ED/S2/05/2/A

EDUCATION COMMITTEE

AGENDA

2nd Meeting, 2005 (Session 2)

Wednesday 19 January 2005

The Committee will meet at 9.45 am in Committee Room 4

1. **Subordinate legislation:** The Committee will consider the General Teaching Council for Scotland Election Scheme 2004 Approval Order (SSI 2004/542) under negative procedure and take evidence from –

   John Gunstone, Teachers Division, Scottish Executive Education Department

   Diane Lovie, Teachers Division, Scottish Executive Education Department

2. **Proposed early years inquiry:** The Committee will take evidence to inform its consideration of the proposed early years inquiry from—

   Val Cox, Head of Division, Early Years Education and Childcare

   Penny Curtis, Head of Branch, Workforce Development

   Elena Groll, Head of Branch, Children and Family Support

3. **Proposed early years inquiry:** The Committee will consider draft terms of reference for its inquiry.

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

Martin Verity
Clerk to the Committee
Room T3.40, Committee Office
Ext. 0131 348 5204
The following papers are enclosed for the meeting:

**Agenda item 1**
Clerk’s note on a copy of SSI 2004/542  ED/S2/05/1/1

**Agenda item 2**
Submission from Scottish Executive  ED/S2/05/1/2

**Agenda item 3**
Clerk’s paper on early years terms of reference  ED/S2/05/1/3

**Agenda item 4**
Draft Stage 1 report  ED/S2/05/1/4

The following paper is enclosed for information:

SPICE briefing on early years education.
1. This Order approves the General Teaching Council for Scotland Election Scheme 2004 (“the Scheme”). The Scheme revokes the General Teaching Council for Scotland Election Scheme 2001 and details new rules in connection with the elections for members of the General Teaching Council for Scotland.

2. The Regulations will come into force on 23 January 2005.

3. The Education Committee is the lead committee for this instrument and should report to the Parliament by 31 January 2005. The Minister responsible is Mr Peter Peacock, Minister for Education and Young People.

4. At its meeting of 27 October 2004, the Education Committee considered the impact of the enactment of the Protection of Children (Scotland) Act 2003 on Disclosure Scotland and more widely on the voluntary sector.

5. A copy of the SSI, an explanatory note which is not part of the Regulations, and the Executive Note are attached.

6. The Subordinate Legislation Committee considered the Order at its meeting of 21 December 2004 and agreed that no points arose on SSI 2004/542.

7. A note on procedure is also provided overleaf.

8. The Committee is invited to consider whether it wishes to make any recommendation in relation to the instrument. The instrument is not subject to amendment.

Martin Verity                                      Ian Cowan
Clerk to the Committee                              Assistant Clerk
Procedural Note

Standing Orders

1. The procedures for dealing with Scottish Statutory Instruments (SSIs) are covered by Chapter 10 of Standing Orders. SSIs are laid by being lodged with the chamber clerks, and are published in the Business Bulletin. They are referred to the Subordinate Legislation Committee, the appropriate subject committee (the 'lead committee'), and, where relevant, any other committee.

SSIs subject to annulment: ‘negative instruments’

2. Where an SSI is subject to annulment, it comes into force on a specified date and then remains in force unless it annulled by the Parliament. Any MSP may by motion propose to the lead committee that the committee recommend that nothing further is to be done under the instrument. Such motions are lodged with the chamber clerks.

3. The lead committee debates such a motion for no more than 90 minutes.

4. The lead committee reports to the Parliament, setting out its recommendations. If it recommends annulment, the Bureau will propose to the Parliament a motion that nothing further is to be done under the instrument.

5. All the above must take place within 40 days of the instrument being laid, excluding recesses of more than 4 days.

6. To date, no motion to annul SSI 2004/542 has been lodged with the chamber clerks.

Proceedings in the committee

7. This committee is invited to consider the SSI.
EDUCATION COMMITTEE BRIEFING UPDATE: EARLY YEARS POLICIES

This update focuses on Education Department policies, but also makes reference to relevant policies being taken forward elsewhere across the Scottish Executive.

Universal Services

Pre-school education

Free part-time (12.5 hours a week) pre-school education is offered for every three and four year old in Scotland. As at January 2004, 100% of four year olds and 85% of three year olds attended pre-school education provision. Pre-school education is offered in the statutory, private and voluntary sectors. Local authorities commission partner providers in the private and voluntary sectors. These can, for example, be private nurseries, playgroups or family centres. This commissioning process is subject to guidance issued by the Scottish Executive in July 2003. Section 34 of the Standards in Scotland’s Schools Act provides guidance on the provision of pre-school education, including the requirement for local authorities to consider parental preferences, as far as possible, in the allocation of pre-school places, and also in the configuration of pre-school hours offered. It also details eligibility criteria, deferrals policy, cross-border movement; duties in relation to children with special needs and disabilities and also arrangements for transport to pre-school provision.

Pre-school education providers, regardless of sector, must deliver the Curriculum Framework for Children aged 3-5. The content of the Curriculum Framework for Children aged 3-5 is under review, as part of a wider review into the curriculum for 3-18 year olds to ensure that children have a coherent learning experience. All pre-school education providers, regardless of sector, are inspected by the Care Commission and HMIE to ensure they comply with the National Care Standards for Early Education and Childcare, and are delivering the Curriculum Framework for Children aged 3-5 to a satisfactory level.

The Executive is currently examining the role, scope and cost of pre-school education provision. No decisions have been taken on any potential changes.

The Executive is providing £137m of funding for the provision of pre-school education in the current financial year, plus a further £24m to local authorities to cover the costs of nursery teachers in the sector.

Integrated Early Years Strategy

The Scottish Executive planned to publish an Integrated Strategy for the Early Years in March 2004, following a public consultation during the summer and autumn of 2003. As originally conceived, the draft strategy provided a strategic steer to services, involved in the provision of early years services for 0-6 year olds), including health, education, social care, and the voluntary and private sectors, on how to work together more effectively. The document focused on 5 areas

- Aligning existing early years policies;
• Identification of four joint outcomes across sectors (improving children’s health; improving children’s social, emotional and cognitive development; reducing child poverty levels; and strengthening families and communities);
• Better coherence of funding mechanisms;
• Joint planning and commissioning of early years services;
• Improved monitoring and evaluation.

