EDUCATION COMMITTEE

AGENDA

1st Meeting, 2005 (Session 2)

Wednesday 12 January 2005

The Committee will meet at 10.00 am in Committee Room 2

1. **Gaelic Language (Scotland) Bill**: The Committee will consider a draft Stage 1 report.

   Martin Verity
   Clerk to the Committee
   Room T3.40, Committee Office
   Ext. 0131 348 5204

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The following papers are enclosed for the meeting:

Clerk’s note and draft Gaelic Language Bill Stage 1 report   ED/S2/05/1/1
GAELIC LANGUAGE (SCOTLAND) BILL: DRAFT STAGE 1 REPORT

Introduction

1. The Committee discussed the scope of its Stage 1 report on the general principles of the Gaelic Language (Scotland) Bill at its meeting on 22 December 2004.

2. This paper represents a first draft of the Stage 1 report. Following the Committee’s discussion of the draft report, revisions will be prepared for the Committee’s meeting on 19 January 2004.

Translation of the report

3. Approval from the Scottish Parliament Corporate Body is required for translation of the report into Gaelic and the Committee’s approval to approach the Scottish Parliament Corporate Body at its meeting on 18 January 2005 is sought so that a Gaelic version of the report can be published in readiness for Parliament’s Stage 1 debate.

Action

4. The Committee is invited:

   i. to **DISCUSS** and **COMMENT** on the draft report; and

   ii. to **AGREE** that approval from the Scottish Parliament Corporate Body is sought for translation of the report into Gaelic.
The Committee reports to the Parliament as follows—

Introduction

1. The Gaelic Language (Scotland) Bill was introduced to Parliament on 27 September 2004. The Education Committee was designated as the lead Committee and this report presents the views of the Committee on the general principles of the Bill as required under Rules 9.6.1, 9.6.2 and 9.6.3 of the Parliament’s Standing Orders.

2. The Bill creates Bòrd na Gàidhlig as a statutory body to oversee the development of Gaelic and to secure its status as an official language of Scotland. It requires the development of a national Gaelic language plan to promote the language and the establishment of Gaelic language plans by individual public authorities. It also affords Bòrd na Gàidhlig the opportunity to issue guidance on Gaelic education and the provision of such education. The Gaelic Language (Scotland) Bill adopts a language planning approach to the development of Gaelic rather than a rights-based approach that many members of the Gaelic community have sought.

3. A number of key themes have emerged during the course of the Committee’s consideration of the general principles of the Bill and the main body of the report is structured around these themes.

Evidence

4. Members of the Committee attended a public meeting at the Royal National Mòd on 14 October 2004, and held five oral evidence sessions during November and December hearing evidence from Clì Gàidhlig, Comann nam Pàrant, Sabhal Mòr Ostaig, Comunn na Gàidhlig, Comhairle nan Eilean Siar, Highland Council, Glasgow City Council, the Welsh Language Board, Bòrd na Gàidhlig and the Minister for Education and Young People. The evidence given by Clì Gàidhlig, Comann nam Pàrant, Sabhal Mòr Ostaig, Comunn na Gàidhlig, Comhairle nan Eilean Siar and Bòrd na Gàidhlig was given in Gaelic and interpreted simultaneously. In addition, the Committee visited Portree Primary School and Portree High School on 29 November 2004.
5. In response to its call for evidence, the Committee received 140 responses from individuals, 102 individual responses in three standard forms and 42 from organisations. The Committee thank everyone who gave evidence in person or submitted written evidence.

The state of Gaelic

6. Census data reveals the decline in the number of Gaelic speakers and the fragility of the language. In 1981, around 82 000 people in Scotland were able to speak, read and write Gaelic. In 1991, that number had fallen to 69 510. By 2001, the number had fallen again to 58 652, representing an overall fall of 28% in 20 years\(^1\). Overall, 1.84% of the Scottish population have some knowledge of Gaelic\(^2\). However, the geographic distribution of Gaelic speakers is very heterogeneous with around 70% of people living in the Comhairle nan Eilean Siar local authority area having some knowledge of Gaelic, while at the other end of the spectrum, the number is 0.67% in Dumfries and Galloway\(^3\). In its written submission, An Comunn Gaidhealach noted that predictions about future population decreases in the Western Isles, Highland and Argyll and Bute local authority areas have potentially profound implications for Gaelic and make for:

“…grim reading”\(^4\).

7. The Committee’s discussions during the course of its evidence gathering have complemented this quantitative picture and the Committee is particularly struck by the delicate state of the language and the need for immediate action to protect and develop it. However, the Committee was encouraged by the results of a survey conducted for Bòrd na Gàidhlig in partnership with the BBC that revealed that:

“…broadly speaking, 80 per cent of people in Scotland support Gaelic and think that the language should be made available to children whose parents want them to learn the language at school”\(^5\).

