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Economy and Gaelic
Leas Phrìomh Mhinistear agus Rùnaire a' Chaibineit
airson Eaconamaidh agus Gàidhlig
Kate Forbes MSP
Ceit Fhoirbheis BPA



Scottish Government
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Sue Webber MSP
Convenor
Education, Children and Young People Committee
Scottish Parliament

By email: ecyp.committee@parliament.scot

10 September 2024

Dear Sue,

Scottish Languages Bill: Scottish Government Response to the Stage 1 Report

I am writing to thank the Education Children and Young People Committee for its Stage One Report on the Scottish Languages Bill, issued on 24 July and for the Committee's detailed and positive consideration.

I would like to acknowledge and thank those members who were part of the initial scrutiny of the Bill, for their time and consideration and look forward to working with the new committee members as the Bill moves forward.

The Committee has made valuable points which the Scottish Government has carefully considered and our response to the Report is now attached.

I would be happy to discuss any of the points raised in the Report and in our response and to provide further detail if it would be helpful.

Kind regards,

KATE FORBES

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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SCOTTISH LANGUAGES BILL – SCOTTISH GOVERNMENT’S RESPONSE TO THE EDUCATION CHILDREN YOUNG PEOPLE COMMITTEE : STAGE 1 REPORT

AIMS OF THE BILL

42, 43, 44,

The Committee recognises the support expressed in evidence for the main aims of the Bill.

The Committee notes, however, that stakeholders are looking for more tangible support, particularly in relation to community development, than the structures being established by the Bill will guarantee. The Committee agrees with witnesses that, without that support, the aims of the Bill will not be achieved.

The Committee believes that there are significant issues that need to be addressed to support Gaelic, which is in a perilous state. The Committee believes that more needs to be done to urgently support speakers, to ensure that the language thrives as a community language.

The Scottish Government agrees with the view community development is essential. There are, currently, a range of Gaelic community development interventions in place and the Bill provisions, such as strategy, standards and areas of linguistic significance will add to and strengthen these interventions.

The Scottish Government notes the Committee’s concern about the fragile state of the Gaelic language in Scotland and would add that this is not a point of recent awareness. For this reason, the Scottish Government aim is to build on the initiatives that are in place and, with this Bill, put new structures in place to urgently address the needs of speakers in home, school, community and workplace.

<p>45, 46</p>	<p>The Committee notes the issues raised in submissions such as housing, transport, and the economy as well as the evidence from the Scottish Government that these infrastructural issues will feature in the National Strategy, standards, and areas of linguistic significance. The Committee also acknowledges the commitment from the Deputy First Minister to consider these issues further.</p> <p>The Committee asks the Scottish Government for further information as to how it will use the powers within the Bill to support communities with these issues.</p>	<p>The Scottish Government will be keen to explore the extent to which infrastructural issues can be included in standards and strategy and because of this, the potential for infrastructural issues to feature in Gaelic language plans and in Gaelic language plans as they operate in areas of linguistic significance.</p> <p>The Scottish Government is mindful that all provisions of the Bill must be within the legislative competence of the Parliament, and provision in areas such as housing, which may engage articles of the ECHR, would require to be framed on that basis. Additionally, Scottish Government in preparing legislation need to take account of existing legal and policy frameworks in these areas, including current work ongoing to address the national housing crisis.</p> <p>Infrastructural issues have also featured prominently in the recommendations in the Short Life Working Group on Economic and Social Opportunities for Gaelic. Scottish Government continues to consider these recommendations and a response to the Short Life Working Group report will be issued in due course.</p> <p>This is a large question and while it could involve provisions of the Bill there are interventions and projects that are currently in place at local authority, public body and community level. The Scottish Government would be happy to offer a separate paper to the Committee highlighting existing activity in these areas.</p>
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OFFICIAL STATUS FOR GAELIC AND SCOTS

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The Committee acknowledges the evidence from some organisations that the umbrella term 'Scots' may not be helpful to the achievement of the Bill's aims. While recognising that the Scottish Government may provide more clarity within the strategy and standards to follow, the Committee believes that if the purpose of official status is to give recognition to Scots in all its forms, there must be more explicit reference to those forms. The Committee therefore recommends that the Bill sets this out more clearly.

In this, the Scottish Government takes its lead from the speaker community which recognises and uses Scots as the overall and umbrella term within which all forms and regional varieties are recognised and respected. If reference to specific dialects or varieties of Scots is included, it may cause unintended issues in relation to any dialects not specifically referred to. The current drafting was settled on after some consideration of factors, including the desirability of reflecting the Gaelic Language (Scotland) Act 2005 definition of Gaelic. Further articulation of or illustrations of the variety of Scots could be provided in supporting policy documents or parliamentary statements which accompany the Bill and would be referred to for interpretation and context.

GAELIC LANGUAGE

Areas of Linguistic Significance

119-121

The Committee recognises that some of the activities which would take place in an area of linguistic significance are already in place. It is not clear to the Committee that legislation is in fact required to deliver an area of linguistic significance in practice.

The Committee notes that some stakeholders are unclear what an area of linguistic significance means and what it will look like.

The Scottish Government's view is that legislation on areas of linguistic significance is important for a number of reasons. This legislation, including standards, strategy, and Gaelic plans will create a framework of principles, aims and expectations. Families and communities will know what they can expect. Bodies and authorities will know what they are expected to deliver. This will put measures in place to support the Gaelic speaker community and strengthen current interventions.

