig statit that the enablement o community-led development maun be a priority, and that a framewark maun be pit in place fur tae mak siccar that communities within an area o muckle linguistic mense can "tak ownership o their development and forder strategic priorities in a wey that warks best fur their area." ²⁸
95. Comunn na Gàidhlig statit that, as a minimum, provisions maun be eikit on tae specify that "within ony areas o muckle linguistic mense the presumption wad be

that aw public bodies wad act thegither, and in a focussed wey tae deliver concrete, mensefou and meisurable action tae forder and mak mair strang the position o Gaelic.”²⁹

96. There wis a wee bit tentieness anent the potential fur consequences that werenae mintit at wi thon provision. Fur exemple, the Scottish Qualifications Authority (SQA) expressit concerns that the designation o ‘areas o muckle linguistic mense’ micht reduce or tak awa access tae GME and GLE fur some learners in areas which arenae designatit as bein linguistically significant. They proponed that sic a development could impact upon the SQA as national providers o a hantle o Gaelic medium and Gaelic-leid qualifications.³⁰
97. The Policy Memorandum unnerlined local community initiatives that are in place in Staffin and South Uist the noo, whaur groups in local areas are warkin thegither wi the uphaudin o Bòrd na Gàidhlig tae set oot their leid plannin needs and straitegy fur their local areas.⁸
98. In their scrievit evidence, COSLA statit that, gien that siclike wark is awready takkin place, it isnae clear—
- whit wey there is gonnae be a flit fae community initiatives tae responsibility bein pit on local authorities and
 - whit the responsibilities pit upon local authorities will involve.³¹
99. Whan gien evidence on behauf o Comhairle nan Eilean Siar, Donald Macleod set oot that, in the case o the Western Isles, an area o muckle linguistic mense wad mean a Gaelic first approach, whaur the leid is expectit and becomes a staunart practice fur yaise in they communities.
100. Mr Macleod taen tent that a hantle o the meisurs pit forrit by the Bill could be deliverit wiout legislation, gien exemples o initiatives that Comhairle nan Eilean Siar is awready deliverin or uphaudin, tae provide opportunities fur fowk tae speak Gaelic in the community and tae heeze its yaise.⁷
101. Mr Macleod echoed the repones o mony whan settin oot that there wis limitit resource fur the local authority tae offer the level o support needit. Hooivver, he statit that, gin the Bill wis makkit mair strang in relation tae areas o muckle linguistic mense, includin "a mensefou framewark that will forder they improvements in a structurit and strategic wey, mairriet wi a strang plan and well-definit meisurs and accoontability, we could see a mair co-ordinatit approach tae stappin the dwynin awa and the forderin o growth in the yaise o the leid."⁷
102. Joanna Peteranna fae Hielands and Islands Enterprise agreed wi the importance o Gaelic bein yaised in the community, statin that the leid "needs tae thrive within communities, and thrivin communities require aw thon braider social and economic infrastructure."
103. She unnerlined the importance o the Bill taen tent o the braider community infrastructure and, in areas o muckle linguistic mense, makkin siccar that "hoosin, digital and transport connectivity and sae on are aw in place tae mak thaim brow places tae live and wark."⁷

104. Unner the proposals as they are the noo, the decision tae designate an area o muckle linguistic mense will be makkit by the local authority, hooivver, aw relevant public bodies within thon area wad maun hae regaird tae the straitegy, staunarts and guidance set oot by Scottish Ministers and nicht mak specific provisions in relation tae exercisin their duties within areas o muckle linguistic mense. Forby, ony public body wi a Gaelic leid plan wad also maun gie thocht tae whit ither steps wad be taen within ony area o muckle linguistic mense.
105. In her evidence tae the Committee, the Deputy First Minister statit that the areas o significance will alloo fur a mair jyned-up approach tae be taen tae the wark that is needit—
- ” At the end o the day, Gaelic thrives in a community, sae takkin tent that, in a gien area, a hantle o agencies and bodies will be responsible and accoontable tae the community is ane muckle chyng. ²
106. Donald Macleod, Joanna Peteranna and Bòrd na Gàidhlig agreed that there wad maun be an implementation plan, foondit on consultation wi the community as tae whit the priorities fur the area o muckle linguistic mense maun be. Joanna Peteranna statit that metrics maun be eikit on tae ony implementation plan. ⁷
107. Baith Comhairle nan Eilean Siar and Bòrd na Gàidhlig unnerlined that there maun be a sense that designation maks a difference.
108. Am Pàipear walcomed the ability tae designate areas o muckle linguistic mense, statin that it could add muckle value in growin the cultural and economic value o Gaelic and alloo braw practice centres tae be set up as future models. Their submission unnerlined wark unnerway in Uist the noo, whaur they seyed—
- ” there is clear, ilkaday evidence o hoo an 'area o muckle linguistic mense ' warks in practice - fae Cnoc Soilleir and Ceòlas, tae Taigh Chearsabagh and Am Pàipear. Whan projects are set up, they dae richt weel, makkin mair braid the yaise o Gaelic, growin the economy and in general, addin joy. ³²
109. Maist o the respondents unnerlined that they provisions wad hae tae gang thegither wi a clear straitegy fur fundin as, wioot mair resource, the pooer o designation wadnae be effective.
110. Fèisean nan Gàidheal makkit note that in Ireland mair resources are pit in place fur tae mak siccar better support fur the yaise o Irish in Gaeltacht airts. They set oot that ilka area has an officer, or officers, forby a budget tae uphaud development and ongauns and that, in a when cases, government jobs hae been relocatit tae they areas wi a requirement that staff are able tae gie services in Irish.
111. Fèisean nan Gàidheal contrastit the Irish model wi the approach taen in the Bill, which doesnae anticipate ony mair spend in relation tae the provision tae designate an area o muckle linguistic mense. They statit that wioot a financial incentive fur local authorities tae forder sic designations, it disnae seem likely that thon pooer will be yaised. ³³
112. While statin that Comhairle nan Eilean Siar wad strangly uphaud bein designatit as an area o muckle linguistic mense, and wad want tae find the resources fur it, Donald Macleod and Bòrd na Gàidhlig taen tent that, fur ither local authorities, it

could be fykie tae upsteer designation. ⁷

113. Historic Environment Scotland statit that, gien that the costs fur designatin and deliverin within an area o muckle linguistic mense will faw tae the local authority, "cases could arise whaur areas and Gaelic communities that meet the definition and requirements o areas o muckle linguistic mense dinnae get thon designation due tae a local authority's lack o uphaidin o Gaelic or because o braider fundin trauchles." ²²
114. Sabhal Mòr Ostaig threapit that community leid learnin, through a nationwide programme o Gaelic leid officers wi dedicatit fundin, maun be embeddit in the proponed areas o muckle linguistic mense in the Bill. They gaed on tae sey that there maun be ane or mair fou-time leid officer in ilka area o muckle linguistic mense. ³⁴
115. The Deputy First Minister seyed that, in an area o muckle linguistic mense—
- ” Ah howp that ye will lug in tae Gaelic bein spak ... because it is a livin, breathin leid fur they individuals. It is aye livin and breathin, because whan they gang intae a local shop, gang tae the kirk or whitivver, they dae whitivver they dae in Gaelic. They feel that they can live their lives halely through the medium that they choose tae live in. Thon is the difference that Ah hope ye will see. ²
116. She taen tent that muckle o whit is intendit fur the areas o muckle linguistic mense could be done awready, hooivver, she seyed that thon proponed meisur reflects that mair maun be done, acceleratit and gied faur mair muckle focus, threapin that the area o muckle linguistic mense process will alloo Scottish Ministers tae think through whaur they key Gaelic communities are and whit a network looks like. ²
117. The Deputy First Minister addit forby—
- ” Ah think that the community wark maun be o equal staunin, but tae dae community wark, ye maun tak tent o the community. There maun be a kenable community. ²

118. The Committee taks tent that a hantle o the ongauns that wad tak place in an area o muckle linguistic mense are awready in place. It isnae richt clear tae the Committee that legislation is in fact needit tae deliver an area o muckle linguistic mense in practice.

119. The Committee maks note that a wheen stakehauders arenae clear aboot whit an area o muckle linguistic mense means and whit it will look like.

120. The Committee taks tent o the evidence fae Comhairle nan Eilean Siar and ithers, includin the Deputy First Minister, settin oot whit an area o muckle linguistic mense wad look like in the Western Isles. As a result, the Committee unnerstauns the vision fur an area o muckle linguistic mense there.

121. It is aye unclear tae the Committee, hooivver, whit an area o muckle linguistic mense wad look and feel like within local authorities whaur there are proportionately no as mony Gaelic speakers, and hoo national and locally steidit

public bodies will wark thegither tae deliver ootcomes fur the leid and the duties that an area o muckle linguistic mense wad pit in place.

122. The Committee syne speirs the Scottish Government fur mair detail as tae hoo the Scottish Government envisions they meisurs will wark in practice and hoo local authorities and public bodies will wark thegither tae deliver opportunities fur Gaelic speakers and learners.
123. The Committee maks note that the Bill doesnae gie local authorities tools, mechanisms or fundin aince an area o muckle linguistic mense has been designatit.
124. Local authorities are dealin wi financial trauchles and a hale hantle o priorities the noo. The Committee syne speirs anent whit why a local authority wad wish tae designate an area o muckle linguistic mense gin thon wad create mair duties but woot mair fundin gangin alang wi it.

Designation process

125. While there wis braid support fur the idea o areas o muckle linguistic mense amang stakehauders, a when threapit fur a chyngae tae the designation process.
126. A when organisations, includin Fèisean nan Gàidheal, Comann nam Pàrant (Nàiseanta) and Historic Environment Scotland, seyed that Bòrd na Gàidhlig maun be involvit in the designation process.
127. Professor McLeod descrievit the proposal as it is the noo as "raither institutional" wi sic a hie-level role fur local authorities. He statit that thon had, tae some extent, "cam oot o naewhaur in relation tae the leid plannin framewark fur Gaelic, because local authorities havenae had a key role in strategic plannin fur Gaelic up tae noo." He gaed on tae sey that the proposal fails forby tae "create a mechanism fur community-driven ongauns or fur the fundin that wad mak thon possible." ⁶
128. Ithers includin Bòrd na Gàidhlig, CLAS and Hielands and Islands Enterprise statit that there maun be a richt fur a community tae speir fur a designation. Commentin on the proposals as draftit the noo, Bòrd na Gàidhlig statit—
 - ” the reality is that, wi the focus jist bein on the public body and the local authority, we hae, tae some extent, tint sicht o the needs o the actual community. ⁷
129. Joanna Peteranna o Hielands and Islands Enterprise set oot—
 - ” It is important that the communities thairsels get a vyce in the decision aboot whether they are or arenae an area o muckle linguistic mense. It shouldnae be purely doon tae an agency, sic as a local authority, tae mak thon decision on behauf o the community; it maun be foondit on guid community engagement. ⁷
130. Thon propone wis pit tae the Deputy First Minister at the Committee meetin on 22

May 2024. In her repone, the Deputy First Minister statit—

” Ah am sympathetic tae explorin thon, as it wad unnerline the gress-roots approach. There is somethin quite pooerfou about things comin fae within a community.²

131. Although Hieland Council walcomed the provisions on the designation o areas o muckle linguistic mense, they cawed fur mair detail, includin statutory guidance, anent the scope o the public consultation tae be cairried oot.³⁵
132. The Gaelic Committee o the Kirk o Scotland agreed that designation maun be left tae local authorities.³⁶
133. Comhairle nan Eilean Siar has awready indicatit that the hale o the Western Isles maun be designatit as an area o muckle linguistic mense. Glesga City Council indicatit that it, tae, wad be interestit in designatin at least pairt o the local authority as an area o muckle linguistic mense.
134. Hooivver, there is no as muckle clarity as tae hoo areas within local authorities wad be set oot. A when individuals along wi FC Sonas and Misneachd Alba proponed yaisin local authority wards as the smawer areas.

135. The Committee agrees wi stakehauders anent the importance o community engagement and uphauidin when designatin an area o muckle linguistic mense. Syne, a yaisefou amendment tae the Bill micht be a provision fur the local community tae be involvit in the decision tae designate its area as ane o muckle linguistic mense.
136. The Committee believes that it is important fur local communities tae hae a vyce in thon process. The Committee syne caws on the Scottish Government tae gie thoct tae hoo the Bill could be amendit tae provide fur community inpit, includin gien thoct tae meisurs tae alloo communities tae propone an area o muckle linguistic mense as weel as local authorities.

Provision fur Scots areas o muckle linguistic mense

137. There is nae provision in the Bill fur Scots areas o muckle linguistic mense. Hooivver, in their scrievit evidence Oor Vyce propones that thon approach could be yaised fur Scots. They seyed that Scots areas o muckle linguistic mense could set oot a framewark fur community engagement and delivery o fundin and services in areas sic as Aiberdeenshire, Shetland, East Ayrshire, and ithers. Oor Vyce unnerlined that mair research wad be needit fur tae establish hoo best tae geographically define areas.¹¹
138. James Wylie o Orkney Islands Council set oot that an area o muckle linguistic mense coverin the Orkney Islands wad mean that on arrival fowk wad tak tent o meisurs sic as annoouncements on the ferry forby signage and street names in Orcadian.

139. Mr Wylie addit that thon wark wis awready bein done athort the local authority sae, in a sense, the area o muckle linguistic mense awready exists. Hooivver, gien that siclike ongauns wis awready unnerwey, he speirt anent whether the Cooncil wad wish tae tak on the costs involvit in designatin itsel as an area o muckle linguistic mense, even gin there wis provision eikit on tae the Bill fur it tae dae sae. ⁷
140. In its submission, the National Trust fur Scotland statit that, in their view, jist as Gaelic could benefit fae cultural ongauns within a Gàidhealtachd, the Scots leid could benefit fae siclike uphauadin anaw. ²⁵
141. Whan speirt whit wey there arenae meisurs tae facilitate Scots areas o muckle linguistic mense, the Deputy First Minister wis no able tae gie an answer and seyed that she wad tak the issue awa fur consideration. ²
142. The Committee maks note o the Deputy First Minister's commitment tae gie thocht tae the owerlookin o areas o muckle linguistic mense provision fur Scots Leid areas and looks forrit tae receivin the results o her consideration.

