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Education, Children and Young People Committee

Scots Leids Bill – Stage 1 Report



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Education, Children and Young People Committee

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



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Chynges o memmerskip

1. The follaein chynges tae the memmerskip o the Committee tuik place ootthrou its Stage 1 scrutinie o the Bill—

George Adam (SNP) - 18 Juin 2024 – tae the date

Ben Macpherson (SNP) - 18 Aprile 2023 - 18 Juin 2024

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

John Mason (SNP) - 18 Juin 2024 – tae the date

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

Evelyn Tweed (SNP) - 18 Juin 2024 – tae the date

Introduction

2. The Scots Leids Bill wis introducit by Jenny Gilruth MSP, Cabinet Secretarie fur Education and Skills, on 29 November 2023. In May o 2024, Kate Forbes MSP wis appyntit Depute Furst Meenister and Cabinet Secretarie fur Economie and Gaelic. At that pynt, the Depute Furst Meenister becam the Meenister in chairge o the Bill.
3. The Policie Memorandum that accompanies the Bill states—
 - ” The policie objeceed o this Bill is tae gie ower forder support fur Scotland’s hamelt leids, Gaelic and Scots ... The Bill wull strenthen the support fur and promuivement o Gaelic and Scots by introducun a reenge o maisures that wull hae implications in a nummer o saictors in Scots public life. ¹
4. The [SNP manifesto in 2021](#) maed a nummer o commetments in relation tae Gaelic and Scots. These includit o—
 - supportin mair proveesion o Gaelic Medium Education
 - conteenyein tae support e-Sgoil, Stòrlann and Sabhal Mòr Ostaig
 - explorin o the creation o “a recognisit Gàidhealtachd fur tae raise levels o abilitie o leid and the proveesion o mair services throu the medium o Gaelic and forder opportunities fur the uiss o Gaelic in ilka-day situations and formal settins”
 - reviewin o the functions and structures o Bòrd na Gàidhlig
 - bringin forrit a new Scots Leids Bill kiverin baith Scots and Gaelic.
5. The Scottish Government unnertuik [a consultation on Gaelic, Scots and a Scots Leids Bill in 2022](#). The consultation wis dreftit braid and didnae conteen speceefic legislative overtures. An [outside analysis o the consultation haes been publisht](#). The praisent Bill wis developit follaein that consultation.
6. In its Programme fur Government 2023-24, the Scottish Government annooned that it wuid introduce the Scots Leids Bill tae the Pairlament—
 - ” Giein ower legal recogneection fur Gaelic and Scots, strenthenin requerements fur proveesion o Gaelic Medium Education, introducun maisures fur tae gie ower forder pertection fur Gaelic athin communities and introducun proveesion fur tae strenthen support fur Scots.
7. The Education, Children and Young People Committee (Education, Bairns and Young Fowk Committee) wis designatit as the heid committee fur Stage 1 o the Bill on 6 Dezember 2023.
8. The Committee expedit twa [cries fur views](#) – a short scance and a langer cry fur views - on the proveesions o the Bill on 22 Januarie 2024. These ran until 8 Mairch 2024. Respondents coud chuisse tae respond tae either cry fur views in English, Gaelic or Scots. There wis a BSL option fur the langer cry fur views forby.

9. The Committee received 228 responses tae the short scances and 132 responses tae its langer cries fur views. A summarie o these responses wis publeeshed on [1 May 2024](#). The responses tae the langer cries fur views wis [publeeshed in fu](#) forby.
10. The Committee tuik spaken probation frae indivueeduals and organisations includin—
 - Professor Wilson McLeod
 - Professor Robert McColl Millar, on behauf o Scots Language Dictionaries / Dictionaries of Scots Language
 - Scots Language Centre
 - Professor Conchúr Ó Giollagáin
 - Association of Directors of Education Scotland (ADES)
 - HM Inspectors Education Scotland
 - Education Scotland
 - Comann Luchd-Teagaisg Àrd Sgoiltean (CLAS)
 - Scottish Council of Deans of Education (SCDE)
 - Sabhal Mòr Ostaig
 - UHI North, West and Hebrides
 - Open University
 - Comhairle nan Eilean Siar
 - Orkney Islands Council
 - Highlands and Islands Enterprise and
 - Bòrd na Gàidhlig.
11. The Committee tuik probation frae Kate Forbes MSP, Depute Furst Meenister and Cabinet Secretarie fur Economie and Gaelic, accompanied by supportin offeecials. The Scottish Government Bill team providit spaken probation at an airlier session forby.
12. The Committee is gey gratefu tae aw thon that did gie probation.
13. The Committee maks note, houaniver, that it wuid hae been helpfu tae hae mair evident frae public buirds that wull hae duties placit upon them by the Bill. It had howpit tae get a better sense as tae hoo local authorities and ither public buirds athort the kintra wull balance their relative priorities and spend in respond tae this Bill. The Committee wis syne disappyntit that the Society o Local Authorities Chief Executееves and Senior Managers (SOLACE) Scotland rejectit its invite tae gie probation, gien their overview o the poseetion o local authorities athort the kintra.

Aims o the Bill

14. In the Policie Memorandum, the Scottish Government explains that the Bill wull strengthen the support fur and promuivment o Gaelic and Scots by introducin a reenge o measures that wull hae implications in a nummer o saictors in Scots public life.¹
15. The [Business and Regulatorie Assessment o Impac accomponyin the Bill](#) says that the Bill is intendit tae “mak shair that there is a structure in place athort the Scottish Government and braider public saictor fur tae meet the misters o Gaelic and Scots communities and gabound the future o the leids in a modren, grawin and diverse Scotland.”
16. Whin giein probation tae the Committee, the Depute Furst Meenister communed her goals fur Gaelic and Scots in the medium and lang term. In relation tae Gaelic, the Depute Furst Meenister statit—
 - ” Hinderly, my etllin is that we hae a signeeficant access in the nummer o speakers that wull hae depth o skills in the leid. Haein skills in Gaelic micht be kannin tae say “Madainn mhath,” or it micht be the leid bein the leid o someane’s heirt. My ettle is tae hae a substantial access year upon year, and tae stop depopulation o, and the reduction in, Gaelic speakers in mair tradeetional communities.²
17. In relation tae Scots, she said—
 - ” Indiveedual buirds, sic as the Scots Language Centre and Scots Language Dictionaries, hae unnertaen invalyeable wirk on behauf o the leid. Throu that, they hae accessit the praisence o Scots in education, culture and broadcastin. The bill bigs upon that wirk fur tae impruive forder its representation in public life and mak it mair veesible.²
18. Wi puckle excaiptions, thon thit hae providit probation tae the Committee support the ettlins o the Bill and the want o mony fur Gaelic and Scots tae be supportit and strengthened.
19. In their screivit respond tae the cry fur views, UHI North, West and Hebrides statit that the Bill’s ettlins wis laudable. Houaniver, they stresst—
 - ” ‘Promuivment’ o a minoritie leid and ‘strenthenin’ a minoritie leid are twa different things. Leid awaureness disnae marrae abilitie in a leid or leid uissage, and the latter twa are whit is necesar fur the strenthenin o Gaelic and Scots athin Scotland.³
20. While some organisations, sic as An Comunn Gàidhealach, didnae think necessar that a new Bill wis needit, they stresst that “it is important tae mak shair that public buirds hae a remit in statute fur tae be proactive and accoontable in makkin shair that Gaelic and Scots are gien ilka opportunitie tae develop and thram.”
21. An Comunn Gàidhealach believed, houaniver, that “fairgetit, realeestic funds wi strang governance micht achieve the same ettlins.”⁴

22. The importance o communitie development and creatin opportunities ootwi educational environments tae speak Gaelic wis aften brocht up in the probation. Sae as weel wis the braider issues o hoosin, transport, infrastructure and economic opportunities, whilk wis unnerscored as a threit tae the future o Gaelic, particular fur the vernacular communities and, athoot tent tae whilk, the Bill wullnae achieve its ettlins.
23. In their screivit submeession, Comhairle nan Eilean Siar statit—

” Important as it is, education alane wullnae gabound the future o Gàidhlig as a livin, developin and braidly yaised leid. In coorse, the main emphasis o the Bill shuid be direcit taewart the revival o Gàidhlig in communitie settins.”⁵
24. Whin giein probation tae the Committee, the Bill team indicatit that infrastructural quaistens that are o social and economic importance, sic as hoosin and tourism, wuid faiture in the Gaelic leid strategie, staunerts and airts o lingueestic signeeficance.⁶
25. The Depute Furst Meenister tuik tent the importance o communitie wirk in giein opportunities fur fowk o aw ages tae yaise Gaelic, accessin the depth o their lairnin o langage and makkin them fit tae achieve muckler fluencie. She said that this is whit the Bill is seekin tae dae.²
26. The Depute Furst Meenister undertuik forby tae "speir mair braid at ither airts o policie and think anent hoo [the Scottish Government] coud yaise transport or hoosin tae forder the policie ettlins" fur Gaelic.²
27. Ealasaid Dhòmhnallach, Ceannard o Bòrd na Gàidhlig, while gey supportive o the Bill's ettlins, believed that "the legislation wullnae redd up the issues that we face at the level o communitie development, that requere a new and transporent model o investment that can deelever the tairgets in the new national Gaelic Leid Plaun."⁷
28. No iveryane that the Committee heart frae wis supportive o the Bill. While grein wi the need tae support and strenthen Gaelic communities, Professor Conchúr Ó Giollagáin statit that the Bill wuidnae introduce "onything new o help tae the vernacular communitie in the islands wi the linueestic crisis that they bide wi."⁶
29. He continyed tae say that the meisures in the Bill wull mak shair "a framewark or a dispensation that is suffeecient fur Gaelic as a schuil leid and fur its symbolic valye tae Scots identitie, but that is naewhaur nigh suffeecient fur tae help a vernacular communitie that is fechtin tae survive."⁶
30. Altho ither witnesses, sic as Donald Macleod o Comhairle nan Eilean Siar, wis aften reluctant tae yaise the word "crisis", there wis an accord that there is an urgencie fur Gaelic tae be revitalisit and supportit.
31. The Depute Furst Meenister acknowledged the urgencie o the situation wi regard tae Gaelic and the need tae tak action. She sees the Bill as pairt o the solution but statit that ither interventions ower and abuin that wull be necessar—

” I actually want tae redd up the problem, and that requires action. It requires legislation and aa, but it requires mair nor that. I am thinkin anent ilka intervention that we as politicians mak; we aw ken that legislation is important in unnerpinnin activitie, but it disnae redd up aw the economic and social problems that we struissle wi in fu. ²

32. The 2022 census asked respondents whit their furst leid wis. Respondents coud chuse English or 'screive in' anither leid. 94.5% o thon aged 3 and aulder said that their furst leid wis English, 0.3% o fowk reportit that Scots wis their furst leid while 0.1% pit doon Gaelic. ^{8 i}
33. The 2022 census kythed forby that 2.5% o fowk aged 3 and aulder reportit that they believe they hae 'some skills' in Gaelic. This is an access o 43,100, tae 130,161, on the 2011 census. Ilka local autoritie airt recordit an access in the census, apairt frae Comhairle nan Eilean Siar whaur the nummer fell frae 16,849 in 2011 tae 14,632 in 2022. The lairgest accesses wis found in Glasgow City Council, City of Edinburgh Council and Aberdeenshire Council airts. ⁸
34. Thon wi some skills includes o fowk that unnerstaun, speak, read, or screive in Gaelic, or hae a combination o these skills. Puckler fowk (43,807) wis reportit as kannin tae speak, read and screive in Gaelic, houaniver, the census disnae measure levels o fluencie in ony o these skills o langage. ⁸
35. Professor Ó Giollagáin statit that his resairch has indicatit that the vernacular communitie in Scotland is around 11,000 fowk. ^{6 ii} The total population, at the 2022 census, wis 5,436,600. ⁹
36. It wis notit mony times that Scots is in a signeeficantly different situation compared tae Gaelic. Altho the framewark and infrastructure around Gaelic is mair advanced, there is mony mair fowk that report kannin tae speak and unnerstaun byleids o Scots.
37. In the 2022 census, 46.2% o fowk aged 3 and aulder reportit that they haed some skills in whit they definit as 'Scots'. This accessit frae 37.7% in the 2011 census. ⁸
38. Nanetheless, the Committee haurd that there haes been a lack o uiss o Scots in mair formal settins. Dr Michael Dempster o the Scots Language Centre descrived the Bill as "deeply signeeficant... Fowk need tae unnerstaun that ye can come tae the Pairlament and speak in yer ain Scots—nae maitter whit byleid ye are speakin—and that ye can dae it at wirk and in education." ⁶
39. While "no convinced by the approach in fu" in the Bill, Professor Robert McColl

i Since the 2001 censuses, stateestical modellin haes been yaised athort the Unitit Kinrick tae produce total population estimates frae census responses. Census stateestics tharefore represent the total population instead o jist thon that completit the quaistennaire. Forby, the data fur leids is basit upon the 3 and aulder population instead o the hale population. The estimate fur that population is tharefore laicher nor the total population, at 5,294,858.

ii In his buik, *The Gaelic Crisis in the Vernacular Communitie*, Professor Ó Giollagáin and colleagues praisentit contemporarie data around the societal and spatial stent o Gaelic speakers and Gaelic speakin in a nummer o the last bidin vernacular communities in Scotland - the Wastren Isles, in Staffin on the Isle o Skye and on the Isle o Tiree in Argyll and Bute.

Millar daes support it as it represents, in his view, "a mammoth stap forward" fur Scots. He addit that forder staps wull be needit in the future.⁶

40. Oor Vyce greed, descrivin the Bill as signeeficant while stressin that it is leemitit in whit it can mak oot on its ain. They statit that while it wis "a gey walcome and important" stap, there wull be mair tae dae.¹⁰
41. In her probation tae the Committee, the Depute Furst Meenister statit mony times ower that this Bill disnae gie ivverything that is needit whin it camt tae the Scottish Government's ettlins; it is anely a pairt, aabeit a creetical ane, o whit is needit.²

42. The Committee recognises the support pit forward in evident fur the cheif ettlins o the Bill.
43. The Committee maks note, houaniver, that stakehauders is leukin fur mair tangible support, particular in relation tae communitie development, nor the structures bein establisht by the Bill wull gabound. The Committee grees wi witnesses that, athoot that support, the ettlins o the Bill wullnae be maed oot.
44. The Committee believes that there is signeeficant issues that need tae be addressit fur tae support Gaelic, whilk is in a state o unchance. The Committee believes that mair needs tae be daen tae support speakers clamant, fur tae mak shair that the leid thrams as a communitie leid.
45. The Committee maks note the issues brocht up in submeesions sic as hoosin, transport and the Economie as weel as the evident frae the Scottish Government that these infrastructural issues wull faitur in the National Strategie, staunerts and airts o lingueestic signeeficance. The Committee acknowledges forby the commetment frae the Depute Furst Meenister tae forder cast ower these issues.
46. The Committee asks the Scottish Government fur forder information around hoo it wull yaise the pouers athin the Bill fur tae support communities wi these issues.

Offeicial status fur Gaelic and Scots

47. Saictions 1 and 26 o the Bill declare that Gaelic and Scots hae offeicial status in Scotland, athin certaint circumstances.
48. In giein Gaelic offeicial status, the Scottish Government states that it wull "strenthen the confidence o the speaker communitie and lend muckler weicht tae future effort on behauf o Gaelic." ¹
49. Whin giein probation tae the Committee, the Depute Furst Meenister statit—
 - ” "We hae a moral dutie tae recognise them [the leids] legallie, but mair nor that, we hae a moral dutie tae support, recognise and fend the speakers." ²
50. The evident kythed support fur Gaelic and Scots bein recognised as offeicial leids.
51. Quaistens wis brocht up, houaniver, as tae whit 'offeicial status' wull mean in practice, fur exemple in relation tae public admeenistration, justice, or communications.
52. While walcomin 'offeicial status', Scots Arts and Humanities Alleeance maed note that the Bill disnae introduce speceefic richts o leid fur either Gaelic or Scots. ¹¹
53. MG ALBA, Tradeetional Arts and Culture Scotland (TRACS), FC Sonas and Urras Thiriodh reponed regairdin Gaelic. They unnerscored that the declaration o offeicial status appears tae be gien legal effect anely in leemitit functions, that is in the promuivement, faceelitation and support fur Gaelic and laws relaitin tae Gaelic education.
54. Misneachd Alba addit—
 - ” The 'offeicial status' conferrit in this saiction o the Bill is...essentialie seembolic as it disnae gie ony addeetional pertection or status fur the leid. ¹²
55. Vaurious respondents, includin o National Trust for Scotland, requeestit mair claritie, wi Comunn na Gàidhlig statin—
 - ” It isnae cleir tae us whit 'offeicial' status means in practice; whit the speceefic differences wuid be atween the praisent Bill and the 2005 Act; but, maist important, hoo it wuid help tae drive the necessar chynges in facin the leid crisis. ¹³
56. The Law Societie o Scotland statit that "offeicial status" isnae definit in the Bill and suggestit that an explanatorie proveesion giein claritie tae this expression be addit tae baith o these saictions.
57. The Bill team assertit that saictions 1 and 26 wull raise the status o the leids whilk is important in itsel. In relation tae Scots, they confirmit that "offeicial recognoetion represents a furst stap in giein recognoetion, but athoot ony particular duties follaein frae that statement." ⁶

58. In the Policie Memorandum, the Scottish Government statit that the offeecial nature o Scots has aften been recognisit in non-legal documents and in meenisterial statements but no in legislation. Scots Meenisters intend that offeecial status fur Scots wull help tae address the tash and discreemination that Scots speakers aften lat daub.
59. Oor Vyce statit that offeecial status fur Scots wuid be a signeeficant stap forrit fur the leid altho they maed note that saiction 26 coud gang forder, tae declare Scots tae be deservin o even respect and status alangside English.
60. Support fur offeecial status wis repeatit in the responses taen in frae the Scots Language Centre, the Associe fur Scots Leeterature and Scots Hoose.
61. The Scots Language Centre, houaniver, stresst the need fur spaken and screivit Scots tae be referenced speceefic in the Bill, as opposit tae "the uiss o Scots", statin that this wuid help tae mak shair that screivit representation disnae become the defaut conseederation. They statit that includin "speakin and screivin" in the leid o the Bill wull "mak shair in fou that the spaken leid, the foondation o ony livin leid, is prioritisit explicit." ¹⁴
62. Scots Language Dictionaries queried whit offeecial status wuid mean. Unnerscorin the experience in Norowa, they statit that the concept 'offeecial' wuid inrow conseederable status plaunnin whilk itsel requires a negotiation surroundin its meanin in relation tae the uiss o English and Gaelic. While leukin fur mair, they statit that gin even the designation is seembolic at praisent, makkin Scots offeecial is stow "an act warth daein in a kintra and a warld whaur the English leid is hegemonic." ¹⁵
63. In its screivit submeesion, the Law Societie o Scotland maed note that saiction 26(4) defines "the Scots Leid" as the Scots leid as yaised in Scotland, and askit "is that defineetion cleir eneuch tae tak accoont o regional variations athin Scotland?" ¹⁶
64. In their probation, the Association o Scots Leids, Highlands and Islands Enterprise, Time fur Includiseev Education (TIE) and the Doric Buird walcomed offeecial status fur Scots but emphasisit the diversitie o the leid athort the kintra.
65. The Doric Board unnerscored the "lingueestic fouth and diversitie o that Scots tongue, a leid o byleids" and their belief that "recognetion o (and indeed support fur) this important nuance is creetical in the successfu promuivement o Scots." ¹⁷
66. Education Scotland concurred, suggestin a "fuller, mair detailed description o whit Scots is and whaur it is spaken" be explored. ¹⁸
67. James Wylie o Orkney Islands Council statit that Orcadian isnae a Scots byleid but a separate leid, comin frae a different tradeetion, as dae Shetlandic. He requestit special recognetion fur these leids in the Bill—

” Oor leid is basit upon strang links wi Faroese and Icelandic tradeetion, sae we wuid leuk tae see a cleir acknowledgement o that cleir leid. Frae wir perspecteeve, we want tae see mair detail that links speceeficallie tae supportin wir speceefic leid, sae that it isnae just lumpit in wi a braider concept.
7

68. The Depute Furst Meenister statit that recognisin the diversitie and variation athin Scots leids is important." ² She forby ashuirt the Committee that the Scottish Government wuid engage wi thon that hae brocht up this issue.