As a result of rapid evolution of the policy agenda on early years and children’s services generally, officials have been refocusing the draft document to reflect Ministers’ developing thinking on these wider services.

**Policy developments**

There are a number of initiatives underway aimed at, or affecting, children in their early years.

These include (early years specific):

- Starting Well health demonstration project;
- a 0-3 care and learning framework to be launched on 18 January;
- draft nutritional guidance for early years settings which will be subject to public consultation shortly;
- the continued roll-out of an ICT framework for the early years, as part of the wider National Goals for Learning programme;
- further work on personal learning planning and transition records for the early years;
- research into positive behaviour in the early years;
- and consideration of the unique pedagogical (learning and teaching) approach in the early years;
- early years and childcare workforce review.

More broadly:

- Review of the 3-18 curriculum;
- Integrated Children’s Services agenda;
- Publication of guidance on the future role of child health surveillance (Hall 4);
- Implementation of the Additional Support Needs Act;
- Gaelic Language Bill;
- National Programme for Mental Health and Wellbeing;
- Integrated Community Schools and Health Promoting Schools agenda (including National Physical Activity Strategy);
- Oral health, breastfeeding and weaning policy developments;
- Parenting programmes (see below).
Childcare Strategy

The Scottish Executive Childcare Strategy aims to provide affordable, accessible, good quality childcare for children in all neighbourhoods. Childcare Strategy funding this year (2004/2005) is £29.75m, increasing to £40.65m over 2005/2006.

Formal childcare continues to expand with 243,000 children receiving registered (formal) care (28% of all children aged 0-14). Growth in formal childcare is particularly strong in the private and voluntary sectors (Pre-school and Childcare Statistics 2004).

In January 2004, there were 1,066 centres providing an out of school care club. Centres are open for an average of 42 weeks per year, with 9% of centres open all year round. An average of 29,000 children received before school care and an average of 50,000 attended after school care (January 2004). The vast majority of children receiving formal out of school care are aged between 5 and 10 years old. (Pre-school and Childcare Statistics 2004).

Local authorities have provided the Executive with plans reviewing out of school care provision in their areas, which include their proposals for addressing gaps in provision. Some are specifically aiming to improve provision for older children (9-16 years old).

The range of registered provision in Scotland includes childcare agencies (nanny agencies and sitter services).

Sitter Services in Scotland

The Scottish Executive is supporting the use of sitter services by providing two year funding from March 2003 for a Sitter Service Development Worker to promote and expand Sitter Services. Childcare strategy funding can also support flexible childcare provision to meet the needs of working parents, and local authorities are expected to identify and meet local need for childcare, working with their Childcare Partnerships.

Sitter Services provide childcare in the family’s own home from early morning until late evening seven days a week. Much of the demand is from lone parents and low-income families who work atypical hours or undertake training. Such services fill a significant gap in the childcare market, including provision in rural areas and accommodating families with additional support needs, and offer flexible childcare to parents.

Sitter services are regulated by the Care Commission, and therefore parents who are eligible for Working Tax Credit are able to claim support towards the cost of childcare through the Childcare element of this allowance.

The Sitters Service is currently available in Dundee and North Lanarkshire and will shortly be available in Aberdeenshire, Renfrewshire, South Ayrshire, Glasgow, Highland and Angus (this latter being linked to the Dundee service). Most local authority areas in Scotland have now made enquiries, or are making plans to develop services in their area.
Extended Schools Childcare Pilot

This pilot which is currently running in 7 local authorities in England has been extended to include Scotland and Wales. In Scotland, 2 local authorities, Fife and Aberdeenshire are taking part. The pilot is being project managed by the Scottish Executive and will run until March 2006. It’s purpose is to test whether a lack of affordable, quality childcare is a significant barrier to lone parents taking up employment. Working with Jobcentre Plus, the 2 local authorities have received additional funding to create more childcare places and extend existing provision. Their plans include extending provision to 9pm, weekend provision and recreation activities, although these are all only for 5-14 year olds.

Working for Families Fund

The Executive’s Working for Families fund is designed to help disadvantaged parents in deprived areas and groups into work by ensuring that availability of childcare is not a barrier to entering education, training or employment. Funding of £20m available 2004-2006, increasing to £30m 2006-2008

Working Tax Credit (WTC)

Provides support to working adults in low-income households, including those who do not have children.

The Childcare Element of WTC currently includes assistance with up to 70% of childcare costs (up to a maximum of £135 weekly cost for one child, or £200 for 2 or more children, i.e. tax credit of £94.50 for one child, and £140 for 2 or more children), with an approved provider. Following the pre-budget report of 2 December 2004, the maximum rates are being increased, from April 2005, to £175 weekly cost for one child and £300 for 2 or more children, i.e. tax credit of £122.50 and £210 respectively). From April 2006, assistance with up to 80% of child care costs, up to existing maxima, will be given i.e. tax credit of £140 or £240 respectively.

Figures for the uptake of the Childcare Element in Scotland (April 2004) show that over 30,000 families received assistance through this credit. The average weekly amount of this assistance was £46.28.

Targeted Services

Sure Start Scotland

Sure Start Scotland is a key programme in our work to ensure that every child has the best possible start in life. It targets support for vulnerable families with very young children (0-3 years).

The Sure Start Scotland programme began in 1999, with initial funding of £9m Funding currently stands at £35 million in this financial year, rising to £53 million in 2005/06. The funding is allocated to the 32 local authorities to work in partnership with health, voluntary and other relevant organisations to ensure that the specific needs of families with children aged 0-3 are met. These agencies are expected to work together to plan and provide more
cohesive and integrated services for parent and child and to ensure that services are targeting communities who are, for whatever reason, most vulnerable, and in a non-stigmatising way.