National Straitegy

143. Unner section 5 o the Bill, the Scottish Government will pit thegither a National Gaelic Straitegy, takkin the place o the National Gaelic leid plan that had been pit thegither by Bòrd na Gàidhlig. The Financial Memorandum indicates that the first National Gaelic Straitegy will be pit oot around 2028, at the end o the period taen in by the National Plan in place the noo.
144. Aheid o pittin thegither the straitegy, Scottish Ministers maun furthset a draft straitegy and consult wi "sic persons as they consider appropriate".
145. Mony respondents tae the caw fur views, includin Historic Environment Scotland and Am Pàipear, walcomed gien Ministers responsibility fur the straitegy, as they considert that thon wad heeze the visibility o Gaelic and provide fur a mair jyned-up approach across Scottish Government. Am Pàipear unnerlined, hooivver, that "straitegies need hard warkin delivery plans gin real ootcomes are tae be deliverit." ³²
146. In their scrievit evidence, Misneachd Alba statit—
- ” The mair muckle role fur the Scottish Government in airtin leid policy raither nor Bòrd na Gàidhlig could risk accusations o centralisation, but should also heeze democratic accoontability, forby the range o expertise and resources within the civil service that can be mair easily drawn on in the development o policy. ¹³
147. Bòrd na Gàidhlig descrievit the flit as integral tae makkin siccar that Gaelic isnae siloed, as aften feels the case the noo, sae that key, relevant issues tae areas whaur Gaelic is spak, fur instance hoosin, can be taen accoont o. ⁷
148. City o Glesga Cooncil walcomed the potential fur Gaelic tae be taen tent o across

braider policy areas anaw but expressit concern that a straitegy fae Ministers could mak Gaelic development mair vulnerable tae political priorities.²⁷

149. A hantle o organisations includin UHI North, West and Hebrides and HM Inspectors unnerlined the need fur specialists in minority leid plannin and Gaelic education tae be involvit in the preparation o the straitegy. COSLA expressit concerns that expertise could be taen awa fae the process wi a straitegy pit thegither by Ministers, raither nor Bòrd na Gàidhlig.³¹
150. Unner the Bill as it is the noo Scottish Ministers will maun consult "sic persons as they consider appropriate"
151. A hantle o organisations, while walcomin the fact that the national plannin document fur Gaelic will noo be the responsibility o Scottish Ministers, proponed meisurs that wad, in their view, mak mair strang the consultation requirements fur the draft straitegy.
152. Organisations includin An Comunn Gàidhealach, Bòrd na Gàidhlig, MG ALBA, Ceòlas and Comann nam Pàrant (Nàiseanta) aw threapit fur a braider and mair transparent consultation process, tae involve consultation wi Bòrd na Gàidhlig, representative groups and communities.
153. Comann nam Pàrant (Nàiseanta) seyed—
- ” As set oot the noo there seems tae be muckle discretion gied tae Scottish Ministers in the pittin thegither o a Gaelic Leid Straitegy tae tak the place o the National Plan ... This is dootsome language that potentially alloos Ministers tae dischairge their duty unner the statute wiout recourse tae a clear and transparent process that involves consultation wi representative groups.²³
154. In their repone tae the caw fur views, the Law Society o Scotland unnerlined the mony instances in the Bill that will involve consultations, fur instance on straitegies, stauart and guidance. They notit that there is nae requirement the noo fur Scottish Ministers tae furthset the results o they consultations and proponed that thon be chyngit.¹⁶
155. Comhairle nan Eilean Siar and TRACS threapit that a National Gaelic Straitegy maun be implementit aheid o 2028, and shouldnae haud aff until the National Plan that is in place the noo has ran its course.
156. HM Inspectors notit that the Bill could be mair urgent in its efforts tae stap the dwynin awa o the leid and create a mair fast rate o uphaudin the leid. They citit the Scottish Government's decision tae haud aff until 2028 tae implement a straitegy as an exemple o thon.
157. In her evidence tae the Committee, the Deputy First Minister agreed that urgency is needit in the action tae uphaud Gaelic.
158. The Committee maks note o the uphaudin amang stakehauders in relation tae Scottish Ministers takkin ownership o the National Gaelic Straitegy.

159. The Committee believes that there will allow for more policy coherence across many policy areas including housing, transport and the economy.
160. The Committee makes notes of the concern among some stakeholders that the consultation needed on the draft strategy could be limited. The Committee believes that it is important that the strategy reflects the needs and priorities of communities. Since, the Committee expects the Scottish Government to set out what way it will make sure that key stakeholders and communities are consulted on the draft strategy.
161. The Committee makes note of the proposal by the Law Society of Scotland that the results of the various consultations carried out when putting together strategies, standards and guidance must be further set.
162. The Committee takes note of the calls from some stakeholders for Scottish Ministers to expedite the drafting of a National Gaelic Strategy, rather than holding off until the proposed date of 2028. Moreover, the Committee notes the urgency of the situation at the moment. Since, the Committee recommends that the Scottish Government gives thought to accelerating its work on the strategy.
163. The Committee takes note of the evidence highlighting the challenges that face Gaelic. The Committee is of the view that the National Plan in place at the moment is not adequate to deal with them and that the next national strategic document for Gaelic must be made more strategic. Regardless of whether, at the end of the Bill process, the national strategic document for Gaelic is the responsibility of Scottish Ministers, or instead of Bòrd na Gàidhlig, the Committee recommends that work to develop and make policy more strategic should not be held off and wait for the outcome of the Bill.

Mair muckle rax

164. Under the Gaelic Language (Scotland) Act 2005, Bòrd na Gàidhlig must require any relevant public authority to put together a Gaelic Language Plan. The public body must have regard to the National Gaelic Language Plan in putting together or reviewing their organisation's plan.
165. The number, namely the 57 public bodies that have a Gaelic Language Plan must have regard to the National Gaelic Language Plan in considering what way they exercise their functions – through the process of putting together or reviewing a Gaelic Language Plan.
166. Under the Bill, all relevant public authorities will have regard to the National Strategy in exercising their functions – whether they have a Gaelic Language Plan or not. The number of relevant public bodies that will have regard to the strategy, guidance etc. will be a guide when more than the number of public bodies that have Gaelic plans in place at the moment.
167. In their evidence, local authorities for areas that do not have a strategic, or any, connection to Gaelic, such as Orkney Islands Council, expressed concerns about the duties and financial commitments that the Bill could put on them to further the language and culture. In their response to the call for views, Dumfries and Galloway Council stated—

we wad be tentie about pittin new and mair expectations/requirements on local authority areas whaur there isnae evidenced need, and abuin aw whaur there micht be mair muckle budget/resource implications.³⁷

168. The Policy Memorandum set oot that issues includin provision fur settin up staun-alane Gaelic schuils or makkin mair straicht-forrit the process tae speir fur Gaelic medium education (GME) will be dealt wi in the Gaelic straitegy and staunarts raither nor within the Bill. In their scrievit evidence, COSLA statit that these are important issues and speirt anent whit wey, gin it is the Scottish Government's intention tae pursue thaim, they arenae bein includit within the Bill.³¹

169. The Committee kens that the nummer o public authorities that wad maun hae regaird tae the National Straitegy in exercisin their functions – whether they hae a Gaelic Leid Plan or no - wad gang up as a result o section 5 o the Bill.

170. Hooivver, it isnae clear tae the Committee hoo mony mair public bodies will be affectit or whit the associatit costs tae they public bodies micht be as a result. Syne, the Committee speirs the Scottish Government tae gie details o they public bodies that hae duties unner the arrangements the noo and o thaim that will hae duties pit upon thaim as a result o the straitegy and ither aspects o the Bill, forby a jaloused-at cost tae they public bodies.

171. The Committee maks note that the new straitegy micht contain muckle chynge sic as provision fur settin up staun-alane Gaelic schuils or makkin mair straicht-forrit the process tae speir fur GME. Gien the potential impact o siclike chynge on local authorities, includin on their resources, the Committee speirs the Scottish Government tae gie thocht tae settin oot they meisurs on the face o the Bill along wi the likely costs that local authorities wad tak on as a result.

Meisurin success

172. Fèisean nan Gàidheal statit that, fur a flit tae a straitegy tae be wirthwhile, there maun be mair ettlesome tairgets fur Gaelic, wi the necessar resources tae gang along wi thaim, fur tae mak siccar o the leid's future.³³ Professor Wilson McLeod cawed forby fur hie-level tairgets fur improvement, statin that systematic plannin could achieve siclike tairgets.⁶

173. In her evidence tae the Committee, the Deputy First Minister statit—

” Ah find masel in twa minds about tairgets. They can be fair trauchlesome, because they end up focusin muckle money and attention on particular areas that micht be successfou but dinnae reveal the braidth o the issue.²

174. Iain Macmillan fae Bòrd na Gàidhlig unnerlined—

” The straitegy maun mak clear hoo we meisur success, but the bill maun contain a requirement that the straitegy maun dae thon. We maun be explicit about thon in the primary legislation fur tae mak siccar that the secundar steps come back wi the answer. We maun be clear about whit it is that we are ettlin at achievin. Thon in itsel will determine the timescale in which we should be daein things. Ah aye think that there is speirins in thon regaird anent the settin o the straitegy and lookin at the ootcomes. Bein realistic, is there ony pynt in haein ... a straitegy fur five year gin we cannae meisur the ootcomes fur 10 year? ⁷

175. Gien that bespoke approaches will be needit in sindry airts, the Committee unnerstauns the need fur nuance in the settin o ettles within the straitegy.
176. Hooivver, the Committee believes that it is important tae set oot clear ettles and tairgets fur whit is tae be achievit. Syne, the Committee recommends that a statutory duty tae pit thegither and set oot short- and lang-term ootcomes is includit within the straitegy provisions, alang wi meisurs that will be unnertaen tae facilitate the achievement o they tairgets and ettles.

Staunarts, guidance and directions

177. Section 6 o the Bill gies Scottish Ministers a pooer tae mak regulations tae set oot staunarts and requirements anent forderin and facilitatin the yaise o the Gaelic leid which maun apply tae relevant public authorities in exercisin their functions. ³⁸
178. The Policy Memorandum states that—
- ” The intendit yaise o the staunarts pooers in the initial period o implementation o the Bill will be tae flit content and requirements that hae appearit in statutory guidance and Gaelic leid plans intae regulations. Thon will consolidate base line requirements that the Scottish Administration will maun comply wi and will mak siccar that staunarts are aye haudit tae gaun forrit. The three elements o Gaelic leid straitegy, staunarts and Gaelic leid plans will wark thegither tae mak siccar o progress and consistency in the forderin o Gaelic in Scotland. ⁸
179. The Policy Memorandum sets oot forby that, unner section 7, relevant public authorities will maun hae regaird tae the desirability o forderin and uphaudin the yaise o the Gaelic leid in exercisin their functions. Scottish Ministers will hae a pooer tae gie guidance tae relevant public authorities anent their duty tae Gaelic, and Scottish Ministers will hae a pooer tae gie directions forby. ¹
180. Afore pittin forrit regulations containin staunarts and requirements, and in pittin thegither guidance, Scottish Ministers will maun consult Bòrd na Gàidhlig and sic other persons as they consider appropriate. Aheid o pittin oot a direction tae a public authority, Scottish Ministers maun hae consultit the public authority in question.
181. The Bill team set oot that, fur tae mak the system mair efficient, the staunarts and

requirements will set out provision, such as two-leid logos and visibility of signage, that will not be non-negotiable for public bodies to follow. Since, public authorities' discussions with Bòrd na Gàidhlig can focus on what can be done rather than "revisiting measures that should be accepted practice."⁶

182. There is acknowledgement from a number of respondents of the importance of the standards, guidance and directions that could be put out by Scottish Ministers.
183. Since, organisations including Glasgow City Council, City of Edinburgh Council, Highland Council and Highlands and Islands Enterprise are called for clarity as to what standards would entail for public bodies, to understand how they would interact with strategies, budgets and activities already in place. A clear focus for compliance would be assessed and by what, as well as the consequences should a public body be deemed to have been non-compliant.
184. As when respondents to the call for views, including organisations such as FC Sonas and Misneachd Alba, underlined standards that have been implemented in Wales under the Welsh Leid (Wales) Measure 2011. Misneachd Alba set out that the Welsh legislation is "fairly specific about the content of the standards, which relate to service delivery, policy making, operational matters, funding, and record keeping."¹³
185. Their submissions suggest that similar categories are likely to be relevant to Gaelic, and since called for more specificity to be provided in the Bill.
186. Misneachd Alba underlined for by that the Financial Memorandum includes that consideration of the 'suite of Gaelic standards and statutory guidance in place the now and to instruct them into regulations would cost in the region of £5,000 of staff costs across policy and legal'. In Misneachd Alba's view, this equates to a very small amount of time for an important policy change and might suggest that a fairly minimal regime is being thought of.
187. They contrast this with the Welsh standards regime, which took a number of years to formulate and put into place. While taking note that the corresponding framework for Gaelic might be expected to be less extensive, Misneachd Alba called on the Scottish Government to give them more time and that it deserves.¹³
188. Concerns were expressed by some about standards being set for all areas. While representing the Association of Directors of Education (ADES), Donald Macleod stated that there was a diverse picture across the country with some areas facing the "potential imposition of standards that their community does not aspire to."³⁹
189. COSLA underlined that the measures seem to include more powers to direct local authorities and to take away local decision making. They spoke about how this approach "fits with the empowerment agenda and commitments made through the Verity House Agreement".³¹
190. Dumfries & Galloway Council underlined their very small number of Gaelic speakers. They stated that they would therefore be tentative about placing new and more requirements on local authority areas where there is no evidenced need, and about where there might be more resource implications. Since, they stated that there "must be flexibility built in to be reasonable and proportionate in their regard."³⁷

191. Orkney Islands Council sibilike set oot that Gaelic has nivver been pairt o the Islands' culture and syne isnae a priority fur thaim. They expressit concern that the Bill wad place requirements on the Council in relation tae the delivery o Gaelic, and syne descrievit the necessity tae consult local authorities as awfie important. ⁴⁰
192. The Bill team set oot that the provisions alloo fur staunarts tae be sindry. Thon wad alloo fur staunarts tae be set mair high within an area o muckle linguistic mense and, forby, fur some areas, sic as Orkney Islands Council, tae be exempt fae haein ony duties pit on thaim. ⁶
193. Comann Luchd-Teagaisg Àrd-sgoiltean (CLAS) walcomed the provision tae alloo Scottish Ministers the pooer tae gie mair direction tae local authorities. Glesga City Council walcomed Scottish Ministers bein able tae provide guidance and direction anaw, but statit that the provisions were a wee bit dootsome.
194. TRACS sibilike speirt fur mair clarity anent hoo the Scottish Government intends tae upsteer public bodies tae uphaud and forder Gaelic.
195. Comunn na Gàidhlig and Comann nam Pàrant (Nàiseanta) baith cawed fur the language in section 7 tae be makkit mair strang. Baith believe that the requirement fur relevant public authorities tae hae 'regaird tae the desirability' o forderin and uphaudin the yaise o the Gaelic leid in exercisin their functions, lacks ony positive direction and threapit that thon maun be amendit tae mak "proactively uphaudin Gaelic development" the default position. ¹⁴
196. Professor Ó Giollagáin didnae agree wi the approach bein set oot in these meisurs. In his evidence, he statit that the Bill flit the approach fae an ower bureaucratic Gaelic leid ane taewart a leid staunart process that "will introduce an even mair muckle bureaucratic haud-doon wioot addressin the issues." ⁶

197. The Committee kens that the policy ettle o settin staunarts and requirements athort the kintra is tae mak siccar o a consistent baseline o "acceptit practice".
198. The Committee taks tent, hooivver, that the Bill will alloo—
- sindry staunarts tae be set fur sindry airts, wi mair high staunarts likely within areas designatit as o linguistic significance
 - local authorities that dinnae hae a history o Gaelic, or whaur it isnae a priority, fur instance the Orkney Islands, tae opt oot o they requirements.
199. The Committee isnae clear on hoo the Scottish Government will balance its ettle tae introduce staunarts that forder Gaelic agin the ability o local authorities tae opt oot. The Committee speirs the Scottish Government tae set oot whether it intends tae set criteria fur applyin Gaelic staunarts tae public authorities, and the circumstances whaur a public authority will can opt oot.
200. The Committee maks notes o the caws fae mony public bodies fur mair detail as tae whit micht be containit in the staunarts. The Committee speirs the Scottish Government tae provide sicht o draft staunarts and requirements tae illustrate whit meisurs micht be includit, afore Stage 2 at the latest.

