

## Education, Children and Young People Committee

Wednesday 1 May 2024  
13th Meeting, 2024 (Session 6)

# Scottish Languages Bill

## Introduction

1. The Scottish Government introduced the [Scottish Languages Bill](#) on 29 November 2023.
2. The Bill gives the Gaelic and Scots languages official status in Scotland and makes changes to the support for the Gaelic and Scots languages in Scotland. This includes changes in relation to Gaelic and Scots education.
3. The Education, Children and Young People's Committee has been designated as the lead committee for the Bill at Stage 1.

## Call for views

4. The Committee issued two [calls for views](#) – a short survey and a longer call for views - on the provisions of the Bill on 22 January 2024. These ran until 8 March 2024. Respondents could choose to respond to either call for views in English, Gaelic or Scots. There was also BSL option for the longer call for views.
5. In total, the Committee received 224 responses to the short surveys and 132 responses to the longer calls for views.
6. The responses to the call for views have been [published](#). A summary of the responses received is included at **Annexe A**.

## Committee meeting

7. The Committee begin to take oral evidence on the Bill at its meeting today. The Committee will take also take evidence at its meetings on 8 May, 15 May and 22 May.
8. At today's meeting, the Committee will take evidence from two panels.
9. On panel one:

The Committee will take evidence from the Scottish Government Bill team:

- Douglas Ansdell, Team Leader, Gaelic and Scots,
- Niall Bartlett, Policy Officer, Gaelic and Scots, and
- Claire Cullen, Head of Gaelic and Scots, Scottish Government;
- Ninian Christie, Lawyer, Economy and Social Protection Division, Scottish Government Legal Directorate; and

- Nico McKenzie-Juetten, Lawyer, School Education Division, Scottish Government Legal Directorate.

10. On panel two:

- Dr Michael Dempster, Director, Scots Language Centre;
- Professor Robert McColl Millar, Chair in Linguistics and Scottish Language, University of Aberdeen;
- Professor Wilson McLeod, Emeritus Professor of Gaelic, University of Edinburgh;
- Professor Conchúr Ó Giollagáin, Gaelic Research Professor and Director of the UHI Language Sciences Institute, University of the Highlands and Islands.

## **Supporting information**

11. A SPICe briefing on the Bill will be published on Tuesday 30 April. This briefing will be available in English, Gaelic and Scots.

12. The Scots Language Centre, Professor Robert McColl Millar, Professor Wilson McLeod and the UHI Language Sciences Institute, University of the Highlands and Islands all responded to the call for views. Professor Conchúr Ó Giollagáin has also provided an additional submission ahead of this meeting. These submissions are included at **Annexe B**.

**Clerks to the Education, Children and Young People Committee, April 2024**

## Annexe A



# SUMMARY OF SUBMISSIONS TO THE EDUCATION, CHILDREN AND YOUNG PEOPLE'S COMMITTEE'S CALL FOR VIEWS ON THE SCOTTISH LANGUAGES BILL

## Introduction

The Scottish Languages Bill was introduced on 29 November 2023. The Education, Children and Young People Committee is the lead Committee at Stage 1 of the Bill.

The Committee issued a call for views on the provisions of the Bill on 22 January 2024 and the consultation closed on 8 March 2024. There were two calls for views – a short survey and a longer call for views. Respondents could choose to respond to the consultation in English, Gaelic or Scots and there was also a BSL option. Where respondents responded in both Gaelic and English, the English version is used for the purposes of this paper. Where no translation was supplied, the Scottish Parliament Gaelic team's translation was used. Submissions in Scots have not been translated.

This paper summarises the responses to the Committee's consultation. The first part looks at the longer call for views. The second part examines the responses to the short survey. The Finance and Public Administration Committee issued a separate call for views on the Financial Memorandum which received fourteen responses. The third part of this paper summarise of the overall themes from those submissions.

The purpose of the current paper is to support members of the Education, Children and Young People Committee in their Stage 1 scrutiny of the Bill.

Several responses go into quite detailed suggestions of textual amendments of the Bill. On the whole, these suggestions are not replicated here. Stage 1 of the Bill is examining the general principles of the Bill.

## Call for views

The call for views was structured similar to the Bill. It sought views on:

- Part 1 Gaelic
  - Chapter 1: Support for the Gaelic Language
  - Chapter 2: Education
- Part 2 Scots
  - Chapter 1: Support for the Scots Language
  - Chapter 2: School Education

The call for views also asked for any other comments.

## *Support for the Gaelic Language*

### Official status for the Gaelic Language

Views on this proposal were mixed. Some respondents supported it and saw this as supporting the esteem that the language is held. The Bòrd said that “strengthening Gaelic’s legal status is important as we normalise consideration of Gaelic in Scotland’s public policy decision-making processes”.

Others suggested it was largely symbolic. Comunn na Gaidhlig said that it “would want to be sure that ‘official status’ would drive meaningful development”. MG Alba’s submission stated—

“We would welcome a debate as to how official status might be practically useful within a wider context, for example, for Gaelic media provision which is not within the scope of the legislation.”

The Law Society of Scotland suggested that the Bill should include “an explanatory provision giving clarity to this expression”. The National Trust for Scotland said that there could be greater clarity on what official status means in practice. It noted—

“Welsh, under the 1993 Welsh Language Act, is to be treated on the ‘basis of equality’ in the ‘conduct of public business and the administration of justice in Wales.’ This is a more ambitious formulation [than the Bill]. Similarly, the Official Language Act 2003 in Ireland sets out how Irish should be used in public administration as one of the country’s two official languages.”

Professor Wilson McLeod’s submission suggested that the principle of ‘equal respect’ between English and Gaelic ought to be reflected more fully in the duties and powers proposed in the Bill.

### Gaelic Language Strategy

Professor Wilson McLeod’s submission welcomed the proposal for Ministers to prepare and publish a national Gaelic strategy rather than the Bòrd na Gàidhlig producing a national plan. He said that this would carry more weight and he said—

“The key test, however, will be whether the new national Gaelic language strategies prove to be bolder or more imaginative than current and previous National Gaelic Language Plans adopted since 2007, which have become progressively less ambitious or meaningful.”

A theme of the responses was that a new Government-led strategy should replace the current National Gaelic Plan shortly after Royal Assent, rather than waiting for the end of the period of the current National Gaelic Plan.

Comunn na Gàidhlig said the strategy could include longer term goals. HMIE said—

“Generally, within the Bill, and its associated papers, there could be more urgency in arresting language decline and creating a faster rate of sustaining the language.

Measurable targets in increasing the numbers of fluent speakers of Gàidhlig, able to sustain the language's future, need to be clearer.”

The National Trust for Scotland noted that the legislative framework of the Bòrd and language plans has been in operation for well over a decade. It said, “ahead of the legislation, it would be helpful to have a rapid evidence review of what has worked, including the impact of Gaelic Language Plans by public bodies.”

An individual, working in Gaelic development said—

“Gaelic development cannot and should not be taken forward by public bodies or government. It is their duty to facilitate Gaelic development which in turn is led by local groups, third sector organisations and individuals. Creating the conditions for growth must be the priority instead of directly attempting to drive the growth. As evidence shows, the decline of Gaelic has not been arrested by the numerous Gaelic language plans or any national strategy.”

A number of respondents, such as Fèisean nan Gàidheal, suggested that the statutory consultation set out in the Bill be strengthened. Referring to the provisions around statutory consultation on the strategy, Comann nam Pàrant said—

“As currently set out there seems to be a great deal of discretion given to Scottish Ministers in the preparation of a Gaelic Language Strategy to replace the National Plan ... This is ambiguous language that potentially allows Ministers to discharge their duty under the statute without recourse to a clear and transparent process that involves consultation with representative groups.”

Comunn na Gàidhlig said that the situation faced by Gaelic is “critical” and there is “so much to be done, and in some urgency, [but] we do not have a real sense that Scotland understands or is ready to properly support the development work across all its facets”. It noted that while the language does not “belong” to the Scottish Government, it has an influential role. It said—

“The Government's support or otherwise will determine whether Gaelic flourishes or withers away. This pivotal role for Government; critical in supporting almost all of the ongoing development work in schools or the community, means that the Government has had the ‘whip hand’ for many years in shaping the debate on Gaelic, and perhaps this financial control has to some degree suppressed what could have been a more open discussion about the state of the language.”

### Functions of the Bòrd na Gàidhlig

A number of submissions suggested that there can be tensions between the role of supporting public bodies to develop their Gaelic Plans and support the language, and the monitoring role. An individual, working in Gaelic development, noted that there are powers of enforcement under the 2005 Act, but that these seem to be used infrequently. TRACS' submission stated—

“Bòrd na Gàidhlig are still left in a difficult situation whereby on one hand they are offering support to groups and organisations while on the other hand, they are also expected to monitor and enforce organisations' adherence to Gaelic language plans.

It seems obvious that BnaG require an increase in funding to continue to perform their existing duties plus the additional new duties highlighted in the Bill.”

Ceòlas said—

“Bòrd na Gàidhlig are a key organisation giving strategic oversight, measuring impacts and responsible for the allocation of funding. The functions set out in the proposed Bill need to be stronger to give Bòrd na Gàidhlig more powers to not just advise but to lead across areas such as the development of Gaelic language, Gaelic education and Gaelic culture. Funding is imperative in any development but also ensuring that funding is being targeted to initiatives that will make a difference for language users. The Bòrd is the conduit between communities and Government and with the current financial situation will be unable to develop to meet the growing demands of our communities.”

Comhairle nan Eilean Siar suggested that the Bòrd’s duties should include “advising and supporting ALS [areas of linguistic significance] as key delivery mechanisms for community-based Gàidhlig development [ and] it should be tasked with ensuring that all public and statutory bodies are working within an overall strategic plan for Gàidhlig within each ALS and collaborating effectively towards achieving aims in an efficient and cost-effective manner.”

### Gaelic Plans

Iain Caimbeul argued that there is too much focus on public bodies’ language plans. His submission stated—

“It is highly questionable whether the Gaelic Language Plans of Public Bodies are making much difference in supporting an increase in the number of fluent Gaelic speakers and daily users of the language. There is clearly a mismatch between expectations of what language plans can achieve and how they impact on the wider community dimensions of supporting Gaelic.”

Comunn na Gàidhlig was supportive of the proposal that local authorities’ plans include specific parts on Gaelic education provision.

The Highland Council suggested that public bodies plans be replaced by local Gaelic strategies and implementation plans in order to “shorten and refine the Gaelic policy renewal process, enabling Local Authorities to stimulate work in Gaelic development”.

Ceòlas said “plans are important – they should allow organisations to show their ambitious vision for development of the language within their organisation.”

### Public Bodies’ duties and accountability

Some respondents were unclear about how public bodies compliance and accountability processes would work in practice or what sanctions public bodies may face. Comunn na Gàidhlig questioned whether a government agency would be critical of the Scottish Government in it meeting its aims.

Ceòlas said—

“A more streamlined approach to collecting and measuring the impact of these plans is required to ensure that Bòrd na Gàidhlig can use this for reporting to the Scottish Government to inform next steps. Cost implications to implement these actions will need to be considered – staffing resource etc.”

Orkney Islands Council said duties around reporting progress should be proportionate as “Gaelic is not a priority for the local community nor for the education authority” rather the focus would be on supporting Orcadian. Orkney Islands Council was also not clear on what the duties envisaged in the Bill would mean in practice; it said—

“[We have] a consistent concern throughout the Bill, as large sections of the content of the National Languages Bill are yet to be decided and would create secondary legislation. Due to this, OIC cannot appropriately comment on areas that give Scottish Ministers more powers to put duties on public bodies to “promote, facilitate and support Gaelic” as there is not detail in this Bill as to what the promotion, facilitation and supporting of Gaelic would actually mean on the ground.”

A theme from several respondents was that the language around duties on public bodies could be tightened. Of particular focus was the wording in section 7 of the Bill which would introduce a duty on public bodies to “have regard to the desirability of” supporting Gaelic and Gaelic culture.

### Areas of Linguistic Significance

Bòrd na Gàidhlig’s submission welcomed the proposals and suggested that this is an area of the Bill that deserves a significant amount of attention. It questioned “which level of Government is the most appropriate to make the designation of area of linguistic significance, and the role of the community itself in the process.” HIE’s submission stated—

“The designation of ‘areas of linguistic significance’ allows a collective and collaborative approach to development and regeneration and provides strong alignment with broader place-based initiatives for community resilience around any geographically defined areas, driven by statistical evidence of Gaelic competency/use in communities. We would welcome a collective approach to consider these areas and support them, building on the Community Planning Partnership, Regional Economic Partnership, the Short Life Working Group on the Economic and Social Opportunities for Gaelic and COHI work. Designations should be kept flexible for review around census periods and HIE experience shows that communities are able to self-identify in the natural definition of their community.

“We recognise that Gaelic language planning does need to be integrated into a place-based approach and support for this may be required in informing the technical processes as well as sharing good practice and guidance. There is no information on what support (guidance or financial) would be given to designated areas in the development of their plans, nor implementation. Given the challenging times for public funding, clarity on this would be welcomed by the communities.”

The Gaelic Committee at the Church of Scotland stated—

“Whilst we agree that the designation of such areas should be left to local authorities, we consider that the Bill should give them (a) greater guidance as to what Scottish Ministers wish to see happen within areas of linguistic significance and (b) some reassurance as to the funding of such additional help in these areas.”

Comhairle nan Eilean Siar said—

“The rationale and responsibility for, and obligations and benefits associated with ALS designation need to be clarified as a matter of urgency. Leaving the process undefined as it stands currently in the Bill will lead to unhelpful debate and divisions across Gàidhlig communities.”

COSLA’s submission said that it was unclear about the rationale for this suggestion and also called for “a fuller explanation of Scottish Government’s expectations of uptake” in local authorities.

Professor McLeod’s submission said that there are two deficiencies in the proposals: that the responsibility of designating an ALS would sit with local authorities; and that “it is not clear what the consequences of designating an area as an ‘area of linguistic interest’ would be”. On the latter point, Professor McLeod continued, “a particular risk is that making a designation could in effect create unfunded obligations on the part of local authorities and other public bodies; this would be a powerful disincentive to seeking the designation.”

Iain Caimbeul suggested that there should be “two category areas of intervention to be considered”. Namely, “all the Hebrides and substantial areas of the western seaboard of the Highlands and Islands” and “another category identified to support learners and speakers of Gaelic across the rest of Scotland”.

The submission from Misneachd Alba stated—

“We believe the Gaeltacht language planning process introduced in Ireland under the Gaeltacht Act 2012 is the most appropriate and easily replicable model for this. While we welcome the introduction of areas of linguistic significance as a step in the right direction, the provisions as drafted are in our view too vague as to their actual operation and impact on the ground.”

An Comunn Gàidhealach said that it supports the idea of designating areas of linguistic significance, it said that the “powers must be underpinned by a long-term commitment of funding to ensure their success”. An Comunn Gàidhealach continued, “the power of designation will not be effective unless there are visionary strategies and implementation plans to create a strong sense of ambition and commitment to success”. Am Pàipear, a community newspaper based on Uist, said—

“Designating ‘areas of Linguistic significance’ could add real value in growing the cultural and economic value of Gaelic and allow best practice centres to be established as future models.

“In Uist, there is clear, everyday evidence of how an ‘area of linguistic significance’ works in practice - from Cnoc Soilleir and Ceòlas, to Taigh Chearsabhagh and Am



Pàipear. When projects are established, they thrive, expanding the use of Gaelic, growing the economy and generally, adding joy.”

Ceòlas said—

“The formation of the Uist Gaelic Stakeholder Group has led to the appointment of an officer to lead on creating, implementing and monitoring of this plan. This post is funded by Bòrd na Gàidhlig and without this post, this work would not be possible. The plan will initially focus on Gaelic in the community, home and work, as well as a focus on youth and the importance of the next generation. ...

“This pilot project will be an important milestone to follow as part of the implementation of this Bill. Small activist community projects such as these, with a more strategic lens and tracking of impacts from Bòrd na Gàidhlig, might be a consideration for the way to strengthen the language usage and acquisition in communities. Projects like these will be costly and a greater requirement of funding is required to go directly into community initiatives.”

A number of submissions made reference to the funding for Gaelic development officers, which at the time the respondents were writing was due to be cut. Comann Luchd-Teagaisg Àrd-sgoiltean said it had concerns about the “the prospects of areas of linguistic significance in light of the recent decision to cut support to local Gaelic development officers.”

Comann nam Pàrant said “some parents have expressed concern that this may lead to a two-tiered system of education with families in areas of linguistic significance better supported than families elsewhere. It is our opinion that all areas delivering GME are linguistically significant.”

### Culture

Culture Counts argued that “having a healthy cultural ecosystem is a vital part to enable our languages to flourish.”

### Wider support

Fèisean nan Gàidheal suggested that the consideration of the Bill provides Parliament with an opportunity to consider the “wider concerns within the Gaelic community about the future of the language”.

Comunn na Gàidhlig’s submission stated that it is “extremely concerned for the future of the Gaelic language as a normal and fluent means of daily conversation and communication”. It continued, “unless strong and focussed action is taken almost immediately then Gaelic will lose what vitality it has left and become a thing of interest to scholars and linguists”.

## *Gaelic Education*

### Overarching duties on ministers and local authorities

The Bill introduces an overarching duty on ministers to promote facilitate and support Gaelic education – specifically GME, GLE and adult education.

HM Inspectors of Education’s submission said—

“HM Inspectors welcome that new legislation places duties on the Scottish Government and education authorities to ‘promote, facilitate and support’ Gàidhlig Medium and Learner Education. The amendment to the Education (Scotland) Act 1980 to clarify that all education authorities have a duty to provide Gaelic Learner and Medium Education should increase equity. HM Inspectors also welcome that this amendment applies to further education. We would suggest that further education is captured to mean all adult learning of Gàidhlig, which may or may not be in a further education establishment. ...

“Provisions in the Bill need to be more clearly connected to increasing the speakers of Gàidhlig. HM Inspectors welcome the increased status given to Gàidhlig Learner Education. There should be a presumption that all education authorities prioritise Gàidhlig Medium Education for its impact in creating, at pace, fluent speakers of the language, who accrue all the benefits of bilingualism. There should be more emphasis on providing continuity in learning from three to 18 and beyond, with qualifications. Additionally, there could also be much more emphasis on integrating learning about Gàidhlig language and culture into all children and young people’s education. This should address the very high proportion of young people who leave statutory education without a thorough awareness of Scotland’s official languages.”

Professor Wilson McLeod’s submission argued that the provisions in relation to strengthening Gaelic education require “clear and strong regulation, appropriate resourcing, and diligent enforcement” to be successful and these would better be articulated on the face of the Bill, rather than left to future regulations and guidance.

COSLA’s submission questioned whether further legislation is required to increase provision and uptake of GME. It highlighted the increase in GME provision in recent years and said, “creating new duties alone, without additional resources, will not enable further increases to Gaelic Medium Education”.

### Gaelic Education as a part of school education

Section 15 would provide that Gaelic education is part of the legislative definition of school education across Scotland.

Bòrd na Gàidhlig questioned whether the monitoring of Gaelic education should be held within the structure of Gaelic plans (under section 18 of the Bill) given that Gaelic education would be considered to be embedded into the education system.

Comann Luchd-Teagaisg Àrd-sgoiltean disagreed and said—

“Language plans should include concrete and measurable targets in regards to education, in particular relating to the promotion of the learning of Gaelic through

Gaelic Learner Education, as well as ensuring that promoted posts are created with designated strategic and middle leaderships roles for Gaelic Medium Education.”

Comann Luchd-Teagaisg Àrd-sgoiltean highlighted the importance of GLE. It said, “the learning of Gaelic as an additional language should be promoted heavily in all schools in Scotland to ensure that the opportunities provided by this bill are fully realised.”

Comann nam Pàrant also said that GLE is important but that it was concerned that local authorities may choose to “support Gaelic learner education, which they find easier to deliver, rather than Gaelic medium education to meet their obligations to support Gaelic education.”