8. This data suggests that there is a broad base of support for Gaelic across Scotland despite the low numbers of actual Gaelic speakers throughout the country. The Minister for Education and Young People acknowledged the sense of injustice felt by many regarding the history of Gaelic and contrasted the aims of the Gaelic Language (Scotland) Bill with an act of the former Scottish Parliament which required Gaelic:

“to be “abolishit and removit” from the land”\(^6\).

9. The Committee notes that ubiquity of English in all facets of life places profound pressure on the Gaelic language. As Comunn na Gàidhlig noted, with reference to many Gaelic speaking children:

\(^1\) Gaelic Language (Scotland) Bill, Policy Memorandum, SP Bill 25-PM.
\(^2\) Gaelic Language (Scotland) Bill, SPICe Briefing SB 04-81, p. 9.
\(^3\) Gaelic Language (Scotland) Bill, SPICe Briefing SB 04-81, p. 29.
\(^4\) An Comunn Gaidhealach, written submission.
“They see English as so strong and attractive in comparison with their own language”

10. More prosaically but tellingly, Comann nam Pàrant noted:

“…what is Gaelic for cornflakes ?”

General response to the Bill

11. It is clear from the vast majority of written responses that the Committee received that there is strong support for the introduction of a “Gaelic Language Bill” and that it has the potential to contribute to the development of the language. However, many respondents felt that the Bill did not go far enough, especially with regards to absence of a right to Gaelic medium education in statute. A small number of respondents believed that legislation was not the right mechanism for saving Gaelic. The Committee recognise the importance of education as a key foundation for any language and this is discussed in detail below.

The status of Gaelic

12. A large number of written submissions made to the Committee demanded that Gaelic be afforded “official status”, “equal status” or “equal validity” within the Bill.

13. The issue of the status and language used to articulate that status is particularly complex. The Committee recognises the significance of a clear statement in statute regarding the status of Gaelic, from both a symbolic and a practical point of view, for the Gaelic community and notes the point made by the Welsh Language Board in stressing the importance of statute:

“…in giving a status and prestige to the language”.

14. The Committee strongly supports the statement made by the Minister for Education and Young People that:

“… it is legitimate for individuals to aspire to use Gaelic as normally as possible in their lives; that Gaelic should not suffer from a lack of respect at individual and corporate level; that there should be parity of esteem for the languages; and that Gaelic is as legitimate a language as any other spoken anywhere in the world”.

15. The Gaelic Language (Scotland) Bill does not explicitly address the issue of the status of Gaelic. However, the long title of the Bill refers to the function of Bòrd na Gàidhlig to secure: “… the status of the Gaelic language as an official language of Scotland” and section 1(3) of the Bill states that: “The functions conferred on the Bòrd by this Act are to be exercised with a view to securing the status of the Gaelic language as an official language of Scotland”.

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9 Huws, Official Report, 8 December 2004, col 1891
16. Despite this, in its written submission in support of its oral evidence, Comunn na Gàidhlig stated that:

“We believe that the Bill should specifically state that Gaelic is an official language of Scotland”.\(^{11}\)

17. With regards to “official status”, the Minister for Education and Young People stated that:

“…the Executive has already made clear its belief that the language has such status and has introduced a variety of touchstones to support that. Indeed, a response to a parliamentary question at Westminster explicitly states that Gaelic has official status as a language in Scotland and the UK. The fact that we incur spending on the language; that there is a minister with responsibility for it; that various acts of Parliament refer to it; that the Gaelic Language (Scotland) Bill has been introduced; that we answer parliamentary questions in Gaelic; and that we have debates in Gaelic in the chamber points to its official status.”\(^{12}\)

18. Bòrd na Gàidhlig stated, in its written submission in support of its oral evidence, its belief that:

“The designation of a language as “official” does not, however, necessarily have any implications with respect to the use of the language in other settings; certainly, “official” status does not generally imply a generalisable right to use the “official” language in gaining access to all, or a wide range, of public services”. and furthermore that:

“…it would be strange to designate Gaelic as “official” when English itself has not been so designated, either in the Bill or in any other statute”\(^{13}\).

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

20. Comunn na Gàidhlig stated, in its written submission in support of its oral evidence that the aspirations of the Bill for the future of the Gaelic language:

“…can only be met by the inclusion of a more robust statement on the statement on the status of Gaelic to take account of the needs of Gaelic speakers along the lines of the Welsh Language Act”.

21. This perspective was supported a large volume of the written evidence received by the Committee which referred for the need for Gaelic to receive the same designation as Welsh with regards to its equality of status with English.

\(^{11}\) Communn na Gàidhlig, written submission in support of oral evidence, 29 November 2004.