Public Bodies' Plans and Reportin

201. Section 8 o the Bill will amend the Gaelic Leid (Scotland) Act 2005 tae require Bòrd na Gàidhlig tae pit thegither and furthset reports aboot—
- Scottish Ministers' progress taewart meetin the ettles set oot in the Gaelic leid straitegy; and
 - the compliance by relevant public authorities wi their duty tae:
 - hae regaird tae the Gaelic leid straitegy,
 - haud tae the stauarts and requirements set oot in regulations unner section 2C(1) and the duties pit in place by section 2D.
202. Section 8 will, forby, alloo Bòrd na Gàidhlig tae pit they reports afore the Scottish Pairlament.
203. Glesga City Cooncil walcomed the provisions in section 8, anent reportin on progress and compliance wi the straitegy, stauarts and duties that they descrievit as awfie important. ²⁷
204. Whan gien evidence on behauf o Comhairle nan Eilean Siar, Donald MacLeod statit that it wisnae clear hoo public bodies are meant tae meisur success in relation tae Gaelic and Scots, seyin that "the national meisurs strauchle tae capture Gaelic in a mensefou wey, abuin aw whaur there is areas o smaw cohorts". ⁷ Mr Macleod addit that ony meisurs are basic and quantity foondit. There is a need tae hae meisurs that are quality foondit anaw. Thon pynt wis makkit by Jennifer McHarrie o Bòrd na Gàidhlig as weel. ⁷
205. The Committee receivit caws fae individuals and organisations fur a Leid Commissioner. The monitorin o haudin tae leid plans, and takkin action in the event o non-compliance is a key role that they wad wish a Commissioner tae unnertak.
206. Organisations sic as Comann nam Pàrant (Nàiseanta) proponed that a Commissioner or a freestaunin review panel could deliver the "mair robust system o reportin and owersicht" that they believe is needit. ²³
207. Fèisean nan Gàidheal statit that mair clarity wis needit as tae the consequences o non-compliance—
- ” Enablin Bòrd na Gàidhlig tae report on non-compliance tae the Pairlament, as weel as tae ministers, nicht mean mair fowk wad be awaur o instances o non-compliance, but it isnae clear whit role the Pairlament wad hae should sic a report land in its inbox. Directions Scottish Ministers could mak are outlined in the Bill but the Financial Memorandum states it wad be the intention tae yaise sic pooers “infrequently” and “as a lest resort”.
- Syne, we wunner whit effect they chyngees in legislation wad hae and oor position bides that a freestaunin commissioner wad mak fur the best solution tae the separation o duties and hae the best chance o makkin siccar the compliance by public bodies wi their agreed Gaelic Leid Plans. ³³

208. The Scottish Government disnae consider that a Commissioner should be creatit at this time. The Bill team statit—
- ” We feel that there is mair oppportunity tae mak muckle progress unner Scottish Government leadership and by haein public bodies warkin thegither and bein positive about the leid, rather nor by haein an ombudsman in a conter role at this pynt. ⁶
209. Section 9 o the Bill maks a when chynges tae section 3 o the 2005 Act on Gaelic leid plans, tae tak accoont o the new Gaelic leid straitegy and tae adjust the process fur the pittin thegither o Gaelic leid plans fur individual public bodies.
210. Whan discussin leid plans, Bòrd na Gàidhlig statit—
- ” Leid plans are no the anely answer tae developin Gaelic, but they are an important pairt o the framewark in an environment whaur public bodies will dae whit they maun dae. ⁷
211. CLAS walcomed the provisions in this section and threapit fur individual local authorities' Gaelic plans tae include "concrete and meisurable tairgets in regards tae education, abuin aw relatin tae the forderin o the learnin o Gaelic through Gaelic Learner Education, as weel as makkin siccar that promotit posts are creatit wi designatit strategic and middle leadership roles fur Gaelic Medium Education." ²¹
212. Joanna Peteranna fae Hielands and Islands Enterprise seyed that public bodies maun be accoontable fur deliverin on their plans which maun be in line wi an oweraw straitegy and reflect local circumstances; hooivver, public bodies maun be weel fundit tae dae sae forby. ⁷
213. The Law Society o Scotland notit that section 9, along wi a when ithers across the Bill (sections 7, 12 and 14), contains a pooper tae issue a direction tae a public authority, which it maun haud tae. They unnerlined that, the noo, there is nae provision, within ony o they sections, fur enforcement in the event o non-compliance wi the direction, nor ony provision fur an appeal in connection wi sic a direction.

214. The Committee kens there is braid support amang stakehauders fur meisurs in the Bill anent public bodies' plans and reportin.
215. The Committee maks note that there is a lack o clarity regairdin the potential ootcomes o non-compliance or non-delivery o commitments makkit in a public body's Gaelic plan. The Committee syne speirs the Scottish Government fur a clear statement as tae whit they potential consequences wad be, afore Stage 2 at the latest.
216. The Committee faurer maks notes o the Law Society o Scotland's observation that a public authority maun haud tae a direction makkit by Scottish Ministers unner a when sections o the Bill, wi nae provision fur an appeal. The Committee speirs the Scottish Government tae set oot its rationale fur thon approach and mak clear whether, on reflection, there maun be provision fur an appeal and, gin aye, whit thon appeal process micht look like.

Gaelic Education

Functions o Scottish Ministers

217. Sections 11 tae 14 o the Bill contain meisurs in relation tae the provision o Gaelic learner education (GLE) and Gaelic medium education (GME) and the teachin o the Gaelic leid in the provision o further education by education authorities.
218. Section 11 wad impose a duty on Scottish Ministers tae forder and uphaud sic provision. Sections 12, 13 and 14 wad gie Scottish Ministers the poower tae—
- set oot staunarts and requirements, which can be sindry fur sindry education authorities or even within an education authority (Section 12);
 - gie guidance tae Scottish public authorities (Section 13); and
 - pit oot directions fur education authorities (Section 14).
219. Taen thegither, the Bill seeks tae heeze local authorities' focus on the provision o Gaelic education and gies the Scottish Government mair tools that it can yaise tae shape or airt the provision o Gaelic education athort Scotland or in local areas.

Duty tae forder Gaelic education

220. Section 11 provides a new duty on Scottish Ministers tae “forder, facilitate and uphaud” Gaelic education in schuil education and adult education providit by local authorities. The Bill provides forby that ilka local authority maun “forder, facilitate and uphaud” Gaelic education in schuil education and adult education providit by local authorities. Thon creates a braider duty on local authorities nor exists the noo.
221. Bòrd na Gàidhlig, Ceòlas, FC Sonas, Stòrlann and Misneachd Alba aw welcomed thon provision, wi some hielichtin that it wad lead tae a new national strategic approach.
222. While walcomin thon provision, Comann nam Pàrant (Nàiseanta) believit that it maun include an explicit duty tae resource GME weel.
223. Historic Environment Scotland statit that ministerial support fur Gaelic education is important fur public authorities tae mak siccar the warkforce o the future hae the necessar Gaelic skills and kennin.
224. Dr Inge Birnie, Co-chair o the Leids Group at the Scottish Council o Deans o Education (SCDE) unnerlined that it is important fur there tae be clarity around whit GME is fur and whit it is tae achieve, includin the proficiency levels o young fowk and whit they should be able tae dae wi the leid whan they leave schuil.³⁹
225. A when respondents tae the caw fur views welcomed that the duty on the Scottish Government tae forder Gaelic education will include, forby, the provision o further education by education authorities (e.g. adult learnin clesses).
226. In his role representin ADES, Donald Macleod statit that he howpit that the Bill wad heeze adult learnin, baith in terms o a pathway fae education intae post-schuil

destinations and among adult learners whae are engagin wi the leid fur the first time.

227. UHI North, West and Hebrides notit that the reference tae further education in this section seems tae refer anely tae further education that is providit by education authorities. As a college provider o GME and Gaelic leid learnin, UHI North, West and Hebrides proponed tae eik on reference tae ‘and ither recognisit Further Education providers’ tae this section.
228. Forby, the college criticised a meisur within section 11 that wad substitute “yaised” fur “spak” in relation tae the Gaelic leid, within the Education (Scotland) Act 2016 . They threapit that thon micht be interpretit as forderin visibility (sic as signage) rather nor actual community leid yaise.³

Staanarts, guidance and directions within education

229. The Policy Memorandum states that staunarts will be able tae set oot whit can be expectit whan a young person sterts wi Gaelic medium education in respect o a nummer o issues. These could include—
- access tae GME provision and local authority forderin o GME
 - GME as a 3-18 experience and haudin forrit wi GME
 - GME subject walin, curriculum and assessment arrangements
 - GME teacher recruitment, placement, retention and professional learnin
 - Teacher and pupil uphaudin and resources
 - 0-3, early years provision and linguistic acquisition
 - Cless sizes, leid assistants, leid dookin and fluency
 - Takkin tent o GME whan settin national expectations
 - Inclusion o GME in the plannin fur and reportin by schuils whaur GME is providit
 - Gaelic learner education at aw levels
 - Establishin hoo national bodies and agencies can better wark thegither tae uphaud GME and GLE.
230. In their repones Misneachd Alba¹³ , FC Sonas⁴¹ and a when individuals cawed on the Scottish Government tae gie thocht tae explicitly includin a hantle o they issues on the face o the Bill wi a requirement fur thaim tae be addressit in the regulations.
231. The Bill team statit that "the mony things that we wad like tae see focusit on in Gaelic-medium education will be includit in the provision o the Gaelic staunarts." They set oot that they will syne set the expectations fur whit local authorities and

public bodies will be expectit tae deliver and whit parents will be able tae expect.⁶

232. As wi Gaelic leid stauart, stauart and requirements in relation tae Gaelic education could be adaptit tae sindry areas, fur exemple bein set mair high within areas o muckle linguistic mense.
233. The Committee receivit muckle evidence, baith scribeit and durin Committee meetins, aboot the provisions fur the Scottish Government tae set stauart, gie guidance and mak directions in relation tae Gaelic education.
234. Mony respondents walcomed the provisions. Hooivver, there wis sindry caws fae individuals and organisations whae makkit pynts aroond—
- whit will be includit in the stauart and guidance and hoo thon will tak intae accoot the need fur local decision makkin
 - the need fur mair Gaelic speakin teachers and staff
 - consultation on these meisurs
 - the importance o leid fluency
 - hoo these meisurs will intersect wi ongaun education reform
 - the need fur a Gaelic curriculum.
235. ADES unnerlined that, athort the kintra, there is sindry degrees o involvement wi Gaelic and Scots. Syne, local authorities needit "clarity on the detail o the stauart, the expectations that education authorities will hae o implementin the stauart, whit wey they will be meisurt and evaluatit, and whit the potential negative ootcomes are fur an education authority gin they stauart arenae met."³⁹
236. While respectin the ettle o settin national stauart, ADES unnerlined the need fur local authorities tae haud on tae local decision makkin as muckle as possible.
237. Individual education authorities, includin Glesga City Cooncil and City o Embra Cooncil, cawed fur mair details on stauart, hoo they wad be set and whit stakehauders wad be consultit.
238. HM Inspectors statit that the Bill is reliant on the yaise o the new pooers tae mak regulations, stauart, guidance and straitegies. They statit that there is a need fur mair clarification and transpacency anent "hoo secondary legislation will forder chynge, the pace o thon chynge, hoo data will be yaised tae airt oot the focus o secondary legislation and whit will be prioritised."⁴²
239. Foghlam Thidsearan (Teacher Education), Sabhal Mòr Ostaig, The National Centre fur Gaelic Leid and Culture proponed that the Committee seek exemples o the structure and scope o the stauart, fur tae aid their scrutiny o the Bill.