### Prescribing standards and issuing directions

Comann nam Pàrant welcomed the power to prescribe standards and issue directions. It said—

“More robust legislation is required if Gaelic medium education is to develop. There must also be a transparent and robust process in place for scrutiny of the implementation by local authorities of any standards issued by Scottish Ministers.”

Comann nam Pàrant Dhùn Èideann is Lodainn suggested that there should be a distinct focus on GME in secondary education, “so that pupils can continue to develop their Gaelic language skills across a range of subjects.”

Sradagan Dhun Eideann suggested that there needs to be more out of school activities for Gaelic speaking children, “to use their Gaelic in a non-classroom environment.”

A number of submissions highlighted a longstanding desire among the Gaelic community for a legal right to access to Gaelic Medium Education. Sabhal Mòr Ostaig (Teacher Education) said that it recognised that this could “initially prove problematic in terms of adequate staffing, support and resources” but that this could be overcome through a focus on recruitment and professional development.

### Current challenges in Gaelic Education

Sabhal Mòr Ostaig<sup>1</sup> argued that the provision of GME falls short of the demand for GME. Professor McLeod’s submission stated—

“It is important to emphasise how limited and marginal provision for Gaelic in Scottish education actually is. In 2022-23,

- fewer than 1% of Scottish school pupils (primary/secondary) were receiving GME
- fewer than 1% of Scottish school pupils (primary/secondary) were receiving GLE
- approximately 95% of primary schools do not offer GME or GLE

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<sup>1</sup> SMO provided two submissions, one from the institution and another from the teacher education department.

- 11 local authorities do not offer GME or GLE at either primary or secondary level in any of their schools
- 12 local authorities provide GME but not GLE (including the two largest authorities in Scotland, Glasgow and Edinburgh)
- only 7 local authorities offer GLE at primary level and only 6 at secondary level

“Almost twenty years after the passage of the 2005 Act, it is deeply disappointing that the level of provision for Gaelic in the education system should remain so low. It is noteworthy that 9 of the 11 local authorities that do not offer GME or GLE at either primary or secondary level in any of their schools have statutory Gaelic language plans agreed with BnG. It is to be hoped that the new Act will bring a significant improvement to provision.”

Comunn na Gàidhlig suggested that GME should be accompanied by a “superstructure of language activity” to provide more opportunities and settings for pupils to use Gaelic. The extent to which the GME system is producing fluent Gaelic speakers was questioned by some respondents. Comunn na Gàidhlig’s submission said—

“The success of Gaelic Medium Education is often ‘measured’ by the numbers of GME schools or units, and by the numbers of children entering at P1 level. There is no measurement whatsoever to help us judge whether GME is reaching any linguistic objectives. No linguistic targets or measurable outcomes have ever been clearly stated. Certainly, pupils pass exams, and follow the curriculum, but these are educational measures. Are we sure this investment and this system is contributing sufficiently to the overall health of the language? How many pupils leave their senior secondary phase functionally fluent in Gaelic? These questions are challenging, and not welcomed by those in authority.”

The Common Weal’s submission stated—

“The Bill fails to address the falling numbers of Gaelic teachers and the struggle that many local authorities have in recruitment. The Gaelic education community suggests that over the next five years 225 teachers will be needed, however this Bill suggests that this number could now be higher. Higher Education institutions have pointed to teachers unable to get permanent jobs after qualifying, even though Scotland requires more Gaelic teachers in both primary and secondary education. Although we are in favour of the increased powers of Scottish Ministers to make grants to the Higher Education Funding Council in order to enable, encourage or increase Gaelic Education, this does not allude to a full strategy to increase Gaelic teachers in Scotland.”

Sabhal Mòr Ostaig (Teacher Education) highlighted challenges around teacher retention. It said—

“Teacher recruitment issues in Gaelic Education are well documented, but teacher retention is currently an area of great concern. Teachers frequently feel unsupported in their work, and their professional and personal values are challenged when they are unable to access adequate resources to support children with Additional Support

Needs from within GME. This has led to teachers leaving the profession in considerable numbers in recent years.”

Sabhal Mòr Ostaig (Teacher Education) also suggested that a specific Gaelic curriculum be developed.

#### GME Education: Catchment, Supporting Access and Transport

Comann nam Pàrant was supportive of the proposals in the Bill relating to these areas.

Comann nam Pàrant Dhùn Èideann is Lodainn stated—

“Access to GME very often involves additional travel for pupils as provision most likely will not be in their own locality with often only one location for GME in a local authority area. We therefore particularly welcome the measures in the bill relating to school transport and catchment areas. We are aware through our correspondence with parents and carers over the years that transport is essential in ensuring equity of access for all families who wish their child to participate in GME.”

#### Gaelic Medium ELC Assessments

Comann nam Pàrant was supportive of these proposals. It added that where there is Gaelic Medium Primary Education in place, local authorities should be required to provide Gaelic Medium ELC.

Thig a Chluich nan Eilean Siar runs parent and toddler sessions. It said—

“Demand exists for early-years provision, but neither the jobs nor the people to fulfil it. Yet, age 0 to 3 is a crucial period in acquisition of any language.”

#### Post school education

An Comunn Gàidhealach noted that post school and adult learning opportunities are important in addition to GME.

UHI North, West and Hebrides noted that the Bill’s provisions cover Further Education, but this is the FE secured by local authorities. It said, “As a college provider of Gaelic-medium education and Gaelic language learning we would suggest the addition of ‘and other recognised Further Education providers’ to [the Bill]”.

Comann Luchd-Teagaisg Àrd-sgoiltean said, “there needs to be significant expansion in the provision of further and higher education for Gaelic medium, as a lack of graduates in Gaelic or Celtic Studies has a major impact upon the numbers of qualified secondary teachers.”

Sabhal Mòr Ostaig noted that the Gaelic Duolingo course had it had helped to develop has 1.8 million registered users and around 500,000 active users worldwide.

Sabhal Mòr Ostaig also argued for a Gaelic medium university and suggested that it should become a small specialist institution to fulfil this function. Professor Wilson McLeod suggested the wider university sector ought to do more for Gaelic development; he said—

“Ensuring that all universities are brought within the scope of the Gaelic Languages Act would be very helpful in terms of Gaelic development. This is particularly the case in relation to Gaelic education: it is highly inappropriate that six of the nine providers of teacher education in Scotland make no provision for Gaelic. There is an ongoing shortage not only of Gaelic teachers of all kinds but also of support professionals and research.”

### *Support for the Scots Language*

#### Official status for the Scots Language

Oor Vyce supported making Scots an official language. It suggested the Bill could go further in this regard, “perhaps declaring Scots to be deserving of equal respect and status to English.”

The Dictionaries of the Scots Language’s submission stated—

“Viewed globally, granting official status to a language does not always have the results expected. There is a danger in thinking that making Scots official would have the same effect as banning smoking in public spaces. In a sense, if no actual stipulation on behaviour is given, with the possibility of penalties for breaches, a law of this sort then becomes a wish list. It would be useful if comparisons were made to similar contexts elsewhere, such as in relation to the development of Nynorsk in Norway (and the Norsk Mållag board which administers legal provision for that variety at national and local levels); it should be noted that not all language planning and policy initiatives are entirely successful (again, study of the Norwegian language situation demonstrates this). Nevertheless, we feel that, no matter how symbolic making Scots official might be, it is an act worth doing in a country and a world where the English language is hegemonic.”

The Scots Language Centre’s submission argued that the Bill be explicit in its support of both speaking and writing in Scots. It said, “a guiding question for all Scots language development ought to be ‘What does this do for the speakers?’”

As with the provision in relation to the official status for Gaelic, the Law Society of Scotland suggested that the Bill should include “an explanatory provision giving clarity to this expression”.

#### Scots language strategy

Oor Vyce said—

“Oor Vyce strongly believes that the initial strategy should be detailed in its short term plan and timetable, while being bold in its vision for the future. Aims/objectives should be mapped against a timetable, with a mechanism for measurement so that all stakeholders can assess whether each item therein has been achieved.”

Oor Vyce also made comments on what it considered should be included in the strategy and the general approach to supporting the language. It said the strategy should cover (as a minimum): Community, Primary, secondary & tertiary levels of education, Both new & existing speakers, Broadcasting & media, and the Governance framework. It also said—

“We must arrive at a strategic path that meets the diverse needs of Scots speaking communities across Scotland and take care not only to look at this through, for example, an education lens. It is also desirable to draw on experiences and solutions from other similar minority language contexts, where a dominant standard language is closely related to a minority language. Examples of such linguistic context include Galician and Asturian vs Spanish, Flemish vs Dutch, Frisian vs Dutch, and others.”

The Association for Scottish Literature welcomed the proposal for a Scots strategy. However, it noted that “it is not clear who exactly will be responsible for monitoring progress for Scots, other than a minister or ministers” in contrast to the Bòrd monitoring progress in Gaelic. It also stated—

“Although we very much welcome the levels of support given to Gaelic, it appears that no additional dedicated funding for Scots is envisaged, which means that the huge discrepancy in funding between the two will continue, something over which we have serious concerns.”

The Scots Leid Associe argued that the situation for Gaelic and Scots are dissimilar and therefore different policy approaches may be required. It also said that there is some disagreement about how to move forward with supporting Scots. UHI North, West and Hebrides said—

“In our view, it would be better to have two separate Bills – one for Scots and one for Gaelic. Having both together under the one Bill risks muddying the waters and causing confusion.”

### Proposals for a Scots Board

A number of submissions suggested that there be a government agency or public body that supports the development and promotion of Scots, similar to the Bòrd na Gàidhlig.

In the absence of this, Oor Vyce suggested that a representative group be established to support policy development and outcomes for the Scots language.

The Dictionaries of the Scots Language’s submission stated—

“If a national board is created, this should, we believe, be ‘bottom up’ in its construction, with boards or equivalent in place for each dialect/region: a number of such bodies exist, such as the Doric Language Board and Shetland ForWirids; they are already demonstrating the benefits of such an approach. At all levels native speakers, activists, applied linguists and cultural organisations should be represented. Organisations such as Dictionaries of the Scots Language should be represented on the national board but will be available as a resource at all levels.”

### The place of different forms of Scots in the Bill

Oor Vyce’s submission stated—

“Work must be undertaken to improve the status and esteem of Scots in society, to begin its development for use in modern official, professional and scientific contexts, and to support the continued intergenerational transmission of Scots as a living language in the home and community, respecting and valuing its local dialectal

variants. Care must be taken to ensure that any creation of new linguistic standards or elaboration of terminology is not conducted without the continuing and close involvement of the existing community, in order to avoid replicating a situation where a national standard becomes a means to 'correct' and stigmatise speakers of any regional variant, as is the case today across Britain with those who use English or Scots varieties which differ from standard English."

The Doric Board emphasised the "linguistic richness and diversity" of Scots and said that it is "a language of dialects". The Doric Board argued that "the recognition of (and indeed support for) this important nuance is critical in the successful promotion of Scots."

Orkney Islands Council argued that the Bill does not sufficiently take account of the language spoken in Orkney. It said—

"Orkney's roots are Norn and this affects not just individual dialect words, but also sentence structures and syntax. The concern here would be that a national Scots Language Strategy and a push for standardised education in or around Scots may unintentionally erase Orkney's unique voice. ... The 41% of Orcadians who reported to speak Scots at home [in the 2011 Census] is not so much evidence of a Standardised Scots-speaking community in Orkney, but evidence of a thriving Orcadian language community which may be harmed by the promotion of a Standardised Scots language."

An individual responding to the consultation said—

"My main recommendation wid be that the straitegy heizes up the sindry dialects o Scots an their respective regional cultures file encouragin fowk tae wirk athort the country thegither tae build a gryter unnerstanin o fits common atween dialects, and fit they can learn fae een anither in terms o vocabulary, phrases, wisdom and oral culture sic as sangs and spleet-new wirds an coinages. Fir far too lang, the dialects o Scots wir suppressed and atomised, fan eence they were a sharet official language o the hale country."

### *Scots School Education*

Scots Hoose argued for greater focus on supporting the Scots language in schools. It said—

"Even in 2024, hostility, indifference and ignorance o the Scots language amang adults are the main inhibitors tae developing adequate Scots language provision for young Scots speakers in schuils. A growing cohort o teachers that teach the language are increasingly frustrated wi the lack of progress for Scots. However, their rationale for teaching Scots is no based on preservation o the language. Teachers teach Scots because it benefits their Scots speaking pupils, mony o them livin in communities o multiple deprivation. Teachers teach Scots because they hae seen how it can improve pupil confidence, behaviour, attitude tae learning and Attainment."



TRACS said that it had hoped for more prominence of Scots-medium education in the Bill. The Scots Language Centre said—

“Scots is the first language (L1) of many learners in education, it is also first encountered and acquired by speakers of other languages in the informal contexts of education. It must be recognised that the specific educational needs of first language speakers and that of second or additional language learners are different.”

Education Scotland supported the strengthening of Scots within education. It stated—

“Our extensive experience in this area allows us to make recommendations to details contained within this Bill which we feel are essential to its success. One example we recommend be given further consideration is current wordings and related definitions of what ‘Scots language’ means to the various education authorities. Not all authorities in Scotland are in the habit of calling their regional variation of the language ‘Scots’; two key examples traditionally being the island communities Shetland Islands Council and Orkney Islands Council. The title of the Bill ‘Scottish Languages’ offers excellent scope to ensure the positive outcomes intended by this Bill reach all corners of the country. A fuller, more detailed description of what Scots is and where it is spoken is a key recommendation we would wish to see further explored. Be it ‘Doric’ as speakers in the North East of Scotland have a history of calling their regional variety of Scots, or ‘Dundonian’ in Dundee – given the history of speakers being stigmatised, the onus should not be on the speakers to redefine themselves, it should be the duty of properly prepared legislation to ensure that all individuals are treated fairly and that a Bill such as this meets the needs of minority language speakers by addressing each regional variety or dialect of Scots with equal respect. Best practice in terms of embedded Scots language within education is where the children and young people are engaged in a Scots they recognise and understand, making the acknowledgement of and understanding of dialect diversity essential.”

### Guidance and Standards

Oor Vyce suggested that the academic community be statutory consultees for the development of guidance and standards.

The Scots Leid Associe said—

“Mair needs tae be duin tae tak awaa the social stigma o uissin Scots and its association wi puir education and aspiration. Confident individuals need tae be at hame wi their ain tongue and culture.”

The Association for Scottish Literature argued that a wider policy approach will be required to improve the position of Scots in education in Scotland. It said—

“Even the CfE Principles and Practices document for English Language only states that ‘texts may include texts in Scots or Gaelic’ when it really needs to say that they should also be in Scots and Gaelic and that Scottish children should learn to read and write in both English and Scots or Gaelic. While this remains unchanged, Scots may have equality in legal terms with English, but it certainly won’t have equality in most Scottish schools, something that surely infringes equal rights obligations.”

The Scots Language Centre argued for “for a full stream of education and support of Scots from early years through primary and secondary education, integration of Scots with specific qualifications at all SCQF levels”. The SLC also said that it should be clear that teachers can teach in the medium of Scots.

### *Other comments*

#### General comments about the Bill

A theme from a number of responses was that the Bill could be more specific. For example, Comhairle nan Eilean Siar’s submission stated—

“As the Bill is framed in very general terms and contains no concrete language rights, tightening and strengthening of legislation is required. Future enforcement of policy and plans in relation to Gàidhlig will not be possible unless obligations and rights are set out clearly, from the outset, in terms of legislation, regulation, timelines and guidance, with measurable, preferably SMART targets.”

Similarly, the Association for Scottish Literature stated—

“If the bill is to fulfil its intentions, more attention needs to be paid to mechanisms of implementation with respect to local authorities, schools, and partner organisations, and that proper attention needs to be paid to securing the financial support that will ensure the full implementation of the Scottish Languages Bill’s proposals.”

#### What is not in the Bill

Some respondents highlighted suggestions of what may be included in the Bill. Wilson Macleod said---

“It is a significant disappointment that the Bill creates no concrete language rights (notably the right to Gaelic-medium education, a key demand since the 1990’s), and does not establish an independent language commissioner to ensure effective implementation and compliance. I urge that these matters be reconsidered as the Bill moves through the parliamentary process.”

Comann nam Pàrant suggested that the process for assessment of GMPE in the 2016 Act, and the proposed assessment process for GMELC should be streamlined and an independent appeals process should be put in place.

A number of submissions argued that there be stronger direction in the establishment of stand-alone GME schools, as opposed to GME being co-located with English-medium education.

FC Sonas suggested that there should be consideration of the role and use of Gaelic in the justice system. The Law Society of Scotland noted that—

“Gaelic already has a particular place in the Scottish legal system. The Scottish Land Court Act 1993 section 1(5) provides that “One of the members of the Land Court shall be a person who can speak the Gaelic language.”

TRACS' submission noted the absence of BSL and Traveller languages in the Scottish Languages Bill and asked whether there were plans to strengthen support for these languages.

### Multifaceted nature of supporting Languages

Respondents highlights a number of areas where policy makers and administrators should consider the position of Gaelic and/or Scots. HMle's submission stated—

“HM Inspectors note that the Bill focuses on Gàidhlig language in isolation of interconnected factors that strengthen languages, such as socio-economic challenges facing rural and island communities, housing, infrastructure, connectivity and employment. Similarly, from a national perspective, Gàidhlig needs considered across policy. It is a long-standing issue that new policy is often published without consideration of the distinctive approaches to Gàidhlig language and education. This reduces the pace of implementing change for Gàidhlig.”

Ceòlas said—

“Uist is importantly recognised by the Scottish Government as an area requiring special focus for repopulation initiatives. This initiative encourages the government agencies and national bodies to work closely across many policy areas. For these repopulation initiatives to be effectively implemented, Gaelic needs to be at the heart of all considerations and outcomes.”

In relation to Scots, the Bill focuses on school education. The Doric Board said the Government should “consider the role of Scots beyond primary and secondary education, and to encourage tertiary level providers to consider their place in, and response to, enhancing Scots in the wider civic life of the nation.” TRACS' submission stated—

“Fundamental grassroots work in local communities is the way forward for the promotion and safeguarding of all of Scotland's languages. The seemingly strong emphasis on formal education risks overlooking the important key role of community and intergenerational transmission of the languages, especially the role of non-formal education, traditional arts and cultural heritage.”

A number of submissions argued that there has been discrimination towards people speaking Scots. The Scots Language Centre said—

“We must acknowledge and redress the fact that as a culture we have inherited a deeply harmful set of practices and attitudes towards Scots and Scots speakers whereby our educational, employment, legal and other public services are geared towards treating Scots as a 'bad' language, and by extension Scots speakers as 'bad'.

“A consequence of this is that many Scots speaking communities, be they rural or deindustrialised, are socio-economically marginalised, with significant prejudices to face for Scots speaking individuals who wish to access education, employment, or public position. Further to this access to many such areas of society is tacitly contingent upon acquiring English proficiency, leaving many monolingual Scots speakers, who ought to be highly valued in a language community, unable to partake

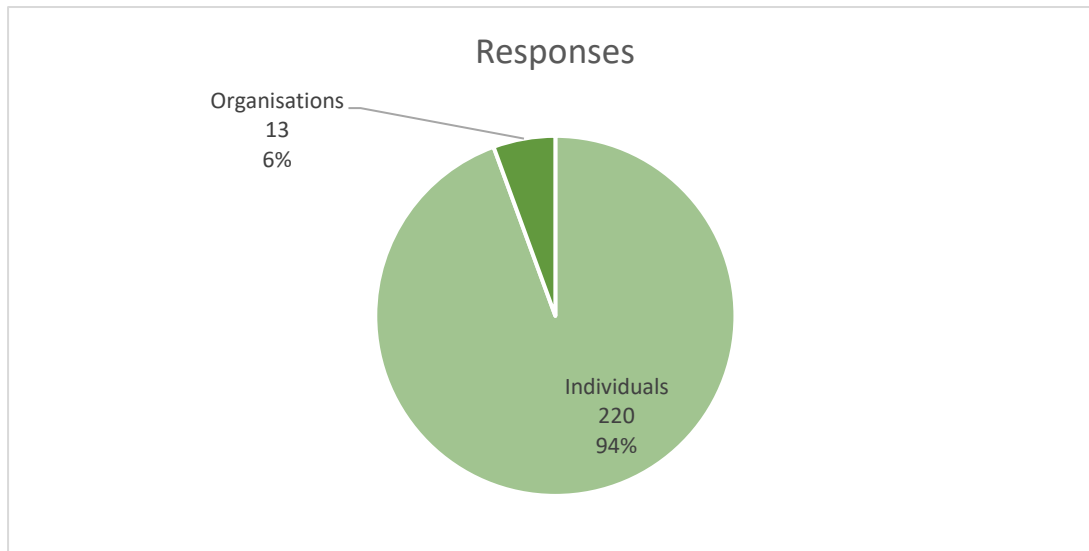
in society as they may wish. First language Scots speakers speaking in their first language ought to have access to personal and civic development afforded to every citizen in Scotland.”