69. The Bill team statit that mair detail coud be providit in the strategie and the stauerters that wull follae the Bill. This coud include o "mair exemplification o the vaurious things that Scots kivers." ²

70. While makkin note that the declaration o 'offeecial status' in the Bill haes leemitit practical effect, the Committee taks tent o evident o the seembolic importance o Gaelic and Scots bein designatit as offeecial leids athin legislation.

71. The Committee acknowledges the evident frae some organisations that the umbrellae term 'Scots' michtnae be helpfu fur the achievement o the Bill's ettlings. While recognisin that the Scottish Government micht gie mair claritie athin the strategie and stauerters tae follae, the Committee believes that gin the ettlings o offeecial status is tae gie recogneection tae Scots in aw its forms, there maun be mair expleecit reference tae yon forms. The Committee therefore recommends that the Bill sets this oot mair cleir.

Gaelic leid

Role o Bòrd na Gàidhlig

72. Bòrd na Gàidhlig is a non-departmental public buird fundit by the Scottish Government fur tae support the promuivment o Gaelic development. The Bill wuid chynge the role o the Bòrd.
73. Saiction 2 o the Bill wuid shift ower the responsibilitie tae produce the national strategic document fur Gaelic and the dutie tae prepare and publeesh statutorie guideship on Gaelic education frae Bòrd na Gàidhlig tae Scots Ministers.
74. The Bill wuid create addeetional duties fur Bòrd na Gàidhlig forby. These include o:
- reportin on progress on the objecives o the National Strategie
 - reportin on the compleeance wi ony staunerts set oot by Meenisters and greed by Pairlament
 - reportin on public buirds' fuffilment o the general dutie tae "hae regaird taewart the desirabilitie" o supportin Gaelic and Gaelic culture.
75. Bòrd na Gàidhlig wuid hae duties tae advise or assist public buirds, or "ony person", on maitters relatin tae the leid, Gaelic education, or Gaelic culture. Bòrd na Gàidhlig wull keip their pouers tae require public buirds tae develop Gaelic plauns.
76. Professor Wilson McLeod descrived Bòrd na Gàidhlig as "muckle unnerpouert in whit they can deleeve, particular wi regaird tae action on the grun and communitie development wirk in Gaelic, whilk is muckle unnerfundit ... it cannae push public buirds haurd tae demand strang leid plauns and disnae really hae the pouer tae enforce them effecteev." ⁶
77. Organisations includin Ceòlas argued forby that Bòrd na Gàidhlig shuid hae mair pouers, fur tae mak shair that the Bòrd dinnae jist advise but "guide athort airts sic as the development o Gaelic leid, Gaelic education and Gaelic culture." ¹⁹
78. TRACS and Comhairle nan Eilean Siar tuik tent o the tension atween Bòrd na Gàidhlig's responsibilities tae assist buirds fur tae formulate plauns and then monitor their enforcement as weel, descrivin it as "unenviable ...less the Government's commeetment tae addressin non-compleeance is strenthened yaisin the Bill." ⁵
79. An indivueedual respondin tae the cry fur views statit—
- ” The Gaelic Leid Act o 2005 awreidie gies the Bòrd the pouers fur tae dae certain things but aften these pouers arenae cairried oot acause o faut o resoorces and a culture o no challengin a failure tae deleeve. ²⁰
80. Comann Luchd-Teagaisg Àrd Sgoiltean (CLAS) airgued fur mair claritie athin the Bill regairdin the role and responsibeelities o Bòrd na Gàidhlig concernin the leiderskip and development o Gaelic Medium Education (GME) and Gaelic Lairner Education

(GLE) at a national level.²¹

81. Unner saiction 3 o the Bill, Bòrd na Gàidhlig wull be required tae prepare a corporate plaun. Historic Environment Scotland welcomed this proveesion, statin that it wull "gie focus and transparencie tae Bòrd na Gàidhlig's wìrk, impruive accoontabilitie and help tae gie mair claritie on hoo they wull win their ambeetions."²²

Airts o Lingueestic Signeeficance

82. Saiction 4 o the Bill gies local authorities the pouer tae designate pairt or aw o their airt as "airts o lingueestic signeeficance". This designation is subject tae a consultation and appruival by Meenisters. The Policie Memorandum statit that this approach wuid gabound support fur Gaelic athort Scotland while includin "the possibilitie o proportionate support, dependent on the profile o the leid in differin airts".¹

Criteriae

83. The Bill propones that airts that meet ony o the follaein criteriae could be designatit an airt o lingueestic signeeficance—
- least 20% o the population o the airt hae "Gaelic leid skills"
 - the airt:
 - "is connectit historicallie wi the uiss o Gaelic"
 - haes GME proveesion, or
 - haes "signeeficant activitie relatin tae the Gaelic Leid or Gaelic culture".
84. Scottish Government offeecials statit that airts o lingueestic signeeficance are "a device that, as weel as contributin tae the strenthenin o airts whaur there is a signeeficant nummer o speakers, is o benefit tae airts whaur Gaelic micht be growin in towns and cities."⁶
85. When giein probation tae the Committee baith Professor Conchúr Ó Giollagáin and Professor Wilson McLeod queried the criteriae set oot in the Bill.
86. Professor Ó Giollagáin described the fower designations in these terms—
- ” ane o whilk [the designations] relates tae the Gaelic communities in the islands—the airts o 20 per cent or muckler densitie. Yon are the communities that are in crisis, and they wull noo hae tae compete wi three ither designations. Therefore, insteid o identifeein the main challenge, we hae created a diffuse dispersal o responsibilitie.”⁶
87. In their screivit probation, Comann nam Pàrant (Nàiseanta) stresst that "aa airts deleeverin GME are o lingueestic signeeficance."²³

88. Urras Thiriodh statit that "the creation o ALSs [airts o lingueestic signeeficance] cannae be at the expense o urban Gaelic communities as ilk supports the ither, and cannae exist athoot the ither in essence." Houaniver, they wis concernt that, as dreffit praisent, the proveesion fur airts o lingueestic signeeficance wuidnae can "mak a real impact in airts sic as Tìree, whaur the leid is a livin ane, but on the cusp o viabilitie." ²⁴
89. There wis ither organisations whilk didnae think that designation shuid be optional fur the local authorities. Several, includin Misneachd Alba, airgued that in airts whaur least 20 per cent o the population haed leid skills, designation as an airt o lingueestic signeeficance shuid be mandatorie.

Whit wull an airt o lingueestic signeeficance luik like?

90. Numerous respondents quaistened whit an airt o lingueestic signeeficance wuid luik like, and whit it wuid entail.
91. The National Trust for Scotland unnerscored the consensus frae the responses tae the Scottish Government's consultation on Gaelic, Scots and a Scots Leids Bill that: "fur a communitie tae thram, cultural initiateeves sic as supportin tradeetional/folk music, promotin local Gaelic artists, and developin cultural centres and leid festivals shuid be promotit athin a Gàidhealtachd." ²⁵
92. In their probation, the Bill team explaint that the airts o lingueestic signeeficance policie is the Scottish Government's response tae explorin the creation o the Gàidhealtachd while acknowledgin the profile o Gaelic in Scotland, as it "coud provide fur airts whaur there is muckler nummers and a heicher densitie o speakers, but it seemt as weel tae offer something fur airts whaur Gaelic is grawin and is bein spaken." ⁶
93. Wi wirries that the legislative langage regairdin their creation is "a bittie mirkie" ²⁶ organisations includin Waster Ross Biosphere, An Comunn Gaidhealach, Ceòlas, FC Sonas, Misneachd Alba and TRACS requeestit mair clarification as tae whit airts o lingueestic signeeficance wuid mean fur Gaelic and its uisers.
94. Glasgow City Council statit that, as a local authority wi a "weilth o Gaelic education, heritage and culture", ²⁷ they walcomed the overture tae designate airts o lingueestic signeeficance. Houaniver, they said that they are lookin as weel fur mair detail regairdin whit this wuid mean in practice.
95. Bòrd na Gàidhlig statit that the enablement o communitie-led development maun be a prioritie, and that a framewark haes tae be pit in place fur tae mak shair that communities athin an airt o lingueestic signeeficance can "tak ownerskip o their development and drive strategic priorities in a wey that wirks best fur their airt." ²⁸
96. Comunn na Gàidhlig statit that, as a meenimum, proveesions maun be addit tae specify that "athin ony airts o lingueestic signeeficance the presumption wuid be that aw public buirds wuid act thegither, and in a focussed fashion fur tae deeleever concrete, signeeficant and meisurable action tae impruive and strenthen the poseetion o Gaelic." ²⁹

97. There wis some caution regairdin potential unintendit consequences o this proveesion. Fur exemple, the Scots Qualifications Authority (SQA) brocht up wirries that the designation o 'airts o lingueestic signeeficance' micht reduce or remuive aiccess tae GME and GLE fur some lairners in airts whilk arenae designatit as bein o lingueestic signeeficance. They suggestit that sic a development coud impact upon the SQA as national providers o a reenge o Gaelic medium and Gaelic-leid qualifications.³⁰
98. The Policie Memorandum unnerscored local communitie ineetatives that are praisently in place in Staffin and Sooth Uist, whaur griups in local airts are wirkin thegither wi the support o Bòrd na Gàidhlig fur tae articulate their leid plaunnin needs and strategie fur their local airts.¹
99. In their screivit probation, COSLA statit that, gien that sic wirk is awreidie takin place, it is unclair—
- why there is gaun tae be a shift frae communitie ineetatives ower tae responsibility bein placed upon local authorities and
 - whit the responsibilities placed upon local authorities wull involve.³¹
100. When giein probation on behauf o Comhairle nan Eilean Siar, Donald Macleod explaint that, in the case o the Wastren Isles, an airt o lingueestic signeeficance wuid mean a Gaelic-furst approach, whaur the leid is expectit and becomes a stauert practice fur uiss in thon communities.
101. Mr Macleod acknowledged that some o the meisures enveesiont by the Bill coud be deleevert athoot legislation, providin exemples o ineetatives that Comhairle nan Eilean Siar is awreidie deleeverin or supportin, fur tae gie opportunities fur fowk tae speak Gaelic in the communitie and tae access its uiss.⁷
102. Mr Macleod echoed the responses o mony whin explainin that there wis leemitit resoorce fur the local authorities tae offer the level o support needit. Houaniver, he statit that, gin the Bill wis strenthened in relation tae airts o lingueestic signeeficance, includin "a meaninful framework that wull drive thon impruivements in a structured and strategic wey, mairriet wi a strang plaun and weel-definit meisures and accoontabilitie, we coud see a mair co-ordinatit approach tae the arrestin o decline and fosterin o growth in the uiss o the leid."⁷
103. Joanna Peteranna frae Highlands and Islands Enterprise greed wi the importance o Gaelic bein yaised in the communitie, statin that the leid "needs tae thram athin communities, and thrammin communities require aw o that braider social and economic infrastructure."
104. She stresst the importance o the Bill recognisin the braider communitie infrastructure and, in airts o lingueestic signeeficance, gaboundin that "hoosin, deegital and transport connecivitie and ither sic things are aw in place fur tae mak them attractive places tae bide and wirk."⁷
105. Unner the praisent overtures, the deceesion tae designate an airt o lingueestic signeeficance wull be maed by the local authority, houaniver, aw relevant public buirds athin that airt maun hae regaird tae the strategie, stauert and guideship set

by Scots Meenisters and micht mak speceefic proveesions in relation tae cairryin oot their duties athin airts o lingueestic signeeficance. Ony public buird that haes a Gaelic Leid Plaun wuid need tae conseeder forby whit addeetional staps wuid be taen athin ony airt o lingueestic signeeficance.

106. In her probation tae the Committee, the Depute Furst Meenister statit that the airts o signeeficance wull alloo a mair jynt-up approach tae be taen tae the wirk that is needit—
- ” At the end o the day, Gaelic thrans in a communitie, and sae acknowledgin that, in a particular airt, multiple agencies and buirds wull be responsible and accoontable tae the communitie is ane signeeficant chyng. ²
107. Donald Macleod, Joanna Peteranna and Bòrd na Gàidhlig greed that there wuid need tae be a plaun o implementation, basit upon consultation wi the communitie as tae whit the priorities fur the airt o lingueestic signeeficance shuid be. Joanna Peteranna statit that there shuid be metrics jynt ontae ony plaun o implementation. ⁷
108. Baith Comhairle nan Eilean Siar and Bòrd na Gàidhlig stresst that there maun be a sense that designation maks a difference.
109. Am Pàipear walcomed the abilitie tae designate airts o lingueestic signeeficance, statin that it coud add real valye in grawin the cultural and economic valye o Gaelic and alloo centres o best practice tae be establisht as future models. Their submeesion unnerscored wirk praisently in the wirks in Uist, whaur they said—
- ” there is cleir, ilka-day evident o hoo an 'airt o lingueestic signeeficance ' wirks in practice - frae Cnoc Soilleir and Ceòlas, tae Taigh Chearsabagh and Am Pàipear. Whin projects are establisht, they thram, expandin the uiss o Gaelic, grawin the Economie and fur general, addin joy. ³²
110. The majoritie o respondents stresst that these proveesions maun be accompanied by a cleir strategie fur fundin as, athoot forder resource, the pouer o designation wuidnae be effecteev.
111. Fèisean nan Gàidheal maed note that in Ireland addeetional resource is pit in place fur tae gabound better support fur the use o Irish in Gaeltacht airts. They explaint that ilk airt haes an officer, or officers, and a budget fur tae support development and activities and, in some cases, government jobs hae been relocatit tae thon airts wi a need fur staff that are able tae gie services in Irish.
112. Fèisean nan Gàidheal contrastit the Irish model wi the approach yaised in the Bill whilk disnae anticipate ony addeetional spend in relation tae the proveesion tae designate an airt o lingueestic signeeficance. They statit that athoot a financial incentive fur local authorities tae encourage sic designations, it appears unlikely that this pouer wull be yaised. ³³
113. While statin that Comhairle nan Eilean Siar wuid stranglie support bein designatit as an airt o lingueestic signeeficance, and want tae fin the resoources fur it, Donald Macleod and Bòrd na Gàidhlig acknowledged that, fur ither local authorities, it coud be difficult tae incentivise designation. ⁷

114. Historic Environment Scotland statit that as the costs fur designatin and deleeverin athin an airt o lingueestic signeeficance wull faw tae the local autoritie, "cases coud arise whaur airts and Gaelic communities that meet the defineetion and requirements o airts o lingueestic signeeficance are denied this designation acause o a local autoritie's faut o support fur Gaelic or acause o braider fundin pressures."²²

115. Sabhal Mòr Ostaig airgued that communitie leid lairnin, throu a nationwide programme o Gaelic leid officers wi dedicatit fundin, shuid be embeddit in the proposed airts o lingueestic signeeficance in the Bill. They continyed tae say that there shuid be ane or mair fou-time leid officer in ilka airt o lingueestic signeeficance.³⁴

116. The Depute Furst Meenister said that, in an airt o lingueestic signeeficance—

” I howp that ye wull hear Gaelic bein spaken ... acause it is a livin, breathin leid fur thon individuals. It remeens livin and breathin, acause whin they gang intae a local shop, gang tae the kirk or whitiver, they dae whitiver they dae in Gaelic. They feel that they can live their lives halely throu the medium that they chuisse tae bide in. That is the difference that I howp ye wull see.²

117. She acknowledged that a lot o whit is intendit fur the airts o lingueestic signeeficance coud be daen awreidie, houaniver, she said this proposed meisure reflects that mair needs tae be daen, acceleratit and gien hantle mair focus, assertin that the airt o lingueestic signeeficance process wull alloo Scots Meenisters tae think throu whaur thon key Gaelic communities are and hoo a netwirk luiks.²

118. The Depute Furst Meenister addit

” I think that the communitie wirk shuid be o even staundin, but tae dae communitie wirk, ye maun recognise the communitie. There maun be an identiffeeable communitie.²

119. The Committee recognises that some o the activities whilk wuid tak place in an airt o lingueestic signeeficance are awreidie in place. It isnae cleir tae the Committee that legislation is in fact needit tae deleever an airt o lingueestic signeeficance in practice.