Consultation

240. Unner these provisions, the Scottish Government will consult—
- key stakehauders whan pittin thegither stauart and guidance and,

- an education authority aheid o issuin a direction tae thon authority.
241. Foghlam Thidsearan at Sabhal Mòr Ostaig taen tent o and walcomed the provision in the Bill fur consultation wi key stakehauders; hooivver, they cawed, forby, fur a public consultation tae alloo aw interestit pairties tae contribute. ⁴³
242. The caw tae extend the consultation wis makkit by Orkney Islands Council anaw, which notit that the Scottish Government has unnerlined ower and ower that Gaelic education is pairt o a mair mensefou cultural movement that can be felt ootwi the schuils thairsels. They notit mairower, hooivver, that the list o thaim whae maun be consultit whan regulations are bein pit thegither fur education authorities doesnae include local authorities or local communities. ⁴⁰

Teachin and support staff

243. A wheen organisations unnerlined the role that teachin and schuil staff will pley in meetin ony staunarts set. HM Inspectors walcomed the fact that Ministers wad noo be settin staunarts, statin that it could alloo fur a mair strategic approach. They notit, hooivver, that "a mair strategic approach tae Gàidhlig Medium Education is dependent on mair teachin and non-teachin staff." ³⁹
244. Seonaidh Charity o Comann Luchd-Teagaisg Àrd-sgoiltean (CLAS), unnerlined that the maist recent teacher census showed that 418 primary teachers are able tae teach through the medium o Gaelic, but that anely 266 wark in GME the noo.
245. The Deputy First Minister confirmt that, fur secondary teachers, 183 are able tae teach through Gaelic, wi 121 daein sae the noo. ² There is a total o 54,033 FTE teachers warkin in Scotland the noo. ⁴⁴
246. In his role representin ADES, Donald Macleod seyed that, fae anecdotal blethers, the yin maist muckle reason fur teachers no deliverin GME whan they can dae sae, is a lack o confidence in their leid ability.
247. He addit that in Comhairle nan Eilean Siar, the issue wis mair wi secondary schuil teachers raither nor primary. He set oot that, tae address thon, teachers whae hae degrees o fluency in Gaelic but require professional development and learnin, are bein uphaudit. ³⁹
248. Seonaidh Charity seyed that teachers need professional uphaudin but that there maun be mair infrastructure around thaim tae help uphaud pupils as weel, fur instance Pupil Support Assistants and Additional Support Needs staff whae speak Gaelic. ³⁹
249. COSLA expressit concerns about the potential ootcomes that wad face education authorities, gin they fail tae meet the set staunarts as a result o no bein able tae recruit staff in some disciplines and fur some areas, seyin—

” The pipeline o Gaelic teachers is aften ootwi local authority control, and wioot concertit action fae the Scottish Government and pairtners tae heeze the nummer o Gaelic teachers, ony expansion wadnae be deliverable.... The Policy Memorandum propones that issues ootwi local authority control willnae be an acceptable reason fur no meetin ony new staunarts, which doesnae seem reasonable.³¹

250. Common Weal statit that the Bill doesnae address the dwynin nummers o Gaelic teachers and the strauchle that mony local authorities hae wi recruitment. They cawed fur clarity as tae hoo the Scottish Government and local authorities will owercome thon.⁴⁵
251. Dr Inge Birnie, o the SCDE, statit that "we hae muckle trauchles wi recruitment, as ye maun be skeelie in a leid gin ye are tae teach in it."
252. Dr Birnie gaed on tae ootline a wheen o the efforts that hae been makkit tae alloo and upsteer fowk tae deliver secondary subjects in Gaelic, and fur teachers tae re-train tae be able tae teach in GME, in primary and secondary schuils. Hooivver, she statit that the nummers comin through they pathways are "quite smaw, due tae the smaw nummer o skeelie Gaelic speakers."³⁹
253. The Deputy First Minister taen tent that whaur someone warked and bidit wis haley a personal choice; hooivver, she statit that it wis important tae mak GME as braw a place tae wark as possible. She seyed that, ultimately, "it is about providin pathways: whaur there are skills that teachers want tae yaise, we maun mak shair and gie thaim oppurtunities tae dae thon."²
254. In their scrievit evidence, the General Teachin Cooncil o Scotland (GTC Scotland)¹ expressit concern that staunarts nicht be creatit in respect o "GME teacher recruitment, placement, retention and professional learnin." They unnerlined that unner the [Public Services Reform \(General Teachin Cooncil fur Scotland\) Order 2011](#), it is fur the GTC Scotland tae determine whit constitutes a recognisit teachin qualification fur individuals seekin registration wi thaim as a schuil teacher.
255. Forby, the GTC Scotland sets the minimum ingang requirements fur the Initial Teacher Education (ITE) programmes in Scotland that lead tae a recognisit teachin qualification and accredits programmes o ITE. Ony new teacher education programme maun be assessed by the GTC Scotland through its accreditation framewark.
256. They statit that, the noo, it wisnae clear hoo regulations developit by Scottish Ministers wad align wi the GTC Scotland's statutory functions. They unnerlined that ony new staunarts and requirements maun wark alangside (and no seek tae oweride or unnermine) their function tae establish the staunarts o education appropriate tae teachers and the staunarts o conduct and professional competence expectit o a registert teacher.
257. The Gaelic education staunarts and requirements will cover no jist schuils, but early learnin and bairncare (ELC) settins, includin nurseries, forby.
258. Thig a Chluich walcomed the Scottish Government's uphaudin o Gaelic education

but unnerlined the need fur mair Gaelic nursery staff. They statit that mair value, and resources, had tae be placit on the skills o twa-leidit ELC warkers. ⁴⁶

259. In terms o trainin fur early years practitioners tae wark in an ELC settin, the Committee heard that a body can unnertak a Higher National Certificate through the University o Hielands and Islands network. Hooivver, in general, the trainin is the same as it wad be fur a body gangin intae English medium education, and relies on the linguistic ability, as it stauns, o the practitioners.
260. Dr Birnie and Thig a Chluich baith set oot that the role o an ELC practitioner in a Gaelic medium settin has mair challenges as they are etllin tae mak siccar that the bairns acquire leid and rax a guid level o proficiency afore they gang on tae primary schuil in whit is, fur mony o them, anither leid.
261. [1] The General Teachin Cooncil o Scotland reponed tae the caw fur views afore it closed, hooivver, due tae a technical issue, their submission wisnae receivit at the time that it wis sent. Efter thon issue cam tae licht, in late May, the submission wis furthset alongside the ither screevit evidence receivit by the Committee.

Fluency

262. The Committee has receivit mony submissions hielichtin the importance o fluency whan fowk are learnin, and haudin forrit wi, Gaelic.
263. In their screevit evidence, HM Inspectors statit that the provisions on Gaelic education in the Bill maun be mair clearly connectit tae heezin the speakers o Gaelic. They faurer notit that, while walcomin the heezed staunin gied tae GLE, there maun be—
- a presumption that aw education authorities prioritise GME fur its impact in creatin, gey fast, fluent speakers o the leid, whae accrue aw the benefits o bein twa-leidit
 - mair emphasis on providin continuity in learnin fae three tae 18 and ayont, wi qualifications. ⁴²
264. Fur Bòrd na Gàidhlig, the variation in the options fowk hae in GME in secondary schuils, and in the senior phase, athort Scotland is a muckle issue—
- ”** We wadnae expect bairns tae choose atween haudin forrit wi English and some ither subject. Hooivver, fur Gaelic-medium education, thon can be the case. ⁷
265. CLAS cawed fur staunarts that uphaud young fowk in becomin fluent in Gaelic and achievin a qualification, threapin fur a mair muckle focus on makkin siccar that GME is a 3-18 experience, athort the kintra. They cawed forby fur a national road map that wad set oot hoo provision will be heezed in ilka area, takkin intae accoont whaur they are stertin fae, as a when local authorities dinnae offer ony provision the noo.
266. Comunn na Gàidhlig agreed wi thon pynt, proponin that it should be an interim

tairget that 90% o bairns gangin intae GME be ‘functionally fluent’ whan they leave secondary schuil. They descrievit sic a tairget as “poerfou and mensefou” which wad “forder a focus on leid ability, and gie us a cohort o new speakers fur the future.”¹⁴

267. The Deputy First Minister agreed wi the need fur functional fluency and seyed that she wad like tae gang even faurer, wi a tairget o 100 per cent. She addit that this needit mair nor jist the academic teachin o Gaelic. She statit—

” richt fluency maun happen ootwi the clessroom. It is aw about the opportunities that a body has through youth wark, fun, faimily and syne on tae employment.”²

268. A when respondents tae the caw fur views, includin Donald Morris, Am Pàipear, Ceòlas Uibhist, Sabhal Mòr Ostaig and Sradagan Dhun Eideann, agreed that Gaelic education wis a success but threapit that it wis essential tae hae opportunities tae speak Gaelic ootwi the clessroom, tae mak siccar o thon fluency.

269. CLAS, ADES and HM Inspectors agreed that opportunities tae speak in Gaelic ootwi schuil were critical and unnerlined wark wi pairtners includin FC Sonas and Comunn na Gàidhlig tae create siclike opportunities.

Education reform alignment and a Gaelic curriculum

270. In their repones tae the caw fur views, Bòrd na Gàidhlig, City o Embra Coouncil and HM Inspectors speirt fur clarity as tae hoo ony decisions on education stauartts will be integratit intae the ongaun education reform process.

271. The Committee heard forby fae a when contributors, includin Dr Inge Birnie and Dr Gillian Munro o Sabhal Mòr Ostaig, that there maun be a Gaelic curriculum. They statit that a Gaelic curriculum maun be o equal stauin tae the English-medium ane, but no jist an owersettin o it.

272. Dr Munro statit that a Gaelic curriculum could tak in a cultural element which is “sae important fur developin the pluricultural, or monycultural, identity, by which Ah mean bairns learnin about a sense o place and space in Scotland and whaur Gaelic fits.”³⁹

273. The Committee maks note o the evidence fae stakehauders hielichtin the need tae consult wi communities on stauartts and guidance fur Gaelic education. The Committee speirs the Scottish Government tae gie this mair thocht.

274. The Committee kens that, fur tae achieve the ettles o the Bill in relation tae Gaelic education, it is imperative that there is a guid supply o teachers whae can teach Gaelic and dae sae in Gaelic.

275. The Committee taks tent that there are a when courses and initiatives in place tae forder teachin Gaelic or in Gaelic as a career. The Committee faurer taks tent o the evidence that shows that gey smaw nummers o fowk are makkin yaise o they pathways.

276. The Committee maks note o the concerns o local authorities that a lack o qualified staff is a barrier tae the braidenin o GME and GLE, ane that is ootwi their control. The Committee speirs the Scottish Government whether there are mair meisurs that it could tak tae help mak mair muckle the pool o teachers, schuil staff and nursery staff. The Committee speirs the Scottish Government forby tae set oot whit, gin ony, actions it wad tak gin a local authority wis tae experience a lack o staff, and whether it wad tak intae accoot factors ootwi their control.
277. The Committee recommends that the Scottish Government unnertaks a warkforce plannin exercise in respect o teachin and support staff fur ELC, primary and secondary settins, and gies thocht tae whether sic an obligation should be insertit intae the Bill.
278. The Committee maks note o the evidence o the GTC Scotland regairdin its statutory role and hoo regulations developit by Scottish Ministers will align wi its functions. The Committee speirs the Scottish Government tae set oot hoo it will mak siccar o alignment wi the GTC Scotland in respect o relevant regulations.
279. The Committee maks note o the evidence that, while walcomed by mony, the provisions on staunarts, guidance and directions lack clarity as tae whit they will cover. Syne, neither local authorities nor parents/carers hae a clear idea o whit possible expectations they can hae in relation tae Gaelic education provision and staunarts.
280. Gien that the requirements that staunarts or guidance could pit on local authorities could be muckle, the Committee speirs the Scottish Government fur sicht o draft staunarts and requirements tae illustrate whit meisurs nicht be includit, and the costs that gang along wi thaim, afore Stage 2 at the latest.
281. Unner the proposals as they are the noo, the staunarts creatit wad be set oot in subordinate legislation subject tae the negative procedure. Thon means that the relevant Committee wad be makkit awaur o the subordinate legislation and could mak comments on the record. Hooivver, it generally wadnae involve a Minister gien evidence tae the Committee aboot the meisurs, hoo they wad wark or whit wey the Scottish Government had draftit thaim in thon wey, as wad happen unner the affirmative procedure. Thon is o concern tae the Committee.
282. The Committee maks note that Gaelic leid staunarts pit thegither unner section 6 pooers within the Bill will be subject tae the affirmative procedure whauras Gaelic education staunarts, pit thegither unner section 12, will be subject tae the negative procedure.
283. Gien the potential impact o meisurs that could be brocht in unner they regulations, the Committee recommends that regulations containin Gaelic education staunarts are subject tae the affirmative procedure anaw.
284. The Committee maks note o the evidence hielichtin the desire fur speakers tae hae 'functional fluency' in Gaelic as an ootcome o GME. The Committee recommends that the Scottish Government include thon as ane o the kenable ootcomes within the straitegy and develop a consistent national meisur fur thon.

285. The Committee faurer maks note o the evidence statin that achievin 'functional fluency' requires opportunities tae speak Gaelic in community settins. The Committee speirs the Scottish Government hoo it intends tae uphaud and facilitate sic opportunities.
286. The Committee maks note o caws fur a distinct Gaelic curriculum. The Committee speirs the Scottish Government whit thocht it has gied tae the feasibility o thon, includin in relation tae assessment and examination.

Ministers' and Local authorities' duties

287. The Explanatory Notes that gang along wi the Bill state—

” Section 15 o the Bill maks chynges tae the 1980 Act sae it is clear that the provision o Gaelic learner education and Gaelic medium education comes within the definition o schuil education, and that, syne, an education authority's duty tae secure the provision o adequate and efficient schuil education fur the authority's area micht include Gaelic learner education and Gaelic medium education (insertin definitions o they terms intae the 1980 Act tae be consistent wi the 2016 Act). Thon nae langer applies anely in Gaelic speakin areas (which wisnae definit in the 1980 Act, resultin in potential lack o siccariness). In the same wey, the teachin o the Gaelic leid as pairt o an education authority's duty tae provide further education nae langer applies anely in Gaelic speakin areas.

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288. Durin the meetin on 1 May, the Bill team unnerlined that thon section wad tak oot whit could be interpretit as a limit tae whaur Gaelic medium education can be providit; pit simply, that thon meisur is aboot takkin a barrier awa raither nor pittin in an obligation.⁶

289. Hooivver, HM Inspectors believes that thon meisur will clarify that aw education authorities hae a duty tae provide Gaelic Learner and Medium Education and should heeze equity.