Many Gaelic stakeholders are very clear on the level of provision they would like to see in their communities and the

	<p>The Committee acknowledges the evidence from Comhairle nan Eilean Siar and others, including the Deputy First Minister, explaining what an area of linguistic significance would look like in the Western Isles. As a result, the Committee is clear on the vision for an area of linguistic significance there.</p>	<p>provisions of this Bill, with clear expectations in strategy and standards, will seek to reflect these wishes and ambitions. The Scottish Government will consult with the community on standards, and this will bring clarity where it is needed.</p> <p>These are not steps without precedent. Gaelic plans and guidance are in place and Comhairle nan Eilean Siar has important Gaelic provision in place. Bòrd na Gàidhlig is currently developing two pilot community plans in Uist and Lewis. The Bill provisions will put measures in place to improve on current provision in line with the wishes of Gaelic speakers.</p>
<p>122-125</p>	<p>It remains unclear to the Committee what areas of linguistic significance would look and feel like within local authorities where there are proportionately fewer Gaelic speakers and how national and locally based public bodies will work together to deliver outcomes for the language and the duties that an area of linguistic significant will impose.</p> <p>The Committee therefore asks the Scottish Government for further detail as to how the Scottish Government envisions these measures will work in practice and how local authorities and public bodies will work together to deliver opportunities for Gaelic speakers and learners.</p> <p>The Committee notes the Bill does not provide tools, mechanisms or funding for local authorities once an area of linguistic significance has been designated.</p>	<p>Areas with proportionately fewer Gaelic speakers could still select to be areas of linguistic significance and could come to Scottish Government for consideration. In this situation, consideration would be given, and consultation required on what standards would be applied to such an area. It is Scottish Government intention that standards will be drafted to ensure that the requirements are suitable for different areas as appropriate to the circumstances, including population and location.</p> <p>The Scottish Government has attached in the annex some examples of areas where standards could be developed and examples of these. These are only for present illustrative purposes and should not be regarded as draft standards. The actual standards formulation and precise drafting would only be settled after consultation with stakeholders during the implementation of the Bill.</p>

	<p>Local authorities are currently dealing with financial challenges and competing priorities. The Committee therefore questions why a local authority would wish to designate an area of linguistic significance if this created additional duties without commensurate additional funding.</p>	<p>Local authority Gaelic provision predates and is not solely the product of Scottish Parliament legislation. Several authorities have good provision in place and are working with speaker communities, are making their own funding decisions and are keen to make progress. The Scottish Government will continue to do what it can to support authority initiatives.</p>
136-137	<p>Designation Process The Committee agrees with stakeholders about the importance of community engagement and support when designating an area of linguistic significance. Therefore, a useful amendment to the Bill might be a provision for the local community to be involved in the decision to designate its area as one of linguistic significance.</p> <p>The Committee believes that it is important for local communities to have a voice in this process. The Committee therefore urges the Scottish Government to consider how the Bill could be amended to provide for community input, including considering measures to allow communities to propose an area of linguistic significance as well as local authorities.</p>	<p>The Scottish Government is very aware of the strength of feeling on this point and has discussed this matter with both authority representatives and community groups. The Scottish Government would be happy to consider amendment options in relation to this which would include an improved degree of community involvement.</p>
143	<p>Provision for Scots areas of linguistic significance The Committee notes the Deputy First Minister's commitment to consider the omission of areas of linguistic significance provision for Scots Language areas and looks forward to receiving the results of her consideration.</p>	<p>In this Bill, the Scottish Government is bringing forward, for the first time, important measures for Scots. The designation of an area as an area of linguistic significance will require steps to be taken by bodies and authorities in support of this. Although Scots is recognised as an important community language, the Scottish Government is of the view there is</p>

		not, at this stage, an adequate Scots infrastructure of projects or services in place to support such a designation. This could be considered in time for future primary legislation.
National Gaelic Strategy		
159-164	<p>The Committee notes the support from stakeholders for Scottish Ministers to take ownership of the National Gaelic Strategy.</p> <p>The Committee believes that this will allow for more policy coherence across many policy areas including housing, transport, and the economy.</p> <p>The Committee notes the concern from some stakeholders that the consultation required on the draft strategy could be limited. The Committee believes that it is important that the strategy reflects the needs and priorities of communities. As such, the Committee asks the Scottish Government to set out how it will ensure that key stakeholders and communities are consulted on the draft strategy.</p> <p>The Committee notes the suggestion by the Law Society of Scotland that the results of the various consultations conducted when preparing strategies, standards and guidance, should be published.</p> <p>The Committee recognises the calls from some stakeholders for Scottish Ministers to expedite the drafting of a National Gaelic Strategy, rather than waiting until the proposed date of 2028. The</p>	<p>The Scottish Government welcomes the support from stakeholders for ownership of the Strategy resting with Scottish Ministers and the Scottish Government would be happy to ensure full public consultation on the strategy: this was always the intention behind the current requirement for consultation in the Bill.</p> <p>It has been standard practice recently for key Scottish Government policy documents on Gaelic to be issued for public consultation, this to be accompanied by public meetings with a range of community and interest groups and ministerial meetings. Following consultation an independent analysis would be prepared for Scottish Ministers. The results of consultation and the analysis would be published.</p> <p>The wording in the Bill is already sufficient to provide for full public consultation, and the Scottish Government will consider what can be done to expand the provision so that that is clear on the face of the Bill.</p> <p>The Scottish Government welcomes this comment and will ensure that early consideration will be given to the future content of the next Gaelic strategy. The Gaelic strategy will build on and take its lead from the current National Plan for Gaelic. The Scottish Government notes that there are a range of important actions in the National Gaelic Language</p>

	<p>Committee further recognises the urgency of the current situation. As such, the Committee recommends that the Scottish Government considers accelerating its work on the strategy.</p> <p>The Committee acknowledges the evidence highlighting the challenges facing Gaelic. The Committee is of the view that the current National Plan is not adequate to deal with them and that the next national strategic document for Gaelic must be strengthened. Whether, at the end of the Bill process, the national strategic document for Gaelic is the responsibility of Scottish Ministers, or remains with Bòrd na Gàidhlig, the Committee recommends that work to develop and strengthen policy does not wait for the outcome of the Bill.</p>	<p>Plan 2023 – 2028 which will contribute to the strengthening and support for the Gaelic language. Scottish Government will seek to make good and early progress with the new Strategy.</p>
<p>170-172</p>	<p>Increased Reach</p> <p>The Committee recognises that the number of public authorities which would need to have regard to the National Strategy in exercising their functions – whether they have a Gaelic Language Plan or not - would increase as a result of section 5 of the Bill.</p> <p>However, it is not clear to the Committee how many more public bodies will be affected or what the associated costs to those public bodies might be as a result. As such, the Committee asks the Scottish Government to provide details of the public bodies which have duties under the existing arrangements and those which will have duties placed upon them as a result of the strategy and other aspects of the</p>	<p>Relevant public authorities will be required to have regard to the strategy and consider how the Gaelic Strategy is relevant to and impacts on the exercise of their functions. Advice from Bòrd na Gàidhlig to support relevant public authorities in this consideration can be provided and Bòrd na Gàidhlig to do not charge for this assistance.</p> <p>The intended use of standards powers in the initial period of implementation of the Bill will be to move content and requirements that have appeared in Statutory guidance and Gaelic language plans into regulations that will require to be complied with. Therefore the principal priorities of the strategy and expectations in the standards will apply to public authorities with Gaelic language plans.</p>