\(^{13}\) Bòrd na Gàidhlig, written submission in support of oral evidence, 15 December 2004.
22. The long title of the Welsh Language Act 1993 refers to English and Welsh being treated on a “basis of equality”. As the Welsh Language Board noted, this formulation generates a degree of ambiguity as:

“... the exact status of the Welsh language is, legally, rather difficult; however, we are agreed on the concept that both languages should be treated equally.”\(^\text{14}\)

23. The Minister for Education and Young People stated that:

“... the terms "equal status" and "equal validity" are probably exactly the same legal concept”.

24. Interestingly, despite the incorporation of the phrase “basis of equality” into the Welsh Language Act, the Welsh Language Board stressed that:

“Our legislation is based not on the concept of rights, but on the concept of providing a service for Welsh speakers.”\(^\text{15}\)

25. With regards to the concept of “equal validity”, the Minister for Education and Young People emphasised the challenge that this would present:

“If that phrase were put into the bill, it would have a legal meaning. If the phrase were taken literally, it would mean that the English and Gaelic languages would have to be regarded as being absolutely equal in all circumstances; they would have to have equal validity for usage in courts, public service delivery and all dimensions of our life. Frankly, we could not deliver such equality of status. The bòrd recognised that that could not be done in practice. Delivering equal validity status might be possible in certain pockets of Scotland because of the concentration of Gaelic speakers there, which would allow a high proportion of services to be delivered through Gaelic.”\(^\text{16}\).

26. The Committee accepts that introducing rights to equal status or equal validity could prove to be highly challenging for the Scottish Executive and furthermore, is potentially outwith the scope of the Bill which is ostensibly to establish Bòrd na Gàidhlig as the mechanism for promoting and developing Gaelic. However, the Committee welcomes the Minister’s commitment to seek a means of addressing the desire for equal validity before Stage 2:

“... perhaps ponder how we could capture the spirit of equal validity within the bill’s framework, if not necessarily within the long title.”\(^\text{17}\)

**Education**

27. The Scottish Executive consulted on a draft version of the Gaelic Language (Scotland) Bill in early 2004. Over 3000 responses were received, many of which

\(^{14}\) Prys Jones, Official Report, 8 December 2004, col 1892.

\(^{15}\) Prys Jones, Official Report, 8 December 2004, col 1893.


identified the absence of any reference to education in the draft Bill as a critical failure. Section 9 of the Bill as introduced to Parliament provides Bòrd na Gàidhlig with the power to issue guidance on the provision of Gaelic education. Many written responses received by the Committee stressed that the Bill as introduced to Parliament had been significantly improved from the draft Bill by the inclusion of section 9, even though many, as noted above, did not believe that the Bill went far enough. The Committee commends the Executive for responding to the concerns raised during the consultation exercise as it is clear to the Committee that education is a vital cornerstone for the success of the language planning approach that the Bill adopts.

28. Despite the Scottish Executive’s positive response to the concerns regarding Gaelic education, the Committee believe that there are a number of issues relating to education that must be considered. The Committee interprets education in the broadest sense in that it relates to the teaching of Gaelic as a second language, both to adults and children and young people, as well as to Gaelic medium education and encourages Bòrd na Gàidhlig to adopt a similar view and not focus solely on Gaelic medium education in developing language plans. Furthermore, the Committee notes the importance of early years Gaelic provision and notes the work being undertaken by the Welsh Language Board in developing preschool Welsh provision and encourages Bòrd na Gàidhlig to incorporate early years Gaelic provision into the national Gaelic language plan.

29. In 2003-04, there were 1972 primary pupils and 284 secondary pupils in Gaelic medium education\(^\text{18}\). These statistics illustrate a key point that there a massive “drop-off” in the numbers of pupils in Gaelic medium education at secondary level. As Highland Council noted:

“...secondary education is a desert”.\(^\text{19}\)

30. This “drop-off” also has an impact on the development children and young people’s fluency in Gaelic and therefore the overall state of Gaelic knowledge.

“...children in Gaelic-medium education cannot access the full curriculum in English-medium education because they must take two to three periods a week to develop their Gaelic. The fluency issue for children is such that they are heavily involved in developing their Gaelic when they are in primary. However, if that is not continued beyond primary, their Gaelic stagnates. Their development must be kept going and the best way of doing that is to use Gaelic to teach other subject areas”\(^\text{20}\).

31. The lack of continuity from primary to secondary education also generates a vicious circle for the future supply of Gaelic medium teachers, as observed by Bòrd na Gaidhlig:

\(^{19}\) Robertson, Official Report, 1 December 2004, col 1864.
“We lose eight out of 10 pupils, which means that by the time those young people reach sixth year in high school, we have many fewer people available for teaching purposes”\(^\text{21}\).