### Short survey

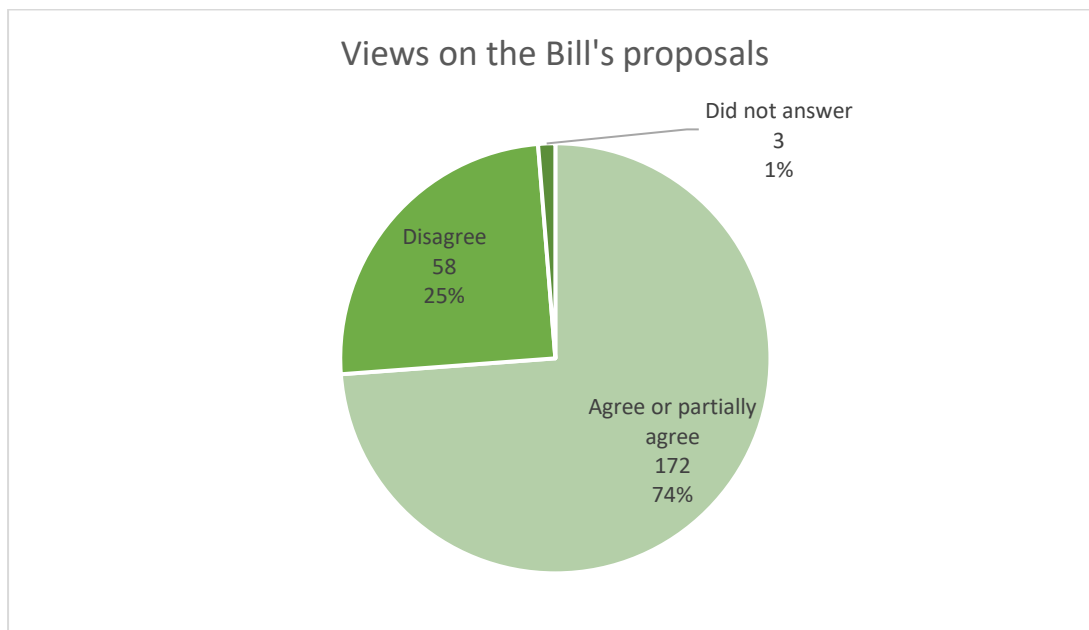
#### Quantitative data

There were 233 responses to the short survey: 205 responses to the English version, 17 to the Scots version, and 11 to the Gaelic version.<sup>2</sup>

Most responses came from individuals:



Most responses agreed or partially agreed with the proposals in the Bill:



<sup>2</sup> One response in Gaelic was received via the Scots survey, and a further Gaelic response was in the English survey. Numbers have been adjusted to include these two in to the Gaelic total.

### *Those who agreed or partially agreed with the Bill*

The most frequent views were that Scots and Gaelic are an important part of our culture and heritage and need to be protected; that the Bill needs more detail; and that the Scottish Government needs to provide enough funding for any proposals in the Bill to be sustainable. More detail below:

#### The status of Scots and Gaelic

Scots and Gaelic were perceived as an essential part of Scottish heritage and identity, and part of our cultural diversity. The idea of either language disappearing was viewed as a great cultural loss.

A frequently expressed opinion was that Scots is often dismissed as 'slang', and viewed as an uneducated way of speaking, and this Bill is therefore a welcome turning point in the status and recognition of Scots. One respondent said that "'Scottish cringe' has long plagued us," regarding the status of Scots.

A few respondents agreed with the proposals relating to Gaelic but did not wish to see the same provisions for Scots.

One respondent said the Bill lacked ambition 'compared to equivalent legislation in Wales.'

One respondent felt that giving official status and respect to Scots as a language would improve the representation of working-class people in public life.

#### BSL

Four respondents wanted BSL to be afforded official status in Scotland and included in this Bill.

#### Commissioner

Three respondents were disappointed there was no proposal to create a Gaelic Commissioner.

#### Education

A common view was that children and young people should know more about the languages of Scotland. One respondent suggested that classes on language study should become a part of the curriculum in Scotland, allowing pupils 'at least a taste of Gaelic and Scots.'

A number of respondents called for 'equity' for GME, and for the establishment of GME-only schools. Seven respondents were disappointed the Bill did not include the legal right to GME in Scotland. Five respondents wanted the request process for GME to be streamlined.

Others cautioned against an over-emphasis on education. One organisation argued that without a 'thriving Gaelic media ecology,' Gaelic will struggle to spread beyond the domain of the classroom. One individual echoed this, with their view that 'community development outwith education settings,' was necessary to maintain Gaelic communities.

### Areas of Linguistic Significance

This proposal attracted a wide range of views, including:

- That there should be an equivalent provision for Scots
- A worry that these areas would only be designated in islands/rural communities (e.g the Outer Hebrides), jeopardizing the status of Gaelic as a national language.
- That more detail is required from the Government on how these areas will be designated and funded
- That Gaelic speakers living outside such areas could be at a disadvantage
- That such areas would prevent Gaelic being flexibly and equally promoted across Scotland
- One respondent disagreed with this proposal because “Great progress has been made in expanding visibility of Gaelic and the viewing of Gaelic as a language important to all of Scotland. It is crucial that the legislation does not roll back this progress or lead policy-makers to see Gaelic as only being important only to the Highlands or, even worse, the Hebrides.”
- That, if designation is at the discretion of local authorities, this could create “absurd situations where Galloway is deemed an area of linguistic significance whereas Uist is not.”

### Resources

The question of how the Bill's provisions will be funded came up repeatedly. Many respondents raised that there is no financial commitment included in the Bill. The SQA and local authorities questioned whether sufficient funding would be provided to public bodies to meet the obligations in the Bill. Many respondents felt very strongly that recent cuts to the budget of Bòrd na Gàidhlig were unjustified and questioned the Scottish Government's true commitment to preserving and promoting Gaelic.

### *Those who disagreed with the Bill*

The most common view amongst those who disagreed with the Bill was that this should not be a priority. More detail below:

### Resources

Respondents questioned whether this Bill would be the best use of public money and questioned the priorities of the Scottish Government during a 'cost of living emergency,' with health, housing, policing and educational standards mentioned as areas more deserving of funding. One respondent said, “I don't believe we should be using [...] scarce resources to promote and teach languages that are rarely used in Scotland.” A few respondents argued that these languages are only important to a minority, and therefore shouldn't be receiving a large amount of public funding.

### The status of Scots and Gaelic

Some respondents questioned whether Scots should be considered a language rather than a dialect/collection of dialects.

Other respondents suggested that Gaelic is not a Scotland-wide language.

### Education

Four respondents saw the promotion of GME as being to the detriment of mainstream education, voicing their fears that resources would be taken away from schools and nurseries in order to fund new GME provision. The prospect of GME-only schools was also causing concern for other respondents, being seen as “segregation,” “preferential treatment,” for Gaelic speakers, and not “inclusive.” Two respondents mentioned children’s mental health, in a post-Covid world, as a far more urgent matter.

### **Financial Memorandum**

A common theme of the respondents in both the broader call for views and the call for views specifically on the Financial Memorandum (FM) was a concern that the Government does not set out any significant additional resources to support the hoped-for outcomes of the Bill.

Misneachd Alba’s submission on the FM said—

“Whilst on paper the Bill mostly provides for regulatory changes which should not incur direct costs other than civil service time within government, it is difficult to see how new (or indeed existing) provision for Gaelic can be implemented in a way which meets the scale of the challenges, as well as Government’s ‘commitment to have a focus on arresting language shift in areas with significant speaker numbers’, without meaningful funding increases.”

Professor McLeod’s submission on the FM highlighted a number of key provisions in the Bill, such as mainstreaming Gaelic across government policy actions, ALSs, local government duties in relation to Gaelic education. He expressed concern that without accompanying funding, these provisions would have little practical impact. Bòrd na Gàidhlig’s submission stated—

“The introduction of new legislation must be adequately resourced to ensure the effective implementation of change, as well as a core funding model which will ensure that success is a demonstrable objective of the legislation as it is underpinned by investment. Without this it is difficult to envisage legislation being able to deliver on the key range of objectives, particularly major policy and operational change such as the introduction of areas of linguistic significance. There is also a real danger that communities will disengage with a process that fails to adequately recognise the challenges they are facing on a daily basis, thereby eroding trust and engagement which will have serious consequences for language development.

“Bòrd na Gàidhlig welcome the principles set out in this legislation to the extent that they are matched with a realistic financial and investment framework.”

Arthur Cormack, who chaired the Government’s recent Short Life Working Group on Economic and Social Opportunities for Gaelic responded to the call for views on the Financial Memorandum. He said that the lack of plans to support additional Gaelic activity was “demoralising”. He said—

“It is the view of the [Short Life Working Group] that the ability to make more meaningful progress with Gaelic will require additional, sustained spend on all aspects of its revitalisation. The group believes that, in common with other interventions to stimulate growth, economic and social benefits will accrue from further investment.”

The Scots Language Centre highlighted the likely costs that it would face in supporting the policy development envisaged by the Bill. Its submission said—

“Upon the publication of the Bill and the financial memorandum we are deeply alarmed to have been informed that the Bill will be ‘a zero cost Bill’ for Scots, and that there will be no core funding increase for the Scots Language Centre, or any other Scots organisation, to reflect the need for additional staffing to accommodate supporting the consequences of the enactment of the Bill, as anticipated or as published.”

Referencing costs around Areas of Linguistic Significance, Comunn na Gàidhlig’s submission on the FM said—

“In the current financial climate we believe it is extremely unlikely that any Local Authorities would seek this status without a great deal more clarity on what would be involved, and we would imagine, an expectation of appropriate funding. Again, Gaelic Language development cannot be sustained at current spending levels. The all-too-obvious declines in language vitality will simply be maintained”.

Glasgow City Council’s submission on the FM called for more certainty on costs that would fall on councils. It said—

“For example, while the development, promotion and implementation of Glasgow, as a whole or in part, as an area of linguistic significance (ALS) seems like an interesting possibility, the process to deliver that objective would likely be long and expensive. Likewise, the additional costs associated with the delivery of key issues like access to Gaelic Medium Education (GME), standards and GME assessments are not clear, but we have to assume additional costs would be incurred by Glasgow City Council.”

Dumfries and Galloway Council said that, in relation to Gaelic, it was “cautious about placing new and increased expectations/requirements on local authority areas where there is not evidenced need”. Stirling Council’s submission stated—

“This area of prioritisation is placing an inappropriate pressure at a time of local government financial challenge. In the current climate of budget choices for local councils, this is not a priority for our local authority.”

COSLA’s submission said that the absence of a “robust costing exercise with local authorities” is not in line with the Verity House Agreement.

**Ned Sharratt and Amy Jardine**  
**SPICe Research**



## **Annexe B**

### **The Scots Language Centre response to the call for views Information about the organisation**

Founded in 1993 the Scots Language Centre is the only organisation with a national remit for the promotion, support, and assistance of the interests of the Scots language in all its forms. We are the first point of contact for individuals and organisations exploring their own spoken and written Scots language. We are an organisation made up of a majority of first language Scots speakers who are highly qualified and experienced in our fields of expertise.

Over the past 30 years the Scots Language Centre has had hundreds of contributors representing Scots in all its dialects and forms. We have supported thousands of individuals, academics, creators, educators and organisations, and we have a yearly reach of millions in our online activities from Scotland and around the world. As Scots advocates, our expertise is recognised nationally and internationally, and we regularly support local government, national government and international organisations.

We have supported the development of Scots and Scots policy, including supporting the first and current Cross-Party Group on Scots, the 2010 Ministerial Working Group on Scots, Scotland's Census 2011 & 2022, The Scottish Government, MSPs, MPs, Scottish and international universities, and have regular contact with all Scots stakeholder organisations.

Our staff regularly appear in public outreach events and in national and international media promoting and speaking authoritatively on Scots. We produce our own Scots language news and features covering items of cultural, advocacy, and creative relevance. We curate physical and digital published materials.

We produce high quality teaching materials and support for both informal and formal Scots education, facilitate and contribute to professional educational and academic conferences, and work in partnership with Education Scotland, the Open University, the SQA, the Scottish Book Trust, and many others in producing and promoting Scots language materials. We also provide individual teacher support for working with Scots in the classroom.

We chair and contribute to the Scots Language Resource Network, a professional multi-agency organisation set up for all stakeholder to share news of their Scots work, ensure there are no duplications in production, encourage collaborative partnership working, and establish professional standards in Scots.

Our constitutional purpose as registered with OSCR is : The Association objects shall be:

- (i) to promote, support and assist the interests of the Scots language through the establishment of a National Resource Centre dedicated to this end;
- (ii) to collect published and unpublished texts, audio tapes and film in or concerning or using the Scots language, according to a collecting policy agreed with the National Library of Scotland, and either directly or in association with partners, make these available to the public for lending or consultation;
- (iii) to support and assist other bodies with specific remits which involve the usage,

furtherance, study or collection of Scots language resources, and to maintain liaison with such bodies to avoid duplication of effort;

(iv) to support and assist in, or undertake original research or the preparation of educational materials or new publications in the Scots language;

(v) to support and assist in the implementation of any national, regional, local or other scheme for the training of teachers, actors, broadcasters or others engaged in public uses of the Scots language;

(vi) to maintain liaison with libraries and library organisations, to support and assist their efforts in defining good practice in regard to the provision by libraries of Scots language material.

## **Part 2 – Chapter 1 of the Bill**

### **Part 2 - Chapter 1 - Support for the Scots language**

Specific recommendations on the Bill are highlighted using asterisks.

Scots is spoken by over one and a half million people in Scotland, as reported in the 2011 Scotland's census. This confirmed the estimate of 1,500,000 Scots speakers, or around 30% of the population of Scotland, in research carried out in 1996 by the General Register Office for Scotland, the predecessor of the National Records of Scotland. We fully expect the 2022 Scotland's Census to have a similar magnitude of Scots speakers. We believe that the recognition of Scots in the Scottish Languages Bill and outlining government duties and responsibilities towards Scots is a vital mechanism to support these Scots speakers and learners within Scotland.

### **26 - Status of the Scots language**

The Scots Language Centre very much welcomes the recognition of Scots in 26 (1) & (2) and the scope in 26 (4).

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With respect to the wording "the use of" and "as used" in 26 (2), 26 (4), 27 (2) (a), 27 (2) (d), and 30 (1) (a) we strongly recommend replacing these terms with "speaking and writing" and "as spoken and written".

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It is the experience of the Scots Language Centre that when "the use of Scots" is discussed there is a very strong bias towards focussing on the written representation of our language, almost to the exclusion of the spoken language and of speakers themselves. The majority of languages spoken in the world are not routinely written down. Indeed, an entirely oral language is necessary and sufficient to satisfy the conditions for a living language.

Scots has a long and continuous written tradition of over 700 years practice however as part of the process of the minoritisation of our language mass literacy, in the narrow form of reading and writing, until recently has been little taught and is practised and championed by a minority of highly idiosyncratic autodidactic writers. This literature is of

vital importance to Scots language culture and very much deserves the recognition and protection of legislation.

However, based on insight gained by our frequent engagement with Scots speakers, Scots speakers frequently convey a feeling of temporal or geographical dislocation from their language where strong Scots speakers relate that they consider the language that they speak is not as "pure" as that which appears to be spoken as presented in the literature from that of a time or a place distant to them. This can be further compounded when they encounter literature produced to synthesise Scots with no regard for time or place, literature produced to imagine Scots as the author believes it ought to be spoken in an effort of reconstruction or reimagining, or at worst a naive relexified English with little concern for the usage of Scots words removed from the idiomatic features of the spoken language.

Inexpertly produced written forms of a language have the potential to alienate speakers of a minoritised language from their own language by presenting them with two poles of "correct" speech, one from the dominant language and one ostensibly from the language which they speak. As Scots is gaining prestige within Scotland we are increasingly being presented with texts that demonstrate such approaches and we are increasingly receiving complaints from speakers regarding texts and spoken scripts presented as authentic and authoritative Scots.

Acceptable written forms of a language must arise through mass consensus. We believe that more universally acceptable forms of written Scots will emerge endogenously as Scots speakers, with the guidance of experienced Scots-speaking writers, produce communicative texts as a result of this bill. The success of this will depend upon realistic decision making and employment of the excellent extant written Scots corpus and writers in the Scots strategy.

It is common for the Scots Language Centre to be approached by non-Scots speakers who are skilled in a particular professional aspect of their organisation who have been assigned the responsibility of producing work in Scots with an expectation that Scots is a quickly attainable skill. Often it would be far more preferable for the organisation to identify a Scots speaker within their organisation and provide them with the in-house training needed to produce the work, along with language training from an appropriate and authoritative course provider.

A recent and increasing issue of corpus planning is the rapidly increasing deployment, from outwith Scotland and Scots speaking communities, of text based and audio synthesising language tools which produce entirely inappropriate and alienating texts presented as Scots. In particular the Scots Language Centre is now frequently contacted to provide corpuses for the training of large language models, and we are aware that wide numbers of authors' copyrighted works have been digitised, without the authors' knowledge or consent under a 'fair use' argument, to train such models and produce such tools. It is well within the capabilities of such tools to very quickly create written work, with no Scots speaker's involvement, in quantities of text far beyond the volume of the existing and substantial human written Scots texts. This is a new and deeply significant risk to the corpus of Scots writing, and a bibliocentric bias in law or strategy may easily lead to organisations increasingly deploying such inappropriate tools to the detriment of our language. From a language planning and vitality perspective, any legislation must be explicit about protecting Scots as spoken in all its dialects and forms. A guiding question for all Scots language development ought to be "What does this do for the speakers?"

By including "speaking and writing" in the language of the Bill this will assure that the spoken language, the bedrock of any living language, is explicitly prioritised.

## **Addition of linguistic rights**

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The incorporation into Scots law of the Universal Declaration of Human Rights (1948) Articles 2, 19 & 26; The European Convention on Human Rights (1953) Article 14; The Convention against Discrimination in Education (1962) Article 5.1; the International Covenant on Civil and Political Rights (1976) Articles 1.1, 2.1, 4.1, 24.1, 26, & 27. Reference to the incorporated Convention on the Rights of the Child (1989) Articles 2.1, 29.1, & 30; the Equality Act (2010) section 9; the Framework Convention for the Protection of National Minorities (1988) Articles 5, 9, 10, 11, 12, & 14; the European Charter for Regional or Minority Languages (2001) Part I Articles 1, 2, 3, 4, 5, & 6, and Part II article 7, and Part III, should Scots gain recognition; The Charter of Patient Rights and Responsibilities, NHS Scotland (2019), Communication and Information.

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A ministerial duty to inform Scots speakers of their linguistic rights. A ministerial duty to inform all public bodies and employers of these rights.

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A duty of all public bodies and authorities to inform Scots speakers using their service of their linguistic rights. A duty for all researchers working with Scots speakers to inform them of their linguistic rights.