120. The Committee taks tent that some stakehauders are uncleir whit an airt o lingueestic signeeficance means and whit it wull luik like.

121. The Committee acknowledges the probation frae Comhairle nan Eilean Siar and ithers, includin the Deputy furst Minister, explainin whit an airt o lingueestic signeeficance wuid luik like in the Wastren Isles. As a result, the Committee is cleir on the veesion furan airt o lingueestic signeeficance there.

122. It is stow uncleir tae the Committee, houaniver, whit an airt o lingueestic signeeficance wuid luik and feel like athin local authorities whaur there is fewer Gaelic speakers proportionate, and hoo national and local basit public buirds wull wirk thegither fur tae deleever ootcomes fur the leid and the duties that an airt o lingueestic signeeficance wull impose.

123. The Committee therefore asks the Scottish Government fur mair detail as tae hoo the Scottish Government enveesions these measures wull wirk in practice and hoo local authorities and public buirds wull wirk thegither fur tae deelever opportunities fur Gaelic speakers and lairners.
124. The Committee taks tent that the Bill disnae gie tuils, mechaesms or fundin fur local authorities ance an airt o lingueestic signeeficance haes been designatit.
125. Local authorities are dealin praisent wi financial challenges and competin priorities. The Committee therefore quaistens why a local autoritie wuid wish tae designate an airt o lingueestic signeeficance gin this creates addeetional duties athoot commensurate addeetional fundin.

Process o designation

126. While there wis braid support fur the idea o airts o lingueestic signeeficance frae stakehauders, some airgued fur a chynge tae the process o designation.
127. Some organisations, includin Fèisean nan Gàidheal, Comann nam Pàrant (Nàiseanta) and Historic Environment Scotland, said that Bòrd na Gàidhlig shuid tak pairt in the process o designation.
128. Professor McLeod descrived the praisent overture as "quite institutional" wi sic a heich-level role fur local authorities. He statit that this haed, tae some extent, "come oot o naewye in relation tae the leid plaunnin framewark fur Gaelic, acause local authorities hivnae haed a key role in strategic plaunnin fur Gaelic up tae the now." He continyed tae say that the overture fails forby tae "create a mechanism fur communitie-driven activitie or fur the fundin that wuid mak that possible."⁶
129. Ithers includin Bòrd na Gàidhlig, CLAS and Highlands and Islands Enterprise statit that there shuid be a richt fur a communitie tae requeest a designation. Commentin on the overtures as dreffit praisent, Bòrd na Gàidhlig statit—
 - ” the realitie is that, wi the focus jist bein on the public buird and the local autoritie, we hae, tae some extent, lost sicht o the needs o the actual communitie.”⁷
130. Joanna Peteranna o Highlands and Islands Enterprise explaint—
 - ” It is important that the actual communities git a vyce in the deceesion anent whither they are or arenae an airt o lingueestic signeeficance. It shuidnae be doon pure tae an agencie, sic as a local autoritie, tae mak that deceesion on behauf o the communitie; it maun be basit upon strang communitie engagement.”⁷
131. This suggestion wis pit tae the Depute Furst Meenister at the Committee meetin on 22 May 2024. In her response, the Depute Furst Meenister statit—

” I am sympathetic tae explorin that, as it wuid emphasise the grass-roots approach. There is something quite pouerfu anent things comin frae athin a communitie.²

132. Although Highland Council walcomed the proveesions on the designation o airts o lingueestic signeeficance, they cawed fur mair detail, includin statutorie guideship, concernin the scope o the public consultation tae be cairried oot.³⁵
133. The Gaelic Committee o the Scots Kirk greed that designation shuid be left tae local authorities.³⁶
134. Comhairle nan Eilean Siar haes awreidie indicatit that the hale o the Wastren Isles shuid be designatit as an airt o lingueestic signeeficance. Glasgow City Council indicatit forby that they wuid be interestit in designatin least pairt o the local autoritie as an airt o lingueestic signeeficance.
135. Houaniver, there is less claritie as tae hoo airts athin local authorities wuid be establisht. Several indivedeuals alang wi FC Sonas and Misneachd Alba suggestit usin local autoritie wards as the smawer airts.

136. The Committee grees wi stakehauders anent the importance o communitie engagement and support whin designatin an airt o lingueestic signeeficance. Therefore, a usefu amendment tae the Bill micht be a proveesion fur the local communitie tae tak pairt in the decesion tae designate its airt as ane o lingueestic signeeficance.
137. The Committee believes that it is important fur local communities tae hae a vyce in this process. The Committee therefore caws upon the Scottish Government tae conseeder hoo the Bill coud be amendit fur tae provide fur communitie input, includin conseederin meisures fur tae alloo communities tae propose an airt o lingueestic signeeficance as weel as local authorities.

Proveesion fur Scots airts o lingueestic signeeficance

138. There is nae proveesion in the Bill fur Scots airts o lingueestic signeeficance. Houaniver, in their screivit probation Oor Vyce suggests that this approach coud be yaised fur Scots. They said that Scots airts o lingueestic signeeficance coud gie a framewark fur communitie engagement and deleeverie o fundin and services in airts sic as Aiberdeenshire, Shetland, East Ayrshire, and ithers. Oor Vyce stresst that forder resairch wuid be needit fur tae establish hoo best tae define geographic airts.¹⁰
139. James Wylie o Orkney Islands Council explaint that an airt o lingueestic signeeficance kiverin the Orkney Islands wuid mean that, on arrival, fowk wuid tak tent o meisures sic as annoouncements on the ferry and signage and street names in Orcadian.
140. Mr Wylie addit that this wirk wis awreidie bein daen athort the local autoritie so, in

a sense, the airt o lingueestic signeeeficance awreidie exists. He quaistened, houaniver, gien that activitie wis awreidie in the wirks, whither the Cooncil wuid wish tae incur the costs involved in designatin itsel as an airt o lingueestic signeeeficance, even gin there wis proveesion addit tae the Bill fur tae dae this.⁷

141. In its submeesion, the National Trust for Scotland statit that, in their view, jist as Gaelic coud benefit frae cultural ineetiatives athin a Gàidhealtachd, the Scots leid coud benefit forby frae this kind o support.²⁵
142. Whin askit why there isnae meisures tae faceelitate Scots airts o lingueestic signeeeficance, the Depute Furst Meenister wis unable tae gie an answer and said that she wuid tak the issue away fur conseederation.²

143. The Committee taks tent the Depute Furst Meenister's commeetment tae conseeder the omeession o airts o lingueestic signeeeficance proveesion fur Scots leid airts and luiks forrit tae receivin the results o her conseederation.

National Strategie

144. Unner saiction 5 o the Bill, the Scottish Government wull produce a National Gaelic Strategie, replacin the National Gaelic Leid Plaun whilk haed been prepared by Bòrd na Gàidhlig. The Financial Memorandum indicates that the furst National Gaelic Strategie wull be expedit aroond 2028, at the end o the period kivered by the praisent National Plaun
145. In advance o preparin the strategie, Scots Meenisters maun publeesh a dreft strategie and consult wi "such persons as they conseeder appropriate".
146. Mony respondents tae the cry fur views, includin Historic Environment Scotland and Am Pàipear, walcomed giein Meenisters responsibilitie fur the strategie, as they conseedert that this wuid access the visibilitie o Gaelic and provide fur a mair jynt-up approach athort the Scottish Government. Am Pàipear stresst, houaniver, that "strategies need haurd-wirkin deleevery plauns gin real ootcomes are tae be deleevert."³²
147. In their screivit probation, Misneachd Alba statit—
- ” The accresst role fur the Scottish Government in steerin leid policie insteid o Bòrd na Gàidhlig coud risk accusations o centralisation, but shuid access democratic accoontabilitie as weel, and the reenge o expertise and resoources athin the ceevil service whilk can be mair easily drawn on in the development o policie.¹²
148. Bòrd na Gàidhlig descrived the shift as integral tae gaboundin that Gaelic isnae siloed, as aften feels the case at praisent, sae that key, relevant issues tae airts whaur Gaelic is spaken, fur instance hoosin, can be conseedert.⁷
149. City of Glasgow Council walcomed forby the potential fur Gaelic tae be conseedert

athort braider policie airts but expresst wirries that a strategie frae Meenisters coud mak Gaelic development mair vulnerable tae poleetical priorities. ²⁷

150. Vaurious organisations includin UHI North, West and Hebrides and HM Inspectors unnerscored the need fur specialeests in minoritie leid plaunnin and Gaelic education tae be involved in the preparation o the strategie. COSLA brocht up wirries that expertise coud be remuived frae the process wi a strategie produced by Meenisters, insteid o Bòrd na Gàidhlig. ³¹
151. Unner the praisent Bill, Scots Meenisters maun consult "sic persons as they conseeder appropriate"
152. Some organisations, while walcomin the fact that the national plaunnin document fur Gaelic wull noo be the responsibilitie o Scots Meenisters, suggestit meisures whilk wuid, in their view, strenthen the consultation requirements fur the dreft strategie.
153. Organisations includin An Comunn Gàidhealach, Bòrd na Gàidhlig, MG ALBA, Ceòlas and Comann nam Pàrant (Nàiseanta) aw advocatit fur a braider and mair transparent consultation process, fur tae involve consultation wi Bòrd na Gàidhlig, representative gruips and communities.
154. Comann nam Pàrant (Nàiseanta) said—
 - ” As set oot praisent there leuks tae be a great deal o discretion gien tae Scots Meenisters in the preparation o a Gaelic leid Strategie tae replace the National Plaun ... This is ambiguous Inagage that potentially alloos Meenisters tae dischairge their dutie unner the statute athoot recoorse tae a cleir and transparent process that involves consultation wi representative gruips. ²³
155. In their response tae the cry fur views, the Law Societie o Scotland unnerscored the mony instances in the Bill that wull involve consultations, fur instance on strategies, stauerters and guideship. They tuik tent that, at praisent, there is nae requirement fur Scottish Meenisters tae publeesh the results o these consultations and suggests that this be chynged. ¹⁶
156. Comhairle nan Eilean Siar and TRACS assertit that a National Gaelic Strategie shuid be implementit afore 2028, and shuidnae wait fur the praisent National Plaun tae run its coorse.
157. HM Inspectors tuik tent that the Bill coud be mair urgent in its efforts tae slow leid decline and create a faster rate o sustainin the leid. They citit the Scottish Government's deceesion tae wait ere 2028 tae implement a strategie as an exemple o this.
158. In her probation tae the Committee, the Depute Furst Meenister greed that urgencie is needit in the action tae support Gaelic.
159. The Committee taks tent o the support frae stakehauders fur Scottish Meenisters tae tak ownerskip o the National Gaelic Strategie.

160. The Committee believes that this wull alloo fur mair coherence o policie athort mony policie airts includin hoosin, transport and the Economie.
161. The Committee taks tent o the wirries frae some stakehauders that the consultation needit on the dreft strategie coud be leemitit. The Committee believes that it is important that the strategie reflects the needs and priorities o communities. Sicweys, the Committee asks the Scottish Government tae set oot hoo it wull mak shair that key stakehauders and communities are consultit on the dreft strategie.
162. The Committee taks tent o the suggestion by the Law Societie o Scotland that the ootcomes o the vaurious consultations conductit while preparin strategies, staunerts and guideship, shuid be publeeshed.
163. The Committee recognises the cries frae some stakehauders fur Scots Meenisters tae expedite the draftin o a National Gaelic Strategie, insteid o waitin ere the proposed date o 2028. The Committee recognizes forder the urgencie o the praisent situation. Sicweys, the Committee recommends that the Scottish Government conseeders acceleratin its wirk on the strategie.
164. The Committee acknowledges the evident unnerscorin the challenges facin Gaelic. The Committee is o the view that the praisent National Plaun isnae adequate tae deal wi them and that the nixt national strategic document fur Gaelic maun be strenthened. Whither, at the end o the Bill process, the national strategic document fur Gaelic is the responsibility o Scots Meenisters, or steys wi Bòrd na Gàidhlig, the Committee recommends that wirk tae develop and strenthen policie disnae wait fur the ootcome o the Bill.

Accresst reach

165. Unner the Gaelic Leid (Scotland) Act 2005, Bòrd na Gàidhlig micht need ony relevant public authoritie tae develop a Gaelic Leid Plaun. The public buird is required tak tent o the National Gaelic Leid Plaun in developin or reviewin their organisation's plaun.
166. Praisentlie only thon 57 public buirds that hae a Gaelic Leid Plaun hae a dutie tae hae regard tae the National Gaelic Leid Plaun in conseederin hoo they cairrie oot their functions – throu the process o developin or reviewin a Gaelic Leid Plaun.
167. Unner the Bill, aw relevant public authorities wuid need tae tak tent o the National Strategie in cairryin oot their functions – whither they hae a Gaelic Leid Plaun or no. The nummer o relevant public buirds that wuid hae tae tak tent o the strategie, guideship etc. wuid be muckle mair nor the praisent nummer o public buirds that hae Gaelic plauns in place.
168. In their probation, local authorities fur airts whilk dae not hae a strong, or ony, connection tae Gaelic, sic as Orkney Islands Council, expresst concerns anent the duties and financial commetments that the Bill coud pit upon them fur tae promuive the leid and culture. In their response tae the cry fur views, Dumfries and Galloway Council statit—

” we wuid be caitious aroond placin new and accresst expectations/requirements on local autoritie airts whaur there isnae evident o need, and particular whaur there micht be accresst budget/resoorce implications.³⁷

169. The Policie Memorandum explains that issues includin proveesion fur establishin alanestaunin Gaelic schuils or simpliffeein the process fur requeestin Gaelic medium education (GME) wull be dealt wi in the Gaelic strategie and staunerts insteid o athin the Bill. In their screivit probation, COSLA statit that these are important issues and quaistened why, gin it is the Scottish Government's intent tae follae them, these arenae bein includit athin the Bill.³¹

170. The Committee recognises that the nummer o public authorities whilk wuid need tae tak tent o the National Strategie in cairryin oot their functions – whither they hae a Gaelic Leid Plaun or no - wuid access as a result o saiction 5 o the Bill.

171. Houaniver, it isnae cleir tae the Committee hoo mony mair public buirds wull be affecit or whit the associatit costs tae thon public buirds micht be as a result. Sicweys, the Committee asks the Scottish Government tae gie details o the public buirds that hae duties unner the existin arreengements and thon that wull hae duties pit upon them as a result o the strategie and ither aspects o the Bill, as weel as an indicative cost tae thon public buirds.

172. The Committee taks tent that the new strategie mich haud signeeficant chynge sic as proveesion fur establishin alanestaunin Gaelic schuils or simpliffeein the process fur requeestin GME. Gien the potential impact o sic chynge upon local authorities, includin on their resoorces, the Committee asks the Scottish Government tae conseeder settin oot thon meisures on the face o the Bill and the likelie costs that local authorities wuid tak on as a result.

Meisurin success

173. Fèisean nan Gàidheal statit that, fur a shift taewart a strategie tae be wirdie, there shuid be mair ambeetious tairgets fur Gaelic, wi commensurate resoorces, fur tae gabound the leid's future.³³ Professor Wilson McLeod cawed forby fur heich level tairgets fur impruivement, statin that seestematic plaunnin coud win sic tairgets.⁶

174. In her probation tae the Committee, the Depute Furst Meenister statit—

” I am in twa minds anent tairgets. They can be awfie dangerous, acause they end up focusin gey when money and tent on parteecular airts that micht be successful but dinnae kythe the breidth o the issue.²

175. Iain Macmillan frae Bòrd na Gàidhlig stresst—

” The strategie shuid mak it cleir hoo we measure success, but the bill shuid haud a requirement that the strategie maun dae that. We need tae be expleecit anent that in the primarie legislation fur tae mak shair that the saicondarie staps come back wi the answer. We maun be cleir anent whit it is that we are ettlin tae win. That in itsel wull determine the timescale in whilk we shuid be daein things. I stow think that there is a quaisten in that regaird aroond the settin o the strategie and luikin at the ootcomes. Realeesticallie, is there ony pynt in haein ... a strategie fur five year gin we cannae measure the ootcomes fur 10 year? ⁷

176. Gien that tailort approaches wull be needit in different airts, the Committee unnerstauns the need fur nuance in the settin o ambeetions athin the strategie.
177. Houaniver, the Committee uphauds that it is important tae set cleir ambeetions and tairgets fur whit is gonnae be maed oot. Sicweys, the Committee recommends that a statutorie dutie tae upbig and set oot short- and lang-term ootcomes is includit athin the strategie proveesions, along wi measures whilk wull be taen tae facilitate the winnin o thon tairgets and ambeetions.

Staunarts, guideship and directions

178. Saiction 6 o the Bill gies Scots Meenisters the pouer tae mak regulations fur tae specify staunerts and requirements relatin tae promuin and aisin the uiss o the Gaelic leid that wull apply tae the relevant public authorities in cairryin oot their functions. ³⁸
179. The Policie Memorandum states that—
- ” The intendit uiss o the pouers o staunarts in the foremaist period o implementation o the Bill wull be tae shift content and requirements that hae shawn up in statutorie guideship and Gaelic Leid Plauns intae regulations. This wull bring thegither a foond o requirements that the Scots Administration maun complee wi and wull mak shair that staunerts continye tae be uphauden. The three bodies o Gaelic leid strategie, staunerts and Gaelic Leid Plauns wull wirk thegither fur tae gabound progress and conseestencie in the promuin o Gaelic in Scotland. ¹
180. The Policie Memorandum explains forby that, unner saiction 7, relevant public authorities wull be required tae tak tent o the desirabilitie o promuin and supportin the use o the Gaelic leid in cairryin oot their functions. Scots Meenisters wull hae a pouer tae gie guideship tae relevant public authorities relatin tae their dutie tae Gaelic and Scots Meenisters wull hae a pouer tae gie directions as weel. ¹
181. Afore pittin doon regulations haudin staunerts and requirements and in preparin guideship, Scots Meenisters maun consult Bòrd na Gàidhlig and sic ithar fowk as they conseeder necessar. Aheid o expedin a direction tae a public autoritie, Scots Meenisters maun hae consultit the public autoritie in quaisten.