32. The Committee notes that the Scottish Executive’s target of increasing the number of children in Gaelic-medium education year on year, and by 20% by December 2009\(^\text{22}\). Clearly, this target will be unachievable without a corresponding increase in the number of Gaelic medium teachers. The wider implications for Gaelic of the supply of Gaelic medium teachers was stressed by Highland Council:

“…the lack of teacher supply is the “biggest single obstacle” that the Gaelic language faces”.\(^\text{23}\)

while Sabhal Mòr Ostaig stated that:

“Development is held back, however, because there are not enough teachers in the system at the moment”\(^\text{24}\).

33. The Committee welcomes the fact the Scottish Executive stresses to the funding councils that Gaelic is a priority area and that a recruitment campaign for Gaelic medium teachers will be launched during the course of 2005. However, the Committee notes with concern the discrepancy between supply and demand for Gaelic medium teacher training, as highlighted by the Minister for Education and Young People:

“Our problem with Gaelic medium education is not the number of available places but getting people to choose to work in that sector”\(^\text{25}\).

34. There appear to be a variety of reasons why teachers are opting to be English medium teachers as opposed to Gaelic medium teachers or indeed, opting not to choose teaching as career at all. These include the perceived lack of security about the long term future of Gaelic medium education, the limited number of career opportunities due to the small number of pupils, particularly at the secondary level and the fact that it is believed that more effort is required in the preparation of Gaelic medium lessons as opposed to their English medium counterparts. This problem was noted by Comunn na Gàidhlig who said:

“I was speaking to a couple of young people who did teacher training at college and who had been hoping to teach Gaelic but changed their minds because, when they went to the Gaelic units as part of their training course, they came to the conclusion that the job and the responsibilities and work load for Gaelic teachers are far greater than for those who were teaching English next door. The reason for that—Donald MacDonald alluded to this—is that there is an awful lot of preparation to do if you are teaching in Gaelic medium, because the

materials do not exist and teachers have to prepare much of the material from scratch. They came to the conclusion that, because they would get the same salary as they would for teaching next door through the medium of English, it was not worth while for them to teach through the medium of Gaelic.”

35. The Committee recognises that increasing the number of Gaelic medium teachers is particularly challenging. It has been proposed that some form of incentivisation mechanism is established. However, as Highland Council noted this would generate:

“…major issues for the General Teaching Council for Scotland, as well as for local authorities and the Executive, in providing incentives and in establishing parity with other areas of the school curriculum in which there are shortages.”

and similarly the Minister for Education and Young People noted that:

“The difficulty with any incentive system within any recruitment pool is the fact that distortions are created in the marketplace.”

36. Ultimately, it is the responsibility of local authorities, who employ teachers, to decide whether they need to provide incentives to increase the numbers of Gaelic medium teachers. However, the Committee notes that shortages of teachers exist in other areas, for example, mathematics.

37. A related point was raised by Sabhal Mòr Ostaig who stressed that the quality as well as number of teachers was critical:

“…it is not enough for us to have plenty of teachers—it is also essential that we have good teachers.”

38. The Committee wholeheartedly support this view, that the quality and standard of education must not be compromised in the wholly valid drive to increase the number of Gaelic medium teachers and have concerns over the approach that has been adopted elsewhere, for example:

“…when the native people of Hawaii wanted to bring Hawaiian back into schools, which had not been done for many years. According to the law of the state of Hawaii, anyone who wanted to teach in school had to have an accredited teaching qualification, which was quite right. It was noted that not enough Hawaiian speakers had teaching qualifications, so the Government of Hawaii changed the rules in respect of Hawaiian speakers.”

39. The Committee are also concerned that the addition of another body, in the form of Bòrd na Gàidhlig, to the educational landscape to supplement existing bodies such as Learning and Teaching Scotland, the Scottish Qualifications Authority and Her Majesty’s Inspectorate of Education could lead to additional complexities and encourages Bòrd na Gàidhlig to work closely with other organisations, especially Learning and Teaching Scotland, in developing the advice it provides.

40. The Committee recognises the challenge that the Scottish Executive faces in terms of workforce planning to increase the number of Gaelic medium teachers and recommends that the Scottish Executive clarifies how it intends to secure an increase in the number of Gaelic medium teachers to enable it to meet the target noted above. Unless an increase is achieved, the Committee is concerned that the aspirations underpinning the Gaelic Language (Scotland) Bill will not be achievable so critical is the role of education.

41. The Committee also notes the importance of early years Gaelic provision and that the Welsh Language Board are working hard at developing preschool Welsh provision.

42. The issue of the quality of Gaelic medium resources was alluded to above in the discussion on disincentives for teachers to pursue Gaelic medium teaching. The Committee has heard anecdotal evidence of the poor quality of Gaelic medium resources, for example, Gaelic words being pasted over the top of English words. This type of necessary, *ad hoc* solution compounds the perception of Gaelic as lower in status to English. However, the Committee notes that this is not a universal picture and the work done by the national resource centre, Stòrlann Nàiseanta na Gàidhlig, to develop Gaelic medium resources.