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Scots speakers regularly face prejudice, discrimination and stigmatisation for speaking their language. Whilst it is vitally important to recognise, welcome, encourage and applaud all positive advancements in the use of Scots as part of status planning it is also important to directly address the negative pressures placed upon the speakers of minoritised languages. Whilst discrimination based upon visual perception is well researched, auditory and linguistic discrimination is swiftly becoming an important area in research and influencing public policy worldwide. We believe that informing and asserting the rights of Scots speakers is effective and necessary to combat such negative pressures on speakers.

As part of the daily work of the Scots Language Centre all staff members hear of Scots speakers who face or who have faced traumatic ill treatment for speaking in their own first language. This ranges from routine ridicule and bullying from those in positions of authority within education (indeed, for those who were at school when corporal punishment was in place it is almost universal that the tawse is spoken about in any discussion of Scots); through to employment services criticising service users' Scots; interviewers discriminating against Scots speakers; and employers threatening career advancement, or outright dismissal, for Scots speakers' spoken language. There are those who have experienced linguistic prejudice in interactions with police and judiciary bodies. These are overt expressions of the cultural trope that "if you do not change your language from Scots to English you will be unable to financially sustain yourself." It must be the purpose of this Bill that all such prejudice, discrimination and stigmatisation end.

We must acknowledge and redress the fact that as a culture we have inherited a deeply harmful set of practices and attitudes towards Scots and Scots speakers whereby our

educational, employment, legal and other public services are geared towards treating Scots as a "bad" language, and by extension Scots speakers as "bad".

A consequence of this is that many Scots speaking communities, be they rural or deindustrialised, are socio-economically marginalised, with significant prejudices to face for Scots speaking individuals who wish to access education, employment, or public position. Further to this access to many such areas of society is tacitly contingent upon acquiring English proficiency, leaving many monolingual Scots speakers, who ought to be highly valued in a language community, unable to partake in society as they may wish. First language Scots speakers speaking in their first language ought to have access to personal and civic development afforded to every citizen in Scotland.

As Scots policy is developed, we identify that there will be increased research into Scots speakers and Scots speaking communities. It is vital that the Scottish Ministers assure that the highest levels of research ethics and current ethical practice in researching minoritised languages is observed, insuring that linguistic rights are routinely part of the informed consent of participants.

## **27 - Scots language strategy**

The Scots Language Centre very much welcomes the requirement, set out in 27 (1), that the Scottish Ministers must prepare a Scots language strategy.

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27 (3) the Scots Language Centre be named "(a) The Scots Language Centre". The insertion between (a) and (b) as stands "(b) appropriate dialect organisations"

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Insert the stipulation between 27 (3) and (4) that those whom the Scottish Ministers chose to consult be to the effect that they be "financially remunerated in sufficient time to produce consultation documents."

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During the consultation period in the run up to the drafting of this bill the Scots Language Centre participated in a significant number of consultation events and discussions carried out by the civil service. During these discussions, and in the published analysis, the desire and need was expressed for a strong, independent, dedicated language organisation to monitor and advise upon a given language strategy, as is common and expected with other languages legislated for around the world.

In these discussions it was recognised by government and stakeholders that the Scots Language Centre, over the past 30 years, is fulfilling, within its funded capacity, many of the functions to be expected of such a body. It was openly expressed by the Scots Language Centre, and by the majority of the stakeholders we work with, that with an appropriate increase in funding the Scots Language Centre continue and develop that role with legislative support.

We were dismayed that upon publication of the Bill as introduced that the Scots Language Centre is not named within the Bill as introduced, but deeply concerned that there is no introduction at all of an independent dedicated body for Scots language development.

The Scots language is deeply under-resourced for a language with over 1.5m speakers, receiving 1% of the £29,000,000 yearly Gaelic and Scots budget, with the Scots Language Centre receiving £90,000, just 0.3% of that figure. This funding, along with the £220,000 funding of the Dictionaries of the Scots Language, is currently assured by the ministerial response to the 2010 Ministerial Working Group report and the Scottish Government's Scots language policy. The Scots Language Centre performs incredibly well within that budget, often with a public expectation of a service from an equivalent language body funded in the millions of pounds.

Given that the current Scots Language Policy will be superseded by the Scots Language Strategy, it is vital for the Scots language that funding of appropriate bodies be assured, subject to review, for periods extending beyond the duration of a single parliament.

Every aspect of the Bill impacts upon the work and service provided by the Scots Language Centre and we detailed this impact in our response to the finance committee which is appended below.

There are other organisations dedicated to the promotion and development aspects of Scots, including strong dialect organisations. Scots is experienced in the first instance through first language speakers' own dialects. Scots dialects and the diversity of dialects across Scots within Scotland are of vital importance to Scots. A sensitivity towards the specific needs of speakers of individual dialects must always be taken in language development. We believe that dialect organisations must be consulted as part of the development of any strategies.

We expect that the Bill will have a financial impact upon other organisations consulted as part of their drafting. The Scottish Government must financially support this process. Scots must be appropriately resourced.

## **28 - Reporting on Scots language strategy**

The Scots Language Centre welcomes the Reporting on Scots Language Strategy as written.

## **29 - Effect of Scots language strategy**

The Scots Language Centre welcomes the regard to which ministers, and public authorities must have to the Scots Language Strategy.

- 29 (2) a list of relevant public authorities must be published.
- 29 (3) The monitoring of Scots language speakers and writing must be included in all equalities forms.
- 29 (4) an independent assessment of the effects of Scots language strategy must be produced.

As a national day to day language Scots is a feature of the work of all public authorities. The Bill will benefit from clarity on who is to be considered a public authority and a published and up to date list of public authorities considered relevant.

The monitoring of statistics of Scots speakers within employment and who are service users of public authorities is sparse to non-existent. We suggest that there is a requirement that the Scots language must be included on all equality forms at a minimum.

We strongly believe that the effectiveness of the Scots language strategy must be frequently reviewed by an independent body. We suggest that this be carried out, with appropriate funding, by an appropriate body. The Scots Language Centre may be named in this capacity.

### **30 - Power for Scottish Ministers to give guidance**

The Scots Language Centre welcomes the powers for the Scottish Ministers to give guidance. Change "The Scottish Government may give guidance" to "the Scottish Government must give guidance"

(3) (b) dialect organisations

(5) Insert a requirement for the Scottish Ministers to publish guidance informing public bodies and Scots speakers generally of their linguistic rights.

Replace "Scots culture" with "cultural expression in the Scots language"

The Scots Language Centre believes that the Scottish Ministers must give clear guidance of the legal parameters of the linguistic rights of Scots speakers and we support that they may give further advice on promoting, facilitating and supporting speaking and writing in Scots.

The term "Scots", used adjectivally, has a polysemy with the homonym pertaining to the people or nation of Scotland. It is good practice, to avoid confusion, to clearly specify that it is the language that one refers to.

## **Part 2 – Chapter 2 of the Bill**

### **Part 2 - Chapter 2 - School Education**

The Scots Language Centre welcomes the promotion, facilitation and support of Scots language education.

We welcome the support of Scots education in schools; however Scots must be considered by all providers of education. Scots is the first language (L1) of many learners in education, it is also first encountered and acquired by speakers of other languages in the informal contexts of education. It must be recognised that the specific educational needs of first language speakers and that of second or additional language learners are different.

Scots speakers are, to give some examples, in nurseries, colleges, apprenticeships, universities, work training courses, informal learning, communication skills, and Adult Literacy courses. All of these address aspects of communication and literacy.

We must be cognisant of the fact that over the past centuries a culture of "proper" education has meant the forceable exclusion of spoken and written Scots from the classroom and that this culture is one which we must continue to examine and appropriately redress. This perpetuates the unexamined belief that Scots is "bad" and is exhibited in the "correction of

bad language", we must recognise and value Scots where it is spoken or written, and Scots speakers within education.

The Scots Language Centre advocates for a full stream of education and support of Scots from early years through primary and secondary education, integration of Scots with specific qualifications at all SCQF levels, and Scots' inclusion in all communication skills HNC/D modules, with the development of single honours Scots language and/or literature degrees and post graduate programmes. The inclusion of Scots in all performance and language based creative programmes is vital to Scots language cultural production.

Recognition of Scots within the context of literacy programmes is vital, as Scots speakers acquiring English literacy, we must learn another language as we gain literacy. This simple fact is largely unrecognised and learning materials designed for native speakers of another language are often inappropriately applied. Scots' language must not be excluded from any materials used to teach English literacy to Scots speakers.

Scots also must not be placed in a position to compete with other language learning, rather a recognition of the multilingual nature of the modern classroom with the metalinguistic knowledge of Scots speakers fully integrated will, we anticipate, facilitate language skills and literacy within Scotland.

### **Scots language education in schools**

- Insert 31 (1) We recognise that Scots is the first language of a significant proportion of those in education 31 (3) Teachers are permitted to teach in the medium of Scots Scots is the first language of a significant proportion of those in education within Scotland. This must be explicitly recognised.

Teachers are Scots speakers too and it is highly important for the prestige of Scots and for intergenerational transmission of Scots that there is clear permission to teach in the medium of Scots.

### **Guidance to education authorities relating to Scots language education**

- 32 (1) change "may" to "must"
- Insert at 32 (3) (b) dialect organisations

The Scots Language Centre believes that the Scottish Ministers must give clear guidance of the legal parameters of the linguistic rights of Scots speakers, and we support that they may give further advice on promoting, facilitating and supporting speaking and writing in Scots.

Dialect needs specific to the local Education authorities must be considered.

### **33 - Standards relating to Scots language education**

- Insert at 33 (4) (c) Dialect organisations

Dialect needs specific to the local Education authorities must be considered.

### **34 - Reporting on Scots language education**

- 34 (2) The Scottish Ministers must publish the provided reports.



The Scots Language Centre supports this reporting and strongly supports the publication of these reports.

## General views on the Bill

The Scots Language Centre immensely values the recognition of Scots in this bill and the mechanisms introduced to significantly contribute to the rehabilitation and furtherance of our language within Scotland. We have collectively supported all efforts for the promotion and recognition of Scots and the value of Scots speakers for over 30 years and look forward to continuing to make significant positive contributions to Scots and the lives of Scots speakers.

As outlined in our responses to the previous questions we have some suggestions to amend the bill as it progresses, some of which we strongly suggest. Most importantly, any language policy and law must build upon the language as spoken in all its varieties, and upon existing Scots speakers and Scots speaking organisations. We would very much welcome the opportunity to discuss these, and the Bill generally, at committee.

As further support to the work of the committee please find appended

- 1) the Scots Language Centre's response to the Financial Memorandum (2024)
- 2) the Scots Language Centre's response to the Scottish Government's consultation on the Gaelic and Scots languages and the Scottish Languages Bill (2022)
- 3) the Scots Language Centre's report to the Committee of Experts on the European Charter for Regional or Minority Languages (2021)

NB - Appendices 2 & 3 were unable to be included in the webform due to a limitation on characters. We refer you to the documents as presented on our website, [Scots Language Centre](#)

- 2) [https://d3lmsxlb5aor5x.cloudfront.net/library/document/2022\\_ScotsLanguageCentre\\_responseToScottishLanguagesConsultation.pdf](https://d3lmsxlb5aor5x.cloudfront.net/library/document/2022_ScotsLanguageCentre_responseToScottishLanguagesConsultation.pdf)
- 3) [https://d3lmsxlb5aor5x.cloudfront.net/library/document/Scots\\_Language\\_Centre\\_Report\\_ECRMI\\_Committee\\_of\\_Experts\\_Jan2021\\_Web.pdf](https://d3lmsxlb5aor5x.cloudfront.net/library/document/Scots_Language_Centre_Report_ECRMI_Committee_of_Experts_Jan2021_Web.pdf)

## Appendix 1 - Financial Memorandum

**Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?**

Yes, as a key stakeholder; the only organisation with a national remit for Scots language development; the primary resource for Scots for individuals, organisations, public bodies, government, and international organisations; we have taken part in every consultation discussion preceding the bill. We spoke extensively about how every aspect of the bill will directly impact upon the workload of the Scots Language Centre, and how it would impact upon every other organisation involved in Scots, and the anticipated requirements of all bodies that will be affected by its enactment.

The civil service team responsible for consultation on the Scots aspects of the bill saw an almost complete restaffing between the period of the publication of the Scottish Government's Consultation on Gaelic and Scots and The Scottish Languages Bill and the introduction of the Bill. Following this we have had no consultation on the financial assumptions made in the drafting of the Bill or the Financial Memorandum.

1. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

No.

Upon the publication of the bill and the financial memorandum we are deeply alarmed to have been informed that the bill will be "a zero cost bill" for Scots, and that there will be no core funding increase for the Scots Language Centre, or any other Scots organisation, to reflect the need for additional staffing to accommodate supporting the consequences of the enactment of the bill, as anticipated or as published.

The civil service has been informed at every opportunity that since the introduction of the manifesto commitment, and especially since the beginning of the consultation period that the mere topicality of Scots and the specific action of bringing forth a bill recognising and supporting Scots has created a demand for the services of the Scots Language Centre that has stretched our staff well beyond the capacity that our core funding affords us.

We have no indication that this demand will do anything other than increase as the bill progresses and becomes law. None of these comments have been reflected in the financial memorandum.

2. Did you have sufficient time to contribute to the consultation exercise?

As the Scots Language Centre was involved in both stakeholder events and supporting the public consultation we had sufficient time to contribute to the exercise.

3. If the Bill has any financial implications for you or your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

The bill has deeply significant financial implications for the Scots Language Centre and this has not been reflected in the financial memorandum. Every aspect of the bill will have a financial cost for the Scots Language Centre.

The Scots Language Centre is unique in its remit (shown in full below) and for over 30 years we have amassed the knowledge and expertise to support the public, public bodies,

educational organisations, government, and international organisations in working with and developing Scots. We have gratefully received the recognition and support of Scottish Government with funding to allow us to excel in our work and have satisfied government commitments to support Scots within the capacity of our core funding, and with specific project funding. We have also fostered and taken leadership in partnership working within the sector.

The Association objects shall be:

- (i) to promote, support and assist the interests of the Scots language through the establishment of a National Resource Centre dedicated to this end;
- (ii) to collect published and unpublished texts, audio tapes and film in or concerning or using the Scots language, according to a collecting policy agreed with the National Library of Scotland, and either directly or in association with partners, make these available to the public for lending or consultation;
- (iii) to support and assist other bodies with specific remits which involve the usage, furtherance, study or collection of Scots language resources, and to maintain liaison with such bodies to avoid duplication of effort;
- (iv) to support and assist in, or undertake original research or the preparation of educational materials or new publications in the Scots language;
- (v) to support and assist in the implementation of any national, regional, local or other scheme for the training of teachers, actors, broadcasters or others engaged in public uses of the Scots language;
- (vi) to maintain liaison with libraries and library organisations, to support and assist their efforts in defining good practice in regard to the provision by libraries of Scots language material.

Of the £29,000,000 budget for Gaelic and Scots, £300,000 is awarded to Scots organisations. The Scots Language Centre receives £90,000 annually (0.3% of the total budget), second to the Dictionaries of the Scots Language. Given our charity's remit and role within the community the expectations held of the Scots Language Centre are often of the level of language organisations with a similar remit, in the context of this memorandum, Bord na Gaidhlig which receives £5,000,000 annually (17% of the total budget). Information and education about Scots has a demand arising from a population of over 1.5m speakers within Scotland, and more from outwith Scotland. NB - The Scots Language Centre believes that total budgets ought to be separated for Scots and Gaelic and that any requirements for the needs of Scots and Scots speakers ought not to imply any impact upon the funding of Gaelic.

Paragraph 9 of the memorandum states that "similar Scots activities" to those the Scottish Government funds for Gaelic are carried out. These are similar in nature but orders of magnitude smaller, The Scots Language Centre and other organisations and individuals have the knowledge and expertise to produce work at a similar scale. As expectations continue to rise for provision in Scots there is not currently the funding to meet production value and comprehensive coverage of the topics commonly requested.

Paragraph 10 states with respect to the Scottish Administration "It is not anticipated that this Bill will place an increased burden on these areas beyond their current developing commitments." The Scots Language Centre is often and increasingly requested to provide awareness sessions and wider training by the Scottish Administration and public bodies, this is also attended with the expectation of continued support. We anticipate that these will increase significantly as the bill progresses and is enacted.

Paragraph 12 states that "In respect of Scots, although this legislation is the first of its kind, there are also delivery structures in place." The Scots Language Centre is the primary provider, working closely with our partners & stakeholders, of such delivery structures. We have the knowledge and expertise to continue and grow these structures, however we are already beyond capacity with respect to funding and staffing. We only anticipate that demand and dependence upon appropriate structures of delivery will grow.

Paragraph 17 table 1 has "-" for the funding of "Other bodies, individuals or businesses." This gives no indication of any support for the Scots Language Centre, and our partners, supporting the requirements of providing consultation and engaging with the consequence of the bill. As stated in the bill.

Paragraph 107 states that there will be no costs arising from the statement of status. Any topical mention of Scots increases demand for the Scots Language Centre to comment, advise, and interpret the matter at hand, and also increases general interest. A statement on status, as part of prestige planning, expects that organisations are able to meet the demand of such prestige. This all will incur costs for the SLC.

Paragraph 108 states that ministers must consult on a strategy, the Scots Language Centre are very well placed to be consulted, however this will require resourcing. It also mentions the teaching resources that we continue to produce (we also provide significant outreach and individual teacher support).

These resources are of a very high quality, however within our core funding we do not have the resource to be as comprehensive as we wish, nor as to the expectations of a fully structured language curriculum. This will incur investment.

Paragraph 109 speaks of highlighting to education authorities and public authorities where advice and resources are available. As much of this will be directing people and organisations to the Scots Language Centre it will incur significant staff allocation to engage and develop resources for these organisations. We disagree with the statement "no additional spend is anticipated"

Paragraph 110 relates to translation, and that the Scottish Government does not currently have any internal Scots translation capacity. The Scots Language Centre regularly provides translation services for the Scottish Government and have discussed at length developing a programme of training for in-house translators. This will require funding. The Scots Language Centre's engagement with the development of a national plan for Scots will take significant Staff time.

Paragraph 111 again states that it is not anticipated of any increase in spend whilst stating that people will be directed to the advice and resources that the Scots Language Centre provides.

Paragraph 112 states "In developing a strategy and standards for Scots, the Scottish Ministers will require to rely on expertise across those individuals and bodies who are working in Scots, producing materials, writing, promoting and raising awareness or the written and spoken forms. Provisions that are appropriate to be introduced by way of regulations will be developed in close consultation with the sector. The bodies under consideration here already operate and are funded to provide materials and advice in relation to Scots, therefore linking them to the strategy will ensure they can affect improvement for Scots more effectively".

This most encapsulates the work of the Scots Language Centre; however it will require significant amount of additional staff time to meaningfully provide our dedicated expert engagement with this process. We are deeply concerned that it is implicit that the Scots Language Centre's core funding appears to be contingent upon our meeting these requirements without additional funding to support this additional activity. Our already under resourced activities, as stated in our purposes and throughout the memoranda associated with this bill as introduced, would suffer in reallocation of staff time.

Paragraph 113 we welcome the acknowledgement that for Scots "the task of starting guidance will be more complicated than for Gaelic", The Scots Language Centre is excellently placed to provide a significant contribution to such a working group, as recognised this will incur funding for expert engagement.

Paragraph 114 under local authority costs "highlighting Scots, where advice on Scots can be obtained and where resources which are available can be sourced" is identified as inactivity. This will be a direction towards the Scots Language Centre and will involve a "an officer and a senior colleague" from each of the 32 local authorities potentially engaging with the Scots Language Centre staff. This will have a significant demand on our resources.

Paragraph 115 the statement "incur no costs for the bodies themselves" in making up a working group is incredibly opaque as to whether additional funding will be provided for funded bodies taking part in this working group, or if it is expected that funded bodies must incorporate the expected work into their funded work. Significant and expert dedicated engagement with this will require funding for additional staff time.