	<p>Bill, as well as an indicative cost to those public bodies.</p> <p>The Committee notes that the new strategy may contain significant changes such as provision for establishing stand-alone Gaelic schools or simplifying the process to request GME. Given the potential impact of such changes on local authorities, including on their resources, the Committee asks the Scottish Government to consider setting these measures out on the face of the Bill and the likely costs which local authorities would incur as a result.</p>	<p>Scottish Government is aware of these points and also of the strength of feeling attached to stand alone Gaelic schools. Scottish Government will give consideration to this and whether these measures mentioned should feature on the face of the Bill.</p>
<p>176-177</p>	<p>Measuring Success</p> <p>Given that bespoke approaches will be required in different areas, the Committee understands the need for nuance in the setting of ambitions within the strategy.</p> <p>However, the Committee believes that it is important to set clear ambitions and targets for what is to be achieved. As such, the Committee recommends that a statutory duty to develop and set out short and long-term outcomes is included within the strategy provisions, along with measures which will be taken to facilitate the achievement of those targets and ambitions.</p>	<p>The Scottish Government welcomes this comment and notes that policy and programmes for Gaelic have always aimed to be proportionate and that different measures would be appropriate for different situations. The Scottish Government would expect that this will continue and be reflected in both the Gaelic strategy and in the standards.</p> <p>The Scottish Government welcomes this comment and will ensure that the strategy contains appropriate targets. It is not however considered necessary for a statutory requirement to be included to require targets to be set or for them to appear on the face of the bill, noting that targets or ambitions could be numerical or could be the target of establishing a certain project or supporting an initiative. The Scottish Government recognises that it will also be important to look to public authorities to set their own targets and ambitions for Gaelic.</p>

Standards, guidance, and directions within education		
198-199	<p>The Committee notes the policy intention of setting standards and requirements across the country, to ensure that there is a consistent baseline of ‘accepted practice’.</p> <p>The Committee recognises, however, that the Bill will allow—</p> <ul style="list-style-type: none"> • different standards to be set for different areas, with higher standards likely within areas designated as of linguistic significance • local authorities which do not have a history of Gaelic, or where it is not a priority, for instance the Orkney Islands, to opt out of these requirements. 	<p>The Scottish Government welcomes and agrees with these points. The Scottish Government policy and programmes to support Gaelic have always aimed to be proportionate. This will continue with the standards and is why the powers relating to standards have been prepared to allow different provision for different purposes. This will allow different standards to be applied to different areas and to different bodies. Those areas such as the Orkney Islands which do not have a history of Gaelic or a demand for Gaelic medium education will not have requirements placed upon them through standards.</p> <p>Where a requirement is applied to a body through regulations this will be a requirement set out in law. Whether there is any discretion, and the extent of any discretion, would depend on how the standards are framed and drafted in due course. Noting that there are requirements in the bill to ensure consultation in relation to standards.</p>
200-201	<p>The Committee is unclear how the Scottish Government will balance its aim to introduce standards that progress Gaelic with the ability of local authorities to opt out. The Committee asks the Scottish Government to set out whether it intends to set criteria for applying Gaelic standards to public authorities, and the circumstances in which a public authority will be able to opt out.</p>	<p>As above, and as indicated in evidence to the committee the intention in the initial exercises of standards powers is to move requirements that have appeared in public authority Gaelic language plans over recent decades and iterations into standards that can then be complied with for bodies which they apply to.</p> <p>For bodies such as Orkney Islands Council which does not have a history of Gaelic and does not have a Gaelic language plan, or Gaelic Medium education standards</p>

	<p>The Committee acknowledges the calls from many public bodies for more detail as to what may be contained in the standards. The Committee asks the Scottish Government to provide sight of draft standards and requirements to illustrate what measures may be included, at the latest prior to Stage 2.</p>	<p>requirements will not be relevant or will not be applied. The Gaelic standards will also include Gaelic medium education and clearly GME standards would not apply if an authority does not have any Gaelic medium education.</p> <p>For the purposes of illustration, the Scottish Government has provided in annex A examples of what areas may be covered by Gaelic standards. The actual standards formulation and precise drafting would only be settled after consultation with stakeholders during the implementation of the Bill.</p>
Public Bodies' Plans and Reporting		
<p>215-217</p>	<p>The Committee recognises the general support from stakeholders for measures in the Bill relating to public bodies' plans and reporting. The Committee notes that there is a lack of clarity regarding the potential consequences for non-compliance or non-delivery of commitments made in a public body's Gaelic plan. The Committee therefore asks the Scottish Government for a clear statement as to what those potential consequences would be, at the latest prior to Stage 2.</p> <p>The Committee further notes the Law Society of Scotland's observation that a public authority must comply with a direction made by Scottish Ministers under several sections of the Bill, with no provision for an appeal. The Committee asks the Scottish Government to set out its rationale for this approach and make clear whether, on reflection, there should</p>	<p>The Scottish Government welcomes this comment from the Committee and recognises that there are a number of existing informal, formal, legal and Parliamentary mechanisms which provide routes and consequences of non-compliance including Parliamentary Questions, Committee consideration of published reports, a complaint under section 70 of the 1980 Act in relation to education functions, application for specific implement, and - as a matter of last resort - legal challenge. These existing routes do not need to be repeated in the content of this bill and the provisions in the bill for reporting routes is considered appropriate to encourage the progress required in this context. The route for Bòrd na Gàidhlig to report directly to Parliament is considered to be a significant change and an important step.</p>