43. The Committee welcomes the recent announcement of £10 000 of additional funding to Stòrlann but recommends the Scottish Executive continues to increase the funding available for Gaelic medium teaching resources to support teachers.

44. The role of technology in enabling the most effective use of Gaelic medium teachers has been widely discussed and the Committee looks forward to the outcome of the work of the group advising the Scottish Executive on the use of new technology to deliver education, including the possibility of a virtual secondary school for Gaelic medium education. However, the Committee cautions that new technology cannot be viewed as the complete panacea for Gaelic for, as Highland Council noted:

“There is a lot of dependence on videoconferencing and IT but there must be human beings at the other end: a specialist adviser and someone who can speak Gaelic. We have had one or two failures in which the videoconferencing links and technology have worked fine but there has not been anybody at the other end to help the pupils to learn. In such cases, pupils end up sitting in front of a television like...”

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31 6 January 2005.
robots. We must twin-track the two issues and develop both teachers and IT.\textsuperscript{32}

45. The most common theme in the written submissions made to the Committee was a demand for a statutory right to Gaelic medium education in the same way as there was a statutory right to Welsh medium education. For example, the Gaelic Language Promotion Trust was:

“...of the view that the right to Gaelic education must be embodied in any legislation purporting to promote the use and understanding of the Gaelic language”\textsuperscript{33}.

46. However, the Welsh Language Board clarified that:

“...there is no statutory right to Welsh medium education”\textsuperscript{34}.

However, the Welsh language schemes agreed between the Welsh Language Board and the 22 Welsh local authorities state that:

“...parents have a right to education in Welsh for their child within that local authority. However, the schemes do not specify how far children might be expected to travel, although it might be a reasonable distance.”\textsuperscript{35}

47. It is clear that the issue of teacher supply was initially not as significant for Welsh medium education as there was a significantly greater pool of available Welsh speakers than there are Gaelic speakers. However, the success of the Welsh Language Board and the expansion of demand for Welsh medium education has meant that the issue of supply has become critical over the past ten years.

48. Many of the demands for a statutory right to Gaelic medium education added the caveat of “where there is reasonable demand”. Highland Council have adopted four pupils seeking Gaelic medium education as representing reasonable demand. The Committee believe that enshrining a set figure in statute is overly prescriptive for, in some circumstances, an individual pupil could represent reasonable demand and such prescription would run contrary to the flexible language planning approach that the Bill adopts. This meshes with the approach taken by the Welsh Language Board who:

“...have not said to local authorities that they should provide something that is reasonable; we have said that they must plan over a period by examining their data and the demand from parents and identifying whether there has been a demographic shift. After taking all those elements into account, they should say, "This is the provision we need," and then go out to consultation on that, so that the public can

\textsuperscript{32} Foxley, Official Report, 1 December 2004, col 1863.
\textsuperscript{33} Gaelic Language Promotion Trust, written submission.
\textsuperscript{34} Prys Jones, Official Report, 8 December 2004, col 1894.
\textsuperscript{35} Prys Jones, Official Report, 8 December 2004, col 1895.
see what the plans are. We discuss the final scheme with the authorities. We feel that that has more rigour as a planning process.\(^36\)

49. The flexibility that the language planning approach affords is also reflected in the variable composition of Welsh schools:

“In Welsh-medium schools, education is Welsh only until the age of seven. Then, between seven and 11, it is about 65 per cent Welsh-medium education, on average. At secondary school level, there are many more options. Some schools teach everything through the medium of Welsh; others teach some subjects through the medium of Welsh; in some, children have the option of learning either in Welsh or in English; and there are English-medium schools.\(^37\)

The relative balance between Welsh medium and English medium education is dependent on local demography.

**Cultural context**

50. Following a visit to Portree Primary School, the Convener of the Committee commented:

“We have heard that, even in Gaelic speaking areas, English tends to be the language of the playground.\(^38\)

51. This illustrates the importance of the context in which Gaelic education takes place. As Sabhal Mòr Ostaig noted:

“You cannot put a language in a box and say, "There you are." If we have education, that is all very well, but we need to have a proper community.\(^39\)

52. The strength and ubiquity of English has already been noted but the Committee notes that it is not enough to support Gaelic education alone, there must also be support for parents whose children are learning Gaelic and who wish to learn Gaelic themselves.