290. Follaein his appearance afore the Committee, Professor Wilson McLeod providit mair scrievit evidence which statit that—

” As scrievit, the bill braidens the general duties o education authorities in Scotland tae mak provision fur Gaelic. Thon obligation wad noo extend tae aw authorities.⁴⁷

291. In his evidence tae the Committee, Professor McLeod statit that there has been a lack o initiative and virr on the pairt o mony local authorities tae drive forrit the development o Gaelic education.^[6] Gien thon, he views the braidenin o the duties on education authorities as a walcome and owerdue reform.⁴⁷

292. Hooivver, Professor McLeod notit the disparity atween his readin o thon provision and the evidence providit by the Scottish Government, as weel as a when

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

” It is important that the bill proceeds as scrievit and no on the basis o the faur shooglier position articulativ by the Scottish Government. In ma view, it is important that the bill proceed as scrievit, sae that the duty tae secure ‘schuil education’ will fae noo on extend tae ‘ivery education authority’ and ‘schuil education’ will include ‘Gaelic learner education and Gaelic medium education’. Thon wad mean that aw education authorities will maun mak some provision fur Gaelic and will nae langer hae the option o no makkin ony provision at aw.
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293. Glesga City Cooncil walcomed whit they descrievit as the clarification that Gaelic education comes unner the definition o schuil education, statin that it wad gie wecht and staunin tae Gaelic education.

294. In their evidence, COSLA expressit concerns that the Bill appears tae place requirements on education authorities tae gie thocht tae braidenin provision wioot there bein parental demand. They seyed that, should thon be the case, it will place mair haud-doons on local authorities. COSLA gaed on tae sey—

” We awready hae processes in place whaur parents and carers can request Gaelic Medium Education, wi a strang presumption within the legislation and statutory guidance that exists the noo that thon will be providit.³¹

295. The Bill team confirmt that it isnae the Government’s statit intention that schuil education maun include Gaelic education fur aw education authorities. Baith the Explanatory Notes and the Policy Memorandum state that the duty as amendit “nicht include” the teachin o Gaelic. Hooivver, the Bill doesnae yaise the wurd “nicht” in relation tae the teachin o Gaelic.

296. Gin the Scottish Government’s intention wis tae clarify that schuil education “nicht include”, rather nor “includes”, the teachin o Gaelic, the draftin o the Bill could hae confeert mair closely tae the wurdin in the documents that gang alang wi it.

297. The Committee receivit evidence fae mony individuals and organisations cawin fur an explicit richt tae Gaelic Medium Education.

298. Sabhal Mòr Ostaig, Fèisean nan Gàidheal, Gaelic Committee o the Kirk o Scotland, TRACS and individuals includin Timothy Currie Armstrang and Professor Wilson McLeod, alang wi mony ithers, uphaudit a richt tae access GME. The noo, there is a richt tae request Gaelic medium primary education (GMPE).

299. Fèisean nan Gàidheal unnerlined that the [Short Life Warkin Group on Economic and Social Opportunities fur Gaelic](#) (convened in Mairch 2022 by the then Cabinet Secretary fur Finance and the Economy) concludit that access tae Gaelic education maun be bieldit in law. The Short Life Warkin Group taen tent o the practical trauchles there nicht be in providin thon, fur exemple, sufficient staffin, but statit “a legal richt – even gin a qualified richt, at the stert – sends oot a clear signal about intent.”³³

300. Donald Macleod fae Comhairle nan Eilean Siar speirt that the educational position o the Bill be makkit mair strang wi thocht gied tae includin a richt tae GME as weel as the role o GLE.⁷

301. Ither contributors unnerlined the need tae look at the role o GLE anaw, wi Professor Wilson McLeod statin that, in recent years, there has been a drap o around 50 per cent in the level o provision fur GLE in primary schuil. ⁶
302. CLAS notit forby the faw in the nummer o Gaelic learners, statin that it has taen "a nebdive tae the pynt that there is an existential threit tae the qualification." ³⁹
303. In her evidence tae the Committee, Dr Birnie unnerlined that young fowk need tae hae opportunities tae learn the leid in primary schuil as it is faur mair fykie tae upsteer the uptak in secondary schuil. ⁷
304. Education Scotland, ADES and HM Inspectors aw unnerlined the role that the 1+2 leid policy ¹ has played in spreidin Gaelic, wit HM Inspectors notin that the statutory guidance in place the noo fordere aw bairns and young fowk tae learn Gaelic in schuil. ⁴²
305. Hooivver, in Professor McLeod's view, the implementation o the 1+2 straitegy hasnae gaed weel fur Gaelic wi, in many cases, local authorities drappin the existin Gaelic provision within their schuils. ⁶
306. HM Inspectors wad like mair schuils tae offer Gaelic as ane o their leids. They believe that thon will help tae stap the dwynin nummers that hae been seen in recent years. Bòrd na Gàidhlig seyed, forby, that they wad like Gaelic tae be ane o the twa leids leart in schuils.
307. CLAS pyntit tae the need tae gie successfou learners a pathway tae senior phase tae mak siccar "whit is takkin place in primary schuils hauds forrit and that in secondaries the structure o the curriculum and the provision that is in place alloo thaim tae haud forrit wi it." ³⁹
308. In her evidence tae the Committee, the Deputy First Minister statit that she wis gey supportive o the Gaelic first approach taen in the Western Isles. While takkin tent that a balance wis tae be struck—
- ” there are a when local authority areas whaur there are communities o muckle nummers o speakers, sic as the Western Isles, the Hielands and Argyll and Bute, fur which Ah generally uphaud a mair Gaelic first approach. ²
309. As wi section 11, section 15 maks specific mention o further education that is providit by education authorities. Lydia Rohmer, Principal o UHI North, West and Hebrides unnerlined her pynt that ither further education providers, sic as colleges, maun be includit in the description in thon section.
310. Section 18 o the Bill will require a local authority tae set oot its plan fur the provision o Gaelic education within its Gaelic leid plan, should it hae ane. The local authority maun, forby, consult interestit persons on they elements o the plan.
311. The Policy Memorandum sets oot—

- ” The poorer for the Scottish Ministers to make regulations about the content of Gaelic leid plans is expanded to allow for more provision about the matters that must be included. The Gaelic leid plans of education authorities will be made more stringent by muckler specificity about how the delivery of Gaelic medium education and Gaelic learner education must approach as part of the Gaelic leid planning process.¹
312. Comman nam Pàrant (Nàiseanta) welcomed not just the provision for education authorities to include Gaelic education delivery planning in their Gaelic leid plans but, forby, the provision that makes siccar that Comman nam Pàrant, along with HM Inspectors will be consulted.²³ Stòrlann Nàiseanta na Gàidhlig proposed that service delivery agents ‘that the authority might work together with’ must be eikit on the list of consultees.⁴⁸
313. In their response to the call for views, CLAS threatened that it is vital that under their provisions, leid plans are raised to hold education authorities to account.²¹
314. In their written evidence, Glesga City Council said about how their provisions would work in practice. The local authority said that guidance and mutual upholding is often very beneficial; however, “it is important that Education authorities hold on to control of the content that goes into the authority’s Gaelic Leid Plan and how it fits into their overall strategic planning.”²⁷
315. Bòrd na Gàidhlig expressed concern about section 18, stating that the measure is not necessary since Gaelic education is already embedded in the education system. The Bòrd threatened that it “goes against the principle of embedding Gaelic education fully into the education legislative arrangements”²⁸ and requested that that section be taken out.
316. The Committee makes note of the disparity in the evidence about the effect section 15 will have. The Committee says the Scottish Government has clearly set out, on the face of the Bill, what the effect of that provision is, what that effect will be, and when it will be achieved.
317. The Committee takes note of the concerns of many stakeholders for an explicit right to GME. While the Committee understands the desire behind such concerns, it notes the barriers to delivering that which exist at the moment, including teaching staff numbers and other resource challenges, and agrees with the Scottish Government that that need not be in the Bill.
318. The Committee takes note of the concerns for clear pathways for Gaelic learners, to make siccar that they can take their learning from primary through to senior secondary school and achieve qualifications.

Gaelic Medium Education Assessments

319. At the moment, there is a two-tier process when a parent/carer wants their child to be taught in Gaelic medium primary education (GMPE). First they make a request to the local authority, given evidence of demand from other parents of children in the same year

group. The local authority maun syne mak an initial assessment o the need fur GMPE. Follaein thon, gin the local authority has fund oot that there is a potential need fur GMPE, it can unnertak a fou assessment o the need fur GMPE or tak the decision tae secure the provision o GMPE wioot an assessment.

320. The Bill wad extend thon process tae include Gaelic Medium Early Learnin and Bairncare (GMELC). The Bill will alloo forby fur chynges tae the Scottish Government's pooers tae mak regulations in relation tae thresholds needit fur local authorities tae unnertak initial assessments fur GME provision.

321. Mony organisations, includin Bòrd na Gàidhlig and Comann nam Pàrant, walcomed that the process wad be extendit tae include GMELC. They unnerlined the importance o bairns bein dookit in Gaelic fae an early age and statit that thon provision should alloo mair bairns tae receive thon.

322. Donald Macleod, representin ADES, seyed—

” Gaelic-medium ELC is a gey muckle driver o onwart uptak o Gaelic-medium primary education and a key foond stane o thon three-tae-18 Gaelic pathway.³⁹

323. In their scrievit submission, Comhairle nan Eilean Siar cawed fur clarity within the Bill as tae whether GMPE will be providit in new areas whaur GMELCs are set up. Thon is, whether it wad be stertin a pathway that could be follaed intae primary schuil.⁵

324. Comann nam Pàrant gaed faurer, statin that while a parental request fur GME nicht, at the stert, be fur ELC or GMPE, education hauds forrit throughout secondary schuil and that there will need tae be provision makkit throughout education. They addit that the variation in provision seen atween schuils the noo suggests that clarification is richt necessar on the secondary curriculum.²³

325. In their repone tae the caw fur views, Foghlam Thidsearan at Sabhal Mòr Ostaig unnerlined—

” The development o Gaelic Medium Education at secondary schuil level, and maist o aw at the senior phase, is essential gin GME pupils are tae leave schuil as skeelie and gallus Gaelic speakers whae can see a guid future fur thairsels as memmers o the Gaelic community.⁴³

326. A when submissions, while walcomin the provision fur parents/carers tae be able tae request GMELC, unnerlined that the process tae request GMPE is trauchlesome and maun be makkit mair straicht-forrit.

327. Dr Birnie o SCDE notit hoo fykie the process fur parents tae secure Gaelic medium education is the noo. Hooivver, HM Inspector statit that the "extent tae which parents maun campaign fur access tae Gàidhlig should be taen doon by Gàidhlig bein embeddit in Scottish Education."⁴²

328. Comann nam Pàrant proponed that the process could be makkit mair straicht-forrit by replacin the twa-tier assessment process wi a requirement fur local authorities tae hae ane fou assessment.²³

329. Whan gien evidence alangside the Deputy First Minister on 22 May, the Bill team taen tent that the system as it is the noo pits a fair muckle haud-doon on parents as it requires thaim tae find five bairns in the same year group whae want tae receive GME anaw.
330. The Bill team unnerlined that section 22 o the Bill wad provide a pooer tae chynge the nummer o five fur areas o muckle linguistic mense and/or ither areas, statin that the Government could "potentially pit in a bit mair nuance", tae mak the process mair straicht-forrit.² They meisurs will be subject tae the affirmative procedure.
331. ADES taen tent that the Bill ettles tae mak the process fur parents whae want their bairns tae be leart in a GMPE environment mair straicht-forrit. Hooivver, they cawed fur tentieness, hielichtin the need tae mak siccar o "genuine and weel resourcit demand that can be haudit forrit wi, and that the legislation leads tae the creation o viable provisions whaur there is a genuine need fur thaim tae be set up. We dinnae want requirements tae be pit on authorities whaur demand isnae sustainable, simply as a side effect o the legislation."³⁹
332. Although they walcomed staunartisation and clarification o the process, Glesga City Council unnerlined forby that the mair muckle duty tae unnertak assessments as tae the need fur GMELC will hae financial and staffin implications fur local authorities.
333. Section 24 will mak chyngeges tae section 50 o the Bairns and Young Fowk (Scotland) Act 2014 sae that an education authority maun consult on whether and, gin aye, hoo it should mak Gaelic medium early learnin and bairncare available.
334. The Bill team set oot that education authorities awready maun consult their communities on a regular basis tae speir whit sort o ELC they want and whaur. They seyed that thon is tae help authorities plan, sae that the services that they design are appropriate tae the needs o their communities.
335. The Bill team gaed on tae sey that, the noo, there is nae requirement fur education authorities tae speir anent leid. Section 24 will chynge thon tae mak siccar that whan thon exercise is cairried oot, the question about leid is bein speirt.²

336. The Committee maks notes o the evidence uphauidin the provision tae braiden the richt tae request Gaelic Medium Primary Education, tae noo include Gaelic Medium Early Learnin and Bairncare.
337. The Committee maks faurer note, hooivver, o evidence fae local authorities anent the resources needit tae unnertak assessments and the need fur demand that can be haudit forrit wi. The Committee maks note that the Financial Memorandum disnae set oot the costs o sic a braidenin.

Forder and Heicher education

338. Section 25 provides that Scottish Government fundin o the Scottish Fundin Council nicht include "terms and conditions fur the ettle o enablin, upsteerin or heezin

participation in fundable further education and fundable higher education in the Gaelic leid and in Gaelic culture.”¹

339. The Committee receivit evidence fae community organisations hielichtin the importance o learnin opportunities fur fowk o aw ages.
340. An Comunn Gàidhealach unnerlined that there needit tae be a mair comprehensive straitegy fur schuil leavers lookin tae yaise their leid skills, fur exemple modren apprenticeships through the medium o Gaelic.⁴
341. In their repone tae the caw fur views, Ceòlas statit that trainin at aw levels is needit tae mak mair strang Gaelic skills and expertise o Gaelic includin ongaun professional development. They faurer statit that there are gaps in skills and confidence that lead tae trauchles fur thaim that nicht itherwise apply fur Gaelic essential/desirable posts and that trainin maun be accessible and available in aw communities.¹⁹
342. CLAS threapit fur a muckle braidenin o the provision o further and higher education fur Gaelic medium, notin that a lack f graduates in Gaelic or Celtic Studies has a muckle impact upon the nummers o qualified secondary teachers.²¹

343. The Committee maks note o the link atween creatin mair opportunities tae speak and lear Gaelic in further and higher education and developin mair Gaelic speakin capacity within the warkforce, includin new Gaelic teachers.
344. The Committee speirs the Scottish Government whit meisurs it intends tae introduce in relation tae further education, tae help address the trauchle o low teacher nummers, whit the cost o they meisurs wad be tae the providers and whether the Scottish Government intends tae meet the cost o thon new provision.
345. The Committee speirs the Scottish Government forby whit wey it will mak siccar that Gaelic learnin is available in education ayont schuil, includin further education and apprenticeships.