The programme is about developing local services to meet the need of local people. The services developed build on existing provision and should be based on identified need, so there is no one model imposed. However, all provision should ensure that is based around the broad objectives of Sure Start Scotland, which are to:

- Improve children's emotional and social development
- Improve children's health
- Improve children's ability to learn
- Strengthen families and communities.

**Evaluation of Sure Start Scotland**

Sure Start Scotland is subject to formal evaluation. In 2002, the first stage of evaluation was a mapping of services, which confirmed that the Executive’s target in *Working Together for Scotland – A Programme for Government* to expand support for families and very young children through family centres, and mobile and outreach services for at least 5,000 additional children by 2002 had been exceeded. It also outlined the diverse provision that was being used to deliver the programme including:

- Integrating services in community nurseries and family/children centres, including support for parent and child;
- Outreach provision in the home;
- Mobile crèche and mini family centres in local community halls;
- Community childminders trained to work with families in need;
- Increased play and development opportunities;
- Health interventions delivered by health visitors and other health professionals;
- Support for children with special needs/disabilities;
- Services targeting specific groups, e.g. families affected by drug abuse; families affected by mental health problems; young parents; minority ethnic groups, etc…

The report revealed that, amongst service providers, Sure Start Scotland “is seen as a major impetus for change, has led to new and improved services and has altered the focus of work with young children in most authorities. It also revealed a complex and dynamic picture of service development and service use across Scotland, with the programme being developed to suit local circumstances in each local authority area.” The summary report, *Mapping Sure Start Scotland* is available on the Scottish Executive website ([www.scotland.gov.uk/library5/education/msss-00.asp](http://www.scotland.gov.uk/library5/education/msss-00.asp))

In trying to gauge at the impact of Sure Start Scotland on children and families, it was not possible to look at the programme in isolation, since, as intended, it had become integrated amongst a range of other funding streams for early years services. The next stage of evaluation, was therefore a Baseline Study of Outcome Indicators for Early Years Policies in Scotland, which was published in 2004. The report consisted of two parts, an indicator study and a case study of two different local authority areas. Although the evaluation was conducted at an early stage in the initiative, early indicators of positive change were identified, notably a small increase in numbers of children attending family centres (where
both children and families are able to access a wide range of services) and – unsurprisingly in view of the expansion of pre-school education – a significant increase in the proportion of children attending this provision. Encouragingly, there was some evidence that the greatest positive changes had taken place within the most deprived families, and suggested that the enhanced health visitor role here was effective.

Both case study areas of Highland and Dundee can be considered 'success' stories in managing nationally driven but locally enacted early years' policies. Starting from very different levels of existing provision and using different approaches to change (incremental in Dundee and radical in Highland), both areas rapidly increased capacity in provision and created organisational structures to promote integration and collaboration at both planning and service delivery level.

The report is on the Scottish Executive website (www.scotland.gov.uk/library5/education/eybaseline.pdf)

In the Scottish Budget 2003-06, a target was announced to ensure that at least 15,000 vulnerable children under five have an integrated package of health, care and education support which meets their needs by 2006. Currently, we have commissioned an update of the mapping of services, which is underway and should report during spring of this year. The mapping should enable us to ascertain both how many children and parents are receiving services overall and how many integrated packages of support have been put in place under Sure Start Scotland. It will give us detail about the types and level of services being offered across the country. It should also enable us to consider the planning processes in place and levels of partnership working. We will also consider whether it is appropriate to repeat the Outcome Indicators Study in the future.

Support for Parents

The Executive funds a range of relevant voluntary organisations providing support to parents including:

- ParentLine Scotland (receiving from SE £116k p.a. to March 2007) which provides a confidential helpline for parents to discuss matters of concern, and to provide information and advice to parents; and
- Parenting Across Scotland (receiving £100k from SE in 2004/05) a multi-agency partnership project led by Children 1st, which aims to research the concerns and issues affecting parents and the support available by bringing together organisations and knowledge to share good practice, and represent the views of parents in policy.

A wide range of bodies, mainly local authorities and the voluntary sector, are currently involved in providing support to parents. In terms of support in the early years, it is relevant to mention:

- health visitors, who play a major role in providing support to parents. Of relevance here is the implementation of HALL 4 to assess, monitor and address families needs, and empower them to make healthy choices and access appropriate support networks.
• A major strand of Sure Start Scotland is support for parents and the wider family, and this can include services such as parenting skills; parent and child play sessions; peer support groups; adult learning opportunities and more intensive outreach support for families in need (often on a one-to-one basis).

• Ready, Steady, Baby, developed by NHS Health Scotland is given to most new mothers and contains valuable and appropriate information and sources of support for parents in the early years. It is currently being redeveloped, focusing on the first year of an infant’s life.
Workforce Issues

National Review of the Early Years and Childcare Workforce

The aim of the Review is to improve employment opportunities for workers and to raise the status of the sector. The Review is dealing with 5 key areas:

- Examining and defining the role and responsibilities of staff in all areas of the early years and childcare workforce;
- Improving workforce planning, to ensure that there are adequate staff numbers in each area;
- Ensuring qualifications are appropriate for the different sectors of the workforce and meet the needs of children and families, now and in the future;
- Providing greater opportunities for staff in one area of the workforce to move to another;
- Considering the potential implications of this work for pay and conditions.

The Review is divided into 5 workstreams:

- Roles & Responsibilities;
- Qualification & Training;
- Career Pathways;
- Recruitment & Retention;
- Workforce Planning.

The Steering Group of the Review has met twice, in July and in November. The initial phase of the Review’s work was carried out by the Roles and Responsibilities Working Group which considered how the roles and responsibilities of the workforce might evolve in light of policy developments, to ensure that the workforce continues to meet the needs of children in the future. Three of the other working groups (Qualifications and Training; Career Pathways; and Recruitment and Retention) have commenced their work.

The Review team is carrying out some focused consultation on aspects of the Review’s work with staff, managers and key stakeholders in the coming months.

The Review is due to report to Ministers in summer 2005. Ministers have indicated that they intend to consult widely on the Review’s recommendations.