	<p>be provision for an appeal and, if so, what that appeal process might look like.</p>	<p>The Scottish Government's view is that an appeal is not appropriate here. The directions referred to are administrative measures not judicial ones and for this reason making provision for an appeal in relation to them is not appropriate. This is the normal approach in legislation. Ministerial directions tend to be measures of last resort after more informal measures have failed. If there is no resolution at an informal level, then it would be open as a matter of last resort for the Scottish Ministers to raise an action for specific implement or for a public authority to seek judicial review of the directions.</p>
<p>GAELIC EDUCATION</p>		
<p>Standards, guidance, and directions with education</p>		
<p>273</p>	<p>Consultation The Committee notes the evidence from stakeholders highlighting the need to consult with communities on standards and guidance for Gaelic education. The Committee asks the Scottish Government to consider this further.</p>	<p>As above, the Scottish Government will ensure that a consultation as part of the process for the preparation and publication of standards and guidance will include consultation with community interests.</p>
<p>274-275</p>	<p>The Committee notes that in order to achieve the aims of the Bill in relation to Gaelic education, it is imperative that there is a sufficient supply of teachers who can teach Gaelic and do so in Gaelic. The Committee recognises that there are numerous courses and initiatives in place to promote teaching Gaelic or in Gaelic as a career. The Committee further recognises from the evidence that relatively</p>	<p>The Scottish Government shares the Committee's view that priority should be placed on the recruitment, education, and support of teachers of Gaelic and of subjects through the medium of Gaelic. The Scottish Government welcomes the Committee's acknowledgement that a number of routes into GME teaching are in place and supported. The Scottish Government will maintain a strong focus on attracting and supporting teachers of GME subjects. The Scottish Government wish to bring the Committee's attention to</p>

	<p>small numbers of people are making use of these pathways.</p>	<p>commitments in the National Gaelic Language Plan 2023 – 2028 that “Gaelic -medium Education will be considered as an integral part of the work of education groups such as the Teacher Workforce Planning Advisory Group, the Strategic Board for Teachers Education and across all aspects of education reform” and for “promotion of and support for the routes into GME teaching.”</p>
<p>276-278</p>	<p>Teaching and Support Staff The Committee notes the concerns of local authorities that a lack of qualified staff is a barrier to expansion of GME and GLE, one that is outwith their control. The Committee asks the Scottish Government whether there are further measures that it could take to help to increase the pool of teachers, school staff and nursery staff. The Committee also asks the Scottish Government to set out what, if any, actions it would take were a local authority to experience a lack of staff, and whether they would take into account factors outwith their control.</p> <p>The Committee recommends that the Scottish Government undertakes a workforce planning exercise in respect of teaching and support staff for ELC, primary and secondary settings and to consider whether such an obligation should be inserted in the Bill.</p> <p>The Committee notes the evidence of the GTC Scotland regarding its statutory role and how regulations developed by Scottish Ministers will</p>	<p>As above, the Scottish Government will maintain a strong focus on this issue, but we would want to add that this is not outwith the control of local authorities. A number of local authorities have supported teachers who have an interest in Gaelic learning and in transferring to GME teaching. For those authorities seeking to ‘grow their own’, the Scottish Government will seek to ensure that routes are in place and support to make this possible.</p> <p>The Scottish Government is aware this happens at times, and it is not for the Scottish Government to set out what actions should be taken. This is a matter for local authorities. The Scottish Government will, however, consider if any help can be offered by means of encouraging e-Sgoil digital delivery support or by means of probationer allocations.</p> <p>The Scottish Government welcomes the suggestion re workforce planning and will give serious consideration to the most suitable route for taking this forward noting that this may not require legislation. The Committee may be interested to be aware of existing activity in this area. The Scottish Government currently undertakes an annual workforce planning exercise to determine the intake targets</p>

	<p>align with its functions. The Committee asks the Scottish Government to set out how it will ensure alignment with the GTC Scotland in respect of relevant regulations.</p>	<p>to Initial Teacher Education (ITE) programmes. This involves extensive consultation with various parties including the Teacher Workforce Planning Advisory Group (which has representatives from local authority employers and university providers of ITE). The Group's recommendations to the Cabinet Secretary for Education and Skills is based upon Scottish Government statistical model on future number of teachers needed. The annual statistical model estimates the number of ITE students required to maintain teacher numbers. The model is based on a number of inputs including projections about the number of pupils in the education system at primary and secondary ages, churn in teacher numbers (recruitment, maternity, returners, etc) and the retention rates of ITE students. The Scottish Funding Council are ultimately responsible for setting intakes to ITE and write to universities setting targets for each academic year.</p> <p>The Strategic Board for Teacher Education (SBTE) are developing strategies to overcome issues around recruitment and retention of teachers in Scotland, including geographical and subject-specific challenges. The Board is also working to improve the promotion of teaching as a career and attract new entrants into the profession, as well as developing a teacher education framework to support teachers in broadening their skills and experience throughout their career.</p> <p>The Teaching Bursary Scheme includes Gaelic medium teaching at both primary and secondary levels as well as the teaching of Gaelic as a standalone subject at secondary. The scheme addresses recruitment shortages in the hardest</p>
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		<p>to fill subjects and provides up to 84 bursaries of £20,000 for career changers wishing to undertake a one year PDGE initial teacher education course, with a total annual budget of £1.6 million.</p> <p>Crucially there are relevant commitments in the National Gaelic Language Plan 2023 – 2028 which are relevant to the question of workforce. “Gaelic-medium Education will be considered as an integral part of the work of education groups such as the Teacher Workforce Planning Advisory Group, the Strategic Board for Teacher Education and across all aspects of education reform” and “a co-ordinated approach to Gaelic medium education support for teachers in schools will be developed”.</p> <p>In relation to early learning and childcare workforce, and in line with Audit Scotland recommendations in 24-25, Scottish Government plan to take forward work with councils and other stakeholders to develop long-term workforce plans for the ELC sector to address the risks to sustainability and meet future demand. As part of that, Scottish Government will be working to ensure we understand the data available to support workforce planning, and where gaps exist how they might be filled. We will therefore look to ensure consideration is given to how to increase the pool of Gaelic medium education staff in early learning and childcare settings.</p> <p>Scottish Government is committed to supporting a sustainable, diverse and thriving childcare sector in Scotland. In 2024-25 we are providing £16 million additional funding to increase pay to £12 per hour for staff providing</p>
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		<p>funded hours in private and third sector providers and childminders. This will mean an average increase of around £2,000 per year in gross salary for the eligible staff who are working full time. This is a critical step towards addressing the recruitment and retention issues facing the sector today.</p> <p>In line with Audit Scotland recommendations and the Programme for Government, in 24-25, we plan to further support the sector by:</p> <ul style="list-style-type: none"> • working with councils to urgently put in place a process for monitoring progress with providers paying the real Living Wage to staff delivering funded ELC • growing the childminding workforce and trial new methods of improving retention, in light of the significant decline in this part of the workforce in recent years • further developing the new online one stop shop for quality assured continuous professional learning (CPL) resources which launched in March • engaging with the Adult Social Care sector to understand how the ELC workforce can engage in sectoral bargaining and effective voice as a longer-term mechanism for equalising workforce pay and conditions between local authority and private, voluntary and independent workforces. <p>In the preparation of any regulations by the Scottish Government there would be wide discussion and public consultation to ensure alignment with any related public authority functions or in this case the role of GTCS. At this stage it is not envisaged that these powers will be used to introduce standards relating to matters that are within the</p>
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		<p>remit of GTCS and the Scottish Government would take due care to ensure that any regulations made using the powers of this Bill would cohere with the existing legal framework.</p>
<p>279-283</p>	<p>Gaelic Education Standards and Guidance The Committee notes the evidence that, while welcomed by many, the provisions on standards, guidance and directions lack clarity as to what they will cover. As such, neither local authorities nor parents/carers have a clear idea of what possible expectations they can have in relation to Gaelic education provision and standards.</p> <p>Given that the requirements that standards or guidance could place on local authorities could be significant, the Committee asks the Scottish Government for sight of draft standards and requirements to illustrate what measures may be included, and the associated costs, at the latest prior to Stage 2.</p> <p>Under the current proposals, the standards created would be set out in subordinate legislation subject to the negative procedure. This means that the relevant Committee would be made aware of the subordinate legislation and could make comments on the record. However, it generally would not involve a Minister giving evidence to the Committee about the measures, how they would work or why the Scottish Government had drafted them in that way, as would happen under the affirmative procedure. This is of concern to the Committee.</p>	<p>The Scottish Government has attached in the annex some examples of standards. These are only for present illustrative purposes and should not be regarded as draft standards. The actual standards formulation and precise drafting would only be settled after consultation with stakeholders during the implementation of the bill</p> <p>The Scottish Government notes the exchange between Scottish Government and the DPLRC on this point and that the DPLRC were content with the choice of negative procedure for section 12. The Scottish Government notes that a move away from negative procedure for these regulations would take them out of alignment with section 2 of the Education (Scotland) Act 1980 and the procedure for standards for education more generally. In preparing this legislation consideration has been given to the existing legislative framework that operates in the various areas being amended and therefore we consider negative procedure appropriate in this context.</p>