53. The Committee also notes the importance of broadcasting in underpinning the Gaelic language. Bòrd na Gàidhlig observed that:

“…two things—education and broadcasting—are basic to developing the language. Many other things are involved, but those two things are important. I should say, on behalf of the language and the Gaelic community, that if it were not for what the likes of the BBC have done over many years, perhaps the language would not be as strong as it is. Therefore, although broadcasting is not part of the national plan for Gaelic that the board will develop as a result of the bill, I envisage that,

if the plan is indeed to be national, we will have to consider how broadcasting adds to it. We will do that by working with the Gaelic services committee.\footnote{Campbell, Official Report, 15 December 2004, col 1965.}

54. In its written submission to the Committee, Gaelic Broadcasting Services noted that:

“... the UK broadcasting system is working against the Gaelic language, because the current Gaelic broadcasting provision is too patchy to have critical mass.”\footnote{Gaelic Media Services, written submission.}

55. Although, the Committee recognises that the broadcasting remains a reserved issue under the terms of the Scotland Act 1998, it welcomes Bòrd na Gàidhlig’s representation in the recently established Gaelic Media Services, through its chief executive and welcomes its commitment to working with the Gaelic Media Services. The Committee also acknowledges that broadcasting alone is insufficient, as noted by the Welsh Language Board, it:

“... sits alongside sport, pop music and youth organisations. We must address all those sectors and work hand in hand with the providers. Broadcasting is important, but other parts of the youth experience, particularly sport and music, are as important.”\footnote{Huws, Official Report, 8 December 2004, col 1912.}

Other organisations

56. There was a widely expressed concern that public authorities which operate in Scotland but whose functions remain reserved to Westminster will fall outwith the scope of the Gaelic Language (Scotland) Bill, for example, the Department of Work and Pensions, the Passport Office, the Driver Vehicle Licensing Agency and the Royal Mail. The concern was clearly articulated by Comunn na Gàidhlig who said:

“We have already heard that there is a problem with regard to public authorities—the public bodies that are based in London or that have departments in London but which deliver public services in Scotland. At this stage, those bodies do not fall within the scope of the act. That cannot be done, apparently, because the Scottish Parliament has no power over the way in which those bodies work. We think that it is extremely important that there should be some way of ensuring that the duties on public authorities in Scotland under the bill will continue and that the same duty will be placed on bodies that are based in London but have branches in Scotland.”\footnote{Màrtainn, Official Report, 29 November 2004, col 1818.}

57. The Committee recognise that such bodies deliver critical public services in Scotland but following legal advice cannot agree with Comunn na Gàidhlig’s position that UK bodies would be:
“…excluded from producing Gaelic language plans, simply because of a “constitutional technicality” caused through the Scotland Act 1998”.44

58. The Scotland Act 1998 is significantly more than a “constitutional technicality” and makes it impossible to place a requirement on UK bodies to develop Gaelic language plans. However, the Committee encourages Bòrd na Gàidhlig to work with those UK public bodies that deliver key public services to find ways to improve their Gaelic service delivery.

59. It is not just bodies whose functions are reserved to Westminster government that have caused concern. The Committee believe that the increasing use of private sector companies to deliver public services means that it will be important for Bòrd na Gàidhlig to ensure that public authorities who work with the private sector have a commitment in their language plans to service level agreements with their private sector partners regarding the use of Gaelic. The Committee notes with interest that in Wales:

“The 1993 act stipulates that if public bodies contract out to third parties, those third parties are included within a scheme”45.

60. The Welsh Language Board reported that it had made progress in working with the wider private sector (for example with supermarkets) and that it is frequently private sector companies that approach it for advice as public awareness and demand for Welsh medium provision increases. However this has happened:

“…not through statute, but through gentle pressure”46.

61. The Committee encourages Bòrd na Gàidhlig to be proactive in working with the private sector beyond the public/private interface identified above. This is vital as it will contribute to strengthening the overall context in which Gaelic is used. The Committee also encourages Bòrd na Gàidhlig to work with and advise the voluntary sector in developing its use of Gaelic as this will contribute to the reinforcement of the wider Gaelic community.

62. A number of written submissions requested the right to use Gaelic in court situations despite Comann nam Pàrant’s assertion that:

“… it is not often that people with Gaelic are in the courts”47.

63. The ability to use Gaelic in court is a key component in ensuring that Gaelic’s official status is cemented into Scottish public life and therefore the Committee would expect to see courts developing language plans that would demonstrate how they would enable Gaelic speakers to use their language at a very early stage. The Committee notes the experience in Wales where:

44 Commun na Gàidhlig, written submission in support of oral evidence, 29 November 2004.
45 Prys Jones, Official Report, 8 December, col 1897.
“The process has been gradual, and the provision has not hit the courts system hard. Prior to the introduction of the legislation, there was real concern that there would be a huge increase in the number of people requesting Welsh-medium hearings; however, there has not been such an increase. It has been a very slow process.”  

Bòrd na Gàidhlig

64. The Committee notes the irony of its task in scrutinising legislation to establish a non-departmental public body to promote and develop the Gaelic language at precisely the same time as the Welsh Assembly decided to abolish the Welsh Language Board and assimilate its staff and functions into central government.

65. The assimilation of the Welsh Language Board after a decade of operation into the central Welsh government is, in part, testament to the success of the Welsh Language Board in mainstreaming Welsh into public life. Hypothetically, Bòrd na Gàidhlig’s success in promoting and developing Gaelic may result in its demise as an independent body in the longer term.