182. The Bill team explaint that, fur tae mak the seestem mair effeecient, the stounerts and requirements wull set oot proveesion, sic as bileengual logos and visibilitie o signage, that wull noo be unquaistenable fur public buirds tae follae. Sicweys, public authorities' discussions wi Bòrd na Gàidhlig can be focusst on whit else can be daen insteid o "reveesitin meisures that shuid be acceptit practice." ⁶
183. There is acknowledgement frae mony respondents o the importance o the stounerts, guideship and directions that coud be expedit by Scots Meenisters.
184. Sicweys, organisations includin Glasgow City Council, City of Edinburgh Council, Highland Council and Highlands and Islands Enterprise aw cawed fur claritie around whit stounerts wuid implee fur public buirds, fur tae unnerstaun hoo they wuid interact wi strategies, budgets and acteevities awreidie in place. Several ithers socht claritie as tae hoo compleeance wuid be assesst and by wha, as weel as the consequences shuid a public buird be deemt tae hae been non-compleeant.
185. Hantle respondents tae the cry fur views, includin organisations sic as FC Sonas and Misneachd Alba, unnerscored leid stounerts that hae been implementit in Wales unner the Welsh Leid (Wales) Meisure 2011. Misneachd Alba explaint that the Welsh legislation is "conseederably mair speceefic anent the content o the stounerts, whilk relate tae deleeverie o service, policie makkin, operational maitters, promuivement, and record keepin." ¹²
186. These submeesions suggestit that sic categories are likely tae be relevant tae Gaelic, and therefore cawed fur mair speceeficitie tae be gien in the Bill.
187. Misneachd Alba unnerscored forby that the Financial Memorandum estimates that conseederation o the 'existin suite o Gaelic Leid Plauns and statutorie guideship and that instructin these intae regulations wuid cost around £5,000 o staff costs athort policie and legal'. In Misneachd Alba's view, this equals tae a bittock time formulatin this important policie chynge and micht suggest that a relative meenimal regime is enveesaged.
188. They contrastit this wi the Welsh stounerts regime whilk tuik several years tae pit thegither and enact. While acknowledgin that the correspondin framewark fur Gaelic micht be expectit tae be pickler, Misneachd Alba haudit at the Scottish Government tae gie this maitter enew time and tent as it deserves. ¹²
189. Wirries wis brocht up by some aroond stounerts bein set fur aw airts. While representin the Association o Directors o Education (ADES), Donald Macleod statit that there wis a diverse picter athort the kintra wi some airts wirried about the "potential imposeetion o stounerts tae whilk their communitie disnae aspire." ³⁹
190. COSLA unnerscored that these meisures luik tae include conseederable pouers tae direct local authorities and remuive local deceesion makin. They quaistened hoo this approach "fits in wi the empouerment agenda and commetments maed throu the Veritie Hoose Greement". ³¹
191. Dumfries and Galloway Council unnerscored their relative smaw nummer o Gaelic speakers. They statit that they wuid syne be caitious aroond placin new and accresst requirements on local autoritie airts whaur there isnae evidence o need, parteeular whaur there may be accresst resoorce implications. Sicweys, they

airgued that there "needs tae be flexibillitie integratit tae be reasonable and proportionate in this regard." ³⁷

192. Alike this, Orkney Islands Council explaint that Gaelic had niver been pairt o the Islands' culture and is, by consequence, no a prioritie fur them. They expresst concern that the Bill wuid pit requirements upon the Coouncil in relation tae the deleevery o Gaelic and syne described the necessitie tae consult local authorities as bein gey important. ⁴⁰
193. The Bill team explaint that the proveesions alloo fur staunarts tae be vauried. This wuid alloo fur staunarts tae be heicher set athin an airt o lingueestic signeeficance and fur some airts, sic as Orkney Islands Council, tae be exempt as weel frae haein ony duties applied. ⁶
194. Comann Luchd-Teagaisg Àrd-sgoiltean (CLAS) walcomed the proveesion tae gie Scots Meenisters the pouer tae gie mair direction tae local authorities. As weel, Glasgow City Council walcomed Scots Meenisters cannin tae gie guideship and direction but statit that the proveesions wis awfie vague.
195. TRACS alike this askit fur mair claritie as tae hoo the Scottish Government intends tae encourage public buirds tae support and promuive Gaelic.
196. Comunn na Gàidhlig and Comann nam Pàrant (Nàiseanta) baith cawed fur a strenthenin o the leid in saiction 7. Baith believe that the requirement fur relevant public authorities tae tak 'tent o the desirabilitie' o promuivin and supportin the use o the Gaelic leid in cairryin oot their functions, lacks ony positive direction and advocatit that this be amendit tae mak "proactive supportin o Gaelic development" the default poseetion. ²⁹
197. Professor Ó Giollagáin didnae gree wi the oncome bein set oot in these meisures. In his probation, he statit that the Bill muives the oncome frae an ower bureaucratic Gaelic leid ane taewart a staunert process o leids whilk "will introduce an even muckler bureaucratic burden athoot addressin the issues." ⁶

198. The Committee taks tent o the policie intent o settin staunerts and requirements athort the kintra, fur tae mak shair that there is a conseestent baseline o "acceptit practice".
199. The Committee recognises, houaniver, that the Bill wull alloo—
 - differin staunerts tae be set fur different airts, wi heicher staunerts likely athin airts designatit as bein o lingueestic signeeficance
 - local authorities that dinnae hae a historie o Gaelic, or whaur it isnae a prioritie, fur exemple the Orkney Islands, tae opt oot o these requirements.
200. The Committee is unclair hoo the Scottish Government wull balance its ettle tae introduce staunerts that progress Gaelic wi the abilitie o local authorities tae opt oot. The Committee asks the Scottish Government tae set oot whither it intends tae set criteriae fur applyin Gaelic staunerts tae public authorities, and the circumstances in whilk a public autoritie wull can opt oot.

201. The Committee acknowledges the cries frae mony public buirds fur mair detail as tae whit micht be hauden athin the stاونerts. The Committee asks the Scottish Government tae gie sicht o dreft stاونerts and requirements fur tae illustrate whit meisures micht be incluidit, at the latest afore Stage 2.

Public Buirds' Plauns and Reporting

202. Saiction 8 o the Bill wull amend the Gaelic Leid (Scotland) Act 2005 tae require Bòrd na Gàidhlig tae prepare and publeesh reports anent—
- Scots Meenisters' progress taewart meetin the objecives set oot in the Gaelic leid strategie; and
 - the compleeance by relevant public authorities wi their dutie tae:
 - hae regaird tae the Gaelic leid strategie,
 - complee wi stاونerts and requirements specified in regulations unner saiction 2C(1) and the duties imposed by saiction 2D.
203. Saiction 8 wull alloo Bòrd na Gàidhlig forby tae lay these reports afore the Scots Pairlament.
204. Glasgow City Council walcomed the proveesions in saiction 8, relatin tae reportin on progress and compleeance wi the strategie, stاونerts and duties that they descrived as gey important.²⁷
205. When giein probation on behauf o Comhairle nan Eilean Siar, Donald MacLeod statit that it wisnae cleir hoo public buirds are meant tae measure success in relation tae Gaelic and Scots, sayin that "the national meisures hechle tae capture Gaelic in a meaningfu wey, parteeclar whaur there is airts o smae cohorts".^[7] Mr MacLeod addit that ony meisures are basic and focusst on quantitie. There is a need tae hae meisures that are focusst on qualitie as weel. This pynt wis made as weel by Jennifer McHarrie o Bòrd na Gàidhlig.⁷
206. The Committee received cries frae indiveeduals and organisations fur a Leid Commeessioner. The monitorin o compleeance wi leid plauns, and takkin action in the event o non-compleeance is a key role that they wuid wish a Commeessioner tae tak up.
207. Organisations sic as Comann nam Pàrant (Nàiseanta) suggestit that a Commeessioner or an independent review panel coud deelever the "mair robust seestem o reportin and scrutinie" that they believe is needit.²³
208. Fèisean nan Gàidheal statit that mair claritie wis needit as tae the consequences o non-compleeance—

” Enablin Bòrd na Gàidhlig tae report on non-compleeance tae the Pairlament, as weel as tae meenisters, nìcht mean mair fowk wuid be awaur o instances o non-compleeance, but it isnae cleir whit role the Pairlament wuid hae gin sic a report land in its inbox. Directions Scots Meenisters coud mak are ootlint in the Bill but the Financial Memorandum states it wuid be the intent tae raise sic pouers “no aft” and “as a last resort.

We syne wonder whit effec thon chyngees in legislation wuid hae and wir poseetion steys that an independent commeessioner wuid offer the best solution tae the separation o duties and hae the best chaunce o gaboundin the compleeance by public buirds wi their greed Gaelic Leid Plauns.³³

209. The Scottish Government disnae conseeder that a Commeessioner shuid be created at this time. The Bill team statit—

” We feel that there is mair opportunitie tae mak muckle progress wi Scottish Government leiderskip and by haein public buirds wirkin collaborative and bein positive anent the leid, insteid o by haein an ombudsman in an adversarial role at this pynt.⁶

210. Saiction 9 o the Bill maks a reenge o chyngees tae saiction 3 o the 2005 Act on Gaelic Leid Plauns, fur tae tak accoot o the new Gaelic leid strategie and tae tift the process fur preparation o Gaelic Leid Plauns fur indiviedual public buirds.

211. When discussin leid plauns, Bòrd na Gàidhlig statit—

” Leid plauns arenae the anely answer tae developin Gaelic, but they are an important pairt o the framewark in an environment whaur public buirds wull dae whit they are required tae dae.⁷

212. CLAS walcomed the proveesions in this saiction and advocatit fur indiviedual local authorities' Gaelic plauns tae include "concrete and meisurable tairgets in regards tae education, in parteecular relatin tae the promuivement o the lairnin o Gaelic throu Gaelic Lairner Education, as weel as makkin shuir that promotit posts are created wi designatit strategic and middle leiderskip roles fur Gaelic Medium Education."²¹

213. Joanna Peteranna frae Highlands and Islands Enterprise said that public buirds shuid be accootable fur deleeeverin on their plauns whilk shuid be in line wi an overall strategie and reflec local circumstances; houaniver, public buirds shuid hae siffecient funds tae dae so as weel.⁷

214. The Law Societie o Scotland tuik tent that saiction 9, along wi several ithers athort the Bill (saictions 7, 12 and 14), hauds a pouer tae gie oot a direction tae a public autoritie, wi whilk it maun complee. They unnerscored that, at praisent, there is nae proveesion, athin ony o these saictions, fur enforcement in the event o non-compleeance wi the direction or ony proveesion fur an appeal in connection wi sic a direction.

215. The Committee recognises the general support frae stakehauders fur meisures in

the Bill relatit tae public buirds' plauns and reportin.

216. The Committee taks tent that there is a faut o claritie regairdin the potential consequences fur non-compleeance or non-deleevery o commeetments made in a public buird's Gaelic plaun. The Committee therefore asks the Scottish Government fur a cleir statement as tae whit thon potential consequences wuid be, at the latest afore Stage 2.
217. The Committee forder taks tent the Law Society o Scotland's observation that a public authoritie maun complee wi a direction maed by Scots Meenisters unner several saictions o the Bill, wi no proveesion fur an appeal. The Committee asks the Scottish Government tae set oot its rationale fur this approach and mak cleir whither, on reflection, there shuid be proveesion fur an appeal and, gin sae, whit that appeal process micht luik like.

Gaelic Education

Functions o Scots Ministers

218. Saictions 11 tae 14 o the Bill haud measures in relation tae the proveesion o Gaelic lairner education (GLE) and Gaelic medium education (GME) and the teachin o the Gaelic leid in the proveesion o forder education by education authorities.
219. Saiction 11 wuid impose a dutie on Scots Meenisters tae promuive and support sic proveesion. Saictions 12, 13 and 14 wuid gie Scots Meenisters the pouer tae—
- prescribe staunerts and requirements, whilk can be vauried fur different education authorities or even athin an education autoritie (Saiction 12);
 - gie guideship tae Scots public authorities (Saiction 13); and
 - exped directions tae education authorities (Saiction 14).
220. Taken thegither, the Bill seeks tae impruive local authorities' focus on the proveesion o Gaelic education and provides the Scottish Government wi mair tools wi whilk they can shape or direct the proveesion o Gaelic education athort Scotland or in local airts.

Dutie tae promuive Gaelic education

221. Saiction 11 gies a new dutie ower on Scots Meenisters tae “promuive, faceelitate and support” Gaelic education in schuil education and adult education providit by local authorities. The Bill provides forby that ilka local autoritie maun “promuive, faceelitate and support” Gaelic education in schuil education and adult education providit by local authorities. This creates a braider dutie nor exists praisent on local authorities.
222. Bòrd na Gàidhlig, Ceòlas, FC Sonas, Stòrlann and Misneachd Alba aw walcomed this proveesion, wi some unnerscorin that it wuid lead tae a new national strategic approach.
223. While welcomin this proveesion, Comann nam Pàrant (Nàiseanta) believed that it shuid include explicit a dutie tae resource eneuch GME.
224. Historic Environment Scotland statit that meenisterial support fur Gaelic education is important fur public authorities tae mak shair that the wirkforce o the future hae the necessar Gaelic skills and knowledge.
225. Dr Inge Birnie, Co-chair o the Leids Gruiop at the Scottish Council of Deans of Education (SCDE) stresst that it is important fordere tae be claritie around whit GME is fur and whit it is tae achieve, includin the proficiencie levels o young fowk and whit they shuid can dae wi the leid whin they leave the schuil.³⁹
226. Hantle respondents tae the cry fur views walcomed that the dutie upon the Scottish Government tae promuive Gaelic education wull include the proveesion o forder education by education authorities (e.g. adult lairnin clesses) as weel.

227. In his role representin ADES, Donald Macleod statit that he howpit that the Bill wuid bring growth in adult lairnin, baith in terms o a pathway frae education intae ayont-schuil destinations and amang adult lairners that are engagin wi the leid fur the furst time.
228. UHI North, West and Hebrides tuik tent that the reference tae forder education in this saiction anely leuks tae refer tae forder education that is providit by education authorities. As a college provider o GME and Gaelic leid lairnin, UHI North, West and Hebrides suggestit the addeetion o ‘and ither recognised forder Education providers’ tae this saiction.
229. The college creeticised forby a meisure athin saiction 11 that wuid substitute “yaised” fur “spaken” in relation tae the Gaelic leid, athin the Education (Scotland) Act 2016. They pit forwat that this nicht be interpretit as promuin veesibilitie (sic as signage) insteid o actual communitie leid uissage.³

Staanarts, guideship and directions athin education

230. The Policie Memorandum states that staanerts wull can set oot whit can be expectit whin a young person commences Gaelic medium education in respect o a nummer o issues. These coud include—
- aiccess tae GME proveesion and local autoritie promuin o GME
 - GME as a 3-18 experience and GME continuitie
 - GME subject chyce, curriculum and assessment arreengements
 - GME teichar recruitment, placement, retention and professional lairning
 - Teichar and pupil support and resooces
 - 0-3, airly years proveesion and lingueestic acqiseetion
 - Cless sizes, leid assistants, immersion and fluencie
 - Takin accoot o GME whin settin national expecations
 - Inclusion o GME in the plaunnin fur and reportin by the schuil whaur GME is gien
 - Gaelic lairner education at aw levels
 - Establishin hoo national buirds and agencies can better wirk thegither fur tae support GME and GLE.
231. In their responses Misneachd Alba¹², FC Sonas⁴¹ and several indiveeduals caeed fur the Scottish Government tae conseeder expleecit includin some o these issues on the face o the Bill wi a requirement fur them tae be adressed in the regulations.
232. The Bill team statit that "the mony things that we wuid like tae see focusst on in

Gaelic-medium education wull be includit in the proveesion o the Gaelic stauerters." They explaint that these wull then set the expectations fur whit local authorities and public buirds wull be expectit tae deelever and whit parents wull can expect. ⁶

233. As wi Gaelic leid stauerters, stauerters and requirements in relation tae Gaelic education could be tailort fur different airts, fur exemple bein set heicher athin airts o lingueestic signeeficance.
234. The Committee tuik in a lot o probation, baith screivit and durin Committee meetings, anent the proveesions fur the Scottish Government tae set stauerters, gie guideship and mak directions in relation tae Gaelic education.
235. Mony respondents walcomed the proveesions. Houaniver, there wis vaurious cries frae indivieduals and organisations that brocht up pynts aroond—
- whit wull be includit in the stauerters and guideship and hoo that wull tak intae accoont the need fur local decesion makkin
 - the need fur mair Gaelic speakin teichars and staff
 - consultation on these maisures
 - the importance o fluencie o leid
 - hoo these meisures wull intersect wi ongaun education reform
 - the need fur a Gaelic curriculum.
236. ADES unnerscored that, athort the kintra, there is different degrees o involvement in Gaelic and Scots. As sic local authorities needit "claritie on the detail o the stauerters, the expectations that education authorities wull hae o implementin the stauerters, hoo they wull be meisurt and evalyeatit, and whit the potential negative consequences are fur an education authoritie gin thon stauerters arenae met." ³⁹
237. While respectin the ettle o settin national stauerters, ADES stresst the need fur local authorities tae keep haud o local decesion makkin as aften as possible.
238. Indiveedual education authorities, includin Glasgow City Council and City of Edinburgh Council, cawed fur mair details on stauerters, hoo they wuid be set and whit stakehauders wuid be consultit.
239. HM Inspectors statit that the Bill is releean on the uiss o the new pouers tae create regulations, stauerters, guideship and strategies. They statit that there is a need fur forder clarification and transparencie in "hoo saicondarie legislation wull drive chynge, the pace o this chynge, hoo data wull be yaised tae identifee the focus o saicondarie legislation and whit wull be prioritised." ⁴²
240. Foghlam Thidsearan (Teichar Education), Sabhal Mòr Ostaig, The National Centre fur Gaelic Leid and Culture suggestit that the Committee leuk fur exemples o the structure and scope o the stauerters, fur tae aid their scrutinie o the Bill.

Consultation

241. Unner these proveesions, the Scottish Government wull consult—

- key stakeholders when preparing standards and guidance and,
- an education authority before expressing a direction to that authority.