Registration of the Early Years and Childcare Workforce

The Scottish Social Services Council Register of early years and childcare workers will be required to register will open in 2006. The qualification requirements for registration under the 3 categories (manager/lead practitioner, practitioner and support worker) were published in March 2004. The Executive is working with SSSC on how to phase registration.
Workforce Development Funding

The Scottish Executive supports qualification and training of the early years and childcare workforce through the ring-fenced Workforce Development Fund (WDF). The funding is to:

- increase the number of qualified workers in the early years and childcare workforce;
- expand the workforce and widen opportunities for training;
- encourage diversity among the workforce that better reflects society.

Between 1999 and 2006, the Scottish Executive will have invested £24.8m through WDF. The Minister for Education and Young People announced in November 2004 that a further £12m will be provided, £6m in each of 2006-07 and 2007-08.

Local Authorities, in conjunction with Childcare Partnerships, are free to determine how resources can be best used to meet local needs – in the public, private, voluntary and childminding sectors. However, Ministers are clear that this funding should deliver tangible outputs, primarily in the form of accredited qualifications. In Building a Better Scotland, published on 29 September 2004, Ministers set a target to increase the number of qualified Early Years Workers from 66% in 2004 to 85% in 2009.

Childminders

Childminders are individually registered with, and regulated by, the Care Commission. They are, therefore, well located within the regulatory framework for early education and childcare, although this process does not include the requirement for specific qualifications. The Scottish Executive and SSSC wrote to all childminders in May 2004 indicating that childminders will not be required to register with the SSSC. As part of the Review of the Early Years and Childcare Workforce Review, we will be consulting childminders on appropriate training and qualifications.

Research

Early Years Longitudinal Survey: Growing Up in Scotland

The Executive has also commissioned a major survey, Growing Up in Scotland, which will support the monitoring and evaluation of its early years policies. The survey will collect data about children and their families throughout Scotland in the form of a large scale longitudinal social survey. It will focus on the characteristics and behaviour of children in their home setting from birth to adolescence. The contract has been awarded to a collaborative team from the Scottish Centre for Social Research and the Centre for Research on Families and Relationships. This longitudinal survey aims to recruit 5,000 parents of children aged 9-10 months (birth cohort) and a further cohort of 3,000 parents of children aged 3-4 years throughout Scotland in 2005. It is expected that follow up interviews will be conducted with parents/children annually up to the age of five and then at key transition stages as the children get older. A new birth cohort is planned to be recruited in 2008. The questionnaire for the
2005 birth cohort and 2-3 year old cohort is currently being piloted and the main fieldwork will start in April and run until December 2005. Topics in the questionnaire include: household information, non-resident parents, accommodation, the pregnancy and birth, child health and development, parental support, parenting responsibilities, styles and activities, attitudes to caring for children and parenting, childcare, employment, parent/carers income and education. The data for these first two waves will be available in 2006.

**Funding for Early Years Services**

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<th>Pre-school Education</th>
<th>Childcare Strategy</th>
<th>Sure Start Scotland</th>
<th>Working for Families Fund*</th>
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* Monies allocated through the Communities Portfolio

Scottish Executive  
Early Education & Childcare Division  
13 January 2005
1. At its meeting on 22 December 2004, the Committee discussed issues that it believed should be covered during its inquiry into early years support and provision. The Committee will be briefed by staff from the Scottish Executive Education Department’s Early Education and Childcare Division at its meeting on 19 January 2005.

2. These issues were:
   - support for parenting
   - collective versus individual caring for children
   - flexibility of childcare provision
   - availability of choice

3. It is suggested that all these issues could be covered under an inquiry with the following terms of reference:

   "To examine the progress being made by the Scottish Executive against the commitments made for early years (preschool) education and care in its Partnership Agreement".

4. There are a number of commitments made in the Partnership Agreement of varying breadth:
   - We will improve transitions between nursery and primary and primary and secondary
   - We will introduce more flexibility in the curriculum for 3-6 year olds,
   - We will maintain free nursery places for every 3 and 4 year old in Scotland, helping to give every child the best possible start in their primary school
   - We will continue support for breakfast clubs
   - Provision of more flexible and more available childcare
   - Alongside nursery school provision for 3 and 4 year olds we will aim to create flexible childcare provision accessible to all, expanding facilities, in the public, private and voluntary sectors and through co-operative arrangements
   - We will continue to invest in Gaelic medium education, including the provision of more teacher training places
   - We will provide childcare support in areas of high unemployment in order to help those in work, training or education

5. These commitments vary in breadth and it would be inadvisable to handle them all with equal weight. **Provision of more flexible and more available childcare** appears to be an overarching commitment. It is therefore suggested that the Committee takes this as an overall theme, and focuses particularly on the transitions between nursery and primary; free nursery places for every 3 and 4 year old; and childcare support in areas of high unemployment.
6. These proposed terms of reference would enable the Committee to examine the progress of the Scottish Executive’s Review of Early Years and Childcare Workforce which would also allow the Committee to address the issues raised in petition PE 523 (Petition calling for the Scottish Parliament to urge the Scottish Executive to initiate a national inquiry into early years education and childcare with a view to producing a report and recommendations on the way forward (UNISON)).

7. The Committee have also sought to focus on efficiency and budgetary considerations and it would be possible to examine the Scottish Executive’s and local authorities’ expenditure on early years support and provision. If the Committee wished, work on international comparisons could also be included in the inquiry.

Next steps

8. An outline approach and timetable for the inquiry will be discussed at the Committee’s next meeting on 26 January 2005 along with finalised terms of reference.

Action

9. The Committee is invited to DISCUSS the proposed terms of reference as set out above.

Martin Verity
Clerk to the Committee

Mark Roberts
Senior Assistant Clerk
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:

   i. The status of Gaelic (paragraphs 16 to 32)
   ii. Gaelic education (paragraphs 33 to 36)
   iii. Cultural and economic context (paragraphs 67 to 76)
   iv. Other organisations (paragraphs 77 to 89)
   v. Bòrd na Gàidhlig (paragraphs 90 to 101)
   vi. Language plans (paragraphs 102 to 112)

4. The report also considers the recommendations made by the Finance and Subordinate Legislation Committees.
5. 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 2004, 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.

