

Comann nam Pàrant is the national organisation which represents families with children in Gaelic medium education. We are a member organisation with a network of local groups and a national committee.

Comann nam Pàrant (Nàiseanta) welcomes the introduction of the Scottish Languages Bill to the Scottish Parliament. As the national organisation that represents the views of families with children at all levels of Gaelic medium education (GME), our comments mainly focus on the elements of the Bill that relate to Gaelic education.

Areas of linguistic significance

Although outwith the chapter on education, the proposal to establish ‘areas of linguistic significance’ may impact the delivery of GME. Ideally this will have a positive influence in the areas designated. However, some parents have expressed concern that this may lead to a two-tiered system of education with families in areas of linguistic significance better supported than families elsewhere. It is our opinion that all areas delivering GME are linguistically significant.

It is unclear why the decision regarding designation of areas should be made by local authorities. This is not the norm in equivalent situations where an area has special designation, for example Nature Scotland, as the appropriate body with knowledge and expertise, makes the decision, in a consultative manner, to designate natural heritage areas.

We believe that the body best placed to propose an area as being of linguistic significance following consultation with local communities, is Bòrd na Gàidhlig.

Gaelic Language Strategy

Again, although not in Chapter 2 of the Bill the strategy will have a significant impact on GME. Currently the National Plan provides the over-arching priorities for our work, and we have always welcomed the opportunity to participate in the consultative process for the Gaelic National Plan.

As currently set out there seems to be a great deal of discretion given to Scottish Ministers in the preparation of a Gaelic Language Strategy to replace the National Plan, e.g. 2A(3) “In preparing the Gaelic language strategy, the Scottish Ministers must publish a draft strategy and *consult such persons as they consider appropriate.*”

This is ambiguous language that potentially allows Ministers to discharge their duty under the statute without recourse to a clear and transparent process that involves consultation with representative groups.

Functions of relevant public authorities

We welcome the power that Scottish Ministers will have so that they can give guidance and directions to public authorities but have a query regarding the wording of 2D.

2D “In exercising its functions, a relevant public authority must have regard to the **desirability of** -

- (a) promoting, facilitating and supporting the use of the Gaelic language,
- (b) developing and encouraging Gaelic culture.

This wording seems odd as it appears to make the obligation one that involves assessing the desirability of parts (a) and (b) rather than making those parts the focus of the obligation, which surely should be the aim. Moreover, what is the nature of a determination of desirability? As a term this is so ambiguous as to suggest that almost anything could be used as an excuse as to why a public authority does not implement parts (a) and (b).

Reporting

This section requires Bòrd na Gàidhlig to prepare and publish reports which it must lay before the Scottish Parliament regarding Scottish Ministers' progress towards meeting the objectives set out in the Gaelic language Strategy. Bòrd na Gàidhlig also has a monitoring and reporting role for Scottish Ministers about public authorities' compliance with duties under The Gaelic Language Act 2005.

However, Bòrd na Gàidhlig is required to submit its Corporate Plan to Scottish Ministers for approval and we believe that there is potential conflict between the two requirements.

It is apparent that a more robust system of reporting and scrutiny is required. This could be either through the introduction of a Language Commissioner or the establishment of an independent review panel, such as currently exists for school closures.

Chapter 2 Education

11 Duty of Scottish Ministers to promote Gaelic education

We welcome the modification of the Education (Scotland) Act 2016 to impose a duty on Scottish Ministers to promote Gaelic education.

This promotion must ensure that Gaelic education is considered throughout the Scottish Government by all departments making decisions which will have an impact upon education.

Duties to promote and support GME by Scottish Ministers and public authorities should specifically refer to a duty to adequately resource GME. Resourcing must include the supply of teachers and ancillary staff.

We have some concerns regarding the proposed modification - "title of Part 2 becomes "Gaelic Education". It does not reflect that the measures in the Education (Scotland) Act 2016 mainly apply to Gaelic medium education. The importance of Gaelic medium education to Gaelic development is well recognised, as illustrated in this quote from Education Scotland;

"Gaelic Medium Education, based on the principles of immersion with its resultant fluency, is recognised as the best way of achieving a sustainable future for the Gaelic language". (Education Scotland, 'Advice on Gaelic Education 2015')

We are not disputing the importance of Gaelic learner education, but rather are concerned that local authorities may opt to support Gaelic learner education, which they find easier to deliver, rather than Gaelic medium education to meet their obligations to support Gaelic education.