66. However, the Committee recognises the importance of having a body at arms-length to government to, as Welsh Language Board said, take:

“…the language out of the political arena so that it is no longer a political football.”

67. This enables the body to focus solely on its core task of language planning and as the Welsh Language Board noted:

“…there has been immeasurable qualitative change throughout Wales”

68. The Committee fully endorse the view of Comhairle nan Eilean Siar in its written submission in support of its oral evidence that Bòrd na Gàidhlig should not be

“…cast in the role of a lone, national Gaelic policeman sent out by the Executive to browbeat recalcitrant organisations to sing from the Gaelic hymn sheet.”

and support the Bòrd’s statement that:

“…the philosophy of the current bòrd is facilitation, not coercion.”

The Committee notes that despite initial concerns over how Welsh language schemes would be enforced, the Welsh Language Board have never had to:

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51 Comhairle nan Eilean Siar, written submission in support of oral evidence, 1 December 2004.
“… draw an organisation to the relevant minister’s attention”\(^\text{53}\).

69. It has also been proposed that:

“… a Commissioner or an independent Ombudsman be put in place to deal with claims concerning the Gaelic Board”\(^\text{54}\).

70. However, the Committee believe that if independent assessment of either a public body’s performance in delivering a Gaelic language plan or of Bòrd na Gàidhlig is required, then the existing Scottish Public Services Ombudsman provides an effective and adequate route without the need for the establishment of a separate commissioner or ombudsman for the Gaelic language.

71. Given the importance of education and the fact Section 9 of the Gaelic Language (Scotland) Bill provides Bòrd na Gàidhlig with the power to issue guidance on the provision of Gaelic education, the Committee believes that it is vital that there is strong educational expertise among the ordinary members of the Bòrd to assist in ensuring that the quality of Gaelic medium education is equal to English medium education. This proposal is also relevant given the fact that the Bill seeks to amend the Standards in Scotland’s Schools etc Act 2000 so that education authorities have to have regard to Bòrd na Gàidhlig’s guidance in education and that:

“… we are creating a bridge between the 2000 act and the bill. The bòrd will police that bridge”\(^\text{55}\).

72. The Committee recommends that the Scottish Executive consider amendments to the Bill to ensure that Bòrd na Gàidhlig has effective educational expertise.

Language Plans

73. Bòrd na Gàidhlig have suggested there should be a distinction made between the national language plan and the Gaelic plans of individual public bodies:

“We will have great difficulty and go astray if we constantly use the word "plan". In Wales people faced the same difficulty, so they chose to use the word "scheme". We would like that word to be used, because it would enable us to distinguish between the national Gaelic language plan and Gaelic language schemes”\(^\text{56}\).

74. The Committee support this view for the sake of clarity and recommend that the Scottish Executive presents amendments to this effect at Stage 2.

\(^{54}\) SNP (Skye Branch), written submission.
75. The Financial Memorandum accompanying the Gaelic Language (Scotland) Bill\textsuperscript{57} suggests that the Scottish Executive expects Bòrd na Gàidhlig to handle around ten new language plans (or schemes (see above)) per year and that the first public authorities required to produce plans would be a blend of local authorities and other public bodies (eg non-departmental public bodies). Bòrd na Gàidhlig did not wish to commit itself to which public authorities it would approach first to develop individual language plans. However, it suggested that:

“…the bodies with which we are currently working will be among the first group, for two reasons: first, so that the work can continue and secondly, so that we can provide good examples for other bodies. We are working with bodies such as Highland Council, Western Isles Council and the Crofters Commission. That work will continue and set an example for others.”\textsuperscript{58}

76. Although the Committee recognise the need to build on existing work and secure the position of Gaelic in traditional Gaelic areas, it believes that there is also a case for focusing some effort on areas across Scotland where Gaelic is not as widely spoken but where there is a potential for use as this will emphasise the development of Gaelic rather than just the preservation of the language. As the Minister for Education and Young People noted:

“…If we act only on the basis of the number of Gaelic speakers, we will stand still. One challenge is how we break out from the areas in which Gaelic speakers are concentrated at present. The bòrd will have to achieve a balance—it will have to have regard to the number of speakers in an area, but also to the representations that it has received and to the national policy of trying to make progress with the language. The issue is not purely about the number of speakers in an area; it is also about trying to create opportunities for more people to become Gaelic speakers.”\textsuperscript{59}

77. A similar view was expressed by Sabhal Mòr Ostaig who noted that:

“…it could be the case that Gaelic speakers who live in cities in the south or the east have a greater need for help under the law than have people who live in the islands, where the Gaelic community is all around them.”\textsuperscript{60}

78. Language plans will inevitably vary in scale and scope depending the scale and history of Gaelic use in a particular area and the nature of the public authorities’ role and therefore, as An Comunn Gaidhealach noted, there cannot be a:

“… “one solution fits all” approach to Gaelic throughout the country.”\textsuperscript{61}

\textsuperscript{57} Gaelic Language (Scotland) Bill, Explanatory Notes, SP Bill 25-EN.
\textsuperscript{60} Gillies, Official Report, 29 November 2004, col 1785.
\textsuperscript{61} An Comunn Gaidhealach, written submission.
79. Concerns have been expressed that public authorities’ language plans could be very weak and tokenistic. The onus will clearly be on Bòrd na Gàidhlig to ensure that this does not happen and that the language plans, whatever their scale and scope, are effectively implemented once agreed between the authority and Bòrd na Gàidhlig.