6. 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

7. Census data reveals the decline in the number of Gaelic speakers and the overall 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 65 674, representing an overall fall of 20% in 20 years\(^1\). Overall, 1.84% of the Scottish population have some knowledge of Gaelic\(^2\). The geographical distribution of Gaelic speakers is highly 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 0.61% in the East Ayrshire local authority area\(^3\). 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”\(^4\).

8. The Committee’s discussions during the course of its evidence gathering have complemented this quantitative picture and the Committee is particularly struck by the fragile state of the Gaelic 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 Gàidhlig and think that the language should be made available to children whose parents want them to learn the language at school”\(^5\).

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\(^1\) 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.
9. 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”\(^6\).

10. Given this context, the Committee strongly welcomes the commitment demonstrated by the Scottish Executive to striving to protect and develop the Gaelic language by introducing the Gaelic Language (Scotland) Bill and fully endorses the Minister for Education and Young People’s statement 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.”\(^7\)

11. As noted in paragraph 2, the Bill establishes a framework for the development of a national Gaelic language plan and plans for the development of Gaelic by public authorities. The Committee recognises that the developmental language planning approach adopted by 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”\(^8\).

12. The Committee notes that sections 3(3) and 3(5) of the Bill refer to “the extent to which the Gaelic language is used”. This wording is critical as Committee believes that it overly emphasises preservation of the current situation rather than promoting the development of the Gaelic 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”\(^9\).

13. Furthermore, 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

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\(^8\) Gillies, Official Report, 29 November 2004, col 1787.
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.\(^{10}\)

14. The Committee supports this view and recommends that the Scottish Executive consider amendments to the Bill to emphasise the need to take into consideration the potential for the development of the language as well as the existing extent of use.

RESPONSE TO THE BILL

15. 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. A small number of respondents believed that legislation was not the right mechanism for protecting and developing Gaelic. However, many respondents felt that the Bill did not go far enough, in particular with regards to absence of a right to Gaelic medium education in statute. The Committee recognise the profound importance of education as a key foundation for any language and this is discussed in detail below. The main issues raised in the written evidence received are addressed in the sections below.

THE STATUS OF GAELIC

16. A large number of written submissions made to the Committee demanded that Gaelic be afforded “official status”, “secure status”, “equal status” or “equal validity” within the Bill. The issue of the status and wording used to articulate that status is particularly complex.

17. The Committee recognises the significance of a clear statement in statute regarding the status of Gaelic and was impressed by argument that statutory recognition gave:

“…status and prestige to the language”\(^{11}\).

Official Status

18. 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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\(^{11}\) Huws, Official Report, 8 December 2004, col 1891
19. 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.”\(^{12}\)

20. 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.”\(^{13}\)

21. 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.”\(^{14}\)

22. 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.

Secure Status

23. A number of written submissions made to the Committee made reference to Gaelic having “secure status”. The Committee notes that Bòrd na Gàidhlig viewed secure status as being:

“…perhaps the most problematic.”\(^{15}\)

of the four phrases noted above.

\(^{12}\) Comunn na Gàidhlig, written submission in support of oral evidence, 29 November 2004.


\(^{14}\) Bòrd na Gàidhlig, written submission in support of oral evidence, 15 December 2004.

\(^{15}\) Bòrd na Gàidhlig, written submission in support of oral evidence, 15 December 2004.
24. The Committee agree with Bòrd na Gàidhlig’s that “secure status” is a problematic formulation as it would be impossible to afford Gaelic the status of being secure instantaneously as incorporation of the phrase “secure status” into the Bill would do.

Equal Status and Equal Validity

25. 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”\(^{16}\).

26. 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.

27. The long title of the Welsh Language Act 1993 is:

An Act to establish a Board having the function of promoting and facilitating the use of the Welsh language, to provide for the preparation by public bodies of schemes giving effect to the principle that in the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on a basis of equality, to make further provision relating to the Welsh language, to repeal certain spent enactments relating to Wales, and for connected purposes

28. However, the Welsh Language Board noted that 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”\(^{17}\).

29. 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.”\(^{18}\)

30. The Minister for Education and Young People stressed that:

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

\(^{16}\) Comunn na Gàidhlig, written submission in support of oral evidence, 29 November 2004.
\(^{17}\) Prys Jones, Official Report, 8 December 2004, col 1892.
and emphasised the challenge incorporating either term into the Bill 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”\(^ {19} \).

31. However, the Committee believes that there two phrases have different implications. “Equal status” implies that Gaelic and English must be equally available. In contrast, “equal validity” indicates that both languages are equally valid where they are used, not necessarily in all situations. The latter formulation is also more compatible with the developmental philosophy that underpins the language planning approach that the Bill adopts. The Minister for Education and Young People agreed to:

“…ponder how we could capture the spirit of equal validity within the bill’s framework, if not necessarily within the long title”\(^ {20} \).

32. The Committee believe that there should be an aspiration to ensure the equal validity of English and Gaelic throughout Scotland and welcome the Minister’s commitment to seek a means of delivering it through the Gaelic Language (Scotland) Bill before Stage Two.

**GAELIC EDUCATION**

33. 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 identified the absence of any reference to education in the draft Bill as a critical failing. 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 as it did not provide a statutory right to Gaelic medium education.

34. The Committee commends the Executive for its positive response to the concerns raised regarding education during its consultation on the draft Gaelic Language (Scotland) Bill.

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35. The Committee recognises that education is not the primary focus of the Gaelic Language (Scotland) Bill but notes that a comprehensive national strategy for the delivery of Gaelic education (from preschool through to further and higher education) is an essential component of developing Gaelic in the longer term and should be developed and led by the Scottish Executive in parallel to the development of the national Gaelic language plan.