Scots leid

346. Meisurs within Pairt 2 o the Bill relate tae Scots.
347. The first meisur is Section 26, which provides fur the official staunin o the Scots leid. Thon is discussed earlier, alongside Section 1, which provides fur the official staunin o the Gaelic leid.
348. As taen tent o earlier, in paragraphs 63 tae 69, a muckle issue pyntit tae in evidence wis the diversity o the leids and byleids athort the kintra, and the need fur the legislation tae include explicit kennin o thon.

Scots Straitegy

349. Section 27 wad require Scottish Ministers tae pit thegither and consult upon a Scots leid straitegy.
350. Ministers and Scottish public authorities will maun “hae regaird tae” the straitegy in cairryin oot their functions. Ministers will syne report on progress o the straitegy. Thon is a sindry approach tae the ane fur the Gaelic straitegy, whase progress will be reportit on by Bòrd na Gàidhlig raither nor the Scottish Government.
351. In their repone tae the caw fur views, Scots Hoose statit that a Scots straitegy could hae a positive impact in a nummer o weys—
- ” A straitegy that gies value and practical uphaudin tae the leid o young Scots through education and inby their community and across braider Scottish society as weel wad help tae normalise the Scots leid in positive weys and challenge and howpfully end the doonhaudin young Scots speakers thole in modren Scotland ivery day.⁴⁹
352. Oor Vyce cawed fur the initial straitegy tae be detailt in its short-term plans and gallus in its vision fur the future. In their view, the straitegy maun cover community, education, baith new and awready existin speakers, primary, secondary and tertiary levels, braidcastin and media and governance framewark.
353. They proponed forby that the straitegy set oot a timetable o actions tae be achievit in the short-term, as weel as whit wey success will be meisurt.¹¹
354. Dr Michael Dempster agreed on the need fur the straitegy tae include merkers fur success. He cawed forby fur the insertion and incorporation o linguistic richts intae Scots Law within the Bill.⁶
355. Common Weal proponed that the straitegy include consideration o hoo adult learners o Scots wad be facilitatit.
356. As unnerlined earlier, while walcomin the potential o the Bill tae “provide bieldin tae leid in Scotland”,⁷ Orkney Islands Cooncil has been gey clear in their evidence that Orcadian is sindry tae the stauanartised Scots that has been yaised in the Scots owersettin o the Bill, wi sindry sentence structures and syntax.

357. Orkney Islands Council is fasht that "a national Scots Leid Straitegy and a push fur stauanartised education in or aroond Scots nicht unintentionally smuir Orkney's unique vyce." ⁴⁰ Syne, they are lookin fur reassurance that Orcadian has been taen tent o and will be bieldit unner the Bill.
358. COSLA siblike unnerlined the need fur consideration and inclusion o ither varieties and byleids o Scots, includin Doric.
359. Whan gien evidence tae the Committee, Dr Michael Dempster assertit—
- ” One o the strengths o the Scots straitegy is that we can bring thegither dialects and see whit they hae in common. Where dae we wark fae, fae here? How does the Shetland speaker speak wi the Dumfries speaker? Whit is common there? ⁶
360. As wi the National Straitegy fur Gaelic, a when respondents unnerlined the importance o the consultation that wad tak place in the pittin thegither o the Scots Straitegy. The submission fae Scots Radio statit—
- ” Ah feel that the maist important aspect o this new Bill will be tae involve communities richt at the stert sae that the communities can feel pairt o the process. By sae daein it will be guaranteed that the regional leid diversities will be bieldit. ⁵⁰
361. The Scots Leid Centre and The Doric Board unnerlined forby the need fur "genuine and braid engagement richt athort the kintra" ¹⁷ in the pittin thegither o the straitegy, tae mak siccar that the diversity o the leid is reflectit within it.
362. A when respondents, includin the Association fur Scottish Literature, expressit concern that Ministers will report on hoo successfou the straitegy has been, raither nor a freestaunin Board or Commissioner. ⁵¹
363. The Committee receivit mony caws fae individuals and organisations includin TRACS, Education Scotland, and Oor Vyce fur a statutory Scots Board tae be set up, siblike tae Bòrd na Gàidhlig and the role it pleys fur Gaelic.
364. In their repone tae the caw fur views, Dictionaries o the Scots Leid statit that, gin a Board wis creatit, it maun be 'bottom up' in its design, wi boards or siblike in place fur ilka byleid/region sic as the Doric Leid Board and Shetland ForWirds. ⁵²
365. Hooivver, whan gien evidence tae the Committee, Professor Robert McColl Millar unnerlined the importance o unnerstaunin that there is an owerairchin connection atween the variants and byleids. He cautioned that "gin we were tae cry oorsels a hantle o sindry byleids, thon really wadnae mak us gey strang; it wad be an easy wey o pickin us aff, yin at a time." ⁶
366. The Scots Leid Associe had its doots anent a Scots Board, speirin whae wad choose the members. ⁵³
367. Oor Vyce proponed that, aheid o the settin up o ony Scots Board, a voluntary group be set up. Thon group maun be "representative o sindry Scots byleid regions,


heritage and artistic organisations, forby ither key actors" ¹¹ and maun be consultit on the straitegy (section 27), guidance fur public authorities (section 30), guidance tae education authorities (section 32) and staunarts anent Scots education (section 33).

368. The Bill team set oot that Scots structures are bein pit in place. While there is nae proposal fur a Scots Board the noo, the Bill team unnerlined that there is an invitation tae Scots bodies, and leaders o they bodies, tae contribute tae the pittin thegither o Scots staunarts and guidance. ⁶
369. Dr Dempster, representin the Centre for the Scots Leid, taen tent o they invitations but unnerlined that Scots organisations were awready at, gin no warkin ayont, their capacity, yet the financial memorandum is "presentit as though there will be zero costs fur the centre" in uphauadin mair policy development. ⁶
370. Durin the meetin o 22 May, the Deputy First Minister statit—
- ” Ah am faur mair interestit in [ootcomes and ootpits] and in distributin the fundin amang communities direct nor Ah am in settin up structures and organisations. ²
371. In terms o the implementation o the straitegy, the Association fur Scottish Literature seyed that there wis a lack o clarity the noo as tae hoo local authorities wad implement the Scots straitegy. They speirt forby anent whit wey local authorities werenae expected tae hae a Scots Plan as they are expectit tae hae a Gaelic Plan. ⁵¹
372. Forby, mair detail wis requestit by local authorities, includin Dumfries & Gallowa Cooncil, whae wished fur "mair unnerstaunin o the detail o expectation o Cooncils, abuin aw they expectations wi financial implications." ³⁷
373. Public bodies sic as the SQA agreed that clarification is needit anent whit duties, responsibilities, and obligations will arise fae the straitegy fur Scots. ³⁰
374. As wi the proponed Gaelic straitegy, aw relevant public authorities wad hae a duty tae hae regaird tae the Scots leid straitegy in cairryin oot their functions. The Financial Memorandum statit that "costs tae local authorities o bringin their ongauns intae line wi the Scots straitegy, Scots staunarts and Scots guidance will be fykie tae predict until the precise content o they documents is kent". ⁸ Gien thon, COSLA cawed fur thon detail tae be pit on the face o the Bill. ³¹

375. The Committee maks note o the provision in the Bill fur the draftin o a National Scots Straitegy by Scottish Ministers. The Committee believes that it is important that the straitegy taks tent o the rich diversity o Scottish leids and byleids.
376. Gien the concerns that cam oot in evidence at Stage 1, the Committee speirs the Scottish Government tae gie thocht tae whether the Bill, as draftit the noo, taks in weel eneuch the range o leids and byleids that it considers come unner the umbrella term 'Scots', fur tae gie a mensefou definition and guid clarity fur the tairgetin o the 'uphauadin' the Bill envisages.

377. The Committee agrees wi the Deputy First Minister that there maun be a focus on ootcomes and distributin the fundin amang communities direct.
378. The Committee maks note that, in the absence o a Scots Leid Board, the Scottish Government is reliant on Scots organisations tae engage.
379. The Committee faurer notes that, gien resource trauchles, they organisations nicht no hae the capacity tae engage in they processes wioot affectin their ither ongauns.

Leid guidance

380. Section 30 gies Scottish Ministers a pooer tae gie guidance tae relevant public authorities anent forderin, facilitatin and uphaudin the yaise o the Scots leid and developin and upsteerin Scots culture.
381. In pittin thegither the guidance, Scottish Ministers maun consult interestit pairties. The explanatory notes state that thon could include, fur exemple, the Centre for the Scots Leid, Scots Hoose and Yaldi Books.³⁸
382. In their scrievit repone tae the caw fur views, COSLA statit that local authorities maun be eikit on tae the list o organisations tae be consultit.
383. The Association fur Scottish Literature statit that guidance on staunarts is walcome; hooivver, they unnerlined that there maun be a “mair clear statement o mechanisms o implementation and owersicht”.⁵¹ The Centre for the Scots Leid cawed forby fur the guidance provisions within the Bill tae be makkit mair strang sae that the Scottish Government “maun” gie guidance instead o “nicht”.
384. Subsection 5 o section 30 defines Scots culture as includin “...the traditions, ideas, customs, heritage and identity o thaim whae speak or unnerstaun the Scots leid”.
385. In their repone tae the caw fur views, TIE considert that thon could be read as if there wis ane homogeneous culture whauras the traditions, ideas, customs, heritage and identity o thaim whae speak or unnerstaun the Scots leid are sindry. Syne, TIE cawed fur a re-draftin o thon definition tae be mair inclusive o the mony Scots traditions and leids.⁵⁴
386. The Scots Leid Associe speirt anent whae wad set the staunarts and guidelines. They unnerlined forby that there wis—
 some agreement that a staunart scrievit form o Scots nicht be desirable sae lang as it is no prescriptive.⁵³
387. In his repone tae the caw fur views, Chris Gilmour threapit that, whan creatin guidance fur public bodies, Scottish Ministers maun employ Scots speakers tae help thaim. He addit that they speakers maun be drawn fae “no jist a braid range o sectors, regions and social strata, but that they should disproportionately yaise

Scots speakers fae DE social grades and ootwi the education and communications sectors.”⁵⁵

388. The Committee taks tent o the concerns o a when stakeholders that the reference tae "Scots culture" could be read as ane culture, raither nor the mony Scots traditions and leids.
389. The Committee syne recommends that the Scottish Government mak mair explicit reference tae Scots leids and byleids in aw their forms within the Bill and seeks a repone fae the Scottish Government tae they concerns.
390. Gien that a hale when o meisurs in the Bill will involve consultation wi relevant organisations, fur instance on stauarts and guidance in relation tae Scots leid and Scots education, the Committee speirs the Scottish Government fur an assurance that it will consolidate consultations as muckle as possible, tae tak intae accoot the impact on resources o mony consultations on public bodies and interestit pairties and whan it propones tae unnertak they consultations.

Scots Education

391. Section 31 requires Scottish Ministers tae forder, facilitate and uphaud Scots leid education in schuils. An education authority maun, forby, forder, facilitate and uphaud Scots leid education in the schuils unner its management.
392. Local authorities speirt anent the ettle o the meisurs anent Scots education. In their submission, City o Embra Coouncil statit that within their schuils, there is engagement wi Scots the noo, in muckle pairt through inter-disciplinary ongauns and learnin linkit tae literacy and literacies.
393. They faurer statit that it wisnae clear whether the Bill intends tae forder mair o thon wark or whether Scots is tae come unner the 1+2 agenda. They speirt, forby, fur clarity as tae hoo the inclusion o Scots will be planned, uphaudit and resourcit.
394. The Bill team set oot that the Bill is ettlin tae create an "authorisin environment"⁶ sae that teachers whae wish tae yaise Scots in the classroom ken that they are allooed tae dae sae.
395. The Bill team,⁶ Bruce Eunson o Education Scotland and Dr Sylvia Warnecke o Open University unnerlined the hantle o resources forby new professional learnin that wis in place fur tae uphaud and upsteer teachers tae unnerstaun and yaise they resources tae bring Scots intae the clessroom.³⁹
396. Hooivver, mony contributors statit that the Bill wadnae require a new component tae be eikit on tae the curriculum. Bruce Eunson o Education Scotland unnerlined that muckle wark wis awready bein done in and on Scots in classrooms athort the kintra and that they meisurs wad ensure that it wis taen tent o—
- ” Aw 32 local authorities will hae schuils that yaise Scots in some form—they jist nicht no be in the habit o cryin it Scots. Speakers in Aiberdeen will cry it Doric, speakers in Orkney will cry it Orcadian and speakers in Shetland will aiblins cry it Shetland dialect, Shetlandic or jist Shaetlan.
- We want the bill tae mak siccar that whan local authorities are speirt fur evidence o whit they hae been daein, they will aw answer wi details o thon wark.³⁹
397. Orkney Islands Coouncil telt the Committee that, in Orkney, aw schuilbairns are leart Orcadian as their L3 (within 1+2) fur tae mak siccar that aw bairns will hae the capacity tae unnerstaun and yaise it.⁷
398. Fur Education Scotland, twa key focuses fur Scots ongauns in schuils maun be that—
- nae bairn in Scottish education should be discriminatit agin fur the leid they speak and
 - nae memmer o education staff at any level should be discriminatit agin fur the leid they speak.¹⁸

399. The Committee received evidence, from Scots House, the Centre for the Scots Leid and the Scottish Government, which stated that the rise of Scots in schools had led to improved attitudes and engagement, and increased confidence and attainment.
400. Scots texts and writing can be taught in SQA qualifications in English and the SQA offers awards in Scots Leid and Scottish studies for by.
401. The Scottish Studies Award might include units covering Gaelic, Scots or English. The Scots Leid Award is calculated as 12 SCQF points. This is half the size of a National 4, 5 or Higher which are calculated as 24 SCQF points. 1 SCQF point nominally equates to 10 hours of learning, including instruction, preparation and so on.
402. In 2023, there was a total of 1,585 entries (from local authority schools) for the Scottish Studies Award, from SCQF levels 2 - 6. There were 395 entries for the Scots Leid Award, from SCQF levels 3-6.
403. In his evidence to the Committee, Bruce Eunson of Education Scotland, noted that some local authorities can already include Scots as their L3 option within 1+2, as the Orkney Islands Council has done. However, the new Education Scotland guidance⁵⁶ states that, to be an L2, schoolchildren must be able to take the Leid on to a National Qualification.
404. He added that, should there be further progression, and the development of further Scots qualifications, Scots could be an option as an L2 for by. As a result, "we could see its role in the one-plus-two offer develop even further."³⁹
405. The Association for Scottish Literature and the Centre for the Scots Leid had a further suggestion in mind. The Association for Scottish Literature proposed—
- ” a future examination / qualifications authority must require a further level of mandatory coverage of Scottish literature either in the exam or as part of coursework assessment and we think for by that a Scots Leid Qualification must be developed at National 5-6 levels to complement the Award as it is the new.⁵¹
406. The Centre for the Scots Leid thought it likely—
- ” a four stream of education and upgrading of Scots from early years through primary and secondary education, integration of Scots with specific qualifications at various SCQF levels, and Scots' inclusion in various communication skills HNC/D modules, with the development of single honours Scots Leid and/or literature degrees and post graduate programmes.¹⁵
407. They called for by for Scots to be included in various performance and Leid founding creative programmes as this would be vital to Scots Leid cultural making.¹⁵
408. A when respondents including Scots Radio and the Centre for the Scots Leid, while welcoming provisions for school education, underlined the importance of making it clear that there were opportunities for adults to learn Scots and about Scots for by.
409. In her evidence, the Deputy First Minister agreed with the need for other opportunities and stated that the principle of functional fluency applies to Scots as well as