	<p>The Committee notes that Gaelic language standards prepared under section 6 powers within the Bill will be subject to the affirmative procedure whereas Gaelic education standards, prepared under section 12, will be subject to the negative procedure.</p> <p>Given the potential impact of measures that could be brought in under these regulations, the Committee recommends that regulations containing Gaelic education standards are also subject to the affirmative procedure.</p>	
<p>284-285</p>	<p>Fluency</p> <p>The Committee notes the evidence highlighting the desire for speakers to have 'functional fluency' in Gaelic as an outcome of GME. The Committee recommends that the Scottish Government include this as one of the identifiable outcomes within the strategy and to develop a consistent national measure for this</p> <p>The Committee further notes the evidence stating that achieving 'functional fluency' requires opportunities to speak Gaelic in community settings. The Committee asks the Scottish Government how it intends to support and facilitate such opportunities.</p>	<p>There are several procedures in place to assess fluency and the level and quality of the Gaelic being attained in GME classes. The Scottish Government welcomes this recommendation and will explore how this can be improved, how this can be included in strategy or standards and how best to gain the confidence of the speaker community on this point.</p> <p>Current measures to assess fluency include teachers' professional judgement, SQA examinations, HMIE inspections, Curriculum for Excellence levels and Gaelic National Standardised Assessments (Measaidhean Coitcheann Naiseanta na h-Alba).</p> <p>Along with the provision of GME immersion education and support for the professional learning of teachers, the Scottish Government aims to ensure that a variety of out-of-school GME experiences are available for GME young people.</p>

		These are provided by a range of bodies and involve culture, arts, heritage, sports, debate, drama, and other intergenerational and youth activities. The Scottish Government will look at the possibility of these activities being supported by both strategy and standards.
286	<p>Education reform alignment and Gaelic curriculum</p> <p>The Committee notes calls for a distinct Gaelic curriculum. The Committee asks the Scottish Government what consideration it has given to the feasibility of this, including in relation to assessment and examination.</p>	<p>The Scottish Government acknowledges the importance of this comment but also recognises there is a tension in this. It is important for GME young people to learn and be immersed in the culture of the language they are learning yet at the same time it is important for GME young people to gain expertise and qualifications in recognised sectors and established areas of study. However, the Scottish Government welcomes the Committee comment. The Scottish Government is aware progress has been made in this area but there is potential for further developments.</p>
Ministers' and Local authorities' duties		
316- 318	<p>The Committee notes the disparity in the evidence regarding what effect section 15 will have [<i>Section 15 is the amendment to the Education (Scotland) Act 1980 to better include Gaelic as part of the definition of school education</i>].</p> <p>The Committee therefore asks the Scottish Government to clearly set out, on the face of the Bill, what the intention of this provision is, what that intention will achieve, and when it will be achieved.</p>	<p>The Bill does not amend section 1(1) of the 1980 Act, which requires education authorities to secure for their area 'adequate and efficient provision of school education', among other things. That remains the same, and it remains the case that education authorities are principally responsible for determining what 'adequate and efficient' means for their area. The Bill is changing the definition of 'school education' and how Gaelic is integrated into that definition. This makes clearer that school education includes Gaelic in Scotland, and that, in their determination of what constitutes 'adequate and efficient' school education for their areas, education authorities should include Gaelic medium</p>