36. The Committee interprets the reference to Gaelic education in Section 9 of the Bill as relating to the teaching of Gaelic as a second language, both to adults and children and young people, as well as to Gaelic medium education. The Committee encourages Bòrd na Gàidhlig to adopt a similar view and not to focus solely on Gaelic medium education in developing language plans, especially outwith the traditional Gaelic speaking areas, in the light of the need to explore the potential for the development of Gaelic.

Early years education

37. The Committee notes the critical importance of early years Gaelic provision and notes the work being undertaken by the Welsh Language Board in supporting and developing preschool Welsh provision and encourages Bòrd na Gàidhlig to incorporate early years Gaelic provision into the national Gaelic language plan.

Primary and secondary education

38. In 2003-04, there were 1972 primary pupils and 284 secondary pupils in Gaelic medium education. These statistics illustrate a critical 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"^22

and Comhairle nan Eilean Siar stated that:

"The campaign for Gaelic-medium primary education, which we are starting to see the fruits of, has not followed through to high school."^23

39. The Committee heard evidence that across all Scottish secondary schools the total number of teachers:

"…who are involved in subjects that are taught through the medium of Gaelic is 60."^24

40. This small number of teachers means that it is impossible to deliver all subjects through the medium of Gaelic and therefore there is a restriction of choice if Gaelic medium education is selected and inevitably, there must be

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concerns for pupils and parents over the long term security of subjects that are delivered through the medium of Gaelic.

41. The seven-fold “drop-off” in the number of pupils in Gaelic medium education between primary and secondary has to be addressed to ensure that the efforts put into developing Gaelic language ability at the primary level are not lost upon the transition to secondary school. The decrease in the numbers of pupils pursuing Gaelic medium education at the secondary level also has an impact on the development of 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”\textsuperscript{25}.

42. The Committee notes that the Scottish Executive’s spending review target of increasing the number of children in Gaelic-medium education year on year, and by 20% by December 2009\textsuperscript{26}. If the target were met, then there would be 2367 children in Gaelic medium education by 2009-10 – an increase of 395 above the 2003-04 number. However, this target refers to primary schools\textsuperscript{27} and makes no reference to reducing the scale of the drop in numbers pursuing Gaelic medium education between primary and secondary.

43. The Committee believe that increasing the number of pupils continuing in Gaelic medium education at secondary level is vital and should be a key component of the national Gaelic education strategy recommended above.

44. 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 Gàidhlig:

“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”\textsuperscript{28}.

45. 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”.\textsuperscript{29}

\textsuperscript{25} Higginson, Official Report, 1 December 2004, col 1885.
\textsuperscript{26} Building a Better Scotland. Scottish Executive, September 2004.
\textsuperscript{27} Spending Review 2004: Technical Notes (http://www.scotland.gov.uk/library5/finance/srtn04-00.asp)
while Sabhal Mòr Ostaig stated that:

“Development is held back, however, because there are not enough teachers in the system at the moment”30.

46. 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”31

and stress that this must be addressed in the national Gaelic education strategy.

47. 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 workload 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”32.

48. Increasing the number of Gaelic medium teachers is particularly challenging and it has been proposed that some form of incentive 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.”

49. 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 there are issues of retention as well as recruitment that need to be addressed, for example, job security and career progression for Gaelic medium education teachers.

50. The Committee recommend that strategies for ensuring both an increase in the numbers of Gaelic medium teachers and a step change the numbers of pupils pursuing Gaelic medium education, at both primary and secondary level, are developed within the national Gaelic education strategy recommended above. Unless these two key issues are addressed, the Committee is concerned that the wider aspirations the Gaelic Language (Scotland) Bill in securing the Gaelic language will not be achievable.

51. Sabhal Mòr Ostaig 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.”

52. The Committee wholeheartedly support this view and believe that pupils receiving Gaelic medium education should be receiving education that happens to be in medium of Gaelic. Furthermore 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.”

53. The Committee supports Highland Council’s argument that:

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“…responsibility for Gaelic Education and Gaelic Education developments should remain as part of the core remit of the Scottish Executive, HMIE, and Local Authorities”\textsuperscript{37}

as the quality of education, whether it is in English or Gaelic, must remain with these authorities.

54. The Committee welcomes the Bill’s amendment of Standards in Scotland’s Schools etc Act 2000 so that education authorities have to have regard to Bòrd na Gàidhlig’s guidance on Gaelic education but recommends that the Scottish Executive considers presenting an amendment to the Bill to ensure that the guidance issued by Bòrd na Gàidhlig takes account of the Standards in Scotland’s Schools etc Act 2000.

55. The Committee notes that the addition of another body, in the form of Bòrd na Gàidhlig, to the educational landscape to complement 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 these will need to be resolved through the development of a national Gaelic education strategy as advocated above and through the Gaelic language plans of the individual organisations (especially local authorities) to ensure a coherent and comprehensive approach to Gaelic education.

Educational resources and the use of technology

56. 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 seen and heard evidence of the poor quality of some Gaelic medium resources, for example, Gaelic words being pasted over the top of English words. This type of \textit{ad hoc} solution may compound the perception of Gaelic as being of lower in status to English. The Committee notes, however, 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.

57. The Committee welcomes the recent announcement\textsuperscript{38} of £10 000 of additional funding to Stòrlann Nàiseanta na Gàidhlig but recommends the Scottish Executive continues to increase the funding available for Gaelic medium teaching resources to support teachers.

58. 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. The Committee note that the use of new technology may enable expansion of the number of pupils who

\textsuperscript{37} Highland Council, written submission in support of oral evidence, 1 December 2004.
\textsuperscript{38} 6 January 2005.
have access to Gaelic education and provide a means of disseminating Gaelic resources more efficiently and effectively. However, the Committee cautions that such 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 robots. We must twin-track the two issues and develop both teachers and IT”.

59. The Committee note that technology could play a partial role in enabling more people to train as Gaelic medium teachers, as highlighted by Sabhal Mòr Ostaig:

“For people who live in quite remote areas, perhaps video teaching and similar things—such as video conferencing and remote-learning classes in people's homes—could be considered among the ways in which to resolve the problem of the shortage of teachers”.