242. Foghlam Thidsearan at Sabhal Mòr Ostaig acknowledged and welcomed the provision in the Bill for consultation with key stakeholders; however, they called for a public consultation for by far the most interested parties to contribute.⁴³

243. The cry to extend the consultation was made as well by Orkney Islands Council, that they felt that the Scottish Government has stressed repeatedly that Gaelic education is part of a major significant cultural movement that can be felt throughout the schools themselves. They felt that moreover, however, that the list of those that may be consulted when regulations are being prepared for education authorities should include local authorities or local communities.⁴⁰

Teichin and support staff

244. Hantle organisations underscored the role that teaching and school staff will play in meeting any standards set. HM Inspectors welcomed the fact that Ministers would not be setting standards, stating that it could allow a major strategic approach. They felt that, however, that "a major strategic approach to Gàidhlig Medium Education is dependent on major teaching and non-teaching staff."³⁹

245. Seonaidh Charity of Comann Luchd-Teagaisg Àrd-sgoiltean (CLAS), underscored that the latest teaching census highlighted that 418 primary teachers are capable to teach through the medium of Gaelic, but that only 266 presently work in GME.

246. The Deputy First Minister confirmed that, for secondary teachers, 183 are capable to teach through Gaelic, with 121 presently doing this.² There is presently a total of 54,033 FTE teachers working in Scotland.⁴⁴

247. In his role representing ADES, Donald Macleod said that, anecdotally, the largest single reason for teachers not delivering GME when they are capable of it, is a lack of confidence in their own abilities.

248. He added that in Comhairle nan Eilean Siar, the issue was major with secondary school teachers, instead of primary. He explained that, to address it, teachers that have degrees of fluency in Gaelic but require professional development and training, are being supported.³⁹

249. Seonaidh Charity said that teachers need professional support but there needs to be more to be major infrastructure around them for to help to support pupils, for instance Pupil Support Assistants and Additional Support Needs staff that speak Gaelic.³⁹

250. COSLA brought up concerns about the potential consequences facing education authorities, should they fail to meet the set standards because of being unable to recruit staff in some disciplines and for some areas, saying—

” The pipeline o Gaelic teichars is aften ootwi local authoritie control, and athoot concertit action frae the Scottish Government and pairtners tae access the nummer o Gaelic teichars, ony expansion wuidnae be deleeveable.... The Policie Memorandum suggests that issues ootwi local authoritie control wullnae be an acceptable reason fur no meetin ony new staunerts, whilk luiks unreasonable.³¹

251. Common Weal statit that the Bill fails tae address the fawin nummers o Gaelic teichars and the hechle that mony local authorities hae in recruitment. They cawed fur claritie as tae hoo the Scottish Government and local authorities wull owercome this.⁴⁵
252. Dr Inge Birnie, o the SCDE, statit that "we are facin signeeficant recruitment challenges, as ye maun be profeecient in a leid gin ye are tae teich in it."
253. Dr Birnie continyed tae ootline some o the efforts that hae been maed tae alloo and encourage fowk tae deleeve saicondarie subjects in Gaelic, and fur teichars tae re-train tae can teach in GME, in primarie and saicondarie schuils. Houaniver, she statit that the nummers comin throu these pathways are "awfie smaw, acause o the wee nummer o profeecient Gaelic speakers."³⁹
254. The Depute Furst Meenister recognised that whaur someane wirked and bidit wis halely a personal chyce; houaniver, she statit that it wis important tae mak GME as attractive a place tae wirk as possible. She said that, ultimatie, "it is aboot providin pathways: whaur there is skills that teichars want tae yaise, we shuid be shair tae provide them wi opportunities tae dae that."²
255. In their screivit probation, the General Teaching Council o Scotland (GTC Scotland)ⁱⁱⁱ expresst wirrie that staunerts may be created in respect o "GME teichar recruitment, placement, retention and professional lairnin." They unnerscored that unner the [Public Services Reform \(General Teaching Council fur Scotland\) Order 2011](#), it is fur the GTC Scotland tae determine whit constitutes a recognised teachin qualification fur indiveeduals seekin registration wi them as a schuil teichar.
256. The GTC Scotland sets forby the meenimum requirements o entrie fur the Ineetial Teichar Education (ITE) programmes in Scotland that lead tae a recognised teachin qualification and accredits programmes o ITE. Ony new teichar education programme maun be assesst by the GTC Scotland throu its accreditation framewark.
257. They statit that, at praisent, it wis unclair hoo regulations developpt by Scots Meenisters wuid align wi the GTC Scotland's statutorie functions. They stresst that ony new staunerts and requirements maun wirk alangside (and no seek tae oweride or unnermine) their function tae establish the staunerts o education appropriate tae teichars and the staunerts o conduct and professional competence expectit o a registert teichar.⁴⁶

iii The General Teaching Council Scotland responded tae the cry fur views afore it closed, houaniver, acause o a technical issue, their submeesion wisnae received at the time that it wis sent. Efter this issue wis identifeed, in late Mey, the submeesion wis publeeshed alangside the ither screivit probation received by the Committee.

258. The Gaelic education standards and requirements will not only cover the schools, but also early learning and child care (ELC) settings including nurseries as well.
259. This a Chluich welcomed the Scottish Government's support of Gaelic education but underscored the need for more Gaelic nursery staff. They stated that more value, and resources, should be placed on the skills of bilingual ELC workers.⁴⁷
260. In terms of training for early years practitioners to work in an ELC setting, the Committee heard that there is a Higher National Certificate available through the Universities of Highlands and Islands network. However, in general, the training is the same as it would be for someone entering English medium education, and relies on the present linguistic abilities of the practitioners.
261. Dr Birnie and This a Chluich both explained that the role of an ELC practitioner in a Gaelic medium setting has additional challenges as they are trying to make sure that the children acquire language and reach a sufficient level of proficiency before they go to primary school in which is, for many of them, an additional lead.

Fluency

262. The Committee has taken in many submissions underscoring the importance of fluency when people are learning, and maintaining, Gaelic.
263. In their written evidence, HM Inspectors stated that the provisions on Gaelic education in the Bill must be more clearly connected to access for speakers of Gaelic. They also noted that, while welcoming the increased status given to GLE, that there should be—
- a presumption that all education authorities prioritise GME for its impact in creating, at pace, fluent speakers of the language, that accrue all the benefits of bilingualism
 - more emphasis on giving continuity in learning from three to 18 and over, with qualifications.⁴²
264. For Bòrd na Gàidhlig, the variation in the options available in GME in secondary schools, and in the senior phase, across Scotland is a key issue—
- ”** We would expect for children to choose between content in English and some other subject. However, for Gaelic-medium education, that can be the case.⁷
265. CLAS called for standards that support young people to become fluent in Gaelic, and to achieve a qualification, advocating a larger focus on making sure that GME is a 3-18 experience, across the country. They called for a national road map that would set out how provision will be increased in all areas, taking into account where they are starting from as some local authorities presently do not offer any provision.
266. Comunn na Gàidhlig agreed with this point, suggesting that it should be an interim target that 90% of children entering GME be 'effectively fluent' when they leave secondary school. They described such a target as "powerful and meaningful" which would "drive a

focus on leid abilitie, and bring a cohort o new speakers fur the future." ¹³

267. The Depute Furst Meenister greed wi the need fur effective fluencie and said that she wuid like tae gang even forder, wi a tairget o 100 per cent. She addit that this required mair nor just the academic teachin o Gaelic. She statit—

” genuine fluencie haes tae hauppen ootside the clessruim. It is aw anent the opportunities that a person haes throu yeth wirk, fun, faimlie and then on tae empleyment. ²

268. Multiple respondents tae the cry fur views, includin Donald Morris, Am Pàipear, Ceòlas Uibhist, Sabhal Mòr Ostaig and Sradagan Dhun Eideann, greed that Gaelic education wis a success but airgued that it wis essential tae hae opportunities tae speak Gaelic ootwi the classroom, fur tae gabound this fluency.

269. CLAS, ADES and HM Inspectors greed that opportunities tae speak in Gaelic ootwi the schuil wis creetical and unnerscored wirk wi pairtners includin FC Sonas and Comunn na Gàidhlig tae create sic opportunities.

Education reform alignment and a Gaelic curriculum

270. In their responses tae the cry fur views, Bòrd na Gàidhlig, City of Edinburgh Council and HM Inspectors requeestit claritie as tae hoo ony decesions on education stauerters will be integratit intae the ongaun education reform process.

271. The Committee heart forby frae several contributors, includin Dr Inge Birnie and Dr Gillian Munro o Sabhal Mòr Ostaig, that there shuid be a Gaelic curriculum. They statit that a Gaelic curriculum shuid be o even staundin tae the English-medium ane, but no anely a translation o it.

272. Dr Birnie statit that a Gaelic curriculum coud include a cultural element whilk is "sae important fur developin the pluricultural identitie, by whilk I mean bairns lairnin anent a sense o place and space in Scotland and whaur Gaelic fits in." ³⁹

273. The Committee taks tent o the evident frae stakehauders unnerscorin the need tae consult wi communities on stauerters and guideship fur Gaelic education. The Committee asks the Scottish Government tae conseeder this forder.

274. The Committee taks tent that fur tae achieve the ettlins o the Bill in relation tae Gaelic education, it staunds abuin aw that there is a suffeecient supplee o teichars that can teich Gaelic and dae sae in Gaelic.

275. The Committee recognises that there is numerous coorses and ineetatives in place tae promuive teichin Gaelic or in Gaelic as a career. The Committee recognises forder frae the evident that relative smaw nummers o fowk are makin use o these pathways.

276. The Committee taks tent o the concerns o local authorities that a faut o qualifeed staff is a barrier tae expansion o GME and GLE, ane that is ootwi their control. The Committee asks the Scottish Government whither there is ither meisures that

it could take further help to access the pool of teachers, school staff and nursery staff. The Committee asks as well that the Scottish Government set out what, given any, actions it would take given a local authority was to experience a fall of staff, and whether they would take into account factors outside their control.

277. The Committee recommends that the Scottish Government undertake a workforce planning exercise in respect of teachers and support staff for ELC, primary and secondary settings and take into account whether such an obligation should be inserted into the Bill.
278. The Committee takes note of the evidence of the GTC Scotland regarding its statutory role and how regulations developed by Scottish Ministers will align with its exercises. The Committee asks the Scottish Government to set out how it will ensure alignment with the GTC Scotland in respect of relevant regulations.
279. The Committee takes note of the evidence that, while welcomed by many, the provisions on standards, guidance and directions lack clarity as to what they will cover. Similarly, neither local authorities or parents/carers have a clear idea of what possible expectations they can have in relation to Gaelic education provision and standards.
280. Given that the requirements that standards or guidance could place on local authorities could be significant, the Committee asks the Scottish Government to consider the impact of draft standards and requirements to illustrate what measures might be included, and the associated costs, at the latest before Stage 2.
281. Under the present arrangements, the standards created would be set out in subordinate legislation subject to the negative procedure. This means that the relevant Committee would be made aware of the subordinate legislation and could make comments on the record. However, it would not generally involve a Minister giving evidence to the Committee about the measures, how they would work or why the Scottish Government had drafted them in that way, as would happen under the affirmative procedure. This is of concern to the Committee.
282. The Committee takes note that Gaelic learning standards prepared under section 6 powers within the Bill will be subject to the affirmative procedure while Gaelic education standards, prepared under section 12, will be subject to the negative procedure.
283. Given the potential impact of measures that could be brought in under these regulations, the Committee recommends that regulations relating to Gaelic education standards are subject to the affirmative procedure as well.
284. The Committee takes note of the evidence underscoring the desire for speakers to have 'effective fluency' in Gaelic as an outcome of GME. The Committee recommends that the Scottish Government include this as one of the identifiable outcomes within the strategy and to develop a consistent national measure for this.
285. The Committee takes note of the evidence stating that achieving 'effective fluency' requires opportunities to speak Gaelic in community settings. The Committee

asks the Scottish Government hoo it intends tae support and faceelitate sic opportunities.

286. The Committee taks tent o cries fur a distinct Gaelic curriculum. The Committee asks the Scottish Government whit conseederation it haes gien tae the feasibility o this, includin in relation tae assessment and examination.

Duties o Meenisters and Local authorities

287. The Explanatorie Notes accompanyin the Bill state—

” Saiction 15 o the Bill modifys the 1980 Act sae that it is cleir that the proveesion o Gaelic lairner education and Gaelic medium education comes athin the defineetion o schuil education, and that therefore an education authority’s dutie tae gabound the proveesion o adequate and effeecient schuil education fur the authority’s airt mich include Gaelic lairner education and Gaelic medium education (insertin defineetions o thon terms intae the 1980 Act fur tae be conseistent wi the 2016 Act). This nae mair applied anely in Gaelic-speakin airts (that wisnae defined in the 1980 Act, resultin in potential uncertainty). The teichin o the Gaelic leid as pairt o an education authority’s dutie tae gie forder education nae mair applied anely in Gaelic speakin airts as weel. ³⁸

288. Durin the meetin on 1 Mey, the Bill team stresst that this saiction wuid remuive whit could be construed as a leemit tae whaur Gaelic medium education can be gien; pit semple that this measure is anent remuivin a barrier insteid o puttin in an obligation. ⁶

289. Houaniver, HM Inspectors believes that this measure wull clarify that aw education authorities hae a dutie tae provide Gaelic lairner and Medium Education and shuid access equitie.

290. Follaein his appearance afore the Committee, Professor Wilson McLeod provided supplementarie screivit probation that statit that—

” As screivit, the bill expands the general duties o education authorities in Scotland fur tae mak proveesion fur Gaelic. This obligation wuid noo extend tae aw authorities. ⁴⁸

291. In his probation tae the Committee, Professor McLeod statit that there haes been a faut o ineetiative and energie on the pairt o mony local authorities tae drive forrit the development o Gaelic education. ⁶ Gien this, he views the expansion o the duties on education authorities as a walcome and owerdue reform. ⁴⁸

292. Houaniver, Professor McLeod tuik tent o the disparitie atween his readin o this proveesion and the evident providit by the Scottish Government, as weel as some statements in the Explanatorie Notes and Policie Memorandum on the Bill, statin—

” It is important that the bill proceeds as written and not on the basis of the much weaker position articulated by the Scottish Government.

In my view, it is important that the bill proceed as written, so that the duty to secure ‘school education’ will not extend to ‘every education authority’ and ‘school education’ will include ‘Gaelic learner education and Gaelic medium education’. This would mean that all education authorities will be required to make some provision for Gaelic and will not have the option of no making any provision at all.⁴⁸

293. Glasgow City Council welcomed what they described as the clarification that Gaelic education comes under the definition of school education, stating that it would give weight and status to Gaelic education.
294. In their probation, COSLA brought up worries that the Bill would place requirements on education authorities to consider access to provision without there being parental demand. They said that, should this be the case, it would place additional burdens on local authorities. COSLA continued to say—
- ” We are aware that there are processes in place where parents and carers can request Gaelic Medium Education, with a strong presumption within existing legislation and statutory guidance that that will be given.³¹
295. The Bill team confirmed that it is not the Government’s stated intention that school education must include Gaelic education for all education authorities. Both the Explanatory Notes and the Policy Memorandum state that the duty as amended “must include” the teaching of Gaelic. However, the Bill does not raise the word “must” in relation to the teaching of Gaelic.
296. Given the Scottish Government’s intention to clarify that school education “must include”, instead of “includes”, the teaching of Gaelic, the drafting of the Bill could have more closely matched the wording in the accompanying documents.
297. The Committee took in probation from many individuals and organisations calling for an explicit right to Gaelic Medium Education.
298. Sabhal Mòr Ostaig, Fèisean nan Gàidheal, Gaelic Committee of the Scots Kirk, TRACS and individuals including Timothy Currie Armstrong and Professor Wilson McLeod, along with many others, back a right to access GME. At present, there is a right to request Gaelic medium primary education (GMPE).
299. Fèisean nan Gàidheal underscored that the [Short Life Working Group on Economic and Social Opportunities for Gaelic](#) (convened in March 2022 by the then Cabinet Secretary for Finance and the Economy) concluded that access to Gaelic education should be enshrined in law. The Short Life Working Group recognised the practical challenges there might be in providing this, for instance sufficient staffing, but stated “a legal right – even given a qualified right first – sends a clear signal of intent.”³³
300. Donald Macleod from Comhairle nan Eilean Siar asked for the educational position of the Bill to be strengthened with consideration given to including a right to GME as well as the role of GLE.⁷

301. Ither contributors unnerscored forby the need tae luik at the role o GLE, wi Professor Wilson McLeod statin that, in recent years, there haes been an approximate 50 per cent drap in the level o proveesion fur GLE in primarie schuil. ⁶
302. CLAS tuik tent forby o the faw in the nummer o Gaelic lairners, statin that it has taen "a nosedive tae the pynt that there is an existential threit tae the qualification." ³⁹
303. In her probation tae the Committee, Dr Birnie stresst that young fowk need tae hae opportunities tae lairn the leid in primarie schuil as it is unco haurder tae steemulate the uptak in saicondarie schuil. ³⁹
304. Education Scotland, ADES and HM Inspectors aw unnerscored the role that the 1+2 leid policie^{iv} haes played in spreidin Gaelic, wi HM Inspectors notin that existin statutorie guideship encourages aw bairns and young fowk tae lairn Gaelic in the schuil. ⁴²
305. Houaniver, in Professor McLeod's view, the implementation o the 1+2 strategie has gane bad fur Gaelic wi, in mony cases, local authorities drappin the existin Gaelic proveesion athin their schuils. ⁶
306. HM Inspectors wuid like mair schuils tae offer Gaelic as ane o their leids. They believe that this wull help tae arrest the decline in nummers that haes been seen in recent years. Bòrd na Gàidhlig said that they wuid like Gaelic tae be ane o the twa leids tocht in the schuils as weel.
307. CLAS raised the need tae provide successful lairners wi a pathway tae senior phase fur tae mak shair "whit is hauppenin in primarie schuils continyes tae develop and that in saicondaries the structure o the curriculum and the proveesion that is in place alloo them tae continye it." ³⁹
308. In her probation tae the Committee, the Depute Furst Meenister statit that she wis gey supportive o the Gaelic Furst approach taen in the Wastren Isles. While acknowledged that a balance wis tae be struck—
- ” there is some local autoritie airts in whilk there is communities o lairge nummers o speakers, sic as the Wastren Isles, the Heilands and Argyll and Bute, fur whilk I generallie favour a mair Gaelic Furst approach. ²
309. As wi saiction 11, saiction 15 mentions speceefic forder education that is gien by education authorities. Lydia Rohmer, Principal o UHI North, West and Hebrides reiteratit her pynt that ither forder education providers, sic as colleges, shuid be includit in the description in this saiction.
310. Saiction 18 o the Bill wull require a local autoritie tae set oot its plaun fur the proveesion o Gaelic education athin its Gaelic Leid Plaun, shuid it hae ane. The local autoritie maun consult interestit persons on thon elements o the plaun as

iv The 1+2 programme is the Scots Government's policie fur leid lairnin in Scotland. It ettles fur ivery bairn tae can lairn a modren leid (kent as L2) frae P1 until the end o the braid general education (S3). Addeetional, ilk child is entitelt tae lairn a saicond modren leid (kent as L3) frae P5 onwart.

weel.