	<p>The Committee acknowledges calls from many stakeholders for an explicit right to GME. While the Committee understands the desire behind such calls, it notes existing barriers to delivering this, including teaching staff numbers and other resource challenges and agrees with the Scottish Government that this is not required to be in the Bill.</p> <p>The Committee also acknowledges calls for clear pathways for Gaelic learners, to ensure that they can take their learning from primary through to senior secondary school and achieve qualifications.</p>	<p>education and Gaelic learner education in their understanding of school education. One of the overarching goals of Gaelic development – in education and elsewhere – is the normalisation and mainstreaming of the language as a functional aspect of Scottish public life. This provision further works towards that goal within the sphere of education. The Bill is clarifying what is within the scope of an education authority’s key duty when it is planning what school education would be ‘adequate and efficient’ for its area. In relation to the suggestion that the Scottish Government’s intentions should be set out on the face of the Bill, the Scottish Government considers that it is better that the Bill itself set out the change in the law that is to take place, with the practical steps and the timetables for achieving that being taken forward in discussion with education authorities.</p> <p>The Scottish Government notes the Committee view on an explicit right to Gaelic medium Education.</p> <p>The Scottish Government welcomes this comment and agrees with the importance of clear and consistent pathways.</p>
Further and Higher Education		
336-337	<p>The Committee notes the evidence supporting the provision to extend the right to request Gaelic Medium Primary Education, to now include Gaelic Medium Early Learning and Childcare.</p> <p>The Committee further notes, however, evidence from local authorities relating to the resources required to undertake assessments and the need for</p>	<p>Scottish Government is also aware of clear messages from Gaelic interests that support for Gaelic medium education Early Learning and Childcare should be supported and strengthened.</p> <p>The Education (Scotland) Act 2016 provides an entitlement for parents to request Gaelic medium primary education. This provision is widely accepted and included in 2017</p>

	<p>demand to be sustainable. The Committee notes that the Financial Memorandum does not set out the costs of such an extension.</p>	<p>Gaelic education guidance which, at the time, had local authority input and support. The Scottish Government agrees that demand needs to be sustainable. The costs of assessment in Gaelic medium primary education and early learning and childcare have been considered in the financial memorandum.</p>
<p>343-345</p>	<p>The Committee notes the link between creating more opportunities to speak and study Gaelic in further and higher education and developing more Gaelic speaking capacity within the workforce, including new Gaelic teachers.</p> <p>The Committee asks the Scottish Government what measures it intends to introduce in relation to further education, to help address the issue of low teacher numbers, what the cost of those measures would be to the providers and whether the Scottish Government intends to meet the cost of that new provision.</p> <p>The Committee also asks the Scottish Government how it will ensure that Gaelic learning is available in education beyond school, including further education and apprenticeships.</p>	<p>The Scottish Government ambition is to provide more opportunities for young people to use and develop their Gaelic skills in further and higher education and in the work place and community.</p> <p>A range of measures are in place to address the need for GME teachers to enter the profession. The costs of these measures are met by Scottish Funding Council, Skills Development Scotland and the Scottish Government with additional support coming from Bòrd na Gàidhlig and Stòrlann.</p> <p>The Scottish Government has consistently recognised the need for Gaelic opportunities in post school and adult education. This is a wide and diverse sector with a number of bodies making a contribution. This would include public authorities such as Scottish Funding Council, UHI, Sabhal Mòr Ostaig, Universities, MG ALBA, Bòrd na Gàidhlig, Skills Development Scotland and local authorities.</p> <p>As mentioned above, the Short Life Working Group on Economic and Social Opportunities for Gaelic makes several recommendations related to Gaelic training opportunities and the Gaelic workforce. The formal response to that will issue in due course and further address these points.</p>

		In relation to apprenticeships, work is underway to develop an evidence base for the work to improve the apprenticeship models and as part of the Scottish Government's reform of apprenticeships this will take into consideration how Gaelic learning is incorporated into apprenticeships.
SCOTS LANGUAGE		
Scots Strategy		
375-376	<p>The Committee notes the provision in the Bill for the drafting of a National Scots Strategy by Scottish Ministers. The Committee believes that it is important that the strategy recognises the rich diversity of Scottish languages and dialects.</p> <p>Given the concerns raised in evidence at Stage 1, the Committee asks the Scottish Government to consider whether the Bill, as currently drafted, adequately encompasses the range of languages and dialects which it considers constitute the umbrella term 'Scots', in order to provide a meaningful definition and sufficient clarity for the targeting of the 'support' the Bill envisages.</p>	<p>The Scottish Government recognises the rich diversity of Scots languages and dialects, and this will be reflected in the strategy.</p> <p>The Bill, as currently drafted, contains a definition of Scots. The Scottish Government agrees with representatives of the Scots language community that the term Scots should and does operate as an overall or umbrella term to capture Scots dialects in all its forms.</p>
378-379	<p>The Committee notes that, in the absence of a Scots Language Board, the Scottish Government is relying on Scots organisations to engage.</p> <p>The Committee further notes that, given resource constraints, those organisations may not have the</p>	<p>The Scottish Government will value the input from key Scots organisations to the various documents that need to be prepared. Engaging with Scots language organisations has the benefit of ensuring that the full variety of languages and dialects they represent contribute to the process.</p>

	<p>capacity to engage in these processes without affecting their other activities.</p>	<p>The Scottish Government welcomes this point from the Committee and will reflect on measures that could be considered in relation to this.</p>
<p>Language guidance</p>		
<p>388-390</p>	<p>The Committee recognises the concerns of some stakeholders that the reference to ‘Scots culture’ could be read as one culture, rather than the many Scots traditions and languages.</p> <p>The Committee therefore recommends that the Scottish Government more explicitly reference Scots languages and dialects in all their forms within the Bill and seeks the Scottish Government response to these concerns.</p> <p>Given that multiple measures in the Bill will involve consultation with relevant organisations, for instance on standards and guidance in relation to Scots language and Scots education, the Committee asks the Scottish Government for an assurance that it will consolidate consultations as much as possible, to take into account the impact on resources of multiple consultations on public bodies and interested parties and when it proposes to undertake these consultations.</p>	<p>The Scottish Government will ensure that a link is established between culture and communities and recognition if communities are diverse.</p> <p>The Scottish Government has consistently recognised Scots as including a range of varieties and regional forms and this will continue. This was stated clearly in the Scottish Government policy on Scots and further consideration will be given as to where is best to restate and clarify this point.</p> <p>The Scottish Government will endeavour to reduce the burden on consultation, yet, at the same time, recognising the value in obtaining views from the speaker communities. The Scottish Government is happy to give the reassurance that where possible consultations will be consolidated and the impact on bodies and authorities will be considered.</p>

SCOTS EDUCATION

410-414

The Committee notes that Scots activity is already taking place in schools and that some resources and professional learning are available to support teachers.