60. The Committee note the importance of developing centres of excellence that can support teachers and, in this vein, welcome the announcement by Glasgow City Council of the development of a Gaelic medium secondary school in Glasgow and the continuing work of Sabhal Mòr Ostaig in supporting teachers both in terms of language skills and resources.

Statutory right to Gaelic medium education

61. As noted above, 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”.

62. However, the Welsh Language Board clarified that:

“…there is no statutory right to Welsh medium education”.

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41 13 December 2004.
42 Gaelic Language Promotion Trust, written submission.
63. 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”\(^\text{44}\) .

64. The Committee readily understands the wish for the establishment of a statutory right to Gaelic medium education but recognises the Scottish Executive’s concerns over the practical deliverability of such a right. However, the Committee believes that the establishment of such a right should be an aspiration for the future depending on the development of Gaelic through the language planning process.

65. 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 what constituted reasonable demand could change through time. Furthermore, the Committee believe such prescription would run contrary to the flexible language planning approach that the Bill adopts. This concurs 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 see what the plans are. We discuss the final scheme with the authorities. We feel that that has more rigour as a planning process”\(^\text{45}\) .

66. 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”\(^\text{46}\) .

\(^{44}\) Prys Jones, Official Report, 8 December 2004, col 1895.  
The relative balance between Welsh medium and English medium education is dependent on local demography.

CULTURAL AND ECONOMIC CONTEXT

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

“...see English as so strong and attractive in comparison with their own language”\(^{47}\).

68. More prosaically but tellingly, Comann nam Pàrant asked:

“...what is Gaelic for cornflakes ?”\(^{48}\)

69. 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”\(^{49}\).

70. This latter point illustrates the importance of the cultural 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”\(^{50}\).

71. The Committee notes that it is not enough to support Gaelic medium education alone, there must also be support for parents whose children are learning Gaelic and who wish to learn Gaelic themselves. Unless this happens, immersion in Gaelic medium education at school will be undermined by the fact that Gaelic is not spoken at home. This emphasises the point made above that Bòrd na Gàidhlig and the national Gaelic education strategy must encompass the learning of Gaelic as a second language as well as Gaelic medium education.

Broadcasting

72. The Committee 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.\textsuperscript{51}

73. In its written submission to the Committee, Gaelic Media 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.”\textsuperscript{52}

74. Although, the Committee recognises that 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.”\textsuperscript{53}

Economic value of Gaelic

75. Although, a secondary issue relative to the protection and development of the Gaelic language, the Committee were impressed by the evidence on the economic benefits attributable to the Gaelic language and its associated culture. Comunn na Gàidhlig noted the impact of Àros, the Gaelic cultural centre in Portree:

“…brings in more than £1 million to the economy of the island. It employs almost 30 people and—perhaps most important—more than 260,000 people come to Àros every year.”\textsuperscript{54}

76. In addition, Highland Council provided supplementary information to the Committee estimating that Gaelic language and culture contributed £7.1 million to the economy of their area per year.

OTHER ORGANISATIONS

UK Bodies

\textsuperscript{52} Gaelic Media Services, written submission. 
\textsuperscript{53} Huws, Official Report, 8 December 2004, col 1912. 
\textsuperscript{54} MacDonald, Official Report, 29 November 2004, col 1829.
77. 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 Licencing Agency and the Royal Mail. The legislative context is clearly different to that in Wales where all public authorities operating in Wales were subject to the terms of Welsh Language Act 1993.

78. The concerns regarding UK bodies 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”\(^{55}\).

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

80. The Bill does not encompass:

i. public authorities whose functions are wholly reserved to Westminster under the Scotland Act 1998;

ii. Cross Border Public Authorities (for example, the Forestry Commission or the Scottish Consumer Council); or

iii. the Food Standards Agency which is a non-Ministerial government department but which, through section 35(2) of the Food Standards Act 1999 can have functions exercisable in or as regards Scotland. conferred on it by the Scottish Parliament.

81. The Committee has received legal advice that in order to extend the Bill to cover public authorities with wholly reserved functions, it would be necessary to amend the Schedule 5 of the Scotland Act 1998 by order in Council (which would be subject to procedure in both the Scottish Parliament and in Westminster).

82. In order to modify the functions of a Cross Border Public Authority an order in Council under section 89 of the Scotland Act 1998 (again subject to procedure in both the Scottish Parliament and Westminster) would needed. However, there does not appear to be any difficulty in imposing duties on a Cross Border Public Authority where the functions are within devolved competence.

83. The Committee encourages Bòrd na Gàidhlig, under the functions in section 1(2) of the Bill, to work with those UK public bodies that deliver key public services in Scotland in a cooperative manner to find ways to improve their Gaelic provision and believes that seeking an order in Council should always be a last resort.

84. The Committee recommends that the Scottish Executive seek ways to amend the Bill to encompass the Food Standards Agency as it is a critically important public authority whose work impacts on everyone in Scotland.

Private and voluntary sector organisations

85. 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”\textsuperscript{56}.

86. 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”\textsuperscript{57}.

87. 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.

Courts

88. A number of written submissions requested the right to use Gaelic in court situations and the importance of being able to express concepts and articulate arguments in one’s first language.

89. 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 expect to see the Scottish Court Service developing language plans that would demonstrate how they would enable Gaelic speakers to

\textsuperscript{56} Prys Jones, Official Report, 8 December, col 1897.
\textsuperscript{57} Huws, Official Report, 8 December 2004, col 1914.
use their language at a very early stage. The Committee notes the experience in Wales where:

“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”\(^{58}\).

BÒRD NA GÀIDHLIG

90. The Committee recognises the importance of having an independent language development 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”\(^{59}\).

91. This enables the body to focus solely on its core task of language planning which has resulted in:

“…immeasurable qualitative change throughout Wales”\(^{60}\).

92. 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”\(^{61}\).

and concur with Bòrd na Gàidhlig's statement that:

“…the philosophy of the current bòrd is facilitation, not coercion”\(^{62}\).