80. The Welsh Language Board faced a similar challenge to that which Bòrd na Gàidhlig will face in that:

“…given that there are at least 2,000 public bodies in Wales, we were faced with a mammoth task. As a result, we prioritised the bodies and decided that we should deal first with the local authorities, because they have such an interface with the public”\(^{62}\).

81. It is not for the Committee to propose where Bòrd na Gàidhlig should focus its attention and the Committee recognises the need for Bòrd na Gàidhlig to reserve its position with regards to which public authorities will be approached first pending the development of the national Gaelic language plan. However, the Committee notes that section 3(3) of the Bill refers to “the extent to which the Gaelic language is used” rather than the potential for the development of the language. Bòrd na Gàidhlig suggested that:

“Those two aspects must be married. As has been said, if demand alone is considered, that just preserves Gaelic as it is. It is like a jar of jam—it is dead. Therefore, some development must be considered”\(^{63}\).

The Committee recommends that the Scottish Executive consider an amendment to emphasise the need for Bòrd na Gàidhlig to consider the potential for the development of the language as well as the existing extent of use.

82. Section 7 of the Gaelic Language (Scotland) Bill ensures that individual public authorities must review their Gaelic language plans every five years and submit the results to Bòrd na Gàidhlig. However, the Bill does not require a regular review of the national Gaelic language plan.

83. The Committee recommend that the Scottish Executive require the national Gaelic language plan to be reviewed at regular intervals, possibly at the same time as the Scottish Executive’s regular performance review of the Bòrd.

84. Furthermore, the Subordinate Legislation Committee recommended that there was a case for greater Parliamentary involvement in the approval of the national Gaelic language plan. The Scottish Executive undertook to present an amendment at Stage 2 that would ensure that the national Gaelic language plan was laid before Parliament at the time of the approval. The Committee endorses the Subordinate Legislation Committee’s recommendation but believes that there may also be a case for Parliamentary approval for the


national Gaelic language plan to be required under secondary legislation procedures.

Finance Committee’s recommendations

85. In reporting to the Committee, the Finance Committee made a series of recommendations that it believed would ensure effective scrutiny and transparency. The Bill enables Ministers to issue guidance to Bòrd na Gàidhlig. The Committee supports the Finance Committee’s recommendation that it would be valuable if “an outline of the parameters of such guidance” prior to the Committee’s consideration of the Bill at Stage 2 could be provided as this guidance will set the tenor for Bòrd na Gàidhlig’s operations and welcomes the Minister for Education and Young People’s commitment to do this if at all possible.

86. The Committee support wholeheartedly the Finance Committee’s recommendation that Bòrd na Gàidhlig’s annual corporate plan should indicate which public authorities will be asked to produce language plans each year and the likely scope of these plans.

87. The Committee note that the Bill’s Financial Memorandum suggests that the cost of developing a local authority’s language plan would be around £10 000. It also notes that there will be some funds available through the Gaelic Language Development Fund to assist public authorities in the development of language plans but that in the longer term, the Scottish Executive expects public authorities to absorb the cost of implementing their language plans as, it will be seen as, as in Wales:

“…part of the normal process of governing the country”.

Conclusions

88. The Committee recommends that Parliament supports the general principles of the Gaelic Language (Scotland) Bill.

89. However, the Committee recognises that the Bill will not secure the long term future of the Gaelic language immediately and that progress will be incremental or as Sabhal Mòr Ostaig said:

“There will not be a big bang—everybody will not be speaking Gaelic tomorrow, or the day after tomorrow”.

90. The Committee’s primary concern lies not with the Bill itself, which provides a practical statutory framework for a language planning approach to the development of Gaelic but in the state of Gaelic education. Unless there is concerted action to increase the number of Gaelic medium teachers, to increase the number of pupils pursuing Gaelic medium education and to reduce the discrepancy between the number of primary and secondary pupils learning

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64 Gaelic Language (Scotland) Bill, Finance Committee, para 26.
through the medium of Gaelic, the Committee is apprehensive about the long term effectiveness of the Bill in securing the future of Gaelic, irrespective of the efforts of Bòrd na Gàidhlig and the language planning approach.