Gaelic—

” Ye can demonstrate academic and functional ability tae read, scribe and speak a leid, but fur it tae be a livin leid, it has tae come intae yaise across life. Syne, the responsibility on us—indeed, on aw o us—is tae bring leids tae life ayont the classroom.”²

410. The Committee maks note that Scots ongauns is awready takkin place in schuils and that a when resources and professional learnin is available tae uphaud teachers.
411. The Committee maks faurer note that some local authorities arenae clear as tae whit role Scots education is tae pley within the curriculum.
412. The Committee heard sindry visions fur Scots education fae witnesses and in scribevit evidence. It isnae clear tae the Committee whether the primary focus is tae, fur instance—
- mak siccar that fowk can yaise the leid that they are maist comfortable wi
 - develop an appreciation and unnerstaunin o local heritage and culture
 - pit thegither a Scots curriculum
413. The Committee syne speirs the Scottish Government fur a mair clear articulation o whit role Scots education will pley, whit it howps tae achieve wi Scots education and hoo it will meisur success.
414. The Committee speirs that the Scottish Government clarify hoo Scots Leid is leart within the 1+2 Leid framewark includin hoo it taks sindry byleids and variants intae accoont.

Guidance relatin tae Scots leid education

415. Section 32 gies Scottish Ministers a poer tae gie guidance tae education authorities anent Scots leid education in schuils. Scottish Ministers maun consult interestit pairties in pittin thegither the guidance.
416. As wi Scots leid guidance, COSLA cawed fur local authorities tae be includit in the list o thaim tae be consultit on Scots education guidance.
417. In their repone tae the caw fur views, the Doric Board unnerlined the need fur the staunarts and guidance tae tak tent o, uphaud, upsteer and celebrate the "rich dialectic and linguistic diversity athort the nation and mak siccar that thon is central tae the hale approach o uphaudin Scots in education."¹⁷
418. COSLA unnerlined that the Bill disnae articulate whit the guidance on Scots education in schuils is like as no tae contain, ither nor the forderin o the Scots Leid. Syne, they cawed fur mair clarification as tae whit the guidance wad cover.
419. Ultimately, it seems that it will be a decision fur local authorities tae mak. In her evidence tae the Committee, the Deputy First Minister statit—

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

420. As the official stance for Scots and the Scots strategy, the Committee recommends that the Scottish Government take into account the rich diversity of Scottish leids and byleids when putting together its guidance on Scots education, for to take into account the range of leids and byleids which it considers come under the umbrella term 'Scots'.

Stunarts within education

421. Section 33 gives Scottish Ministers power to make regulations to prescribe the standards and requirements that an education authority must have in discharging its functions in relation to Scots leid education in the schools under its management.
422. Regulations might make specific provision for specific purposes and specific areas (including specific parts of an education authority's area). Scottish Ministers must consult interested parties in putting together the regulations¹ which would be set out in subordinate legislation subject to the negative procedure.¹
423. The Bill team states that the setting of the strategy and standards will improve what parents can "expect in the classroom and what teachers and local authorities should expect to deliver in certain circumstances. It brings about growth and improvement in quality."⁶
424. The team confirms, however, that standards could be specific for specific areas. This means, for areas such as the Western Isles, it would be possible for new duties to be put in place in relation to Scots.⁶
425. Local authorities have since made clear for more clarity about what standards would mean. Dumfries and Galloway Council described the word 'standards' as "overly indefinite" which leaves "over many areas of potential financial uncertainty".³⁷
426. The General Teaching Council (GTC) Scotland made clear for more clarity as well, specifically in relation to the standards that would be set for Scots in schools and how they would interact with its statutory functions of determining recognised teaching qualifications, accrediting Initial Teacher Education (ITE) programmes and setting the minimum requirements for entry, as well as setting the standards that teachers must meet and have to.⁵⁷
427. Other organisations have made clear for standards to be made more specific, for to make a greater impact. For Scottish Arts and Humanities Alliance (SAHA), this means changing the language in the Bill so that standards and requirements 'must' be specified, rather than 'might' be specified.¹²

428. Fur the Scots Leid Associe, it means mair direction fur schuils and local authorities—

” Scots maun be leart in a systemised and structurit wey in schuils. Thon maun be mandatory and biggit intae the curriculum. Siller and resources maun be providit.⁵³

429. Gien that the requirements that ony stuanarts or guidance could pit on local authorities could be muckle, the Committee speirs the Scottish Government fur sicht o draft stuanarts and requirements fur tae illustrate whit meisurs and requirements micht be includit, as weel as the jaloused-at costs tae local authorities that gang along wi they meisurs, afore Stage 2 at latest.

430. The Committee speirs the Scottish Government, forby, tae provide a clear statement on whether—

- a local authority maun implement they meisurs regairdless o cost,
- the local authority has fou discretion tae implement the meisurs set oot in the Bill and ony future ancillary provisions
- aince implementit, a local authority has the ability tae amend, stap, or chynge sic meisurs, should it wish tae dae sae.

431. The Committee speirs the Scottish Government tae set oot hoo it will mak siccar o alignment wi the GTC Scotland in respect o relevant regulations fur Scots education.

Consideration o delegatit pooers

432. Mony fowk that gied evidence tae the Committee notit that muckle o the detail o whit the Bill seeks tae pit in place will be providit in the straitegies, guidance, staunarts and directions creatit in relation tae Gaelic and Scots.
433. The Bill will provide fur, in baith Gaelic and Scots—
- A national straitegy
 - Leid guidance
 - Education staunarts
 - Guidance relatin tae education
434. It will, forby, gie Scottish Ministers pooers tae prescribe Gaelic Leid staunarts and mak directions anent—
- the functions o relevant public authorities in relation tae Gaelic
 - Gaelic leid plans
 - Staunarts within Gaelic education
 - Gaelic education
435. It is the role o the Delegatit Pooers and Law Reform (DPLR) Committee tae check whether proponed pooers tae mak secondary legislation in Bills, sic as these, are appropriate.
436. At its meetin on 5 March 2024, the DPLR Committee considert the pooers tae mak secondary legislation within this Bill.
437. The Committee agreed tae [schieve tae the Scottish Government](#) tae speir questions anent 9 o the 18 pooers conferrt by the Bill—
- Pooers tae issue guidance: Sections: 4(2), 7(2), 9(6), 13, 30 and 32(1);
 - Yaise and proportionality o directions in the Bill:
 - Section 7(2): Pooer fur Scottish Ministers tae gie directions tae relevant public authorities;
 - Section 9(6): Gaelic leid plans;
 - Section 12(5): Pooers fur Scottish Ministers tae gie directions in relation tae staunarts fur Gaelic Education; and
 - Section 14(2): Directions tae education authorities relatin tae Gaelic education.
438. The Scottish Government [reponed on 19 March 2024](#).

439. Follaein its consideration o thon correspondence, the Committee wis generally content tae mak note o the repones fae the Scottish Government and the faurer information providit.
440. Hooivver, the DPLR Committee wished tae hielicht twa pynts in its [report](#), tae the heid Committee.
441. The first pynt is anent the guidance proponed unner sections 4(2), 7(2), 9(6), 13, 30 and 32(1). The Committee speirt the Scottish Government tae clarify the nature o thon guidance, and abuin aw, whether the guidance is intendit tae assist or airt local authorities. In ither words, the DPLRC speirt whether the guidance is administrative or legislative in nature, and—
- Gin it is administrative, whit wey is it considert necessar tae pit a duty on local authorities tae maun hae regaird tae it?
 - Gin it is legislative, whit wey is it no subject tae ony Pairlamentary procedure?
442. The repone fae the Scottish Government statit—
- ” The guidance proponed unner ilka ane o the sections referrt tae abuin is intendit tae assist local authorities (in the case o provisions relatin tae Areas o muckle linguistic mense) or public authorities (in the case o the ither sections makkit mention o) in haudin tae their duties. The essential chairacteristic o guidance is that it is advisory raither nor airtin and disnae impose legally thirlin duties. Syne, the guidance willnae be o legislative chairacter and as sic it wadnae be appropriate tae eik on Pairlamentary procedure tae the pooers tae pit oot guidance. Hooivver, failure tae haud tae the guidance micht be relevant in determinin whether an authority has haudit tae the duties creatit by the Bill. We consider it appropriate fur authorities tae maun hae regaird tae the guidance whan makkin a relevant decision, in order tae tak tent o hoo thon guidance micht be relevant tae the cairryin oot o their functions. There are mony legislative exemples o a duty tae maun hae regaird tae guidance.
443. In its report, the DPLR Committee notit that, while it isnae uncommon fur guidance tae be subject tae a “maun hae regaird tae requirement”, whether thon is appropriate will depend on the circumstances and the nature o the guidance proponed. In this instance, it appears the nature o the guidance is tae assist raither nor airt.
444. The Committee syne brocht aw o the guidance-makkin pooers tae the attention o the heid committee tae gie thocht tae whether, in the circumstances, it is appropriate and necessar tae gie the guidance tae be pit oot legal force by makkin it subject tae a “maun hae regaird tae” requirement.
445. The saicont issue unnerlined by the DPLR Committee relates tae the yaise and proportionality o airtins in the Bill, in respect o section 9(6): Gaelic leid plans.
446. The Committee speirt the Scottish Government—
- Whit wey does the Scottish Government consider that an airtin pooer is proportionate in the circumstances, gien that a relevant public authority will maun hae regaird tae ony guidance pit oot unner section 7A o the 2005 Act and apply ony staunarts and requirements set oot in regulations makkit by

Scottish Ministers unner section 2C o the 2005 Act?

- Does the Scottish Government anticipate that it willnae be clear on the face o the regulations whit staunarts or requirements maun be met by relevant authorities? Gin no, whit wey is thon pooer necessar?
447. In its repone, the Scottish Government notit that there is precedent fur its approach in the 2005 Act and that it is proportionate tae mak siccar that Scottish Ministers hae pooers tae require action across aw elements o the leid plannin structure providit throughout the Bill.
448. Hooivver, the Scottish Government taen tent that the circumstances whaur thon pooer could be yaised nicht be gey remote and limitit. It statit that it will gie thocht tae streamlinin the range o airtin pooers as the Bill gangs forrit. The Scottish Government confirmt forby that it isnae intendit that the pooer be yaised tae eik on tae, clarify or amplify the law.
449. In its report, the DPLR Committee unnerlined that delegatit pooers should be taen anely whaur necessar and halely justified. Fae the Scottish Government's repone, the Committee has its doots anent the necessity o takkin thon pooer.
450. The Committee notit that the Scottish Government intends tae gie mair thocht tae thon maitter and unnerlined its repone tae the heid committee.
451. The Committee maks note o the pynts makkit by the Delegatit Pooers and Legal Reform Committee in its report and seeks a faurer repone fae the Scottish Government on they maitters. Specifically, the Committee speirs the Scottish Government tae set oot whether it intends tae streamline the range o airtin pooers in the Bill and, gin aye, tae set oot details o hoo thon will be done.

Financial Memorandum vs Finance

452. The Financial Memorandum (FM) sets out the eikit-on costs jaloused tae arise fae the Bill— around £700k ower five year. The FM sets out the costs o takkin forrit the provisions in the Bill, no the costs o the consequences o they actions. Fur exemple, it jalouses the costs o pittin thegither straitegies, thon is mair wark fur awready-existin public servants in local or central government, but no the costs o deliverin on they straitegies.
453. Forby, the FM gies insicht intae hoo the Scottish Government expects provisions o the Bill tae be yaised and sequenced ower the first five year o operation. These include—
- around five local authorities are expectit tae seek tae designate an area o muckle linguistic mense in the first five year
 - the National Gaelic Straitegy is expectit tae cover the five-year period fae 2028
 - the National Scots Straitegy and the statutory guidance will be pit thegither in 2025-26
 - regulations settin education staunarts fur baith Gaelic and Scots are expectit around 2025-26.
454. The FM states—
- ” The maist muckle impact o the Bill provisions is a flit in ongauns, a repurposin o resources in terms o effort and tent. The Scottish Government considers that provisions dinnae create halely new costs or a requirement fur halely new spend.^[39]
455. In her evidence tae the Committee, the Deputy First Minister statit that the Bill gies legal backin tae whit is awready in place. It disnae pit "a muckle suite o new requirements and regulations" on public bodies whae are, in mony cases, awready daein thon wark.² The Deputy First Minister addit—
- ” The financial memorandum is a jalouse foondit on the wark that is awready takkin place, on the unnerstaunin that there micht be a need tae dae a wee bit mair wark or tae flit taewart ither wark.²
456. A guid majority o thaim whae gied evidence tae the Committee wis scunnert that the Financial Memorandum contained sic limit costins. They unnerlined whit they see as a lack o resources fur Gaelic and Scots, and the need fur mair fundin tae uphaud the leids.
457. Mony respondents, comprisin individuals and organisations includin Misneachd Alba, Glesga City Coouncil and Bòrd na Gàidhlig, threapit that there has been an unner investment in Gaelic syne, and afore, the passin o the Gaelic Leid (Scotland) Act 2005.
458. In its submission, Glesga City Coouncil notit that the oweraw Gaelic budget is £29.6m in 2024-25, which it statit is approximately 0.0005% o the oweraw Scottish

budget o £59.7bn. It faurer notit that the budget fur Bòrd na Gàidhlig gaed up fae £4.4m in 2006-07 tae £5.125m in 2024-25, a heeze which Glesga City Cooncil descrievit as “o wee wirth”.²⁷