Paragraph 120 it is stated that Ministers will require to rely on individuals and bodies working in Scots. This close engagement will require dedicated staff time.

Table 16 starkly demonstrates that the implementation costs upon "Other bodies, individuals or businesses", which would include the Scots Language Centre, is completely unaccounted for.

Table 18 indicates that after 2026 there will be no cumulative costs for Scots at all. Given the increasing engagement with Scots this suggests that there will be no support at all for language development.

On the whole we absolutely welcome the bill, the recognition of Scots, and the requirements of developing standards of engagement with Scots across Scotland, however given the Scots Language Centre's unique purpose and position within Scots development and advocacy we recognise that much of this bill's success will demand the deep engagement

of the Scots Language Centre in every aspect of the bill. The financial implications for our organisation are of the highest significance.

4. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

No. As detailed in our answer to question 4, and we anticipate that similar issues will be at hand for other bodies specific to their remit's specialisms, enacting this bill without the funding to allow meaningful engagement from funded bodies and individuals is a significant underestimation of what is required from the bill as introduced.

5. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

We are not content that the Scots Language Centre can meet the financial costs that we will incur as a consequence of the Bill given our current core funding and commitment to our charity purposes. Government decisions directly impact on our service & demand. The Scots Language Centre, and the Scottish Government, would benefit from a detailed discussion reassessing the service demands and related costs of meeting the requirements of the bill as introduced in order to appropriately finance the Scots Language Centre to complete the expert engagement we are both satisfied that we can provide.

6. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

No. From the perspective of Scots development, and the Scots Language Centre, a zero-cost estimate with an expectation of increased work from organisations and individuals is a complete underestimate of what is required for the intent of this Bill to succeed.

## **Scots Language Dictionaries response to the call for views, submitted by Professor Robert McColl Millar**

### **Information about the organisation**

I am the Editor and producer of the central dictionaries of Scots. Receives considerable Scottish Government funding.

### **Part 2 – Chapter 1 of the Bill**

Dictionaries of the Scots Language support Scots being given official status in this country. We welcome the idea of a strategy which involves all of Scots-speaking Scotland. It would be useful to have a deeper understanding of what official implies, however, since experience from elsewhere (see discussion on Norway below) suggests that the concept official involves considerable status planning which will itself involve a negotiation over what this means in relation to the use of English (which might also have to become official, as it is in Wales) and (in a different way) Gaelic.

We also advise that, if Scots is to be declared an official language, consideration should be given as early in the process as possible as to whether a language board should be created for Scots. The issue underlying such a formation is what its purpose might be: should it be concerned with corpus planning, for instance, with a move towards incipient standardisation, status planning, in relation to how and where Scots is used in relation to other languages spoken in the country, or acquisition planning, in relation to the language being learned by children and adults?

If a national board is created, this should, we believe, be 'bottom up' in its construction, with boards or equivalent in place for each dialect/region: a number of such bodies exist, such as the Doric Language Board and Shetland ForWirds; they are already demonstrating the benefits of such an approach. At all levels native speakers, activists, applied linguists and cultural organisations should be represented. Organisations such as Dictionaries of the Scots Language should be represented on the national board but will be available as a resource at all levels.

In planning for official status, no matter how this is framed, we suggest that the Scottish Ministers consider the role and capacity of Government-funded bodies such as Dictionaries of the Scots Language already have both in directly promoting and supporting the Scots Language and in providing assistance at all levels to public bodies charged with promoting and supporting the Scots Language (i.e., indirect support).

### **Part 2 – Chapter 2 of the Bill**

While Dictionaries of the Scots Language have for many years undertaken educational outreach activities at school level, as well as to older people, we do not have a direct role in education. No matter how the legal status of Scots changes, however, we will continue to act as a major resource in education at all levels, in particular in relation to the free availability of the full online Dictionaries of the Scots Language and of spin-off dictionaries intended for schools, both a necessity when dealing with literature written in Scots, but also central to any

development where writing Scots becomes a requirement under the new official status. There is also considerable interaction and collaboration between the Dictionaries and, for instance, Education Scotland.

We do, however, recommend that, from early in the planning process, thought and eventually resources be given to teacher training for Scots, as well as in reconsidering the position of the Scottish languages and national and local culture in general within the education system. Otherwise, there is danger of a disconnect where an official language also appears to be marginalised within the one system all people in this country pass through.

## **General views on the Bill**

The Bill's key aims are to promote Scots across Scotland

Question 3: Do you think the measures set out in the Bill will achieve those aims?

Not of themselves. An awareness of the necessity to interact with stakeholders at all levels should be central both to any act itself and also to its application. While these interactions, whether triggered by government or a potential board, should involve cultural organisations such as Dictionaries of the Scots Language, as well as activists, what native speakers want and need must be central.

Do you think a new law is necessary to do this?

Yes, albeit with some reservations. Viewed globally, granting official status to a language does not always have the results expected. There is a danger in thinking that making Scots official would have the same effect as banning smoking in public spaces. In a sense, if no actual stipulation on behaviour is given, with the possibility of penalties for breaches, a law of this sort then becomes a wish list. It would be useful if comparisons were made to similar contexts elsewhere, such as in relation to the development of Nynorsk in Norway (and the Norsk Mållag board which administers legal provision for that variety at national and local levels); it should be noted that not all language planning and policy initiatives are entirely successful (again, study of the Norwegian language situation demonstrates this). Nevertheless, we feel that, no matter how symbolic making Scots official might be, it is an act worth doing in a country and a world where the English language is hegemonic.

Are there other, or better ways in which the same aims could be achieved?

We believe that, throughout the Bill's trajectory, proper attention should be given to the local connections of the dialects of Scots (as well as native speaker numbers and proportions, which differ considerably from region to region). Such distinctions can become strengths if local stakeholders become part of the process; again, the activities of the Norsk Mållag should be observed in relation to both success and less happy outcomes for planning initiatives.

Whenever possible, coordination should be attempted with equivalent bodies in both administrations in Ireland.



## **Professor Wilson McLeod response to the call for views**

### **Scottish Languages Bill**

I am writing, in a personal capacity, to offer to the Committee my views on the Scottish Languages Bill ('the Bill'). I limit my comments to Part 1 of the Bill but several of these points can be applied, *mutatis mutandis*, to Part 2.

The Bill as introduced is a cautious and incrementalist measure that should bring some modest improvements over time as the various strategies, standards, regulations and guidance documents that it authorises come into effect. The Bill is framed in very general terms, however, and would benefit considerably through tightening and strengthening at numerous points, as I discuss below.

It is a significant disappointment that the Bill creates no concrete language rights (notably the right to Gaelic-medium education, a key demand ever since the 1990s), and does not establish an independent language commissioner to ensure effective implementation and compliance. I urge that these matters be reconsidered as the Bill moves through the parliamentary process.

I now address a number of specific arising out of particular sections of the Bill.

#### **Section 2(2)(c): the principle of 'equal respect'**

Subsection 2(2)(c), which adds a new subsection 1(3B) to the Gaelic Language (Scotland) Act 2005 ('the 2005 Act'), sets out a useful principle that should be reasserted in other sections of the Bill in order to make it more effective as a touchstone for national Gaelic policy. In relation to its duty to provide assistance to a public authority concerning the application of the 2005 Act to the authority, Bòrd na Gàidhlig ('BnG')

must seek to give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the Gaelic and English languages should be accorded equal respect.

But this valuable principle does not appear anywhere else in the Act. It should be added to the following sections:

Subsection 5(3) (new subsection 2A(2) to the 2005 Act), in relation to the Scottish Ministers' Gaelic language strategy.

Subsection 6(2) (new section 2C to the 2005 Act), in relation to Gaelic language standards issued by the Scottish Ministers.

Subsection 7(2) (new section 2D to the 2005 Act), in relation to the duties of relevant public authorities concerning Gaelic language and culture.

Subsection 7(2) (new section 2E to the 2005 Act), in relation to guidance issued by the Scottish Ministers concerning the duties of relevant public authorities relating to Gaelic language and culture.

Subsection 3(5) of the 2005 Act (parts of which are already being amended by the Bill)

## **Section 4: 'areas of linguistic significance'**

The system of 'areas of linguistic significance' to be established by section 4 of the Bill (new sections 1A and 1B in the 2005 Act) is peculiar in some respects and has two main deficiencies, which call into question the potential value of this system.

The definition of areas that may be eligible for this designation is very expansive. It appears to be directed mainly at areas with a relatively high density of Gaelic speakers, but the threshold is set at only 20% of the population (including those who can only read or understand Gaelic but not speak it). However, the definition of 'areas of linguistic significance' in section 1A(1)(b) also extends to other areas which are 'historically connected with the use of Gaelic', 'in which teaching and learning by means of the Gaelic language is provided', or 'in which significant activity relating to the Gaelic language or Gaelic culture takes place'. In principle this definition could potentially cover pretty much all of Scotland, although it would probably be best suited to cities such as Inverness, Glasgow and Edinburgh or towns such as Fort William and Oban. This flexibility in the definition of 'areas of linguistic significance' is important, however; as paragraph 35 of the Policy Memorandum accompanying the Bill expresses it, 'the preferred policy priority was that Gaelic was a language for all of Scotland and an approach should be taken that supported Gaelic both in urban environments and in island communities'. It must be remembered that barely a quarter of those with Gaelic skills live in areas of 20% density, the overwhelming majority of them in Skye and the Western Isles.

The first main deficiency in this provision in its current form is the central role proposed by for local authorities in identifying and proposing areas for designation as 'areas of linguistic significance' (section 4(2) (new section 1B to the 2005 Act)). It is not at all clear why this approach has been recommended. Local authorities have not had a role in strategic planning for Gaelic up to now, and few of them can be said to have demonstrated much understanding or energy in relation to Gaelic. It would be more appropriate to assign this responsibility to BnG.

The second and most important issue is that it is not clear what the consequences of designating an area as an 'area of linguistic interest' would be – what obligations and/or benefits might follow. The Bill requires significant clarification and amplification in this respect. A particular risk is that making a designation could in effect create unfunded obligations on the part of local authorities and other public bodies; this would be a powerful disincentive to seeking the designation. It is a matter for concern that paragraph 30 of the Financial Memorandum accompanying the Bill states that 'no additional spend is anticipated' in connection with the 'areas of linguistic interest' system.

## **Section 5: National Gaelic Language Strategy**

Where the 2005 Act required BnG to prepare a National Gaelic Language Plan every five years, the new bill passes this responsibility to the Scottish Government and gives it the new name of 'national Gaelic language strategy'. This is a welcome move, as the strategy will have more weight when issued by the Government than a minor public body. It is disappointing, though, that this change will probably not take effect until 2029, as a new

National Gaelic Language Plan was launched at the end of 2023 and will run for a full five years. If the change is worth making, it should be done sooner. This could be done by amending the Bill so as to require publication of the first strategy within a year of the new Languages Act coming into effect.

The key test, however, will be whether the new national Gaelic language strategies prove to be bolder or more imaginative than the current and previous National Gaelic Language Plans adopted since 2007, which have become progressively less ambitious or meaningful.

### **Subsection 5(3) (new section 2A (3) to the 2005 Act)**

This subsection should be amended so that the Scottish Ministers are required to conduct a public consultation on the draft Gaelic language strategy. It is not appropriate to limit input to those the Government wished to include, as the Bill provides. Section 2(3) of the 2005 Act currently provides for such a public consultation in relation to the national Gaelic language plan. While reassigning responsibility for the national plan (now renamed a national strategy) to the Government is a welcome move, there is no justification for reducing public input into the process.

### **Subsection 6(2) (new section 2C to the 2005 Act)**

This provision allows for the promulgation of regulations setting out ‘standards and requirements’ relating to the promotion, facilitation and support of the use of Gaelic. To make this provision effective, it should be more concrete and specific, setting out the kinds of activities that must be dealt with in the regulations. As written, it leaves almost everything to administrative discretion; indeed, the Bill as a whole could be considered something of a ‘pig in a poke’.

In contrast, chapter 2 of the Welsh Language (Wales) Measure 2011 authorises the Welsh Government to issue five different kinds of standards, which involve service delivery, policy making standards, operational standards, language promotion and record keeping, and explains the nature of these different kinds of standards in detail. In relation to service delivery, the subsequently adopted Welsh regulations (The Welsh Language Standards (No. 8) Regulations 2022) set out 41 different standards that require public bodies to operate bilingually in connection with correspondence, telephone calls, meetings, public events, publicity and advertising, websites, online services and social media and corporate identity.

### **Subsection 7(2) (new section 2D to the 2005 Act)**

As drafted, this subsection is extremely weak. Instead of relying on the principle of ‘desirability’, which gives public authorities too much latitude to do nothing, the provision should be rewritten as follows:

In exercising its functions, a relevant public authority must, so far as is both appropriate in the circumstances and reasonably practicable —

- (a) promote, facilitate and support the use of the Gaelic language, and
- (b) develop and encourage Gaelic culture.

## **Subsection 8(2) (new sections 2G and 2H to the 2005 Act)**

This subsection requires BnG to prepare and publish reports about the Scottish Ministers' and public authorities' progress in discharging their duties in relation to Gaelic, but it does not indicate how often these reports should be published. The Bill should be amended to provide that these reports should be published on an annual basis.

In relation to new section 2H, there is a disconnect between the mechanism here, which is limited to preparing reports, and the mechanism established by section 6(4) and (5) of the 2005 Act in relation to failures by public authorities to implement measures in their Gaelic language plans adequately. In the latter case, the Scottish Government is required to take action of some kind when the Bòrd demonstrates that public authorities have not been complying with their obligations. This anomaly should be rectified by connecting section 2H and section 2F, so that the Scottish Ministers are required to use the direction power set out in section 2F if BnG demonstrates that a public body has failed to comply with its duties under section 2D.

In contrast, the 'enforcement' mechanism outlined in the Act, by which BnG can do no more than present findings of noncompliance to the Parliament (sections 2H (3) and the revised section 6(4)(b)), is feeble and inadequate.

In relation to sections 2G and 2H, the bill should be amended to give BnG greater investigative powers. As written, it is not clear how BnG will effectively obtain information concerning compliance and progress on the part of public bodies. Ireland's Official Languages Act 2003 provides a useful model here. Sections 21(f) and 22(a) of that enactment authorise the language commissioner:

to carry out an investigation, whether on his or her own initiative, on request by the Minister or pursuant to a complaint made to him or her by any person, to ascertain whether any provision of any other enactment relating to the status or use of an official language was not or is not being complied with. . . .

the Commissioner may require any person who, in the opinion of the Commissioner, is in possession of information, or has a record or thing in his or her power or control, that is relevant to the purposes aforesaid to furnish to the Commissioner any such information, record or thing and, where appropriate, may require the person to attend before him or her for that purpose, and the person shall comply with the requirement.

## **The benefits of a language commissioner**

One of the problems with the 2005 Act is that Bòrd na Gàidhlig has been given an uncomfortable mixture of roles, expected both to work with public authorities in shaping their Gaelic language plans and then to monitor and enforce them. The new bill proposes to continue with the current system to a very considerable extent. The main difference is that the guidance on these language plans is now to be issued by the Government rather than the Bòrd. This should increase the status of the guidance, but there can be no guarantee that its terms will be any more stringent. Unfortunately, many of the language plans that have been approved so far are minimal and have had relatively little impact.

It would be greatly preferable to create a new Gaelic Language Commissioner to oversee compliance with the new Act, including compliance with the various new obligations being imposed by the Act as well as the commitments in statutory Gaelic language plans. The Commissioner should also be given the power to order compliance with these obligations and commitments and not merely to report issues to the Scottish Government or the Scottish Parliament.

Under the 2005 Act, the Bòrd's only enforcement power is the ability to report failures to implement language plans to the Government to take enforcement action. The Government may then 'direct the authority in question to implement any or all of the measures in its Gaelic language plan'. In practice, however, this direction power has never been used.

The Bill adjusts this system slightly by giving the Bòrd the power to report compliance failures to the Scottish Parliament – still an underwhelming sanction - and giving the Government the power to issue four different kinds of binding directions to public bodies (some of them specifically to education authorities). However, paragraph 23 of the Policy Memorandum notes that although 'the direction making power is an important lever in the overall structure', 'it would [...] be intended to be used infrequently and as a last resort'.

In recent years, minority languages in many different jurisdictions, including Wales, Ireland and now Northern Ireland, have benefited from a language commissioner – an independent executive officer charged with oversight and enforcement of language legislation and other obligations on the authorities. But proposals for a Gaelic language commissioner have been refused by the Scottish Government. It may be that the idea was rejected not because of any actual policy concerns relating to Gaelic but because there is a perception in some quarters that Scotland already has enough commissioners (eight at present, with a further six proposed). The Finance and Public Administration Committee is currently conducting an investigation into this issue.

An independent commissioner could serve as a voice for the Gaelic community confronted with an increasingly complex and bureaucratic policy structure. On the other hand, effective enforcement will not be possible unless obligations and rights are set out clearly and concretely in the legislation, regulations and guidance.

### **Section 10(2) of the 2005 Act**

I urge the Parliament to consider the range of public authorities that may be required to publish Gaelic language plans. This matter is addressed in Section 10(2) of the 2005 Act. The Bill makes several references to further education provided by education authorities, most importantly section 11(3), which adds a new section 6A(b) to the Education (Scotland) Act 2016 ('the 2016 Act'), so as to provide that an education authority must . . . promote, facilitate and support . . . the teaching of the Gaelic language in its provision of further education'.

The Bill should go further than this and specify that all further education colleges in Scotland should be treated as 'relevant public authorities' for purposes of the 2005 Act as amended. It is notable that the British Sign Language (Scotland) Act 2015 ('the BSL Act') extends to any 'body which is a "post-16 education body" for the purposes of the Further

and Higher Education (Scotland) Act 2005'. It would be helpful to add a similar provision to the Bill.

Making this amendment would also have the consequence that all universities would clearly be covered by the legislation. To date, only five universities have prepared Gaelic language plans. This can be understood as a failing on the part of BnG in that it has not chosen to notify the other universities to prepare plans. However, there is some uncertainty as to whether universities constitute 'public authorities' under the 2005 Act so that they may properly be required to prepare Gaelic language plans.

Ensuring that all universities are brought within the scope of the Gaelic Language Act would be very helpful in terms of Gaelic development. This is particularly the case in relation to Gaelic education: it is highly inappropriate that six of the nine providers of teacher education in Scotland make no provision for Gaelic. There is an ongoing shortage not only of Gaelic teachers of all kinds but also of support professionals and research. It is not helpful that most teacher education providers in Scotland currently make no contribution to the development of Gaelic education.

It would also be helpful to bring devolved nationalised companies in Scotland into the scope of the Act in order to ensure that they develop Gaelic language plans and offer appropriate Gaelic services. Two particularly important bodies of this kind are Scottish Rail Holdings and Scottish Water.

Finally, although it is not strictly speaking an issue with the terms of the 2005 Act itself, it is striking how few public bodies have actually been required to prepare Gaelic language plans. Only about 60 bodies have been notified to do so, and paragraph 25 of the Financial Memorandum notes that 'there are no current plans for BnG to extend the number of bodies who will be subject to Gaelic language plans'. As one illustration of this problem, it is striking that of the 12 key national bodies specifically required by the BSL Act to produce BSL plans, only one has a Gaelic language plan. (The ones that do not are Audit Scotland, the Commissioner for Children and Young People in Scotland, the Commissioner for Ethical Standards in Public Life in Scotland, the Office of the Scottish Charity Regulator, the Police Investigations and Review Commissioner, the Scottish Commission for Human Rights, the Scottish Courts and Tribunals Service, the Scottish Housing Regulator, the Scottish Information Commissioner, the Scottish Public Services Ombudsman and the Standards Commission for Scotland).