311. The Policie Memorandum explains—

” The pouer fur the Scots Meenisters tae mak regulations anent the content o Gaelic Leid Plaun is expanded tae alloo fur forder proveesion anent the maitters whilk maun be incluidit. The Gaelic Leid Plauns o education authorities wull be strenthened by mair speceeficitie fur hoo the deleevery o Gaelic medium education and Gaelic lairner education shuid be approached as pairt o the Gaelic Leid plaunnin process.¹

312. Comman nam Pàrant (Nàiseanta) didnae anely walcome the proveesion fur education authorities tae include Gaelic education deleevery plaunnin in their Gaelic Leid Plauns but the proveesion whilk ensures that Comman nam Pàrant, along wi HM Inspectors wull be consultit as weel.²³ Stòrlann Nàiseanta na Gàidhlig suggestit that service deleevery agents ‘wi whilk the autoritie nicht work thegither’ shuid be addit tae the list o consultees.⁴⁹

313. In their response tae the cry fur views, CLAS airgued that it is vital that, unner these proveesions, leid plauns are yaised tae haud education authorities tae accoont.²¹

314. In their screivit probation, Glasgow City Council asked hoo these proveesions wuid wirk in practice. The local autoritie said that guidship and mutual support is aften gey beneficial; houaniver, “it is important that Education authorities uphaud control o the content that gangs intae the autoritie’s Gaelic Leid Plaun and hoo it fits intae their oweraw strategic plaunnin.”²⁷

315. Bòrd na Gàidhlig expresst wirrie anent saiction 18, statin that the measure is unnecessar gin Gaelic education is bein embeddit in the education seestem. The Bòrd airgued that it “gangs agin the prenciple o embeddin Gaelic education fou intae the education legislative arreengements”²⁸ and requeestit that the saiction be remuived.

316. The Committee taks tent o the disparitie in the evident regairdin whit effect saiction 15 wull hae. The Committee therefore asks the Scottish Government tae cleirly set oot, on the face o the Bill, whit the intention o this proveesion is, whit that intention wull win, and whin it wull be wun.

317. The Committee acknowledges cries frae mony stakehauders fur an expleecit richt tae GME. While the Committee unnerstauns the desire ahint sic cries, it taks tent o existin barriers tae deleeverin this, includin teachin staff nummers and ither resoorce challenges and grees wi the Scottish Government that this isnae required tae be in the Bill.

318. The Committee acknowledges forby the cries fur cleir pathways fur Gaelic lairners, fur tae mak shair that they can tak their lairnin frae primarie throu tae senior saicondarie schuil and win qualifications.

Gaelic Medium Education Assessments

319. Praisentlie, there is a two-levelt process gin a parent/carer wants their bairn tae be tocht in Gaelic medium primarie education (GMPE). Furst they mak a requeest tae the local autoritie, giein evident o demand amangst ither parents o bairns in the same year grup. The local autoritie maun then mak an ineetial assessment o the need fur GMPE. Follaein that, gin the local autoritie has determint that there is a potential need fur GMPE, it can unnertak a complete assessment o the need fur GMPE or tak the decesion tae gabound the proveesion o GMPE athoot an assessment.
320. The Bill wuid extend this process tae include Gaelic Medium Airlie Lairnin and Bairn-care (GMELC). The Bill wull alloo forby fur chyngees tae the Scottish Government's pouers tae mak regulations in relation tae threshauds required fur local authorities tae undertake initial assessments fur GME proveesion.
321. Mony organisations, includin Bòrd na Gàidhlig and Comann nam Pàrant, walcomed that the process wuid be extendit tae include GMELC. They unnerscored the importance o bairns bein immerst in Gaelic frae a young age and statit that this proveesion shuid alloo fur mair bairns tae receive this.
322. Donald Macleod, representin ADES, said—
- ” Gaelic-medium ELC is a massive driver o onwart uptak o Gaelic-medium primarie education and a key foond stane o that three-tae-18 Gaelic pathway.³⁹
323. In their screivit submeesion, Comhairle nan Eilean Siar cawed fur claritie athin the Bill as tae whither GMPE wull be providit in new airts in whilk GMELCs are establisht. That is, whither it wuid be startin a pathway that could be folloed intae primarie schuil.⁵
324. Comann nam Pàrant gang forder, statin that while a parental requeest fur GME might be furst fur ELC or GMPE, education continyes ootthrou saicondarie schuil and that there wull need tae be proveesion maed ootthrou education. They addit that the vauriation in proveesion seen praisent atween schuils suggests that clarification is essential on the saicondarie curriculum.²³
325. In their response tae the cry fur views, Foghlam Thidsearan at Sabhal Mòr Ostaig unnerscored—
- ” The development o Gaelic Medium Education at saicondarie schuil level, and particular at the senior phase, is essential gin GME pupils are tae leave the schuil as fluent and confident Gaelic speakers that can see a viable future fur themsels as memmers o the Gaelic communitie.⁴³
326. Numerous submeesions, while walcomin the proveesion fur parents/carers tae can requeest GMELC, unnerscored that the process tae requeest GMPE is bummlin and requires simplification.
327. Dr Birnie o SCDE tuik tent o hoo complicatit the process praisently is fur parents tae secure Gaelic medium education. Houaniver, HM Inspector statit that the "extent tae whilk parents maun campaign fur aiccess tae Gàidhlig shuid be reduiced by

Gàidhlig bein embeddit intae Scots Education." 42

328. Comann nam Pàrant suggestit that the process could be streamlined by replacin the two-levelt assessment process wi a requirement fur local authorities tae hae ane hale assessment. 23
329. When giein probation alongside the Depute Furst Meenister on 22 May, the Bill team recognised that the praisent seestem pits quite a heavie burden upon parents as it requires them tae find five bairns in the same year gruiop that want tae receive GME as weel.
330. The Bill team unnerscored that saiction 22 o the Bill wuid gie a pouer tae chynge the nummer o five fur airts o lingueestic signeeficance and/or ither airts, statin that the Government could "potentiallie pit in a bit mair nuance", tae mak the process easier. 2 These meisures wull be subject tae the affirmative procedure.
331. ADES recognised that the Bill ettles tae simpliffee the process fur parents that want their bairns tae be tocht in a GMPE environment. Houaniver, they haudit at caution, unnerscorin the need tae gabound "genuine, sustainable and resoorced demand and that the legislation leads tae the creation o viable proveesions whaur there is a genuine need fur them tae be establisht. We dinnae want requirements bein imposed on authorities whaur demand isnae sustainable, semplie as a side effect o the legislation." 39
332. Altho they walcomed new staunerts and clarification o the process, Glasgow City Council unnerscored forby that the accresst dutie tae unnertak assessments as tae the need fur GMELC wull hae financial and staffin implications fur local authorities.
333. Saiction 24 wull amend saiction 50 o the Children and Young Fowk (Scotland) Act 2014 sae that an education autoritie is required tae consult on whither and, gin sae, hoo it shuid mak Gaelic medium airtie lairnin and bairn-care available.
334. The Bill team explaint that education authorities maun awreidie consult their communities on a regular basis fur tae ask whit kynd o ELC they want and whaur. They explaint that this is fur tae help authorities plaun, sae that the services that they design are appropriate tae the needs o their communities.
335. The Bill team continyed tae say that, at praisent, there is nae requirement fur education authorities tae ask anent leid. Saiction 24 wull chynge this, fur tae mak shair that whin that exerce is cairried oot, the quaisten anent leid is bein askit. 2
336. The Committee taks tent o the evident supportin the proveesion tae extend the richt tae requeest Gaelic Medium Primarie Education, tae noo include Gaelic Medium Airtie Lairnin and Bairn-care.
337. The Committee taks forder tent, houaniver, o evident frae local authorities relatin tae the resoorces required tae unnertak assessments and the need fur demand tae be sustainable. The Committee taks tent that the Financial Memorandum disnae set oot the costs o sic an extension.

Forder and Heicher education

338. Saiction 25 provides that Scottish Government fundin o the Scottish Funding Council micht include “terms and condeetions fur the etllin o enablin, encouragin or acessein parteeicipation in fundable forder education and fundable heicher education in the Gaelic leid and in Gaelic culture.”¹
339. The Committee received probation frae communitie organisations unnerscorin the importance o lairnin opportunities fur fowk o aw ages.
340. An Comunn Gàidhealach stresst that there needed tae be a mair comprehensive strategie fur schuil leavers luikin tae yaise their leid skills, fur exemple modren apprenticeships throu the medium o Gaelic.⁴
341. In their response tae the cry fur views, Ceòlas statit that trainin at aw levels is required tae strenthen Gaelic skills and expertise o Gaelic includin continuous professional development. They statit forder that there is gaps in skills and confidence whilk creates a barrier tae thon that may itherweys apply fur Gaelic essential/desirable posts and that trainin needs tae be aiccessible and available in aw communities.¹⁹
342. CLAS advocatit a signeeficant growth in the proveesion o forder and heicher education fur Gaelic medium, takkin tent that a lack o graduates in Gaelic or Celtic Studies haes a muckle impact upon the nummers o qualified saicondarie teichars.²¹
343. The Committee taks tent o the link atween creatin mair opportunities tae speak and studie Gaelic in forder and heicher education and developin mair Gaelic speakin capacitie athin the wirkforce, includin new Gaelic teichars.
344. The Committee asks the Scottish Government whit meisures it intends tae introduce in relation tae forder education, fur tae help address the issue o smaw teichar nummers, whit the cost o thon meisures wuid be tae the providers and whither the Scottish Government intends tae meet the cost o that new proveesion.
345. The Committee asks the Scottish Government hoo it wull mak shair that Gaelic lairnin is available in education ayont the schuil forby, includin forder education and apprenticeships.

Scots leid

346. Measures athin part 2 o the Bill relate tae Scots.
347. The furst measure is saiction 26, that provides fur the offeecial status o the Scots leid. This is communed airlier, alongside saiction 1, whilk provides fur the offeecial status o the Gaelic leid.
348. As taen tent airlier, in paragraphs 63 tae 69, a key issue brocht up in probation wis the diversitie o the leids and byleids athort the kintra, and the need fur the legislation tae recognise that expleecit.

Scots Strategie

349. Saiction 27 wuid require Scots Meenisters tae prepare and consult upon a Scots leid strategie.
350. Ministers and Scots public authorities wull hae tae “hae regaird tae” the strategie in performin their exerces. Meenisters wull then report on progress o the strategie. This is a different approach tae the ane fur the Gaelic strategie, the progress o whilk wull be reportit on by Bòrd na Gàidhlig insteid o the Scottish Government.
351. In their response tae the cry fur views, Scots Hoose statit that a Scots strategie coud hae a positive impact in a nummer o weys—
- ” A strategie that gies valye and practical support tae the leid o young Scots throu education and athin their communitie and athort braider Scots societie as weel woud help tae normalise the Scots leid in positive weys and challenge and howpefu end the discreemination young Scots speakers thole in modren Scotland on a daily basis.⁵⁰
352. Oor Vyce cawed fur the initial strategie tae be detailt in its short-term plauns and bold in its veesion fur the future. In their view, the strategie shuid kiver communitie, education, baith new and existin speakers, primarie, saicondarie and tertiarie levels, broadcastin and media and governance framewark.
353. They suggestit forby that the strategie set oot a timetable o actions tae be wun in the short-term, as weel as hoo success wull be meisurt.¹⁰
354. Dr Michael Dempster greed on the need fur the strategie tae include mairkers fur success. He cawed forby fur the inpit and incorporation o lingueestic richts intae Scots Law athin the Bill.⁶
355. Common Weal suggestit that the strategie include conseederation o hoo adult lairners o Scots wuid be faceelitatit.
356. As unnerscored airlier, while walcomin the potential o the Bill tae “provide pertection tae leid in Scotland”,⁷ Orkney Islands Council has been gey cleir in their evident that Orcadian is different frae the stauert Scots that haes been yaised in the Scots translation o the Bill, wi different sentence structures and syntax.

357. Orkney Islands Council is worried that "a national Scots Leid Strategie and a push fur staurt education in or around Scots mich unintentionallie erase Orkney's unique vyce." ⁴⁰ They are therefore luikin fur reassurance that Orcadian haes been conseedert and wull be perfectit unner the Bill.
358. COSLA alike this unnerscored the need fur conseederation and inclusion o ither varieties and byleids o Scots, includin Doric.
359. When giein probation tae the Committee, Dr Michael Dempster assertit—
- ” Ane o the strenths o the Scots strategie is that we can brin thegither byleids and see whit they hae in common. Whaur dae we wirk fae, fae here? Hoo does the Shetland speaker speak wi the Dumfries speaker? Whit is common there? ⁶
360. As wi the National Strategie fur Gaelic, several respondents unnerscored the importance o the consultation that wuid tak place in the preparation o the Scots Strategie. The submeesion frae Scots Radio statit—
- ” I feel that the maist important aspect o this new Bill wull be tae involve communities richt at the beginnin sae that the communities can feel pairt o the process. By sae daein, it wull be gabounded that the regional leid diversities wull be safegairded. ⁵¹
361. The Scots Language Centre and The Doric Buirid stress forby the need fur "genuine and braid engagement richt athort the kintra" ¹⁷ in the development o the strategie, fur tae mak shair that the diversitie o the leid is reflecit athin it.
362. Some respondents, includin the Association for Scottish Literature, expresst concern that Meenisters wull report on hoo successful the strategie haes been, instead o an independent Buirid or Commeessioner. ⁵²
363. The Committee received mony cries frae individuals and organisations includin TRACS, Education Scotland, and Oor Vyce fur a statutorie Scots Buirid tae be established, similar tae Bòrd na Gàidhlig and the role it plays fur Gaelic.
364. In their response tae the cry fur views, Scots Language Dictionaries statit, gin a Board wis tae be created, it shuid be 'bottom up' in its design, wi buirids or equeivalent in place fur ilk byleid/region sic as the Doric Leid Buirid and Shetland ForWirds. ¹⁵
365. Houaniver, whin giein probation tae the Committee, Professor Robert McColl Millar unnerscored the importance o unnerstaunin that there is an owerarchin connection atween the variants and byleids. He caitioned that "gin we wis tae caw wirselves a collective o different byleids, that wuidnae really mak us gey strang; it wuid be an easie wey o pickin us aff, ane at a time." ⁶
366. The Scots Leid Associe expresst doubts anent a Scots Buirid, quaistenin wha wuid chuisse the memmers. ⁵³
367. Oor Vyce suggestit that, aheid o the creation o ony Scots Buirid, a voluntarie grupp be set up. This grupp shuid be "representative o different Scots byleid regions,

heritage and artistic organisations, and other key actors" ¹⁰ and should be consulted on the strategy (section 27), guidance for public authorities (section 30), guidance for education authorities (section 32) and standards relating to Scots education (section 33).

368. The Bill team explained that Scots structures are being put in place. While there is no overture for a Scots Board at present, the Bill team underscored that there is an invitation to Scots boards, and leaders of those boards, to contribute to the preparation of Scots standards and guidance. ⁶

369. Dr Dempster, representing the Scots Language Centre, took note of these invitations but underscored that Scots organisations were aware of, given no work in advance, their capacity, yet the financial memorandum is "presented as though there will be zero costs for the centre" in support of additional policy development. ⁶

370. During the meeting of 22 May, the Deputy First Minister stated—

” I am a lot more interested in [outcomes and outputs] and in distributing the funding direct among communities than I am in establishing structures and organisations. ²

371. In terms of the implementation of the strategy, the Association for Scottish Literature said that there was presently a lack of clarity as to how local authorities would implement the Scots strategy. They queried for why local authorities were not expected to have a Scots Plan as they are expected to have a Gaelic Plan. ⁵²

372. More detail was requested for by local authorities, including Dumfries and Galloway Council, that wished for a "better understanding of the detail of expectations of Councils, in particular those expectations with financial implications." ³⁷

373. Public boards such as the SQA agreed that clarification is required on what duties, responsibilities, and obligations will arise from the strategy for Scots. ³⁰

374. As with the proposed Gaelic strategy, all relevant public authorities would have a duty to have regard to the Scots language strategy in carrying out their exercises. The Financial Memorandum states that "costs to local authorities of bringing their activities in line with the Scots strategy, Scots standards and Scots guidance will be difficult to predict as the precise content of those documents is not yet known". ⁵⁴ Given this, COSLA urged that this detail be placed on the face of the Bill. ³¹

375. The Committee takes note of the provision in the Bill for the drafting of a National Scots Strategy by Scots Ministers. The Committee believes that it is important that the strategy recognises the rich diversity of Scots leids and byleids.

376. Given the concerns brought up in probation at Stage 1, the Committee asks the Scottish Government to consider whether the Bill, as presently drafted, encompasses enough the range of leids and byleids that it considers constitute the umbrella term 'Scots', for to provide a meaningful definition and sufficient clarity for the targeting of the 'support' the Bill envisages.

377. The Committee grees wi the Depute Furst Meenister that there shuid be a focus on ootcomes and in distributin the fundin direct amang communities.
378. The Committee taks tent that, in the absence o a Scots Leid Buird, the Scottish Government is relyin on Scots organisations tae engage.
379. The Committee taks forder tent that, gien resoorce constraints, thon organisations michtnae hae the capacitie tae engage in these processes ahtoot affectin their ither activities.