12 Power for Scottish Ministers to set standards relating to Gaelic education

We agree that there is a need for standards that are enforceable to be set for Gaelic education. The Policy Memorandum lists many areas of concern that could be addressed in the standards and regulations. These are all issues that we agree need to be addressed. Although current Statutory Guidance on Gaelic Education includes reference to many of the matters listed in the Policy Memorandum, the Guidance has not had the impact that parents had hoped for, and it is clear that more robust legislation is required if Gaelic medium education is to develop. There must also be a transparent and robust process in place for scrutiny of the implementation by local authorities of any standards issued by Scottish Ministers.

We note that regulations may make different provisions for different purposes and different areas. We welcome this flexible approach to account for the varying levels of Gaelic education across local authorities.

It would be useful to have more information on the decision making process for the setting of standards, and how this will be implemented by Scottish Ministers.

We welcome the inclusion of Comann nam Pàrant (Nàiseanta) as a consultee in this section and the recognition of the parental voice in education.

13 Guidance to public authorities relating to Gaelic education

We agree that guidance relating to Gaelic education should be issued by Scottish Ministers.

The current Statutory Guidance issued by Bòrd na Gàidhlig has had minimal impact. Local authorities have largely ignored Part 2 of the guidance which advises on best practice in delivery of Gaelic education. We are pleased that several sections that were lacking in clarity in Statutory Guidance are to be addressed in the Bill, for example the setting of catchment areas for GME.

For matters not included in standards, Statutory Guidance will continue to be important for developing Gaelic education and we expect that public authorities will be more mindful of guidance issued by Scottish Ministers.

We again welcome the inclusion of Comann nam Pàrant (Nàiseanta) as a consultee. We note that His Majesty's inspectors of schools is not a consultee for the guidance and believe it should be.

14 Directions to education authorities relating to Gaelic education

We welcome this provision and hope that it will be a measure that will support the development of Gaelic medium education in areas where an authority may be reluctant to develop their service.

15 General duty to provide education includes Gaelic education

We welcome this modification to the Education (Scotland) Act 1980. We believe it reflects the status of Gaelic as a national language of Scotland.

16 Duty to promote Gaelic education in exercising functions under the Education (Scotland) Act 1980

We welcome this modification to the Education (Scotland) Act 2016 in support of the duties that local authorities have with regard to Gaelic education under the Education (Scotland) Act 1980.

17 Information-sharing about Gaelic education

We welcome this as we believe it is important for Bòrd na Gàidhlig to have access to accurate information on Gaelic education for the purposes of planning and evaluation of policies.

18 Gaelic education delivery planning

The requirement for a public authority, if it is an education authority, to include Gaelic education delivery planning in their Gaelic language plans is welcome. Parents have frequently expressed frustration with the content of their local authority's Gaelic language plans because they believe it to be lacking in ambition for, or commitment to, the development of Gaelic education. We are therefore pleased that there will be a requirement for authorities to consult Comman nam Pàrant (Nàiseanta) so that we can represent the views of parents. We also welcome the requirement to consult His Majesty's inspectors of schools who with their knowledge and expertise in Gaelic education are the appropriate body to provide advice.

19 Duty to support access to Gaelic medium education

We welcome this duty which should improve access to Gaelic medium education for families. Clarification is necessary to define that 'support' refers to support with transport. The application of this duty is given as either,

- (a) the education authority does not secure the provision in its area of Gaelic medium education appropriate for the age of the child, or (b) the education authority does secure such provision but it is not reasonably practicable for the child to access it.”.

Should a local authority decide to cap numbers in any one GME school they should have a duty to support any child refused a place with transport to either another school within the local authority area or to another local authority. This would ensure that no child is refused entry to GME, in the same way that no child is refused EME.

20 Duty to establish a catchment area for schools providing Gaelic medium education

We welcome the duty to establish catchment areas for GME. Statutory Guidance on Gaelic Education currently states that “Education authorities should establish catchment areas for GME provision”. Although some local authorities have followed guidance in establishing catchments others have been shown to be deficient in their application. Strengthening this requirement in legislation will ensure that catchments are established for all GME provision.