## **Provisions relating to Gaelic education**

The Bill contains several provisions that create broad general duties for the Scottish Government or education authorities to promote, facilitate and support Gaelic-medium education (GME) and Gaelic learners education (GLE) (sections 11(3) (new section 6A in the 2016 Act), 14(2) (new section 6D of the 2016 Act), 15(2) (amending section 1(5)(a) of the Education (Scotland) Act 1980) and 16(3) (new section 14A of the 2016 Act)). These duties are then to be amplified by standards, regulations and guidance. These provisions have great potential but it is not clear that a significant change to the landscape of Gaelic education provision is actually contemplated, and the disappointingly limited impact of the 2005 Act in relation to education provision gives grounds for scepticism in this regard.

If these sections in the Bill are to be made meaningful there must be clear and strong

regulation, appropriate resourcing, and diligent enforcement. This outcome will be more likely if the Bill itself is made more concrete and specific rather than leaving almost all detail to standards, regulations and guidance that may emerge at some indeterminate point in the future.

It is important to emphasise how limited and marginal provision for Gaelic in Scottish education actually is. In 2022-23,

- fewer than 1% of Scottish school pupils (primary/secondary) were receiving GME
- fewer than 1% of Scottish school pupils (primary/secondary) were receiving GLE
- approximately 95% of primary schools do not offer GME or GLE
- 11 local authorities do not offer GME or GLE at either primary or secondary level in any of their schools
- 12 local authorities provide GME but not GLE (including the two largest authorities in Scotland, Glasgow and Edinburgh)
- only 7 local authorities offer GLE at primary level and only 6 at secondary level

Almost twenty years after the passage of the 2005 Act, it is deeply disappointing that the level of provision for Gaelic in the education system should remain so low. It is noteworthy that 9 of the 11 local authorities that do not offer GME or GLE at either primary or secondary level in any of their schools have statutory Gaelic language plans agreed with BnG. It is to be hoped that the new Act will bring a significant improvement to provision.

Most obviously, if the new general duty of education authorities to secure the provision of education is now to encompass GME and GLE (section 15(2) of the Bill [amending section 1(5)(a) of the Education (Scotland) Act 1980]), the scenario noted above by which local authorities essentially do nothing in relation to Gaelic education should cease to be an option.

## **Right to GME**

Since the 1990s, Gaelic campaigners have repeatedly called for the establishment of a legal right to GME. This was denied in the 2005 Act and the 2016 Act and is again omitted from the current Bill. This is profoundly disappointing.

The most useful example of a legal right to minority language education is that created by section 23 of the Canadian Charter of Rights and Freedoms. This right 'applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction'. Significantly, this right may require the provision of a separate school: it 'includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds'.

The standard argument against establishing a legal right to GME is that it would be impossible to implement given the shortage of Gaelic teachers. But there has never been a coordinated, high-level effort at workforce planning and development calculated to transform this situation. Gaelic education has never really been prioritised by the Government, by local authorities or by teacher education providers, but the 'stick' of an enforceable right could serve to focus minds.

Instead of a clear right, the 2016 Act created a fairly cumbersome two-stage process that local authorities must follow when determining if there is sufficient demand to establish Gaelic-medium primary education. Section 23 of the Bill now extends this to early learning and childcare. Crucially, though, this broadening of the legislation will not ensure that all children will be legally entitled to a place in a Gaelic-medium nursery, simply that some provision must be established in the area if appropriate demand is evidenced.

The Bill does not address one of the main practical difficulties with the 2016 Act, that the procedure for assessing demand for Gaelic-medium primary education is unduly complex, particularly from the standpoint of parents concerned about their children's educational future. In particular, the two-stage system by which education authorities first conduct a 'preliminary assessment' and then a 'full assessment' is time-consuming and burdensome, and stressful for parents participating in the process. A revised system should endeavour to simplify this process. It is significant that paragraph 83 of the Policy Memorandum suggests that the Government is indeed contemplating a simplification but chose not to present its proposals in the Bill as submitted. Instead, it proposes that 'these issues will be dealt with through the Gaelic language strategy and standards. It would be preferable to present these issues for public debate now and then have them dealt with clearly in the Act itself.

### **Gaelic schools v. Gaelic units**

Another important issue that the Bill fails to address, which paragraph 83 of the Policy Memorandum identifies as an issue to be dealt with through the Gaelic language strategy and standards, is that of delivering GME in dedicated Gaelic schools as opposed to Gaelic units within English-medium schools. It has long been recognised that dedicated Gaelic schools improve pupils' Gaelic skills and confidence, and that a strong Gaelic ethos builds their sense of Gaelic identity and affinity. The Bill should set out clear criteria requiring education authorities to offer GME in dedicated schools once sufficient demand is met. With the arguable exception of Glasgow, education authorities have generally been very reluctant or slow to open dedicated Gaelic schools. A clear legal mechanism to drive the process is needed.

The most pressing current issues concerning the delivery of GME relate to areas where some provision is already in place, not where parents are seeking to have it established in the first place. In Glasgow, the council has imposed a cap on places in primary GME, causing dozens of children to be turned away each year; in Oban, the council has refused to establish a dedicated Gaelic school despite clear demand from parents; and in Edinburgh the council has failed to find a suitable site for a Gaelic secondary school and, in consequence, declined to establish a badly needed second Gaelic primary. The Bill as introduced would not do anything to resolve difficulties of this kind.

### **Section 13(2) [new section 6C(1) to the 2016 Act]**

This subsection provides that the Scottish Ministers 'may' give guidance to public authorities concerning Gaelic education. It is helpful that this responsibility should be reassigned from BnG to the Government, as this will raise the stature of the guidance and make it more likely that authorities will properly comply with it. Compliance with the existing BnG guidance has been less than vigorous. However, this subsection should be amended to read 'must' rather than 'may'. A change along these lines was made in the



2016 Act (section 16(2)). This change was made because ten years after the passage of the 2005 Act, BnG had not actually produced the guidance. It is important that this does not happen again, and that the new guidance appears promptly after the coming into effect of the new Scottish Languages Act. I hope that these observations are helpful.

# **Language Sciences Institute: The University of the Highlands and Islands response to the call for views**

## **Re: Consultation on the draft Scottish Languages Bill**

A chàirdean,

We would like to submit a series of documents to the parliamentary consultative process concerning the proposed Scottish Languages Bill.

Several challenges can be identified in the Bill as it stands. The Bill purports to suggest significant legislative amendments to the original 2005 Scottish Gaelic Act, but it fails to propose meaningful legislative reform to address the limitations of the 2005 Act or the strategic constraints of dealing with the real-world problems of Gaelic speakers in Scotland which has arisen following the implementation of the 2005 Act.

The Bill seeks to rebureaucratise much of the symbolic approach to Gaelic affairs via a shift of focus away from Language Plans of official bodies to a Language Standards approach. In the current circumstances, this Language Standards approach will increase the bureaucratic burden of adhering to official language policy, but without indicating how the legislation will bring any demonstrable societal benefits to the Gaelic communities, many of whom are struggling with existential crisis. The main flaw in the Bill, as it stands, is that it does not acknowledge the reality of existential threat to the Gaelic vernacular community, which has been clearly indicated in documented research evidence. The first step in addressing a problem lies in identifying it in the first place. The Bill's evasiveness in this regard impedes the legislation from addressing societal reality. One of the main challenges with the legislation, as it stands, therefore, is that it complicates the status quo without mitigating the problems of that status quo.

The scope of the Areas of Linguistic Significance designation (borrowed from current official policy debates in Wales about higher-density Welsh-speaking communities) is insufficiently targeted on actual communities and thus prevents a strategic prioritisation of a programme of supports to help sustain Gaelic-speaking communities.

Amendments to the proposed bill that would recognise the community development needs of Gaelic speakers and learners would help to refocus the strategic intent of the Bill on societal challenges.

This focus would also indicate that the Bill proposes a consequential reform process, especially in vernacular, native-speaking Gaelic areas where sustaining a community of Gaelic speakers is enmeshed in community development needs such as employment opportunity, socio-economic innovation, demographic stability, housing requirements, youth supports, educational initiatives that are rooted in positive perceptions of Gaelic culture and society, and valuing environmental, physical and intangible heritage.

ECYP/S6/24/13/1

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## **The Scottish Languages Bill and Community Development**

*Tha staing na Gàidhlig air fàs nas miosa - the Gaelic language crisis has got worse.*

The combination of a disingenuous official consultation about the challenging sociolinguistic evidence of the remaining Gaelic vernacular communities in the islands, and now the withdrawal of funding for Gaelic officers in these areas, demonstrates the reality of official concern for sustaining native-speaking communities. It appears that the efforts to focus on prioritising the vernacular crisis have now been officially relegated to a non-issue in public bodies. Money speaks, and budgetary contractions indicate a clear contradiction between well-meaning official aspirations for Gaelic on the one hand and what can be achieved in practical, strategic terms with very limited financial supports on the other. The real terms reductions in Bòrd na Gàidhlig's budget over the last decade, explain, to a large extent, the emphasis on rhetorical engagement with Gaelic affairs, at the expense of meaningful strategic supports for actual communities.

The research by Soillse and the Language Sciences Institute of UHI clearly stated the challenges involved in maintaining a viable indigenous Gaelic-speaking community. Its evidence and analysis indicated the dangers inherent in failing to address the issues by continuing to pursue the same policies as if all was well. A “nothing to see here” approach was initially adopted by Bòrd na Gàidhlig, aided and abetted by those in positions of authority and influence in forming and directing Gaelic development policies. An unwillingness to engage constructively with the language reality across all of Scotland, and to acknowledge the precarious social situation of Gaelic communities in the islands, has undermined the credibility of the official approach to Gaelic affairs in Scotland. The apparent avoidance by Scottish Ministers of the critical social situation of Gaelic speakers has resulted in an even deeper crisis. The Gaelic communities have probably never felt more distant for the public bodies which were nominally established to support them.

Significant change to the overall structure of Gaelic development is required, and this reform process should clearly acknowledge the reality of the situation in communities and identify suitable resources to address this reality. The degree of ineptness in the management of public policy towards safeguarding Gaelic as a “language for all Scotland” is staggering to behold, even to the casual observer of such matters. Currently, there is a draft Scottish Languages Bill going through a parliamentary consultative process, entailing several potentially far-reaching new burdens to be placed on public authorities in relation to Gaelic development. As the financial memorandum to the Bill makes clear, no additional funding will be made available to support legislative implementation, implying that many of these new proposals are unlikely to be enacted. Suggested legislative reform with no expectation of implementation will serve as another distraction from the real issues that need to be addressed. In this sense, it amounts to legislative pretence and serves no identifiable purpose. The Bill as currently proposed is actually an impediment to progress and gives no clear advantage to the required community-level supports for Gaelic speakers and learners, whether they be in Edinburgh or Eoligarry.

The recent withdrawal by the Scottish Government of funding for the network of Gaelic community development officers puts Gaelic development into an even more precarious position. Adding insult to injury, in many cases it marks another reduction in public funds in these already marginal communities. Whether the organisations and individuals managing this network made a sufficiently robust case for continuation of funding is unclear at this stage. Similarly, we do not know if they simply acquiesced to Scottish Government officials' budgetary reduction and if they agreed that grass-roots Gaelic community development was no longer the key strategic intervention required to safeguard the future of the language. In any event, the funding decisions associated with the draft Languages Bill and the withdrawal of funding for the network of community officers signals a high-handed approach to the Gaelic situation and a lack of official interest or political desire in providing adequate support.

The economic and cultural contribution of Gaelic speakers and learners to Scottish life seems to have no value, according to the Scottish Government. In this context, one wonders if the draft Scottish Languages Bill is a cynical manoeuvre to claim that SNP manifesto commitments are somehow honoured, but with little or no expectation of actual policy reform or practical activity to follow from the legislation. At first glance, the current impasse over funding for Gaelic community officers would appear to be an ideological decision, cynically taken by Scottish Government Ministers, rather than purely a budgetary issue. For an external, neutral observer to such matters, it is difficult to understand as to how around £300,000 is not available to support Gaelic community development officers from within the £60 billion budget agreed last week by the Scottish Parliament.

However, if additional funding is not available, maybe Bòrd na Gàidhlig and others need to look at the current funding regime and the development priorities managed by the Bòrd. The last annual report published by the Bòrd indicated nearly £2 million of a funding allocation to Gaelic organisations with around £700,000 spent on activities in the support of the language plans of public bodies. Maybe one of the answers to the "funding crisis" is re-prioritise developmental activities towards more structured and funded community work, and reduce the emphasis placed on the often-symbolic language plans of public organisations as a panacea for the social survival of Gaelic.

As the Scottish Languages Bill will be the focus of debate to consider further amendments to the proposed changes to the 2005 Gaelic Act, this current opportunity should also be taken to review the structure of the Bòrd, as promised in the SNP manifesto. This has not happened to the extent expected. It has become increasingly clear that Bòrd na Gàidhlig has become all things to all people with an all-encompassing brief, which is not fair on the Bòrd nor on the Gaelic community. Much positive work has happened since 2005, but now would be a good time to review current structures and areas of responsibility. In times of crisis, a change of strategic direction is normally the way to forge a new pathway to improved outcomes. The Languages Bill offers the opportunity to re-examine the role of Bòrd so that it can

be focused entirely on the strategic management of Gaelic development activity in communities.

This review process could also consider whether areas of “regulation” as these relate to the language plans of public bodies could be subsumed within relevant departments of the Scottish Government. The Bill, as it stands, is merely sufficient to support Gaelic as a school language and to provide for sectoral funding to public bodies promoting Gaelic arts and heritage. In short, it expresses a vision for promoting Gaelic in publicly funded institutions rather than in society.

The new Bill also proposes “areas of linguistic significance”. This is another opportunity to refocus Gaelic community development activity. Although the current definitions set out in the Bill need to be streamlined and refocused, two category areas of intervention could be considered: (a) all the Hebrides and substantial areas of the western seaboard of the Highlands and Islands should be classed as “areas of linguistic and cultural significance”; and (b) another category identified to support learners and speakers of Gaelic across the rest of Scotland. A newly established public body or a significantly reformed Bòrd could have primary responsibility for strategic development within area (a) and in relation to (b), it should be possible to re-establish and properly fund and resource an organisation like Comunn Luchd Ionnsachaidh na Gàidhlig. Existing Gaelic organisations would provide services to support such a strategic structure. The current debate on the removal of community-based funding should focus minds on where the real priorities lie, but for any meaningful change to happen there needs to be a willingness on the part of Scottish Government Ministers and senior leaders within the current suite of Gaelic organisations to initiate a process of organisational transformation and to create the democratic environment in which Gaelic communities across Scotland will be strengthened. It is time that those with official responsibility for Gaelic affairs to demonstrate a clear vision, a sense of leadership and a capacity for innovation to make Gaelic development a meaningful aspect and a credible part of public and social life in Scotland.

*Iain Caimbeul is a senior research fellow in the Languages Sciences Institute UHI*

# **Language Sciences Institute UHI Response to Scottish Government's**

## **Consultation on Gaelic and Scots and Scottish Languages Bill Introduction**

The Language Sciences Institute of the University of the Highlands and Islands connects innovation and expertise in research and learning with the multi-disciplinary strengths of the UHI academic network to reconfigure current approaches to the revitalisation of minority languages. The Language Sciences Institute has a particular focus on the traditional Gaelic speaking communities of Scotland.

The Language Sciences Institute provides a focus for informed debate and discussion on factors in relation to creating a sustainable future for Gaelic as a communal and social identity. The Institute also provides a forum for facilitating engagement in a meaningful and positive way with the traditional language community and with the new Gaelic communities emerging within the larger urban conurbations of Scotland. The Language Sciences Institute has a central role in researching and informing national policy in this area of language planning in Scotland. Institute staff work across specific university disciplines to address increasingly complex social and global problems of sustaining minority languages and cultures in an integrated way.

Our responses to the consultation questions follow:

### **Gaelic medium education**

Thinking of barriers, obstacles and solutions - What are the key aspects you feel should be included in a new strategic approach to Gaelic medium education?

The provisions of the Statutory Guidance on Gaelic Education came into effect in February 2017. Whilst the Statutory Guidance and the 2016 Education Act were viewed as important legislative milestones for Gaelic Medium Education it is questionable if much has changed in relation to improving parental rights to access GME for their children and whether this legalisation has changed policy and commitment to GME at Local Authority levels, and importantly to the degree of oversight given by Scottish Ministers to increasing the scale and scope of GME. The reality, in relation to actual numbers at least, is that primary school pupils in Gaelic-medium education have increased by 80% since 2005, and secondary GME pupil numbers by around 48%. However, these increases in absolute numbers only account for 1% of the total primary school pupils in Scotland's schools and for 0.5% of secondary school pupils. If GME pupil numbers are to be sustained at current levels, even before any thought is given to increasing pupil numbers at both primary and secondary levels substantially, then some radical thinking needs to be considered in relation to (a) teacher numbers coming into the profession, and (b) the degree of linguistic skills across the teaching cohort.

Further improvements to the Gaelic-medium system of education require legislative change to strengthen parental rights and Government oversight of the provision provided by Local Authorities. It also requires a step-change in how the Scottish Government resources and supports Gaelic-medium education going forward and any new legislative reform needs to be meaningful, resourced and aligned with targets which can create

change and show progress. It is important to note that, whilst it is critical to increase the numbers of children entering Gaelic-medium education, it is also crucial that children are achieving levels of fluency in the language as they transit from primary to secondary education and thereafter in the tertiary system and/or the world of work.

Consideration should be given to strengthening the following areas of intervention to support the future provision of Gaelic-medium education:

- The creation of a coordinating Gaelic Teachers' Training Academy which would link teaching Colleges/ learning centres to promote knowledge exchange, and a collective endeavor between students/teachers on GME training courses and participants on CPD courses to strengthen support networks across the GME teaching/learning community. Such a coordinating role could be based at the University of the Highlands and Islands.
- In order to strengthen the policy and resource frameworks for GME, a stand-alone department/ organisation for Gaelic education should be established. The new organisation/department – **Foghlam Gàidhlig** – would have overall responsibility for Gaelic- medium education, including that of developing a new Gaelic-based curriculum which is not a 'mirror' of the English-language based curriculum.
- It is important that the Gaelic-based educational curriculum is founded on the cultural capital of the Gaelic community and framed within a model of minority language communal renewal.
- A Gaelic language competence system to support aspiring teachers wishing to enter GME.
- An adequately resourced Continuous Professional Development model for all GME teachers.
- A Schools-placement system for Gaelic teachers that will lead to a full-time position within Gaelic schools.
- Funded and resourced National/ Regional educational support strategies for the following areas of intervention:
  - Early-years to Tertiary
  - Learning Support Needs
  - Family language learning support systems
  - Adult Learning Centres
- Gaelic Language Learning Immersion Strategies developed and resourced for:
  - Teachers and Support Staff
  - Schoolchildren and Families
- A funding and resource support model to attract primary and secondary school teachers, early- years teachers and support staff into recognised and long-lasting career structures.

What steps do you think should be taken to support and promote Gaelic education and to ensure that any new strategic approach to GME is implemented?

Relevant Gaelic education legislation should be reviewed to assess areas where improvements are required in terms of parental rights to access GME and how the legislative responsibilities placed on Local Authorities are being implemented with the degree of commitment required to support GME. In addition, Scottish Government and relevant Ministers need to show leadership in accelerating progress in extending access



to GME across Scotland and in ensuring that targets are set and achieved across the various dimensions of GME. The following actions could be considered as appropriate:

- A review of current legislation to identify strengths and weaknesses in current policy and support mechanisms.
- The prioritisation of Gaelic-medium education actions to develop and create a sustainable model for GME. This would entail the development of an appropriate and comprehensive Gaelic-medium education strategy linked to a Gaelic-medium education workforce plan which would be under the auspices of a new organisation, Foghlam Gàidhlig.
- An adequately funded resource model to deliver on identified priorities.
- A research and evaluation system to support a new GME strategy.
- A Communication strategy which would enhance linkages between Scottish Government GME priorities with knowledge exchange and information pathways with teachers, aspiring teachers and parental groups.
- Ensuring that there is a Ministerial/Parliamentary Committee oversight of the delivery of a new GME strategy and approach.
- Ensuring that appropriate levels of governance, agency and accountability elements/dimensions are embedded in any new approach implemented for GME.