Leid guideship

380. Saiction 30 gies Scots Meenisters a pouer tae gie guideship tae relevant public authorities relatin tae promuivin, faceelitin and supportin the uiss o the Scots leid and developin and encouragin Scots culture.
381. In preparin the guideship, Scots Meenisters maun consult interestit persons. The explanatorie notes state that this coud include, fur exemple, the Scots Language Centre, Scots Hoose and Yaldi Buiks.³⁸
382. In their screivit response tae the cry fur views, COSLA statit that local authorities maun be addit tae the list o organisations tae be consultit.
383. The Association for Scottish Literature statit that guideship on stauerters is walcome; houaniver, they stresst that there needs tae be a "cleirer statement o mechanisms o implementation and owersicht".⁵² The Scots Language Centre is cawin forby fur a strenthenin o the guideship proveesions athin the Bill, sae that the Scottish Government "maun" gie guideship instead o "micht".
384. Subsaiction 5 o saiction 30 defines Scots culture as includin "...the tradeetions, ideas, customs, heritage and identitie o thon that speak or unnerstaun the Scots leid".
385. In their response tae the cry fur views, TIE conseedert that this coud be read as gin there wis ane homogeneous culture whaureas the tradeetions, ideas, customs, heritage and identitie o thon that speak or unnerstaun the Scots leid are vauried. TIE therefore urged a re-dreftin o this defineetion tae be mair inclusive o the mony Scots tradeetions and leids.⁵⁵
386. The Scots Leid Associe quaistened wha wuid set the stauerters and guidelines. They unnerscored forby that there wis—

” some greement that a stauert screivit form o Scots micht be desirable sae lang as it isnae prescriptive.⁵³
387. In his response tae the cry fur views, Chris Gilmour advocatit that, whin creatin guideship fur public buirds, Scots Meenisters shuid empley Scots speakers tae help them. He addit that these speakers shuid be drawn frae "no jist a braid reenge o

saictors, regions and social strata, but that they shuid use Scots speakers disproportionate frae DE social grades and ootwi the education and communications saictors.”⁵⁶

388. The Committee recognises the concerns o some stakehauders that the reference tae "Scots culture" could be read as ane culture, insteid o the mony Scots tradeetions and leids.
389. The Committee therefore recommends that the Scottish Government reference mair explicit the Scots leids and byleids in aw their forms athin the Bill and seeks the Scottish Government response tae these wirries.
390. Gien that multiple meisures in the Bill wull involve consultation wi relevant organisations, fur exemple on stauerters and guidship in relation tae Scots leid and Scots education, the Committee asks the Scottish Government fur an assurance that it wull consolidate consultations as aften as possible, fur tae tak intae accoont the impact on resoources o multiple consultations on public buirds and interestit parties and whin it proposes tae unnertak these consultations.

Scots Education

391. Saiction 31 requires Scots Meenisters tae promuive, faceelitate and support Scots leid education in schuils. An education autoritie maun promuive, facilitate and support Scots leid education in the the schuils unner its management as weel.
392. Local authorities quaistened the purpose o the meisures pertainin tae Scots education. In their submeesion, City of Edinburgh Council statit that athin their schuils, there is praisently engagement wi Scots, in lairge pairt throu inter-disciplinarie activities and lairnin linkt tae literacie and literacies.
393. They statit forder that it wisnae cleir whither the Bill intends tae encourage mair o this wirk or whither Scots is tae come unner the 1+2 agenda. They askt forby fur claritie as tae hoo the inclusion o Scots wull be plaunned, supportit and resoored.
394. The Bill team explaint that the Bill is tryin tae create an "authorisin environment" ⁶ sae that teichars that wish tae yaise Scots in the clessruim ken that they are alloood tae dae this.
395. The Bill team, ⁶ Bruce Eunson o Education Scotland and Dr Sylvia Warnecke o Open Universitie unnerscored the reenge o resooces as weel as new professional lairnin that wis in place fur tae support and encourage teichars tae unnerstaun and yaise thon resooces tae brin Scots intae the classroom. ³⁹
396. Houaniver, mony contreebutors statit that the Bill wuidnae require a new component tae be addit tae the curriculum. Bruce Eunson o Education Scotland stresst that there wis awreidie a lot o wirk bein daen in and on Scots in classrooms athort the kintra and these meisures wuid mak shair that it wis recognised—
- ” All 32 local authorities wull hae schuils that use Scots in some form—they just nichtnae be in the habit o cryin it Scots. Speakers in Aiberdeen wull cry it Doric, speakers in Orkney wull cry it Orcadian and speakers in Shetland wull perhaps cry it Shetland byleid, Shetlandic or just Shaetlan.
- We want the bill tae mak shair that whin local authorities are asked fur evident o whit they hae been daein, they wull aw answer wi details o that wirk. ³⁹
397. Orkney Islands Council told the Committee that, in Orkney, aw pupils are tocht Orcadian as their L3 (within 1+2) fur tae mak shair that aw children wull hae the capacitie tae unnerstaun and yaise it. ⁷
398. Fur Education Scotland, twa key focuses fur Scots activitie in schuils shuid be that—
- nae child in Scots education shuid be discreeminatit agin fur the leid they speak and
 - nae memmer o education staff at ony level shuid be discreeminatit agin fur the leid they speak. ¹⁸
399. The Committee received probation, frae Scots Hoose, the Scots Language Centre

and the Scottish Government, whilk statit that the uiss o Scots in the schuils haed led tae impruived attitudes and engagement, and accresst confidence and attainment.

400. Scots texts and scribevins can be yaised in SQA qualifications in English and the SQA offers awards in Scots leid and Scots studies as weel.
401. The Scots Studies Award mich include units kiverin Gaelic, Scots or English. The Scots Leid Award is sized as [12 SCQF pynts](#). This is hauf the size o a National 4, 5 or Higher whilk are sized as 24 SCQF pynts. 1 SCQF pynt nominallie equates tae 10 oors o lairnin, includin instruction, preparation and sae on.
402. In 2023, there wis a total o 1,585 entries (frae local authorities schuils) fur the Scots Studies Award, frae [SCQF levels 2 - 6](#). There wis 395 entries fur the Scots Leid Award, frae SCQF levels 3-6.
403. In his probation tae the Committee, Bruce Eunson o Education Scotland, tuik tent that aw local authorities can awreidie include Scots as their L3 option athin 1+2, as Orkney Islands Council has daen. Houaniver, praisent Education Scotland guideship⁵⁷ states that, tae be an L2, pupils maun can tak the leid on tae a National Qualification.
404. He addit that, shuid there be progression forrit, and the development o mair Scots qualifications, Scots could be anither option as an L2. As a result, "we could see its role in the ane-plus-twa offer develop even mair."³⁹
405. The Association for Scottish Literature and the Scots Language Centre haed a mair signeeficant chyng in mind. The Association for Scottish Literature suggestit—
- ” a future examination / qualifications authority shuid require a greater level o mandatorie kiverage o Scots leetereither either in the exam or as pairt o coorsewark assessment and we think as weel that a Scots Leid Qualification shuid be developt at National 5-6 levels fur tae complement the existin Award.⁵²
406. The Scots Language Centre alike this advocatit—
- ” a fou stream o education and support o Scots frae airle years throu primarie and saicondarie education, integration o Scots wi speceefic qualifications at aw SCQF levels, and Scots' inclusion in aw communication skills HNC/D modules, wi the development o single honours Scots leid and/or leetereither degrees and post graduate programmes.¹⁴
407. They cawed forby fur Scots tae be includit in aw performance and leid based creative programmes as this wuid be vital tae Scots leid cultural production.¹⁴
408. Vaurious respondents includin Scots Radio and the Scots Language Centre, while walcomin proveesions fur schuil education, stresst the importance o ensurin that there wis opportunities as weel fur adults tae lairn Scots and anent Scots.
409. In her probation, the Depute Furst Meenister greed wi the need fur ither opportunities and statit that the prenciple o effective fluencie applies tae Scots as weel as Gaelic—

” Ane can demonstrate academic and effective abilitie tae read, screive and speak a leid, but fur it tae be a livin leid, it haes tae come intae uiss athort life. Therefore, the responsibility on us—indeed, on aw o us—is tae bring leids tae life ayont the clessroom.²

410. The Committee taks tent that Scots activitie is awreidie takkin place in schuils and that some resoources and professional lairnin is available fur tae support teichars.
411. The Committee taks tent as weel that some local authorities are unclair as tae whit role Scots education is tae play athin the curriculum.
412. The Committee heart different veesions fur Scots education frae witnesses and in screivit probation. It is unclair tae the Committee whither the primarie focus is tae, fur exemple—
- mak shair that fowk can yaise the leid that they are maist comfortable wi
 - develop an appreciation and unnerstaunin o local heritage and culture
 - develop a Scots curriculum
413. The Committee therefore asks the Scottish Government fur a cleirer airticulation o whit role Scots education wull play, whit it howps tae achieve wi Scots education and hoo it wull meisure success.
414. The Committee asks that the Scottish Government clarify hoo Scots leid is tocht athin the 1+2 leid framewark includin hoo it taks different byleids and variants intae accoont.

Guideship relatin tae Scots leid education

415. Saiction 32 gies Scots Meenisters a pouer tae gie guideship tae education authorities anent Scots leid education in schuils. Scots Meenisters maun consult interestit persons in preparin the guideship.
416. As wi Scots leid guideship, COSLA cawed fur local authorities tae be includit in the list o thon tae be consultit on Scots education guideship.
417. In their response tae the cry fur views, the Doric Buid stresst the need fur the stauerters and guideship tae recognise, support, encourage and celebrate the "reenge o byleid and lingueestic diversitie athort the nation and makkin shair that this is central tae the hale approach o supportin Scots in education."¹⁷
418. COSLA unnerscored that the Bill disnae airticulate whit the guideship on Scots education in schuils is likelie tae haud, apairt frae the promuivement o the Scots Leid. They therefore cawed fur mair clarification as tae whit the guideship wuid kiver.
419. Ultimatelie, it luiks as gin it wull be a decesion fur local authorities. In her probation tae the Committee, the Depute Furst Meenister statit—

” It is a local chyce. A local education committee micht want tae hae mair Scots teichin in its schuils. That wull be an internal conversation fur the local autoritie, acause local authorities hae the freedom tae mak deceesions.²

420. As wi offeecial status fur Scots and the Scots strategie, the Committee recommends that the Scottish Government recognise the rich diversitie o Scots leids and byleids whin developin its guideship on Scots education, tae tak intae accoont the reenge o leids and byleids that it conseeders tae come unner the umbrella term 'Scots'.

Stاونerts athin education

421. Saiction 33 gies Scots Meenisters pouer tae mak regulations fur tae prescribe the staunerts and requirements tae whilk an education autoritie maun conform in dischairgin its exerces in relation tae Scots leid education in the schuils unner its management.
422. Regulations micht mak different proveesion fur different ettlins and different airts (includin different pairs o an education autoritie's zone). Scots Meenisters maun consult interestit persons in preparin the regulations³⁸ whilk wuid then be set oot in subordinate legislation subject tae the negative procedure.¹
423. The Bill team statit that the settin o the strategie and staunerts wull impruive whit parents can "expect in the classroom and whit teichars and local authorities shuid expect tae deelever in certain circumstances. It brings aboot growth and impruivment in qualitie."⁶
424. The team confirmt, houaniver, that staunerts coud be different fur different airts. This means, fur airts sic as the Wastren Isles, it wuid be possible fur nae duties tae be imposed in relation tae Scots.⁶
425. Local authorities again cawed fur mair claritie on whit staunerts wuid mean. Dumfries and Galloway Council descrived the word staunerts as "too undefined" whilk leaves "too mony airts o potential financial uncertaintie".³⁷
426. The General Teaching Council (GTC) Scotland cawed forby fur mair claritie, speceefically in relation tae the staunerts that wuid be set fur Scots in schuils and hoo they wuid interact wi its statutory exerces o determinin recognised teachin qualifications, accreditin Initial Teichar Education (ITE) programmes and settin the meenimum requirements fur entrie, as weel as settin the staunerts that teichars are required tae meet and maintain.⁴⁶
427. Ither organisations cawed fur the strenthenin o staunerts, fur tae gabound impact. Fur Scottish Arts and Humanities Alliance (SAHA), that means chyngin the langage in the Bill sae that staunerts and requirements 'maun' be specified, instead o 'micht' be specified.¹¹

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

” Scots maun be tocht in a seestemised and structurt wey in schuils. This maun be mandatorie and biggit intil the curriculum. Siller and resoources maun tae be providit.⁵³

429. Gien that the requirements ony stauerters or guideship coud pit upon local authorities coud be signeeficant, the Committee asks the Scottish Government fur sicht o dreft stauerters and requirements fur tae illustrate whit meisures and requirements nicht be includit, as weel as the projectit costs tae local authorities associatit wi thon meisures, at the latest afore Stage 2.


430. The Committee asks the Scottish Government as weel tae gie a cleir statement on whither—

- a local autoritie is obliged tae implement thon meisures regairdless o cost,
- the local autoritie haes fou discretion tae implement the meisures set oot in the Bill and ony future ancillarie proveesions
- ance implementit, a local autoritie haes the abilitie tae amend, cease, or modify sic meisures, shuid it wish tae dae this.

431. The Committee asks the Scottish Government tae explain hoo it wull gabound alignment wi the GTC Scotland in respect o relevant regulations fur Scots education.

Conseederation o delegatit pouers

432. Tent haes been taen by mony giein probation tae the Committee that a lot o the detail o whit the Bill seeks tae pit in place wull be providit in the strategies, guideship, stauerters and directions creatit in relation tae Gaelic and Scots.
433. The Bill wull provide fur, in baith Gaelic and Scots—
- A national strategie
 - Leid guideship
 - Education stauerters
 - Guideship relatin tae education
434. It wull provide pouers as weel fur Scottish Meenisters tae prescribe Gaelic leid stauerters and mak directions regarding—
- the functions o relevant public authorities in relation tae Gaelic
 - Gaelic Leid Plauns
 - Staundards athin Gaelic education
 - Gaelic education
435. It is the role o the Delegatit Pouers and Law Reform (DPLR) Committee tae check whither proposed pouers tae mak saicondarie legislation in Bills, sic as these, are appropriate.
436. At its meetin on 5 Mairch 2024, the DPLR Committee conseedert the pouers tae mak saicondarie legislation athin this Bill.
437. The Committee greed tae [write tae the Scottish Government](#) fur tae raise quaistens in relation tae 9 o the 18 pouers confert by the Bill—
- Pouers tae expedite guideship: saictions: 4(2), 7(2), 9(6), 13, 30 and 32(1);
 - Uiss and proportionalitie o directions in the Bill:
 1. Saiction 7(2): Pouer fur Scottish Meenisters tae gie directions tae relevant public authorities;
 2. Saiction 9(6): Gaelic Leid Plauns;
 3. Saiction 12(5): Pouers fur Scottish Meenisters tae gie directions in relation tae stauerters fur Gaelic Education; and
 4. Saiction 14(2): Directions tae education authorities relatin tae Gaelic education.
438. The Scottish Government [responded on 19 Mairch 2024](#).

439. Follaein its conseederation o this correspondence, the Committee wis generally content tae note the responses frae the Scottish Government and the forder information gien.
440. Houaniver, the DPLR Committee wished tae unnerscore twa pynts in its [report](#) tae the lead Committee.
441. The furst concerns the guideship proposed unner saictions 4(2), 7(2), 9(6), 13, 30 and 32(1). The Committee asked the Scottish Government tae clarify the nature o this guideship, and in particular, whither the guideship is intendit tae assist or direct local authorities. In ither wirds, the DPLRC asked whither the guideship is administrative or legislative in nature, and—
- Gin it is administrative, why is it conseedert necessarie tae place a dutie on local authorities tae hae regaird tae it?
 - Gin it is legislative, why it isnae subject tae ony Pairlamentarie procedure?
442. The response frae the Scottish Government statit—
-  The guideship proposed unner ilk o the saictions referred tae abuin is intendit tae assist local authorities (in the case o proveesions relatin tae airts o lingueestic Signeeficance) or public authorities (in the case o the ither saictions mentioned) in complyin wi their duties. The essential caractereestic o guideship is that it is advisorie insteid o directorie and disnae impose legal bindin duties. The guideship wull therefore no be o legislative character and as sic it wuidnae be appropriate tae attach Pairlamentarie procedure tae the pouers tae expedite guideship. Houaniver, failure tae comply wi guideship micht be relevant in determinin whither an autoritie has complied wi the duties creatit by the Bill. We conseeder it appropriate fur autorities tae be required tae hae regaird tae the guideship whin makkin a relevant decession, fur tae conseeder hoo that guideship micht be relevant tae the cairryin oot o their functions. There is mony legislative exemples o a dutie tae hae regaird tae guideship.
443. In its report, the DPLR Committee tuik tent that, whilst it isnae uncommon fur guideship tae be subject tae a “must hae regaird tae requirement”, whither that is appropriate wull depend on the circumstances and the nature o the guideship proposed. In this instance, it appears the nature o the guideship is tae assist insteid o direct.
444. The Committee therefore drew aw o the guideship-makkin pouers tae the tent o the lead committee fur tae conseeder whither, in the circumstances, it is appropriate and necessarie tae gie the guideship tae be expedit legal force by makkin it subject tae a “maun hae regaird tae” requirement.
445. The saicond issue unnerscored by the DLPR Committee relates tae the uiss and proportionalitie o directions in the Bill, in respect o saiction 9(6): Gaelic Leid Plauns.
446. The Committee asked the Scottish Government—
- Why dae the Scottish Government conseeder that a direction-makkin puer is proportionate in the circumstances, gien that a relevant public autoritie wull require tae hae regaird tae ony guideship expedit unner saiction 7A o the 2005

Act and apply ony stauerters and requirements specified in regulations maed by Scots Meenisters unner saiction 2C o the 2005 Act?

- Dae the Scottish Government anticipate that it wullnae be cleir on the face o the regulations whit stauerters or requirements maun be met by relevant authorities? Gin no, why is this pouer necessar?