The Committee further notes that some local authorities are unclear as to what role Scots education is to play within the curriculum.

The Committee heard different visions for Scots education from witnesses and in written evidence. It is unclear to the Committee whether the primary focus is to, for instance—

- ensure that people can use the language that they are most comfortable with
- develop an appreciation and understanding of local heritage and culture
- develop a Scots curriculum

The Committee therefore asks the Scottish Government for a clearer articulation of what role Scots education will play, what it hopes to achieve with Scots education and how it will measure success.

The Committee asks that the Scottish Government clarify how Scots Language is taught within the 1+2 Language framework including how it takes different dialects and variants into account.

The Scottish Government is currently supporting the preparation of Scots resources and opportunities for Scots professional learning.

Advice on this has been prepared by Education Scotland. Scottish Qualifications Agency has also supported teachers with examples of how Scots can be introduced into schools. More recently the Open University and Education Scotland have provided support for teachers on the use of Scots in the curriculum.

Different witnesses will have different expectations and the first two points opposite could easily be combined in Scots learning in school classrooms. The third point could be better expressed as introducing Scots into the curriculum. The points do not contradict. Each works towards the goal of fostering an appreciation of linguistic diversity – among the Bill's overarching aims.

For present purposes, the Scottish Government has provided a link to a document prepared by Education Scotland - [Scots in the Curriculum for Excellence](#).

A range of other resources are available on the Education Scotland site. The Scottish Government will ensure these questions are addressed by the documents required by the Scots provisions in this Bill.

		Scots is taught with the 1+2 languages programme. Different dialects and forms are respected, and this has not emerged as an issue of concern.
Guidance relating to Scots language education		
420	As with official status for Scots and the Scots strategy, the Committee recommends that the Scottish Government recognise the rich diversity of Scottish languages and dialects when developing its guidance on Scots education, to take into account the range of languages and dialects which it considers come under the umbrella term 'Scots'.	The Scottish Government has consistently recognised Scots as including a range of varieties and regional forms and this will continue. This was stated clearly in the Scottish Government Scots language policy: English version - gov.scot (www.gov.scot) policy on Scots and further consideration will be given as to where is best to restate and clarify this point. In this we are taking our lead from the Scots language community.
Standards within Scots education		
429-431	<p>Given that the requirements any standards or guidance could place on local authorities could be significant, the Committee asks the Scottish Government for sight of draft standards and requirements to illustrate what measures and requirements may be included, as well as the projected costs to local authorities associated with those measures, at the latest prior to Stage 2.</p> <p>The Committee also asks the Scottish Government to provide a clear statement on whether—</p> <ul style="list-style-type: none"> • a local authority is obliged to implement those measures regardless of cost, • the local authority has full discretion to implement the measures set out in the Bill and any future ancillary provisions 	<p>The Scottish Government has attached in the annex some examples areas in which standards may be developed. These are only for present illustrative purposes and should not be regarded as draft standards. The actual standards formulation and precise drafting would only be settled after consultation with stakeholders during the implementation of the bill. Standards relating to professional learning and resources could be priority areas for the Scots language community.</p> <p>The Scots standards for education will be contained in regulations, and regulations are the law. Education authorities need to comply with the law. Whether there is any discretion, and what the extent of any discretion would be, would depend on how standards are framed, noting that</p>

	<ul style="list-style-type: none"> once implemented, a local authority has the ability to amend, cease, or modify such measures, should it wish to do so. <p>The Committee asks the Scottish Government to explain how it will ensure alignment with the GTC Scotland in respect of relevant regulations for Scots education.</p>	<p>consultation will be required in relation to the preparation of standards.</p> <p>In the preparation of any regulations by the Scottish Government there would be wide discussion and consultation to ensure alignment with any related public authority functions or in this case the role of GTCS. At this stage it is not envisaged that these powers will be used to introduce any standards relating to matters that are within the remit of GTCS and the Scottish Government would take due care to ensure that any regulations made using the powers of this Bill would cohere with the existing legal framework.</p>
CONSIDERATION OF DELEGATED POWERS		
451	<p>The Committee notes the points made by the Delegated Powers and Legal Reform Committee in its report and seeks a further response from the Scottish Government on these matters. Specifically, the Committee asks the Scottish Government to set out whether it intends to streamline the range of direction making powers in the Bill and, if so, to set out details of how this will be done.</p>	<p>In relation to this question, the Scottish Government welcomes the report of the Delegated powers in the Scottish Languages Bill at Stage 1 (parliament.scot) published on 23 April 2024 and thanks the committee members for their consideration of these matters. We are content that the direction making powers as drafted ensure that they logically follow-on relevant parts of the legislation however this will be kept under review as any changes are made to the bill in its passage through Parliament. In relation to the direction making powers provided at section 9(6) and section 14(2) the Scottish Government agrees to remove these particular direction making powers having confirmed that their use may be quite remote and limited and could be covered by clear standards or guidance.</p>