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

“… draw an organisation to the relevant minister's attention”\(^{63}\).

94. It has also been proposed that:

“… a Commissioner or an independent Ombudsman be put in place to deal with claims concerning the Gaelic Board”\(^{64}\).

\(^{59}\) Huws, Official Report, 8 December 2004, col 1892.
\(^{60}\) Huws, Official Report, 8 December 2004, col 1894.
\(^{61}\) Comhairle nan Eilean Siar, written submission in support of oral evidence, 1 December 2004.
\(^{63}\) Prys Jones, Official Report, 8 December 2004, col 1895.
95. However, the Committee believe that if independent assessment of either Bòrd na Gàidhlig or of a public body’s performance in delivering a Gaelic language plan 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.

96. Highland Council suggested that:

“The other element that has been discussed by us as a council is that as well as having appointments to quangos, we should have direct elections to them”\textsuperscript{65}.

97. The Committee believes that direct elections to Bòrd na Gàidhlig would be unfeasible as it would be very difficult to identify who the electorate would be and therefore Ministerial appointments to Bòrd na Gàidhlig (as set out in Schedule 1 of the Bill) is the most appropriate route.

98. 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 Bòrd na Gàidhlig to assist in ensuring the quality of the guidance on Gaelic education that it issues.

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

100. It has been proposed that:

“It is a weakness in the Bill that it is not required of Bòrd members to have a communicative knowledge of Gaelic”\textsuperscript{66}.

101. Although the Committee accepts it would desirable for members of Bòrd na Gàidhlig to have some knowledge of Gaelic, it does not believe that this should be prescribed in statute as there may be benefit in Ministers having the flexibility to appoint a member with, for example, experience of the development of another minority language, or as proposed above, particular educational expertise.

**LANGUAGE PLANS**

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

\textsuperscript{64} SNP (Skye Branch), written submission.
\textsuperscript{65} Foxley, Official Report, 1 December 2004, col 1868.
\textsuperscript{66} Sabhal Mòr Ostaig, written submission in support of oral evidence, 29 November 2004.
“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”\(^{67}\).

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

104. The Financial Memorandum accompanying the Gaelic Language (Scotland) Bill\(^{68}\) 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”\(^{69}\).

105. Although the Committee recognises the need to build on existing work and secure the position of Gaelic in traditional Gaelic speaking areas. However, it believes that there is also a case for focusing some early effort on developing language plans for areas where Gaelic is less widely spoken but where there is a potential for use (for example, Perth and Kinross, where 1.85% (just above the Scottish average of 1.84%) of the population have some knowledge of Gaelic\(^{70}\)) as this will emphasise the wider development of Gaelic rather than just the preservation of the language (see previous recommendation on amendments to the Bill to emphasise potential for development).

106. 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”\(^{71}\).

107. 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

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\(^{68}\) Gaelic Language (Scotland) Bill, Explanatory Notes, SP Bill 25-EN.
\(^{70}\) Gaelic Language (Scotland) Bill, SPICe Briefing SB 04-81, p. 29.
\(^{71}\) An Comunn Gaidhealach, written submission.
scale and scope, are effectively implemented once agreed between the authority and Bòrd na Gàidhlig.

108. 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.”

109. 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.

110. 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.

111. 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.

112. Furthermore, the Subordinate Legislation Committee recommended that there was a case for greater Parliamentary involvement in the approval of the national Gaelic language plan. In response to the Subordinate Legislation Committee, the Scottish Executive undertook to present an amendment at Stage 2 that would ensure that the national Gaelic language plan was laid before Parliament without procedure. The Committee endorses the Subordinate Legislation Committee’s view that there should be greater Parliamentary involvement but believes that there may be a case for considering amendments to enable Parliamentary scrutiny of the national Gaelic language plan under affirmative procedure.

FINANCE COMMITTEE’S RECOMMENDATIONS

113. In reporting to the Committee, the Finance Committee made a series of recommendations that it believed would ensure effective scrutiny and transparency.

114. 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

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73 Gaelic Language (Scotland) Bill, Subordinate Legislation Committee, para 6.
74 Gaelic Language (Scotland) Bill, Finance Committee, para 26.
operations and welcomes the Minister for Education and Young People’s commitment to do this if at all possible.

115. The Committee support 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.

116. 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”\textsuperscript{75}.

117. The costs of actually implementing Gaelic language plans will vary depending on the scope of individual plans and the extent to which Gaelic provision is already in place. The Bill’s Financial Memorandum estimates that the costs could vary between nothing and £155 000 for an individual public authority. As Glasgow City Council stated:

“In authorities such as Highland Council and Western Isles Council, much has already been developed. The heavyweights may have much in place. One finance issue is that middleweight and lightweight councils would have to build up to that. Those councils would initially require support for development”\textsuperscript{76}.

118. The implication of this is that for some public authorities there could be a need for upfront funding before the normal costs of Gaelic provision can been mainstreamed into normal operations.

119. The Committee were impressed by the proposal that Bòrd na Gàidhlig should develop generic templates for Gaelic language plans that public authorities could use according to the scope and scale of the language plan that Bòrd na Gàidhlig expected them to develop.

CONCLUSIONS

120. The Committee welcomes the strong statements that have been made by Ministers regarding their commitment to realising the purposes of the Gaelic Language (Scotland) Bill in the longer term and strongly endorses the view that Gaelic should be protected and developed so it can prosper as an official language of Scotland.

121. The Committee notes the fragile state of the Gaelic language and welcomes the Bill as a practical statutory framework for a language

\textsuperscript{75} Prys Jones, Official Report, 8 December 2004, col 1910.
\textsuperscript{76} Higginson, Official Report, 1 December 2004, col 1889.
planning approach to the protection and development of Gaelic and notes
that the Policy Memorandum represents a clear statement of the Bill’s
policy intentions.

122. This report has articulated the Committee’s view that there are
significant policy and resource issues, especially with regards to Gaelic
education, that must be addressed to ensure delivery of the aspirations of
the Bill and the Committee believes that the Scottish Executive must take a
strong lead in addressing these issues.

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