447. In its response, the Scottish Government tuik tent that there is precedent fur its approach in the 2005 Act and that it is proportionate tae mak shair that Scots Meenisters hae pouers tae require action athort aw elements o the leid plaunnin structure providit ootthrou the Bill.
448. Houaniver, the Scottish Government acknowledged that the circumstances in whilk this pouer could be yaised micht be quite remote and leemitit. It statit that it wull conseeder streamlinin the reenge o direction-makkin pouers as the Bill proceeds. The Scottish Government confirm forby that it isnae intendit that the pouer be yaised tae supplement, clarify or amplify the law
449. In its report, the DLPR Committee stresst that delegatit pouers shuid anely be taen whaur necessar and halely justified. Frae Scottish Government's response, the Committee conseedert there is some doubt as tae the necessitie o takkin this pouer.
450. The Committee tuik tent that the Scottish Government intends tae conseeder this maitter forder and unnerscored its response tae the lead committee.

451. The Committee taks tent the pynts maed by the Delegatit Pouers and Legal Reform Committee in its report and seeks anither response frae the Scottish Government on these maitters. Speceeficallie, the Committee asks the Scottish Government tae set oot whither it intends tae streamline the reenge o direction-makkin pouers in the Bill and, gin sae, tae set oot details o hoo this wull be daen.

Financial Memorandum vs Finance

452. The Financial Memorandum (FM) sets out the expected additional costs that will arise from the Bill – around £700k over five years. The FM sets out the costs of taking forward the provisions in the Bill, not the costs of the consequences of those actions. For example, it gives estimates of the costs to develop strategies, that is additional work for existing public servants in local or central government, but no costs of delivering on those strategies.
453. The FM gives for by an insight into how the Scottish Government expects provisions of the Bill to be raised and sequenced over the first five years of operation. These include—
- around five local authorities are expected to seek to designate an area of linguistic significance in the first five years
 - the National Gaelic Strategy is expected to cover the five-year period from 2028
 - the National Scots Strategy and the statutory guidance will be developed in 2025-26
 - regulations setting education standards for both Gaelic and Scots are expected around 2025-26.
454. The FM states—
- ” The main impact of the Bill provisions is a shift in activity, a repurposing of resources in terms of effort and time. The Scottish Government considers that provisions do not create complete new costs or a requirement for complete new spend.⁵⁴
455. In her probation to the Committee, the Deputy First Minister stated that the Bill gives legal backing to what is already in place. It does not place “a muckle suite of new requirements and regulations” on public bodies that are, in many cases, already doing this work.² The Deputy First Minister added—
- ” The financial memorandum is an estimate based on the work that is already happening, on the understanding that there might be a need to do a little more work or to pivot to other work.²
456. The vast majority of those that provided probation to the Committee expressed their disappointment that the Financial Memorandum had such limited costs. They underscored what they see as a fault of resources for Gaelic and Scots, and the need for increased funding to support the leids.
457. Multiple respondents, comprising individuals and organisations including Misneachd Alba, Glasgow City Council and Bòrd na Gàidhlig, argued that there has been an under-investment in Gaelic since, and before, the passing of the Gaelic Language (Scotland) Act 2005.
458. In its submission, Glasgow City Council also stated that the total Gaelic budget is £29.6m in 2024-25, that it stated is approximately 0.0005% of the total budget of

Scotland o £59.7bn. It tuik forder tent that the budget fur Bòrd na Gàidhlig accresst frae £4.4m in 2006-07 tae £5.125m in 2024-25, an accresst that Glasgow City Council descrived as "paltry".²⁷

459. Urras Thiriodh greed, statin that "the existin fundin fur Gaelic alane haes been ample demonstratit tae be complete inadequate... Gaelic cannae survive and thram athoot accresst fundin".²⁴
460. The Bill team unnerscored that altho the Gaelic and Scots budget fur 2024-25 is £29m, there is ither fundin tae Gaelic and Scots projec forby throu ither public buirds includin Creative Scotland, Highlands and Islands Enterprise, Skills Development Scotland, NatureScot, Education Scotland and the SQA. Sicweys, there is mair nor £29m spent on Gaelic and Scots ilka year.⁶
461. Communitie development has been unnerscored regular as bein key tae the strenthenin o Gaelic, fur tae mak shair that it remains a livin leid and no just an academic ane.
462. Airlier this year it wis annooned that top-up fundin o £354,000 fur tae support Gaelic Development Officers, that haed been in place fur 2023-24, wisnae bein continyed fur 2024-25.
463. Hantle indiveeduals and organisations includin An Comunn Gàidhealach and Culture Coonts creeticised this deceesion, statin that it cawed intae quaisten the valye bein placed upon Scotland's leids and Gaelic in parteecular.⁵⁸
464. On 5 Aprile 2024, the Scottish Government confirmt that it wuid gie ineetial fundin o £175,000 fur 2024-25, fur tae pay fur 27 jobs focusst on communitie development at Bòrd na Gàidhlig. It askt the Bòrd as weel tae cairrie oot a review o the communitie scheme fur tae help guide whit forder fundin micht be needit.⁵⁹
465. In its probation tae the Committee, Bòrd na Gàidhlig tuik tent that communitie wirk isnae anely creetical but in muckle demand as weel. It unnerscored that its communitie grant scheme, its primarie fund fur supportin projec tae promuive and accresst the uissage and lairnin o Gaelic at communitie level, is signeeficantly owersubscribed; sae uncoly that the Bòrd coud anely fund - or pairt-fund - 39 per cent o projects in the last fundin cycle.⁶⁰
466. In response tae the cry fur views and durin probation sessions, local authorities, organisations and indiveeduals aw cawed fur mair resoources, statin that the Bill's ettlings wullnae be wun athoot mair financial support. Whin giein probation tae the Committee, Bòrd na Gàidhlig statit that, ultimatele—
- ” There is an investment crisis in Gaelic that disnae match the policie aspirations that hae been set oot fur the leid. Ye can hae great policie, but gin the fundin model isnae eneuch, the policie wull fail, whereas weak policie can mak a difference gin it haes money ahint it.⁷
467. Maist indiveeduals and organisations acknowledged the difficult financial climate; houaniver, hantle respondents, includin Misneachd Alba, statit—

- ” leid shift is an ongaun process whilk wullnae wait until the Economie is stranger: indeed, resairch in Ireland has kythed that economic doonturns accelerate leid shift, takkin vitalitie frae the leid communitie whilk cannae aisie be rekivered later on. ¹²
468. When giein probation tae the Committee, the Depute Furst Meenister and the Bill team hae repeatedly maed a disteenction atween the costs set oot in the Financial Memorandum and the braider spend on Gaelic.
469. The Bill team explaint that the Bill is tryin tae create a signeeficant shift but daein sae—
- ” principal by reprioritisation and impruivin the status and visibilitie o the leids...
That is a slichtly separate thing tae the amount o money applied, year on year, throu the budget process tae Gaelic and Scots. That is fur the budget bill and wull be deciddit year on year. ⁶
470. Oor Vyce expresst its disappyntment that the Bill and associatit documents dinnae mak proveesion fur accresst fundin fur Scots and Scots organisations. They statit that it "quaistens hoo a bold new agenda can be wun ower and abuin whit we hae theday". ¹⁰
471. The Association for Scottish Literature tuik tent that "the gey small nummer o Scots Leid Co-ordinators creatit originallie syne ower a decade wis reduced in 2017 tae ane single post, noo attacht tae Education Scotland." They statit forby "if the SG [Scottish Government] is serious anent supportin Gaelic and Scots then it is essential that Gaelic Development Officer posts and Scots Leid Coordinators shuid be retaint and accresst in nummer, wi their remits expandit." ⁵²
472. Mony respondents, includin the Scots Language Centre and Oor Vyce, unnerscored that Scots organisations are extremely stretcht, baith in terms o resoorce and fundin. The Bill is expectit tae raise the profile o Scots but the expectations o the Scots communitie as weel. Houaniver, at praisent, organisations warn there is nae spare capacitie tae deleever mair.
473. Thon whas responsibilitie it wull be tae deleever the duties placed upon them by the Bill, sic as James Wylie o Orkney Islands Council, statit—
- ” We maun stop kiddin wirsels that repurposin is gaun tae win the ootcomes that we are luikin fur. ⁷
474. Donald Macleod o Comhairle nan Eilean Siar concurrir—
- ” tae dae somethin meaningfu wull require financial resoorce. ⁷
475. The Depute Furst Meenister acknowledged that mair wuid be required—
- ” I suggest that the financial memorandum alane isnae the sum o aw money that needs tae be brocht in tae meet wir objecives whin it comes tae Gaelic. ²
476. Houaniver, in their probation, mony organisations hae unnerscored that the

Financial Memorandum disnae set oot potential costs or fundin for—

- The deleeverie o enhanced proveesion o services and support fur Gaelic athin airts o lingueestic signeeficance;
- Scots organisations, tae mak shair they can contribute, as enveesioned by the Bill, tae the preparation o the Scots strategie, Scots guideship or Scots stauerters;
- local authorities or public buirds that—
 - as yet, hivnae unnertaen wirk tae promuive or support Gaelic or Scots;
 - will hae commetments tae deleever as a result o the National strategies, stauerters or guideship, that are yet tae be determint;
 - intend tae designate multiple different airts athin their boondaries as airts o lingueestic signeeficance.

477. The Finance and Public Administration Committee is responsible fur scrutinisin Financial Memorandums tae Bills. As wi the probation received by this Committee, the screivit submeesions tae its [cry fur views](#) brocht up concerns regairdin the leemitit costs set oot in the Financial Memorandum, as weel as fundin fur the support o Gaelic and Scots mair general, and quaistened whither the Bill coud win its ettlings in the absence o addeetional fundin.
478. The [Finance and Public Administration Committee wrote tae the Depute Furst Meenister on 13 Mey](#), tae unnerscore these issues and ask fur mair information.
479. The Depute Furst Meenister [responded on 17 Mey](#), aheid o her probation session wi this Committee on 22 May, statin that “new spend on Scotland’s leids is praisently takkin place” and “isnae a factor that shuid anely be associatit wi the Bill proveesions”.
480. She reiteratit forby the pynt maed by Scottish Government offeecials, that there is awreidie a level o Gaelic activitie takkin place in local authorities, that can be shiftit, wi resoorces repurpost. Therefore, the Scottish Government “expect[s] the praisent activitie associatit wi Gaelic Leid Plauns wull be seemilar tae the future task and that the Bill proveesions, in relation tae these processes, arenae likelie tae create complete new costs.”
481. Follaein conseederation o the Depute Furst Meenister's response, the [FPA Committee wrote tae this Committee on 5 Juin 2024](#) tae unnerscore key issues that, it believes, stow need tae be adresst.
482. The Finance and Public Administration Committee statit—
- ” It is unclair hoo the Cabinet Secretarie has satisfied hersel that nae complete new costs are likelie tae be required. The FM shoud, unner Staundin Orders, set oot cleir “the best estimates o the costs, savins, and chyngees tae revenues tae whilk the proveesions o the Bill wuid gie rise” - that is ony and aw costs associatit wi the Bill’s proveesions, whither these will, in future, require tae be met throu new or repurpost fundin. ⁶¹

483. The Committee tuik tent forby o the Depute Furst Meenister's comments that the "Scottish Government nicht suggest that there is a mair vauried context that includes praisent statutorie expectations and associatit spend and growth o proveesion as a result o ither factors unrelatit tae legislation." The Depute Furst Meenister continyed tae say that the Scottish Government haes "taen a braider, dynamic approach that taks intae accoont local prioritisation and developin proveesion, praisent statutorie expectations and resultin activitie and new proveesion resultin frae the Scots Leids Bill".
484. In its letter, the Finance and Public Administration Committee suggestit that claritie is socht on the "mair vauried context" that haes led tae a "dynamic approach" bein taen and hoo this haes impactit on the costs praisentit in the Financial Memorandum.
485. The Committee tuik tent o the Depute Furst Meenister's comments that these costs arenae associatit anely wi the Bill's proveesions, and therefore transcend the leemitations o the Financial Memorandum. Houaniver, it is concernt about the accuracie o the FM praisentit tae the Committee, in the absence o forder clarification on the practical and financial implications o sic a "dynamic approach".
486. It therefore suggestit that the lead Committee pursue this forder detail frae the Scottish Government on the fou financial costs associatit wi the Bill's proveesions.

487. The Committee taks tent o the Scottish Government poseetion that the Financial Memorandum isnae a budget, and that it disnae accoont fur the tot o whit wull be spent on Gaelic and Scots, but raither is an estimate o costins o the speceefic actions athin the Bill.
488. Houaniver, the Committee taks tent o concern frae stakehauders as weel, includin the Finance and Public Administration Committee, that it is unclair hoo the Scottish Government haes satisfied itsel that nae complete new costs are likelie tae be required, or whit the practical and financial implications o a "dynamic approach" wuid be. The Committee therefore asks the Scottish Government tae reveesit the costs set oot in the FM and gie mair detail on the fou financial costs associatit wi the Bill's proveesions, at the latest afore Stage 2.
489. The Committee taks tent that the Financial Memorandum ettles tae gie an estimate o costs that local authorities wuid incur gaun throu the process o designatin pairt or aw o their airt as ane o lingueestic signeeficance, includin consultation wi communities. Houaniver, there is nae indication athin the Financial Memorandum or ither Bill documents that forder Scottish Government fundin wuid accompanie a designation, fur the deelevery o accresst activitie or the meetin o heicher leid staunerts.
490. While recognisin the praisent financial climate fur aw levels o government, the Committee is concernt that, athoot fundin, the meisures in the Bill – particular concernin airts o lingueestic signeeficance - wull raise expecations that cannae be deelevert by local authorities, Gaelic or Scots organisations, on praisent budgets.
491. The Committee taks tent o the probation frae witnesses unnerscorin the need fur financial, and ither, support. The Committee taks forder tent o the comments frae

several witnesses that without extra resources, it would be difficult for communities or public bodies to recognise the added value of the Bill.

Conclusion

492. At Stage 1, the lead committee's role is to consider and report to the Parliament on the general principles of the Bill – that is, on the chief elements of the Bill.
493. The Committee takes note that the elements of the Bill are to strengthen support for and the promotion of Gaelic and Scots. The Committee acknowledges the symbolic value of according the leids with official status, and the potential impact of measures in the Bill relating to education, guidance and standards. However, the Committee takes note of challenges around resources for delivering these measures and uncertainty around what will be set out in guidance and standards. The Committee shares concerns regarding definitions around Scots and how variations will be addressed.
494. The Committee supports the general principles of the Bill which is "to give further support for Scotland's heritage leids, Gaelic and Scots" ¹; however it does not consider that, alone, the Bill will create the necessary conditions for to address the challenges facing the Gaelic leid or give the support necessary and protection to both Gaelic and the leids and byleids that fall under the term Scots. The Committee believes that more needs to be done by the Scottish Government about what is set out in the Bill, given it is to meet its elements to effectively support these leids and byleids and given the Bill is to make any meaningful impact rather than simply be symbolic.
495. The Committee is concerned by the lack of clarity within the Bill, particularly in relation to what obligations the strategies, standards and guidance, which will be developed following the Bill, will put upon public bodies, and the associated costs of meeting such obligations. Meeting such costs will be challenging particularly in regard to competing pressures upon local authority budgets at this time. The Committee expects the Scottish Government to give over the required clarity, at the latest before Stage 2.

Annex A

Extracts frae the meenits o meetings o the Education, Children and Young People Committee (Education, Bairns and Young Fowk Committee).

[13th Meetin, Wadensday 1 Mey 2024](#)

1 Scots Leids Bill:

The Committee heart evident on the Bill at Stage 1 frae—

Claire Cullen, Heid o Gaelic and Scots, Douglas Ansdell, Team Leider, Gaelic and Scots and Niall Bartlett, Policie Officer, Gaelic and Scots, Scottish Government;

Nico McKenzie-Juetten, Lawyer, Schuil Education Diveesion and Ninian Christie, Lawyer, Economie and Social Pertection Diveesion, Scottish Government Legal Directorate;

and then frae—

Professor Conchúr Ó Giollaáin, Gaelic Resairch Professor and Director o the UHI Leid Sciences Institute, Universitie o the Heilands and Islands;

Professor Wilson McLeod, Emeritus Professor o Gaelic, Universitie o Edinburgh;

Dr Michael Dempster, Director, Scots Language Centre;

Professor Robert McColl Millar, Chair in Lingueestics and Scots Leid, University of Aberdeen.

2 Probation Session (In Private): The Committee conseedert the evident it heart ailer unner agenda item 1.

[14th Meetin, Wadensday 8 Mey 2024](#)

1 Scots Leids Bill:

The Committee heart evident on the Bill at Stage 1 frae—

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

and then frae—

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

Dr Sylvia Warnecke, Associate Heid o the Schuil o Students and Nations, the Schuil o Leids and Applied Lingueestics, Open Universitie in Scotland;

Dr Gillian Munro, Principal, Sabhal Mòr Ostaig;

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

2 Probation Session (In Private): The Committee conseedert the evident it heart ailer

unner agenda item 1.

[15th Meetin, Wadensday 15 Mey 2024](#)

1 Scots Leids Bill:

The Committee heart evident on the Bill at Stage 1 frae—

Donald Macleod, Chief Officer fur Education & Bairns' Services, Comhairle nan Eilean Siar;

Joanna Peteranna, airt Manager, Highlands and Islands Enterprise;

James Wylie, Corporate Director o Education, Aisement and Hoosin, Orkney Islands Council;

and then frae—

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

2 Probation Session (In Private):

The Committee conseedert the evident it heart airlier unner agenda item 1.

[16th Meetin, Wadensday 22 Mey 2024](#)

1 Scots Leids Bill:

The Committee heart evident on the Bill at Stage 1 frae—

Kate Forbes, Depute Furst Meenister and Cabinet Secretarie fur Economie and Gaelic, Claire Cullen, Heid o Gaelic and Scots and Douglas Ansdell, Team Leider, Gaelic and Scots, Scottish Government.

2 Probation Session (In Private): The Committee conseedert the propbation heart airlier unner agenda item 1 and at foregane meetings.

[20th Meetin, Wadensday 19 Juin 2024](#)

4 Scots Leids Bill (In Private):

The Committee conseedert a dreft Stage 1 Report.

[21st Meetin, Wadensday 26 Juin 2024](#)

1 Scots Leids Bill (In Private):

The Committee conseedert and greed a dreft Stage 1 Report.

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