FINANCIAL MEMORANDUM VS FINANCE

<p>487-491</p>	<p>The Committee notes the Scottish Government position that the Financial Memorandum is not a budget, and that it does not account for the total of what will be spent on the Gaelic and Scots, but rather is an estimate of costings of the specific actions within the Bill.</p> <p>However, the Committee also notes concern from stakeholders, including the Finance and Public Administration Committee, that it is unclear how the Scottish Government has satisfied itself that no wholly new costs are likely to be required, or what the practical and financial implications of a “dynamic approach” would be. The Committee therefore asks the Scottish Government to revisit the costs set out in the FM and provide further detail on the full financial costs associated with the Bill’s provisions, at the latest prior to Stage 2.</p> <p>The Committee notes that the Financial Memorandum aims to provide an estimate of costs that local authorities would incur going through the process of designating part or all of their area as one of linguistic significance, including consultation with communities. However, there is no indication within the Financial Memorandum or other Bill documents that further Scottish Government funding would accompany a designation, for the delivery of increased activity or the meeting of higher language standards.</p>	<p>The Financial Memorandum has been prepared in compliance with the requirements of standing orders.</p> <p>In response the Scottish Government would like to note the practical challenge in identifying wholly new costs or financial implications attached to the provisions of the Bill. Gaelic development in Scotland is taken forward by a number of authorities, bodies and community groups, operating with their own priorities and decision-making structures. Decisions are regularly taken on Gaelic matters in response to local needs without reference to Scottish Government guidance.</p> <p>In the Financial Memorandum the Scottish Government aimed to estimate the cost to authorities of the process of designating an area as an area of linguistic significance.</p> <p>The Scottish Government initial comment in the Financial Memorandum on new spend was made with a focus on the processes resulting from the Bill. The Scottish Government view was that a level of Gaelic activity was already taking place in local authorities. For example, local authority officers are currently assessing authority functions, considering statutory guidance and Gaelic national plan priorities, preparing, translating, and issuing consultation documents, finalising and implementing policies and actions.</p> <p>Briefly, the process of preparing a Gaelic language plan now will be similar to the process of preparing a Gaelic Language Plan under the Bill. Beyond this, Scottish Government has</p>
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	<p>While recognising the current financial climate for all levels of government, the Committee is concerned that, without funding, the measures in the Bill - particularly areas of linguistic significance - will raise expectations that cannot be delivered by local authorities, Gaelic or Scots organisations, on current budgets.</p> <p>The Committee notes the evidence from witnesses highlighting the need for financial, and other, support. The Committee further notes the comments from several witnesses that without extra resources, it would be difficult for communities or public bodies to recognise the added value of the Bill.</p>	<p>submitted bids to support the delivery of increased activity relating to the designation of areas of linguistic significance and Scottish Government would be happy to provide the Committee with an update on any progress with this. Also, we would like to note that the Gaelic sector which the Bill provisions will impact on is not a static sector.</p> <p>Scottish Government regularly sees examples of Gaelic growth and development in which local authorities allocate new spend. New spend can be viewed as an aspect of the current operation of the Gaelic sector and need not be identified as being wholly dependent on the provisions of the Bill.</p> <p>The Committee also asked about funding for the increased activity that would accompany an area of linguistic significance designation. On this we would also note that such a designation will have implications for several public authorities with developing commitments to Gaelic to consider and not just the designating local authority.</p> <p>In addition, minority language communities are keen to see structures put in place that give recognition to their community and have the potential to benefit the language.</p>
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ANNEX – STANDARDS (ILLUSTRATIVE ONLY)

The purpose of this annex is to provide more detail on the Gaelic standards. It is hoped this will help to address the questions in the ECYP Committee's Stage 1 report on Gaelic standards. The following standards are only for the purpose of illustration.

For example, the Stage 1 report asks for more detail on the standards and asks to see draft standards. The report also asks about the possibility of differing standards for different areas and about consultation and opting out from the standards. There will be consultation on the development of standards as required by the bill and that will ensure opportunity for discussion and refinement of standards and their application. As previously indicated the intention is that in the initial exercises of standards powers is to move requirements that have appeared in public authority Gaelic language plans over recent decades and iterations into standards that can then be complied with as a matter of law.

There has also been interest in how the standards will apply to a designated area of linguistic significance. It is hoped that this paper will bring some illustration to these and other questions about Gaelic standards in the Scottish Languages Bill.

Standards will be considered for the following broad areas of Publications, Communications, Public Engagement, On Line activity, social media, Identity, Visibility, Staffing and Impact Assessment or Gaelic policy proofing and community development. In relation to education, standards will be considered for the following broad areas of GME Access, Provision, Support, School management, GME Structure, teacher requirements, promotion, Resources and pupil support, catchments, and travel.

For present purposes only a small selection follow as examples. These should not be considered as draft standards.

Communications and Public Engagement

Standards relating to correspondence sent by a public authority.

A public authority will have a bilingual policy – meaning it will accept correspondence in Gaelic and English and issue responses in Gaelic and English.

Standards relating to meetings arranged by a public authority that are open to the public.

A public authority which is holding a public meeting in an area of linguistic significance must ensure that the meeting can be conducted bilingually.

Standards relating to public events organised or funded by a public authority.

A public authority hosting or funding public events in an area of linguistic significant will ensure that information about the event is available bilingually.

Standard relating to a body's publicity and advertising.

A public authority operating in an area of linguistic significance will ensure that publicity and advertising is available bilingually.

Identity and Visibility

Standards relating to signs displayed by a public authority.

A public authority operating in an area of linguistic significance will use bilingual signage and logos.

Staff Matters

Standards relating to a public authority developing Gaelic language skills through planning and training its workforce.

A public authority operating in an area of linguistic significance will make all staff aware of what support is available for Gaelic learning and Gaelic use in the workplace

Standards relating to a public authority recruiting and appointing.

A public authority operating in an area of linguistic significant must when advertising posts consider which jobs are Gaelic essential and which are Gaelic desirable.

Policy Proofing and Gaelic Impact Assessment

Standards relating to a body promoting the Gaelic language.

A public authority must promote the services it offers through the medium of Gaelic.

GME Access and Provision

Standards relating to GME Continuity.

A public authority will secure for GME Primary pupils the opportunity to continue into Gaelic secondary education.

GME Shape and Structure

Standards relating to secondary GME provision.

A public authority with primary GME will offer secondary continuity for all GME Primary pupils, ensuring GME continues to S4 and that all GME pupils have opportunity to leave school with a GME qualification.

School Management

Standards for School Management.

In Schools with GME classes, the Senior Management Team will take GME into account in all relevant school decisions.

Standards relating to ethos and environment.

For schools with GME classes, the school will adopt a bilingual ethos.

Teachers

Standards relating to personal learning.

A public authority with teachers of Gaelic will ensure Professional Learning is available through the medium of Gaelic for GME teachers.

Resources and Support

Standards relating to an authority or body seeking support from Gaelic organisations.

A public authority with Gaelic learner education and GME must seek the support of relevant Gaelic organisations to add to classroom learning.

Standards relating to resources and pupil support.

A public authority with GME and Gaelic learning education will ensure that good quality resources are in place to support GME and GLE pupils.