Are there any other points you would like to make about the provision of Gaelic medium education and Gaelic learner education in Scottish education?

Gaelic medium education and Gaelic learner education is skewed more towards “levels of activity” (number of children enrolling for GME/GLE) and less to the achievement of qualitative outcomes (fluency and capability in Gaelic). Whilst recognising there are resource and capacity constraints in creating rapid changes to the prevailing systems, the following areas are highlighted for priority in building a new foundation for the future:

- The rights of parents to access GME for their children need to be strengthened, and resource structures enhanced to improve support to families, both native speaking families and families learning Gaelic alongside their children.
- Adult learning centres need to be established and resourced at selected locations across Scotland to support the learning of Gaelic outwith the school system.
- A research and evaluation support structure needs to be developed which provides a deeper understanding of the dynamics of learning and using Gaelic in Scotland, in relation to GME/GLE.
- A competence assessment framework needs to be introduced for GME to ensure children are achieving adequate levels of fluency as they journey from primary to secondary schooling.
- Recognition needs to be given to regional differences in terms of the support required for children, teachers, teaching assistants, and parents, in the creation of a sustainable future for Gaelic as a community language beyond the school environment.
- A resourced and credible GME strategy and associated priorities need to be communicated to parents and the wider community of the role Gaelic has in

contemporary Scotland. This would also include recognising the importance of integrating the ‘community dimension’ of learning within any new legislation in supporting the achievement of fluency in Gaelic.

- A set of challenging (but achievable) targets need to be developed for GME from Early years to Tertiary levels and monitored on an annual basis to enable lessons to be learned and adjustments made to GME strategies and plans.
- Any new legislation needs to ensure “additionality” is built into support to Gaelic-medium education and Gaelic development generally in a context where legislative support for Gaelic and Scots is amalgamated within a single Language Act. There should be no competition for resources between different language interests.

## **The Gàidhealtachd Designation**

Do you have views on what measures should be in place to support Gaelic speakers in areas with significant numbers of speakers?

The main challenge to establishing a Gàidhealtachd designation is that it should engage realistically with the speaker group to improve its societal situation. A common anxiety about the establishment of the designation, if inappropriately implemented, is that it may cause the depletion of resources and energy merely to affect an official status which brings little of consequence to bear on society beyond its symbolic appeal.

However, a cautious welcome may be extended in that the idea behind it clearly concedes the principle that different approaches are needed in different areas with different populations of Gaelic speakers and learners. The introduction of a Gàidhealtachd designation might now be the only way to safeguard the continuing use of Gaelic as a community language in the well-defined geography of the Western Isles, and perhaps the only way of safeguarding its maintenance, or indeed reintroduction, across other parts of Scotland where the density of Gaelic speakers in any local population is very significantly lower. Gaelic as a “language for all of Scotland” can only gain from seeing its Hebridean vernacular districts stabilised.

Whether these districts with existing Gaelic communities gain from being newly labelled as either a unitary “Gàidhealtachd” or a collection of several “Gàidhealtachdan” – with other “kinds” of Gàidhealtachd being offered a different kind of recognition in urban/diaspora situations – is a secondary question. The important point is that the remaining social geography of Gaelic as a community language – already well defined by both geography (through its islandness) and administratively (through existing local authority boundaries) – is acknowledged and protected. The unhelpful deployment of the “divisiveness” trope in this regard only serves to muddy the waters on the strategic need to focus in a coherent, coordinated way on the various requirements of the existing speakers in the vernacular context, speaker networks beyond the vernacular Gaelic social geography, and learner networks in various locations.

Differentiation of varying social contexts is the cornerstone of relevant and cohesive minority- language policy and paves the way for a realistic strategic complementarity between the efforts of those involved in differing aspects of Gaelic affairs – social, institutional, educational and creative. In short, a different-courses-for-different-horses

approach would be a more realistic basis for action than continuing with the now less than effective national planning approach to Gaelic language policy. One of the perverse outcomes of current Gaelic-language policy is that the vernacular community feels dissociated from it. Considering a possible Gàidhealtachd designation indicates a willingness to examine a new course of action which moves beyond current limitations. Indeed, sustaining Gaelic as a community language in its vernacular social geography is relevant to all who are involved in different aspects of Gaelic affairs for the simple reason that learning, promoting and engaging creatively with Gaelic becomes more difficult in the absence of a vernacular community.

As language use is a collective endeavor, the societal erasure of the day-to-day vernacular language obviously weakens the collective capacity of speakers to make their language and culture a vital concern of the society in which they live.

There is no need to draw a new “Highland line” anywhere. Existing geographical and local authority boundaries already define distinct areas, with needs that are also distinct. The critical point is that this distinctiveness should be acknowledged when it comes to shaping effective policy and planning for the language.

This proposed Gàidhealtachd socio-geographic status could evolve as a meaningful and productive designation as the operational focus of the Urras na Gàidhlig model, suggested in the *Gaelic Crisis* study. We envisage that the Councils of the Western Isles, the Highlands, and Argyll and Bute could agree the operational and geographic extent of the remit of Urras na Gàidhlig as the primary Gaelic community development agency in their region.

For the Gàidhealtachd designation to be meaningful, the process to establish this new social policy status would need to resolve the following issues:

- The original use of the term, Gàidhealtachd, indicating the socio-geographic extent of the Gael no longer corresponds with the current geographic use of the term. The centuries long trajectory of language shift to English in Scotland has led to the current situation where only a relatively small area of the Highlands and Islands could be designated in any meaningful sociolinguistic sense as a “Gàidhealtachd”.
- In the absence of a clear sociolinguistic rationale and the prioritisation of the societal requirements of sustaining Gaelic as a community language, the Gàidhealtachd designation will become a counter-productive symbolic status whereby public assertions merely serve to camouflage an otherwise unhindered societal trend towards the endgame communal erasure of Gaelic as a community language.
- The option to designate a Gàidhealtachd status, with little of societal value to actual Gaelic communities beyond its symbolic appeal, would in effect render Gàidhealtachd status another public instrument of English-language planning among the vestigial vernacular group in Scotland, i.e., being little more than a revamped version of the perverse outcomes of current Gaelic-language policy.
- The Gàidhealtachd proposal borrows from the Gaeltacht administrative unit in Ireland. The Gaeltacht was delimited primarily in regions of the western seaboard in Ireland in the 1920’s when significant proportions of these districts

comprised 80%+ of active native speakers of Irish. As only 1 out of 5 people now live in districts where Irish is used as a community language (to any appreciable extent), most Gaeltacht residents do not encounter the use of Irish beyond its formal practice mainly in the school system and in symbolic state provision for the Gaeltacht as an administrative unit. In short, the socio-cultural link between the Gaeltacht as a cultural and sociolinguistic entity and the Gaeltacht as an administrative unit for state activity has been lost for the majority of Gaeltacht residents.

- Obviously, the Gàidhealtachd proposal in Scottish context has, as it starting position, much weaker social densities of speakers than in the Irish case, thus implying that efforts to establish the proposed Gàidhealtachd status as a societally meaningful endeavour will be even more challenging.

Any meaningful discussions on a Gàidhealtachd designation would need to establish a series of working groups of elected officials, community representatives, public officials, and academic advisors.

These would be established by the Scottish Government to draft strategies to address the societal and formal requirements as set out below:

- How to structure two broad-based strategies to support Gaelic speakers and learners:
  - Highlands/Hebrides where there are relatively significant concentrations of Gaelic speakers, and the language is common in most localities in everyday social situations.
  - Urban areas/cities where there are significant numbers of Gaelic speakers/learners who need specific Gaelic language support measures to aid learning and use outside schools and institutions.
- Establishing a process to engage with communities in discussions on which types of models of support would be applicable and practicable to their respective localities. This is a fundamental prerequisite before any 'measures' of intervention are introduced from external sources. The importance of community agency and governance needs to be recognised in any policy prescriptions developed beyond this consultation timeframe.
- Consideration of the potential for utilising existing community-based organisational/voluntary structures as key elements of any programme of support measures.
- A starting point for discussions would be the following sources:

<https://www.uhi.ac.uk/en/research-enterprise/res-themes/humanities-and-arts/language-sciences-institute/publications/the-gaelic-crisis-in-the-vernacular-community/chapter-9-towards-a-new-model-for-the-revival-of-the-gaelic-community/>

<https://www.uhi.ac.uk/en/research-enterprise/res-themes/humanities-and-arts/language-sciences-institute/publications/agency-and-participation-factors-the-gaelic-vernacular-community/>

Do you have views on how such areas should be defined?

Areas of intervention can be readily defined by existing regional and/or sub-regional boundaries. Such areas are already coherent in terms of 'community' and in how resources are and/or can be allocated for developmental purposes. For example, the Local Authority areas of Eilean Siar, Highland, and Argyll and Bute could engage in a consultation process with community stakeholders in the various districts of the remaining vernacular Gaelic communities to agree an operational mechanism to bolster language support and revitalisation within their respective regional localities.

One particular area for discussion would center on whether a locally controlled Trust could be established, such as suggested by Ó Giollagáin *et. al.* (2020) - Urras na Gàidhlig.

Such an operational area would in effect correspond with the social and geographic extent of designating 'Gàidhealtachd' status for the vernacular communities. The establishment of a development framework such as, for example, Urras na Gàidhlig (or utilising an existing Trust/Cooperative) to support socio-economic development among the remaining Gaelic communities should be one of the main priorities for a new approach for Gaelic policy and strategic reform in a reformed legislative era for Gaelic in Scotland.

How would you balance the commitment to put measures in place in areas where there are significant Gaelic speakers with the principle that Gaelic should be a national language for all of Scotland?

The core issue for consideration about the role of Gaelic culture, heritage and speakerhood in perceptions of national identity is the reality gap between aspirations for Gaelic and the societal extent of the language as it currently exists. Political and institutional assertions about Gaelic will become increasingly difficult to sustain, from a societal perspective, as part of the national narrative in the absence of any communities of native speakers or indeed Gaelic learners achieving levels of fluency which can support sustainable Gaelic-speaking communities of the future. Under current circumstances, the remaining Gaelic communities are no longer sustainable.

Therefore, if a radical and effective new policy framework cannot be brought into being for whatever reason, those continuing to promote the status of Gaelic as being of importance to Scotland will need to address some fundamental and difficult issues: who learns a language with no native-speaking group? And how can a significant aspect of national aspiration be based on a linguistic identity which does not actually exist as a dynamic socio-cultural reality in any community?

In relation to practical policy in terms of Gaelic promotion and protection, it is debatable whether Gaelic can now be sensibly classified as 'a national language for all of Scotland' when only slightly more than 1% of the population has some understanding of the language. The use of such aspirational terminology acts as a deflection from a focus on the real challenges which need to be urgently addressed in communities across the Highlands and Islands and in our urban areas and cities.

There should be an acknowledgement that there are two distinct language groups: (a) the native speaking community where there remains a relatively significant speaker group; and (b) the Gaelic new speaker/learning community located primarily in urban/city areas. In developing legislation and subsequent policy measures, care should be taken that artificial demarcation boundaries are not created when the situation on the ground across regions and localities can be far more fluid than is sometimes recognised and needs to be supported by specific and dedicated interventions at the most practical level of community engagement.

Are there any further points you would like to make about the commitment to explore the creation of a Gàidhealtachd and the associated commitments relating to Gaelic use in family and community?

Without some careful consideration which would include an ex-ante appraisal of the potential impact of such a geographical classification, the likelihood is that the creation of a 'Gàidhealtachd' designation will act as a distraction from where the focus for Gaelic promotion and protection development needs to be directed and supported.

Any changes to policy structures and the allocation of resources need to put Gaelic speaking and Gaelic learning families and associated communities at the centre of the consultation and developmental focus.

### **The structure and functions of Bòrd na Gàidhlig.**

Do you have any views on the current duties of Bòrd na Gàidhlig and any suggestions of how these could operate more effectively or efficiently?

The question assumes that respondees have a sufficient level of knowledge of the range of duties currently within the remit of the Bòrd and gives the potential opportunity for responses to be based on perception rather than knowledge of reality. It should be acknowledged that Bòrd na Gàidhlig have made significant progress in addressing the corporate issues raised by various recent audit reports and by the Audit Scotland review. However, corporate efficiency does not necessarily mean that the Gaelic policy development focus and priorities pursued by the Bòrd are now meeting the demand to ensure interventions in support of language promotion and protection are fit for purpose and are generating sufficient outcomes that will sustain Gaelic as a community language for future generations.

The duties of Bòrd na Gàidhlig (as they have evolved since 2005) now mismatch both the financial and human resources available to the organisation.

No organisation can operate effectively or efficiently when demand for its services have increased substantially since its formation without a concomitant increase in financial and staff resources.

Recognising that changes to organisational entities should be expected in any public policy structural framework it would be prudent to undertake a formal review of the functions and responsibilities of the Bòrd, in the context of the objectives of the 2005 Gaelic Act, beyond the conclusion of this consultation. Adopting changes to legislation and subsequent organisational delivery structures should not be undertaken without an

informed foundation to support change. However, assuming no change in financial resources, as dictated by current national public funding challenges, it is clear that the duties of the Bòrd will need to change and/or be reengineered with some difficult decisions on priorities to be taken by Scottish Government, with Scottish Ministers taking responsibility for such prioritisation rather than deflecting them on to Bòrd na Gàidhlig or other public bodies.

Attached to the current duties of the Bòrd, it is questionable if the Language Plans of Public Bodies or indeed National Gaelic Language Plans are making much of a difference in supporting an increase in the number of people who are fluent Gaelic speakers and daily users of the language. There is a mismatch between expectations in terms of what these instruments of intervention can achieve in reality when aligned with the real situation of c.1% of the population with some understanding of Gaelic. The pretense of progress through a focus on some limited 'activity' headlines will not deliver on the primary objective of increasing the number of fluent and habitual users of Gaelic across Scotland. Increasing the numbers of people registered on Duolingo learning Gaelic does not necessarily translate into functioning and sustainable Gaelic-speaking families/communities.

Whereas all learning opportunities and individuals making personal decisions to learn Gaelic are to be applauded, care should be taken that language policy is not being driven by headlines solely based on activity numbers.

Additionally, a significant element of the duties of the Bòrd should be on managing a comprehensive research and evaluation strategy which is capable of informing Gaelic language policy and planning across all relevant regional areas of Scotland. To date, no systematic evaluation has been undertaken of the individual language plans of public bodies, yet some organisations are now preparing and/or are on the fourth language planning cycle and remain in receipt of public funds to deliver on such plans, while the Bòrd relies on the self-evaluation of public bodies in the reporting of agreed actions.

This is not an appropriate way to ascertain the impact of public policy. In support of Bòrd na Gàidhlig, Scottish Government should also take responsibility for the evaluation and assessment of the impact/outcomes generated through Gaelic language plans across the public sector in Scotland.

The Bòrd's role as the primary holder of financial resources needs to be reviewed to guard against creating a 'clientelist' mentality amongst supported development groups/organisations, and ultimately to ensure value for money in the use of scarce resources. For example, development funding could be routed through other public sector organisations, thereby instilling some degree of collective responsibility for Gaelic development across Scotland. For clarity, funding associated with the implementation of the Gaelic language plans of public bodies would be managed by Bòrd na Gàidhlig, and community-focused development funding for the maintenance of Gaelic within communities would be directed through another organisation such as for example, Urras na Gàidhlig as suggested by Ó Giollagáin et. al. (2020).

In the prioritisation of duties, consideration should also be given to transferring most of the responsibilities of Gaelic education to another body – **Foghlam Gàidhlig** – with the Bòrd remaining as a principal statutory consultee on Gaelic education matters.

As indicated above the duties and responsibilities alongside the operational structure of Bòrd na Gàidhlig need to take account of the tensions between the processes of revitalisation (promotion), and the grass-roots activities associated with the language-in-society maintenance (protection) of a minority language such as Gaelic.

The strategic and operational structures of Bòrd na Gàidhlig need to reflect such tensions and therefore consideration should be given to an organisational framework where there is a clear demarcation between the regulation of Gaelic Language Plans, and development activity at the interface with communities.

Gaelic as a community language is in a fragile state and it is not prudent nor appropriate for Gaelic public policy, and the attendant risks associated with language promotion and protection, to be primarily vested in a single body with limited resources.

***Do you have any views on structural changes at Bòrd na Gàidhlig which could strengthen the promotion of and support for Gaelic in Scotland?***

The wording of the above question fails to recognise that, for a sustainable position for Gaelic to be achieved in Scotland, policy interventions are required that recognise the importance of 'language protection' alongside 'language promotion'. It is singularly problematic if those developing and creating policy in Scottish Government and in Bòrd na Gàidhlig do not recognise this twin-pole strategic pathway as fundamental in the process underpinning the revitalisation and maintenance of a minoritised language.

It has become clear that the task of Gaelic language promotion and protection in Scotland for a highly minoritised language is beyond the scope, resources and capabilities of a single organisation with an annual budget of c.£5.5 million. Gaelic public policy is primarily focused on education and learning with little effort or resources expended on maintaining existing Gaelic speaking communities – in other words the vernacular/indigenous Gaelic speaking group. In some respects, it could be argued that there is a policy of 'managed decline' with the respect to the vernacular Gaelic group, primarily located in the Hebrides.

Without adequate supports to the indigenous Gaelic community, it is problematic to claim to sustain a language policy objective to strengthen the state of Gaelic, based on the current strategic and operational apparatus, when the focus of intervention remains overwhelmingly on Gaelic learning in schools.

Any structural changes to the operational functions of Bòrd na Gàidhlig need to focus on the 'protection' of Gaelic as much as 'promotion' and support for the language. A more pronounced focus needs to be brought to bear on protecting and strengthening Gaelic language use and Gaelic speaking capacities amongst the native speaking community and importantly in tandem with providing adequate resources to support Gaelic learners and new speakers across Scotland.

Inherent in such an approach is the need for a social strategy which would act as a bridgehead between the L1 and the L2 communities. Currently there is a lack of complementarity or recognition that strengthening the position of Gaelic in Scottish society requires developing the social capital bonds/linkages between the two Gaelic speaking communities.



Some additional areas for discussion and consideration follow:

- There is a clear tension between regulation and development in the work of the Bòrd, and a separation of duties needs to be considered to create a more effective and efficient system of governance and accountability.
- It should be possible to restructure the organisational operations of the Bòrd to create two specific Directorates: Regulation and Development, each with their own separate leadership teams reporting to the Board of Directors and ultimately responsible to Scottish Ministers. Each of the Directorates could be based at two different locations: for example, Regulation in Edinburgh/Glasgow and Development at a location in the Islands.
- Development activity associated with the development Directorate should also be based on a regional/sub-regional basis reflecting that the support required for Gaelic-language protection and promotion has different requirements across localities. A language-in-society model must be developed that provides community agency and governance of resources and priorities to the vernacular Gaelic-speaking community, whilst recognising a similar framework of support is required for the Gaelic-learning communities of Scotland. A National Gaelic Plan for Scotland which doesn't fully reflect and respect the differentials in support needed for Gaelic revitalisation and maintenance will not generate the required language outcomes needed to create a sustainable future for Gaelic. If Scottish Government and Bòrd na Gàidhlig do not recognise the significant challenges which exist across Gaelic communities (Gaelic education/new speakers and learners; and the native speaking communities) then it is highly questionable whether Gaelic development policy in Scotland will achieve any degree of success in the long-term.
- A new joint pan-Highlands and Islands and a pan-Scotland programme of development activity should be created and implemented between the Bòrd and other development bodies to mitigate against a 'silo' mentality being attached to Gaelic development and recognising that support in terms of the promotion and protection for Gaelic reaches beyond the remit of the Bòrd.
- A model of development support for Gaelic should exclude the possibility of appointing a Language Commissioner. There are insufficient powers within the current 2005 Gaelic Act to enable a Language Commissioner to operate efficiently and effectively. The focus should be on supporting existing Gaelic-speaking communities and in ensuring that support systems are adequately resourced to increase the numbers of speakers and users of Gaelic.
- A realistic and practical approach should be taken to any potential restructuring activity to reset the strategic and operational remits of the Bòrd, reflecting priorities and the resources and capacities available to effect change.