459. Urras Thiriodh agreed, statin that "the fundin as it is the noo fur Gaelic alane has been weel demonstratit tae be halely inadequate... Gaelic cannae survive and dae weel woot mair fundin".²⁴
460. The Bill team unnerlined that although the Gaelic and Scots budget fur 2024-25 is £29m, there is, forby, ither fundin tae Gaelic and Scots projects through ither public bodies includin Creative Scotland, Hielands and Islands Enterprise, Skills Development Scotland, NatureScot, Education Scotland and the SQA. Syne, there is mair nor £29m spent on Gaelic and Scots ilka year.⁶
461. Community development has aften been unnerlined as key tae makkin Gaelic mair strang; tae makkin siccar that it bides a livin leid and no jist an academic ane.
462. Earlier this year it wis annooncit that eikit-on fundin o £354,000 tae uphaud Gaelic Development Officers, that had been in place fur 2023-24, wisnae bein haudit forrit wi fur 2024-25.
463. A when individuals and organisations includin An Comunn Gàidhealach and Culture Counts cam oot agin thon decision, statin that it cawed intae question the value bein placit on Scotland's leids and Gaelic maist o aw.⁵⁸
464. On 5 April 2024, the Scottish Government confirmt that it wad gie initial fundin o £175,000 fur 2024-25, tae pey fur 27 jobs wi a focus on community development at Bòrd na Gàidhlig. Forby, it speirt the Bòrd tae cairry oot a review o the community scheme tae help airt oot whit mair fundin micht be needit.⁵⁹
465. In its evidence tae the Committee, Bòrd na Gàidhlig notit that community wark isnae jist critical, but gey in demand anaw. It unnerlined that its community grant scheme, its heid fund fur uphaudin projects tae forder and heeze the yaise and learnin o Gaelic at community level, is sair owersubscribit; tae sae muckle an extent that the Bòrd could fund - or pairt-fund - anely 39 per cent o projects in the lest fundin cycle.²⁸
466. In repone tae the caw fur views and durin evidence sessions, local authorities, organisations and individuals aw cawed fur mair resources, statin that the Bill's ettles willnae be achievit woot mair financial support. Whan gien evidence tae the Committee, Bòrd na Gàidhlig statit that, ultimately—
- ” There is an investment crisis in Gaelic that disnae match up wi the policy ettles that hae been set oot fur the leid. Ye can hae braw policy, but gin the fundin model isnae adequate, the policy willnae wark, whauras shooglie policy can mak a difference gin it has siller ahint it.⁷
467. Maist individuals and organisations taen tent o the trauchlesome financial climate; hooivver, a when respondents, includin Misneachd Alba, statit—

” leid flit is an ongaun process which willnae wait until the economy is mair strang: indeed, research in Ireland has shown that economic doonturns accelerate leid flit, takkin vitality fae the leid community which cannae be owercome awfie easily later on. ¹³

468. Whan gien evidence tae the Committee, the Deputy First Minister and the Bill team hae ower and ower makkit a distinction atween the costs set oot in the Financial Memorandum and the braider spend on Gaelic.

469. The Bill team set oot that the Bill is etllin tae create a muckle flit but daein sae—

” maist o aw by reprioritisation and heezin the staunin and visibility o the leids ...

That is a wee bit o a sindry thing tae hoo muckle siller is applied, year on year, through the budget process tae Gaelic and Scots. Thon is fur the budget bill and will be decidit year on year. ⁶

470. Oor Vyce expressit that it wis scunnert that the Bill and documents that gang along wi it dinnae mak provision fur mair fundin fur Scots and Scots organisations. They statit that it “caws intae question whit wey a gallus new agenda can be achievit ower and abuin whit we hae the day”. ¹¹

471. The Association fur Scottish Literature notit that “the gey smaw nummer o Scots Leid Co-ordinators originally creatit mair nor a decade syne gaed doon in 2017 tae ane single post, noo yokit tae Education Scotland.” They statit forby “gin the SG [Scottish Government] is serious about uphauin Gaelic and Scots, syne it is essential that Gaelic Development Officer posts and Scots Leid Coordinators should be haudit on tae and heezed in nummer, wi their remits makkit mair braid.” ⁵³

472. Mony respondents, includin the Centre for the Scots Leid and Oor Vyce, unnerlined that Scots organisations are awfie raxed, baith in terms o resource and fundin. The Bill is expectit tae heeze the profile o Scots, but the expectations o the Scots community anaw. Hooivver, the noo, organisations warn there is nae spare capacity tae deliver mair.

473. Thaim whase responsibility it will be tae deliver the duties pit on thaim by the Bill, sic as James Wylie o Orkney Islands Coouncil, statit—

” We maun stap kiddin oorsels on that repurposin is gonnae achieve the ootcomes that we are lookin fur. ⁷

474. Donald Macleod o Comhairle nan Eilean Siar agreed—

” daein something mensefou will require financial resource. ⁷

475. The Deputy First Minister taen tent that mair wad be needit—

” Ah propone that the financial memorandum on its ain isnae the sum o aw siller that maun be brocht in fur tae meet oor ettles whan it comes tae Gaelic. ²

476. Hooivver, in their evidence, mony organisations hae unnerlined that the Financial

Memorandum disnae set oot potential costs or fundin fur—

- The delivery o heezed provision o services and uphaudin fur Gaelic within areas o muckle linguistic mense;
- Scots organisations: tae mak siccar they can contribute, as envisionit by the Bill, tae the pittin thegither o the Scots straitegy, Scots guidance or Scots staunarts;
- local authorities or public bodies whae—
 - as yet, havenae unnertaen wark tae forder or uphaud Gaelic or Scots;
 - will hae commitments tae deliver as a result o the National strategies, staunarts or guidance, that are yet tae be set oot;
 - intend tae designate a when sindry areas within their boondaries as areas o muckle linguistic mense.

477. The Finance and Public Administration Committee is responsible fur scrutinisin Financial Memorandums tae Bills. As wi the evidence receivit by this Committee, the scrievit submissions tae its [caw fur views](#) expressit concerns anent the limitit costs set oot in the Financial Memorandum, as weel as fundin fur the support o Gaelic and Scots mair generally, and speirt whether the Bill could achieve its ettles in the absence o mair fundin.
478. The [Finance and Public Administration Committee scrievit tae the Deputy First Minister on 13 May](#), tae hielicht they issues and speir fur mair information.
479. The Deputy First Minister [reponed on 17 May](#), aheid o her evidence session wi this Committee on 22 May, statin that “new spend on Scotland’s leids is takkin place the noo” and “isnae a factor that should solely be associatit wi the Bill provisions”.
480. Forby, she reiteratit the pynt makkit by Scottish Government officials, that there is awready a level o Gaelic activity takkin place in local authorities, which can be flittit, wi resources repurposed. Syne, the Scottish Government “expect[s] the ongauns associatit wi Gaelic leid plans the noo will be siblike tae the future darg and that the Bill provisions, in relation tae they processes, arenae likely tae create halely new costs.”
481. Follaein consideration o the Deputy First Minister’s repone, the [FPA Committee scrievit tae this Committee on 5 June 2024](#) tae hielicht key issues which, it believes, aye maun be addressit.
482. The Finance and Public Administration Committee statit—
” It isnae clear hoo the Cabinet Secretary has satisfied hersel that nae halely new costs are likely tae be needit. The FM maun, unner Staunin Orders, clearly set oot “the best jalouses o the costs, savins, and chyngees tae revenues that the provisions o the Bill wad gie rise tae” - thon is ony and aw costs associatit wi the Bill’s provisions, regardless whether they will, in future, require tae be met through new or repurposed fundin.⁶⁰
483. The Committee notit forby the Deputy First Minister’s comments that the “Scottish

Government might propone that there is a mair varied context that includes statutory expectations as they are the noo and associatit spend and growth o provision as a result o ither factors unrelatit tae legislation.” The Deputy First Minister gaed on tae sey that the Scottish Government has “taen a braider, dynamic approach which taks intae accoont local prioritisation and developin provision, statutory expectations as they are the noo and resultin ongauns and new provision resultin fae the Scottish Leids Bill”.

484. In its letter, the Finance and Public Administration Committee proponed that clarity is socht on the “mair varied context” that has led tae a “dynamic approach” bein taen and hoo thon has impactit on the costs set oot in the Financial Memorandum.
485. The Committee notit the Deputy First Minister's comments that these costs arenae associatit solely wi the Bill's provisions, and syne gang ayont the limitations o the Financial Memorandum. Hooivver, it is fasht about the accuracy o the FM presentit tae the Committee, in the absence o faurer clarification on the practical and financial implications o sic a “dynamic approach”.
486. Syne, it proponed that the heid Committee pursue thon faurer detail fae the Scottish Government on the fou financial costs associatit wi the Bill's provisions.

487. The Committee maks note o the Scottish Government position that the Financial Memorandum isnae a budget, and that it disnae accoont fur the total o whit will be spent on Gaelic and Scots, but raither is a jalouse o costins o the specific actions within the Bill.
488. Hooivver, the Committee maks note forby o concern amang stakehauders, includin the Finance and Public Administration Committee, that it isnae clear hoo the Scottish Government has satisfied itsel that nae halely new costs are likely tae be needit, or whit the practical and financial implications o a “dynamic approach” wad be. The Committee syne speirs the Scottish Government tae gang back tae the costs set oot in the FM and gie mair detail on the fou financial costs associatit wi the Bill's provisions, afore Stage 2 at the latest.
489. The Committee maks note that the Financial Memorandum ettles tae gie a jalouse o costs that local authorities wad tak on gaun through the process o designatin pairt or aw o their area as ane o muckle linguistic mense, includin consultation wi communities. Hooivver, there is nae indication within the Financial Memorandum or ither Bill documents that mair Scottish Government fundin wad gang alang wi a designation, fur the delivery o heezed ongauns or the meetin o mair high leid staunarts.
490. While takkin tent o the financial climate fur aw levels o government the noo, the Committee is fasht that, wiout fundin, the meisurs in the Bill - abuin aw areas o muckle linguistic mense - will heeze expectations that cannae be delivert by local authorities, Gaelic or Scots organisations, on budgets as they are the noo.
491. The Committee maks note o the evidence fae witnesses hielichtin the need fur financial, and ither, uphaudin. The Committee faurer notes the comments fae a when witnesses that wiout extra resources, it wad be fykie fur communities or public bodies tae ken the addit value o the Bill.

Conclusion

492. At Stage 1, the role o the heid committee is tae gie thocht tae and report tae the Pairlament on the braid principles o the Bill – thon is, on the braid ettles o the Bill.
493. The Committee maks note that the ettles o the Bill are tae mak mair strang the uphaudin and forderin o Gaelic and Scots. The Committee taks tent o the symbolic value o gien the leids official staunin, forby o the potential impact o meisurs in the Bill anent education, guidance and staunarts. Hooivver, the Committee taks tent forby o trauchles around resources fur deliverin they meisurs and lack o siccarness around whit will be set oot in guidance and staunarts. The Committee shares, forby, concerns anent definitions around Scots and hoo variations will be dealt wi.
494. The Committee uphauds the braid ettles o the Bill, which are "tae gie mair uphaudin tae Scotland's hamelt leids, Gaelic and Scots" ¹ ; hooivver it disnae consider that, on its ain, the Bill will shape the conditions necessar tae address the strauchles aheid o Gaelic or gie the necessar uphaudin and bieldin tae baith Gaelic and the leids and byleids that come unner the term Scots. The Committee believes that mair maun be done by the Scottish Government ayont whit is set oot in the Bill, gin it is tae meet its ettles tae gie mensefou uphaudin tae they leids and byleids and gin the Bill is tae mak ony real difference raither nor bein jist symbolic.
495. The Committee is fasht by the lack o clarity within the Bill, abuin aw in relation tae whit obligations the strategies, staunarts and guidance, which will be pit thegither in line wi the Bill, will place on public bodies, and the costs that gang along wi meetin sic obligations. Meetin sic costs will be a particular trauchle, gien the mony pressures on local authority budgets the noo. The Committee expects the Scottish Government tae provide the necessar clarity, afore Stage 2 at the latest.

Annex A

Extracts fae the minutes o meetins o the Education, Children and Young People Committee (Education, Bairns and Young Fowk Committee)

13th Meetin, Wednesday 1 May 2024

1 Scottish Leids Bill:

The Committee taen evidence on the Bill at Stage 1 fae—

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

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

and syne fae—

Professor Conchúr Ó Giollaáin, Gaelic Research Professor and Director o the UHI Leid Sciences Institute, University o the Hielands and Islands;

Professor Wilson McLeod, Emeritus Professor o Gaelic, University o Embra;

Dr Michael Dempster, Director, Centre for the Scots Leid;

Professor Robert McColl Millar, Chair in Linguistics and Scottish Leid, University o Aiberdeen.

2 Evidence Session (In Private): The Committee considert the evidence it taen earlier unner agenda item 1.

14th Meetin, Wednesday 8 May 2024

1 Scottish Leids Bill:

The Committee taen evidence on the Bill at Stage 1 fae—

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

and syne fae—

Dr Inge Birnie, Co-Chair o the Leids Group, the Scottish Council o Deans o Education;

Dr Sylvia Warnecke, Associate Head o Schuil Students and Nations, Schuil o Leids and Applied Linguistics, Open University in Scotland;

Dr Gillian Munro, Principal, Sabhal Mòr Ostaig;

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

2 Evidence Session (In Private): The Committee considert the evidence it taen earlier

unner agenda item 1.

15th Meetin, Wednesday 15 May 2024

1 Scottish Leids Bill:

The Committee taen evidence on the Bill at Stage 1 fae—

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

Joanna Peteranna, Area Manager, Hielands and Islands Enterprise;

James Wylie, Corporate Director o Education, Leisure and Hoosin, Orkney Islands Cooncil;

and syne fae—

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

2 Evidence Session (In Private):

The Committee considert the evidence it taen earlier unner agenda item 1.

16th Meetin, Wednesday 22 May 2024

1 Scottish Leids Bill:

The Committee taen evidence on the Bill at Stage 1 fae—

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

2 Evidence Session (In Private): The Committee considert the evidence it taen earlier unner agenda item 1 and at meetins afore.

20th Meetin, Wednesday 19 June 2024

4 Scottish Leids Bill (In Private):

The Committee considert a draft Stage 1 report.

21st Meetin, Wednesday 26th June 2024

1 Scottish Leids Bill (In Private):

The Committee considert and agreed a draft Stage 1 Report.

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