21 Transport to Gaelic medium education: application of Schools (Consultation) (Scotland) Act 2010

The abrupt cessation of transport with no consultation, as has happened to some families in GME, is disruptive and distressing for pupils and their parents. This will reassure families that their rights in relation to transport are protected and could only be discontinued following due process under The Schools Consultation (Scotland) Act 2010. We welcome the inclusion

of Comann nam Pàrant (Nàiseanta) as a consultee in the 2010 Act for any proposals affecting Gaelic medium education.

22 Assessments: power to make different provision for different areas

This is particularly significant for some rural schools where the number of children enrolling each year will normally be less than 5 which is the number currently required for P1 to trigger a full assessment.

23 Extension of assessments to early learning and childcare

Gaelic medium education is part of the Scottish Education system and is delivered through Curriculum for Excellence with broad general education beginning in early learning and childcare. Comann nam Pàrant was disappointed in 2016 that the Education Act did not include early learning and childcare, and we believed that the introduction of the 1140 hours early learning and childcare (ELC) entitlement was an opportunity to both grow GME and improve attainment with more children exposed to Gaelic before commencing P1. Although delighted that parents will be able to request ELC through the assessment process in the Education (Scotland) Act 2016 we would also like to see local authorities, possibly through the issuing of standards and regulations by Scottish Ministers, deliver ELC for all families who desire it if the local authority has Gaelic medium primary provision.

24 Duty to consult and plan on delivery of early learning and childcare

We welcome this amendment to the Children and Young People (Scotland) Act 2014 which clarifies that the duty to consult and plan on delivery of early learning and childcare includes Gaelic medium provision.

Additional comments

There are undoubtedly measures within the Bill which will support the development of GME and ensure a more equitable status for GME with English medium education (EME). Some of these are measures which we previously recommended in our response to the consultation on the Bill, however there are other recommendations in our response that we believe should be added to further strengthen the Bill. We would like to see specific provision made in the Bill for the following:

- **Streamlining of the request process for GME (which now will include the right to request early learning and childcare)**

Although there is no ‘right’ in legislation to GME there is a ‘right’ to request GME. However, the request process is currently overly complicated. The process could be streamlined by replacing the two-tiered assessment process with a requirement that local authorities have one full assessment. All requests made which follow guidance should proceed immediately to full assessment, there should be no need for an initial assessment. The very low number of requests since the process was introduced in 2016, with only 4 of these being successful, is indicative of the challenges parents face with this process. More support is needed for parents from local authorities, who should also have more responsibility for developing GME provision as currently they are not fulfilling their duty under Statutory Guidance to “promote and support Gaelic medium education and learning”. This is partly due to the weak language of the Guidance, for example “must promote, in such manner as it thinks appropriate,” and “The means of promotion will be a matter for the education authority but it is recommended that consideration should be given”.

- **An appeal process**

Parents currently have no recourse to appeal other than through the local authority's own complaint procedures if their request is refused. As Scottish Ministers will have power to issue directions to local authorities relating to Gaelic education, we feel it would be appropriate to introduce a right for parents to appeal to Scottish Ministers if they do not agree with the local authority decision on their request for GME.

- **Secondary education**

Our understanding is that the measures detailed in the Bill referring to education do include secondary education. However, there is a need for a clearer development strategy at secondary for pupils to continue to develop their Gaelic language skills and it would be useful to clarify that references to Gaelic education refer to early learning, primary and secondary education. A clearer definition on Gaelic medium education at secondary level must be included in new legislation. There must be an acknowledgement that although a parental request for GME may initially be for ELC or GMPE, education continues throughout secondary and that there will need to be provision made throughout education. The variation in provision currently seen between schools suggests that clarification is essential on the secondary curriculum.

- **Dedicated schools**

There are no duties in the Bill relating to the establishment of stand-alone GME schools. The current process generally relies on parents campaigning for provision to be made in a dedicated school rather than being delivered alongside English medium provision. We would ideally like to see a system implemented that sought to ensure that GME provision be established in a stand-alone GME school once pupil numbers had reached a certain level.

Funding

The Scottish Languages Bill will be important in progressing Gaelic language development. However, in order to ensure maximum impact from the Bill, we believe it is essential that additional funding be provided in order to implement measures in the Bill, and address the continuing decline of the Gaelic language.

The rights of Gaelic speakers as a minority indigenous language group must be protected in legislation. As with all minorities, without this protection, provision will not be made to meet our needs. These rights are protected under the United Nations Convention on the Rights of the Child -

Article 30 In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

We would welcome the opportunity to give further evidence to the committee as the Bill is considered.