Are there any further points you would like to make about the review of the functions and structure of Bòrd na Gàidhlig which seeks to ensure Scotland has the most effective leadership body and network of organisations for the promotion of Gaelic?

Beyond audits of the corporate functions of Bòrd na Gàidhlig the Scottish Government should also ensure an evaluative framework exists which is capable of assessing and measuring two broad areas of policy endeavour: (a) the language competences and capabilities of children within Gaelic-medium education; and (b) the effectiveness of policy

measures in the achievement of language outcomes and changes in Gaelic language behaviours across communities targeted by public policy on Gaelic development. Other areas for discussion to strengthen policy and development, leadership, and network coordination for the promotion and protection of Gaelic could usefully include the following:

- Bòrd na Gàidhlig needs to find a mechanism whereby it ensures that it is seen to be actively working in tandem with the Gaelic speaking and learning communities, and to mitigate the perception that it is an organisation which is somewhat removed from the reality of the state of Gaelic within communities.
- To enable a strong partnership to be developed between official bodies and the Gaelic community a system of representation needs to be developed at national and regional levels which strengthens community participation in relation to community governance, agency and accountability.
- Representation could entail the staging of a biennial Gaelic Congress to enable the wider community to exchange ideas, views and initiate discussions on changes required to improve systems of support and development.
- Consideration could also be given in terms of how the Board of Bòrd na Gàidhlig is appointed and how well it represents community interests and concerns. It could be possible to have a selected number of Board Members appointed by Scottish Ministers and also have Community Members appointed by communities to represent relevant regional areas of Scotland.
- A further discussion on options to restructure Bòrd na Gàidhlig and issues associated with the current approach to Gaelic development in Scotland can be found at:  
*Moving beyond Asozial Minority-Language Policy*: Conchúr Ó Giollagáin and Iain Caimbeul:  
<https://www.eupublishing.com/doi/full/10.3366/scot.2021.0360?role=tab>

However, whatever proposed structural reforms, new strategic initiatives, status designations are devised for Gaelic promotion and protection, they will have to address the following core issues, as agreed by participants at the recent Soillse Conference held in Stornoway ([www.soillse.ac.uk/program-na-co-labhairt/](http://www.soillse.ac.uk/program-na-co-labhairt/)):

'We call upon decision-makers in Scottish Government, Local Authorities, development agencies and academic institutions to:

1. Base the framework for Gaelic policy decisions and revitalisation priorities on the best available evidence.
2. Acknowledge through practical and appropriate support structures that each community of speakers and network of learners across Scotland has specific requirements.
3. Clearly demonstrate conviction and leadership by working in productive partnership to protect and develop Gaelic communities.
4. Invest and provide adequate funding and resources, in an equitable and efficient manner, in the effective support of island-based Gaelic-speaking communities to provide for sustainable sociocultural and Gaelic development.
5. Recognise and utilise the core role of the family and community as indispensable sociocultural and linguistic cornerstones for Gaelic language maintenance and

revitalisation.

6. Place Gaelic development in island communities within a comprehensive whole-of-society approach, recognising the critical importance of supportive socioeconomic and sociocultural conditions, including Gaelic arts and heritage, as prerequisites for credible Gaelic language promotion and protection in creating a basis for a sustainable future for Gaelic in our island communities.

7. Reform and resource the Gaelic development support structure on a regional basis and recognise the various development requirements of varying speaker communities and networks of learners in order to increase mutual cooperation and complementary outcomes for all Gaelic speakers.

8. Realign and strengthen the Gaelic development role of UHI as the primary teaching, learning and research institution to enable a significantly more proactive partnership with Gaelic communities and with development partners; this should entail developing an evidence-based policy framework and public engagement approach, rooted in a pro-active research agenda, to address critical socioeconomic and cultural challenges.'

**Consultation responses are invited on the question of support for the Scots language.**

*We do not have sufficient knowledge and expertise to provide comment on the question of support for the Scots language. However, we do recognise the need to provide support for the Scots language.*

## **The Gaelic Community of the Hebrides at the Crossroads of Change**

The future of Gaelic as a living community language in Scotland and as a first language of the island communities of the Outer Hebrides is under threat. Population trends and data on the number of young Gaelic speakers across the islands tell us the situation is not as healthy as it should be. Despite numerous language plans being produced since 2007, national policy towards the re-shaping of the Gaelic situation at the community level shows little to no progress.

The short-term project-based approach which dominates Gaelic development policy and practice doesn't engage effectively with people at the community level despite efforts by some individuals and community organisations to create meaningful change. The Gaelic situation in the Hebrides is directly linked to the social, linguistic, economic and political forces which play a central part in the future success and well-being of island communities. The lived experiences of the Gaelic speaking islanders should be central in how support is delivered, but current forms of engagement from existing government policies fail to deal with obvious contemporary challenge.

The recent additional funding awarded to the Cnoc Soilleir hub to extend their range of services and create new opportunities for Gaelic and for the community of South Uist is a positive step in the right direction. It is hoped that Gaelic activities at Cnoc Soilleir will show a productive way forward.

Language is the foundation of a culture - both intangible and tangible - and Gaelic should be a critical part of how island communities see themselves and the world they inhabit. Gaelic development efforts, therefore, should be rooted in the policies and programmes which purport to support island communities. However, for the most part this focus is not apparent in recent official debates on how island communities are served by Government policies and funding mechanisms.

When a language is lost, the social link to its cultural and historical past is effectively severed. Whilst it might not be immediately apparent to some, without that crucial living connection to their linguistic and cultural history, islanders as a group of people could soon lose a core aspect of their sense of identity and belonging and become another set of statistics in the long list of "lost voices" of indigenous speaker communities.

The overall national policy framework for Gaelic should recognise that the necessary environment for Gaelic cultural and linguistic survival is to be found in a society that uses it as a living vernacular of the community. In the long run the fate of Gaelic will be determined by families and individuals who learn it, speak it and pass the language on to the next generation. At the present time, national Gaelic policy discounts the importance of the native speaking Gaelic community as the key social current which carries the living expression of the remaining Gaelic civilisation. A radical change in policy direction is required if Gaelic is to survive as a community language for years to come.

We are currently at a crossroad in terms of how long Gaelic can remain as a viable spoken language of our island communities. Like other factors that impact on life in island communities, the Gaelic language will not survive as a community language if it is contained as an isolated project in a development silo of its own. The recommendations from the people participating in the Soillse conference, held in Stornoway last August,

were clear that change had to happen to support Gaelic as a community and family language. That means specific investment for funding and other resources that will provide long-term sustainable and effective support for island Gaelic communities.

The Scottish Government's consultation on a new Scottish Languages Bill is an opportune moment to reconsider how national development policies align with the real challenges of Gaelic as a community language, alongside the types of support suitable to other indigenous languages in Scotland. A good place to start in changing how the Scottish Government and Bòrd na Gàidhlig address the challenges would be to engage with the recommendations of the Gaelic Crisis research, and from the Soillse conference. So far, there has been scant acknowledgement of the recommendations of this conference, and even less consideration has been afforded to meaningful actions. Unless there is a systemic change in how support and funding are targeted towards the needs of island communities, it is highly unlikely that Gaelic will survive as a community language beyond the current generations of Gaelic-speaking islanders.

Irrespective of a possible new Scottish Languages Act, it is highly questionable whether the Gaelic Language Plans of Public Bodies are making much difference in supporting an increase in the number of fluent Gaelic speakers and daily users of the language. There is clearly a mismatch between expectations of what language plans can achieve and how they impact on the wider community dimensions of supporting Gaelic.

The failure to address the troubling implications of current trends for the future of Gaelic manifests itself in policy terms by two ways of thinking by those directing national policies on the needs of Scottish islands and Gaelic in particular. The issues tend to be framed as “Gaelic language-as-a-problem” and “Gaelic language-as-an-economic-resource”. Unfortunately, such viewpoints often determine the policy approaches undertaken to promote minority languages and cultures – leading to a consumerist view of language that its culture is an object of occasional consumption rather than a lived social reality. In Scotland, since the introduction of the 2005 Act, relatively little progress has been made, beyond educational initiatives, in supporting Gaelic at a societal level.

Public concern about “Gaelic-in-society” is viewed in policy circles as being “difficult to deal with” and has contributed to an orientation rooted in language-as-a-problem thinking, rather than valuing multilingualism in individuals or in wider society. The prevailing project-led sectoral focus on the institutional promotion and official status of Gaelic is far removed from the social and political situation of the Gaelic group in the islands. This is the core finding of the Gaelic Crisis in the Vernacular Community research and forms the basis of recommendations to refocus strategic efforts at the community level through strengthening and enabling community control and collective empowerment.

There is now the pressing necessity to shift the balance of intervention from school education and cultural productions as the primary drivers of official engagement to an approach that is grounded in the social reality of Gaelic in the everyday life of the island communities. A key challenge will be to address how English and Gaelic can coexist as community languages in the island communities of the Outer Hebrides. Inevitably when languages come into contact there will be social and cultural challenges, and in such situations, the dominant language of commerce and public discourse will gradually

weaken the position of a vernacular language like Gaelic. In the islands, and elsewhere, English has become the dominant language of commercial and public life generally, with Gaelic being in steady decline as the vernacular of the community. Such challenging realities need to be acknowledged within national planning frameworks which deal with the Gaelic communities of these islands.

The realisation is that Gaelic's position as the dominant vernacular of island communities is unlikely to be fully reclaimed, but there is still opportunity for the language to have a relatively strong and viable position if there are substantial proportions of Gaelic speakers' resident in the Outer Hebrides and passing the language and culture to the next generation. Such a change will require a change of emphasis in how national and local policy frameworks to support Gaelic are developed and implemented and will need critically the full participation of the community in cooperative initiatives to create this change.

Part of the challenge for the islands of the Hebrides is in creating an appropriate language environment which moves beyond a focus on formalised language-as-learning and places an equal emphasis on developing the conditions for the emergence of a collective voice for the Gaelic- speakers of the islands. A Gaelic Community Trust, as recommended in the Gaelic Crisis research, was suggested as a way forward to establish an approach under the direct control and leadership of the community. This would put the future of Gaelic within the social sphere of the community, thereby creating less dependence on the actions of the language plans of public bodies or the efforts of the school curriculum to create fluent Gaelic speakers. In essence, the Gaelic question is primarily a question of society, and how the language can exist as a community language within the social and economic conditions which now prevail across the Hebrides. There is no going back to previous eras of imagined success when Gaelic was the dominant language of the islands as it is clearly neither feasible nor possible to freeze the life of a language, or a people, in aspic.

What those in positions of power should now do is change the current policy narrative and start to engage proactively with the recommendations of the Gaelic Crisis study and the collective views of those attending the Soillse conference last August. They should begin the process of framing support for Gaelic within a community development model. There are several successful community-based models of engagement that have worked well over the years across the Hebrides such as the European LEADER model, the Initiative at the Edge programme and importantly the crofting community trusts. It is difficult to understand how such similar approaches are now not considered as possible to support the development of the social and community conditions to improve the situation for Gaelic across the islands. There are more than sufficient talents across the islands to develop new community engagement models and to create change for the better. We should all recognise that communities of people possess the ability and the knowledge to act in a positive manner and put public policy and community development for Gaelic on a better pathway for success. At the end of the day, Gaelic belongs to the people who learn it, use it, and transmit it to others.

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## **Key Issues in Gaelic Affairs in Scotland:**

A Statement to the British Irish Parliamentary Assembly, Holyrood, Edinburgh, 23.5.2022 by Conchúr Ó Giollagáin and Iain Caimbeul (co-authors of *The Gaelic Crisis in the Vernacular Community* study)

### **The need to face social reality of Gaelic-speaking Communities**

- Gaelic public affairs in Scotland conform to a syndrome which could be depicted as Language Promotion without sufficient Language Community Protection; this entails a focus on broad- spectrum language revitalisation in the context of vernacular speaker group decline (i.e., policy ignores the decline)

There is a sense of unreality in how the present dispensation and policy framework address the societal challenges and vulnerability of Gaelic speakers, especially in the social geography of the vernacular speakers of Gaelic in the islands.

### **The policy approach should be based on an accurate analysis or diagnosis of the challenge**

- There are obvious challenges in integrating credible Minority Language Social Diagnostics into the policy framework. Currently, prescriptions for minority language revitalisation are not sufficiently rooted in a diagnosis of the minorities' societal requirements.

Current policy assumptions, i.e., that the promotion of Gaelic affairs through bureaucratic (and largely aspirational) institutional language plans is sufficient to address the disempowerment of the Gaelic communities, are societally naive.

### **The constraints of the Legislative Framework for Gaelic Affairs in Scotland**

- There is a problem with a lack of specificity in the existing approach to differentiate the various needs of different Gaelic-speaking social categories, L1, L2 speakers and learners. This is a major constraint on the efficacy of Gaelic LPP (Language Policy and Planning) in Scotland.

No credible policy analysis has been carried out to date on the strategic impacts of the various policy initiatives emanating from the Gaelic legislative framework on the different speaker groups.

Relatedly, no serious consideration has been afforded to the gap between the level of aspiration in corporate approach of Bòrd na Gàidhlig and actual outcomes in Gaelic communities. It would be advisable to consider in this context whether Bòrd na Gàidhlig is under-engineered for the level of aspiration and expectation entailed in Gaelic revitalisation, i.e., they are expected to perform miracles with limited powers, resources and finance.

### **Promotion within sectors does not amount to Community Empowerment**

- Current policy emphasises Individualism and Sectoralism in LPP, whereby individuals may benefit from the take up of opportunity or advantage from official provision in the context of a weakened collective; the promotion of language issues through key sectors, and the symbolic use of Gaelic in public administration in the context of underdeveloped social empowerment measures does not form the basis to a coherent policy to address societal concerns.

The policy can create sectoral successes with only marginal societal benefits and advantages.

### **There is a controlling aspect to Gaelic LPP which seeks to defend sectoral advantage and disregard societal problems**

- This has contributed to Ascendancy Thinking in LPP, entailing the tendency among power brokers in institutional ascendancy to monopolise attention and resources for particular sectoral interests.

There is a degree of control by official bodies over Gaelic affairs which is restricting the free exchange of ideas and perspectives to the extent that certain participants are overly anxious about expressing ideas publicly for fear of falling out of favour with budget holders.

### **The need for open debate and the free-flow of, and engagement with, Ideas**

- Policy should enhance complementarity between different categories of speakers and learners and how they benefit from sectoral provision.

There is a need to increase a sense of inclusivity among different participants in Gaelic policy developments and to account for the requirements of vernacular speakers, 2nd language speakers; L2 networks and learners in an integrated manner (many in the vernacular community feel excluded from official debates and initiatives).

### **Likely Outcome of persisting with the Current Policy Framework**

The current policy dispensation for Gaelic affairs in Scotland is sufficient:

- As a policy framework for a school language.
- As a heritage resource.
- For the promotion of Gaelic cultural performance; and
- For the symbolic use of Gaelic in circumscribed institutional settings.

The current Language Policy and Planning framework for Gaelic is ineffectual and insufficient as a public policy instrument for a highly threatened minority language group. Continuing on the current course will lead to the contradictory situation whereby we will have Gaelic policy and institutions, but no Gaelic multi-generational community anywhere.



## **Professor Conchúr Ó Giollagáin submission to the Education, Children and Young People Committee meeting on the Scottish Languages Bill (2023), 1<sup>st</sup> May 2024.**

### **The Scottish Languages Bill (2023) as a diversionary response to the crisis in Gaelic communities**

**Prof. Conchúr Ó Giollagáin, UHI**

The primary question we need to pose about this draft legislation, the Scottish Languages Bill (2023), is whether the legislation is relevant to the primary issue facing Gaelic speakers and learners, that of sustaining Scottish Gaelic as a lived and viable social and cultural identity in Scotland. The foundational legislation, the Gaelic Language (Scotland) Act 2005, established a civic framework which emphasised the official promotion of Gaelic in schooling and the media, and in the symbolic use of the language in public bodies. The weakness of the 2005 Act can still be observed in the inadequate social traction the Act achieved in establishing practical initiatives and mechanisms for supporting the use of Gaelic in communities. The new legislation is in danger of exacerbating this disconnect between the civic aspirations for Gaelic promotion and the difficult social reality of the speakers in that it is not proposing significant reform to the previous legislation, and it suggests no identifiable benefits to help address the vulnerable social reality of the remaining vernacular speakers. In short, the Bill posits amendments without seeking to enact meaningful and relevant reform. Unfortunately, this Bill only offers a slightly amended version of the legal *status quo* which has contributed to the precarious current situation. The Bill, as it stands, is sufficient to promote Gaelic as a school language and as a secondary language with publicly sponsored civic visibility. It is insufficient, however, to protect Gaelic as a community language of native speakers, and against their social and cultural assimilation into English-speaking society. The Scottish Government must, therefore, determine if this is the outcome they desire.

The Bill, as presented to Parliament last November, has the potential to become part of the problem, as it may be seen as the legislative counterpart of the denialist approach to the Gaelic societal crisis which was adopted by many of the official bodies charged with supporting Gaelic affairs. The Bill does not indicate what evidence base the amendments rest upon or what societal aims it is seeking to achieve. It is offering more of the same focus on the institutional practice of Gaelic at the expense of protecting its use in communities. This begs the question about what purpose the Bill serves if one of its main implications is that it will perpetuate the current approach to Gaelic development. Sustaining the remaining native-speaking Gaelic communities in Scotland has become, to all intents and purposes, strategically impossible in the existing official framework.

As the day-to-day vernacular use of Gaelic has become increasingly marginal in the youth and parental age groups, this Bill is the last chance of the legislature, and its official bodies, to arrest the late-stage demise of the remaining Gaelic communities in the islands. The Bill, as proposed, has not prioritised this primary issue and will most likely be perceived as a squandered opportunity. Its lack of a sense of urgency about societal reality not only demonstrates an official complacency about struggling Gaelic communities, but it also indicates the ongoing civic preference to contain Gaelic development to a manageable institutional remit and to the related promotion of symbolic debates about language identity.

From a community perspective, the main amendment in the Bill centres around the establishment of the 'Areas of Linguistic Significance'. This may prove to be a diversionary aspect of the Bill to avoid addressing the vernacular crisis. The Gaelic communities with 20%+ Gaelic speaker social densities will have to compete with three other geographic designations, including areas with a 'historical connection' to Gaelic, i.e. areas where Gaelic is rarely spoken, if at all.

The other main operational change the Bill suggests is that the current Language Plan approach of c. 60 public bodies would be replaced by a Language Standards process, which has been borrowed from other minority-language contexts with significantly higher speaker numbers and social densities. This raises the question as to whether a marginal language, like Scottish Gaelic, has the social and institutional capacity to carry such a bureaucratic burden. The box-ticking aspect of some of the Language Plans has been cited in criticisms of the approach, but it is hard to envisage how the Language Standards process will be more than a rebureaucratisation of the current dispensation.

As the Bill has the worrying potential to be diversionary, the best advice would be to suspend the legislation as currently proposed. This would allow for consideration of developing community mechanisms among Gaelic communities to build their collective capacity to address their actual challenges, as opposed symbolic ones. This community-focused approach would entail identifying structures to establish some local democratic control over the distribution of resources to give practical socio-economic assistance to promote and protect the use of Gaelic in families, in communities, in schools and in other civic institutions serving them. Gaelic speakers and learners have more pressing needs for feasible community development rather than cosmetic attempts at amending language legislation.

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