

City of Edinburgh Council

10 am, Thursday, 21 March 2024

Call for Views on the Scottish Languages Bill – Council response

Executive
Wards: all

1. Recommendations

- 1.1 It is recommended that Council agree the draft response for submission to the Scottish Parliament's Education, Children and Young People Committee to the call for views on the Scottish Languages Bill.

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Call for Views on the Scottish Languages Bill – Council response

2. Executive Summary

- 2.1 This report provides an overview of the Scottish Languages Bill and the draft response to a call for views on the provisions of the Bill.

3. Background

- 3.1 In November 2023 the Scottish Government introduced a new Scottish Languages Bill to provide further support for Scotland's indigenous languages, Gaelic and Scots. The proposed bill gives the Gaelic and Scots languages official status in Scotland and makes changes to the support for the Gaelic and Scots languages in Scotland. This includes changes in relation to Gaelic and Scots education.
- 3.2 The Bill proposals include changes to the functions of Bòrd na Gàidhlig, the principal public body in Scotland responsible for promoting Gaelic development, including:
- 3.2.1 Monitoring and reporting on how public bodies are complying with the duties set out in the Bill and an increased focus on delivery at a community level and reporting on compliance
- 3.3 It also includes proposals to give Scottish Ministers more powers and duties including:
- 3.3.1 A duty to prepare a Gaelic language strategy and a power to prepare standards for public authority activity, including Gaelic education, and more powers to put duties on public bodies to promote, facilitate and support Gaelic, and
- 3.3.2 A duty to prepare a Scots strategy, supported by provisions for guidance and standards for Scots language education – this is the first time that Scots has featured in legislation.
- 3.4 Other proposals in the bill include changes linked to Gaelic medium education covering school transport, catchment areas, information-sharing, early learning and childcare, and widening access to Gaelic education in further and higher education settings.

- 3.5 The Bill also introduces proposals for establishment of areas of linguistic significance, based on the number of people with Gaelic language skills, its historic connections with the use of Gaelic, its Gaelic educational provision or its level of Gaelic activity. It will be for the local authorities to consider their communities and to recommend any local areas which meet the bill criteria for this designation.
- 3.6 In January 2024 the Scottish Parliament's Education, Children and Young People Committee called for stakeholder views to support their scrutiny of the bill. This public consultation was open between 22 January and 8 March 2024. The Council has obtained an extension to 22 March 2024 to enable Council to consider the response.

4. Main report

- 4.1 Appendix 1 shows the draft City of Edinburgh Council response to the call for views issued by the Scottish Parliament's Education, Children and Young People Committee. A first draft of this response was circulated to group leaders for initial comment and has been amended in line with comments received.
- 4.2 Across a number of areas, the Council's response notes that further information is required before a full assessment of the bill's impacts can be made. In particular, the response notes a need for further information on issues such as:
- 4.2.1 How the changes proposed in the bill will impact on expectations placed on public bodies for compliance with standards, regulations, and reporting requirements, how compliance will be assessed, and what consequences of non-compliance might arise.
 - 4.2.2 The process for designating communities as areas of linguistic significance and the financial implications of having/not identifying areas for designation.
 - 4.2.3 The role of public bodies, including local authorities, in the development of plans, strategies, standards and principles.
 - 4.2.4 The value and emphasis given to local decision making and local communities in the development of bill requirements.
 - 4.2.5 The potential financial and staffing implications of the bill proposals for local authorities.

5. Next Steps

- 5.1 Subject to approval by Council, the draft response provided in Appendix 1 will be finalised and submitted to Scottish Parliament committee clerks by 22nd March 2024 in line with the extended deadline granted to the Council.

6. Financial impact

- 6.1 Proposals included in the Bill may have potential financial implications for the Council. Clarification is being sought on these through the response to the call for views and during subsequent stages of the Bill process.

7. Equality and Poverty Impact

- 7.1 It is expected that the Scottish Parliament will publish their impact assessment as part of the Bill process.

8. Climate and Nature Emergency Implications

- 8.1 It is expected that the Scottish Parliament will publish their impact assessment as part of the Bill process.

9. Risk, policy, compliance, governance and community impact

- 9.1 This paper has been developed in line with the Council policy for consultation responses.

10. Background reading/external references

- 10.1 [Scottish Languages Bill, overview and call for views from the Scottish Parliament Education, Children and Young People Committee](#)

11. Appendix

- 11.1 Appendix 1 - Draft consultation response from the City of Edinburgh Council

Appendix 1: Call for Views on the Scottish Languages Bill – draft response from the City of Edinburgh Council

Description of the Bill: Part 1 – Chapter 1

This part of the Bill would:

- Give Gaelic official status in Scotland;
- Make changes to the functions of Bòrd na Gàidhlig:
 - monitoring and reporting on how public bodies are complying with their duties set out in this Bill
 - advising and assisting on matters relating to the development of the Gaelic language, Gaelic education and Gaelic culture in a particular area.
- Create a power to designate geographical areas as “areas of linguistic significance”;
- Put a duty on the Scottish Government to prepare a National Gaelic Strategy, which replaces the National Gaelic Plans; and
- Give Scottish Ministers (the Government) more powers to put duties on public bodies to promote, facilitate and support Gaelic.

Call for Views and draft response

What are your views on these proposals? Is there anything you think should be added or taken away from this part of the bill?

Proposals	Draft City of Edinburgh Council response
The Bill requires Bòrd na Gàidhlig to prepare and publish reports about the Scottish Ministers’ progress towards meeting the objectives in the Gaelic language strategy, and the compliance by relevant public authorities (either generally or specifically) with their duty to have regard to the Gaelic language strategy and to comply with standards and requirements specified in regulations, and to publish and lay these reports before the Scottish Parliament.	Further information is needed about: <ul style="list-style-type: none"> • the expectations on public bodies around the area of compliance including how compliance would be assessed, for example, what criteria would be used, and who would be involved in the assessment process. • the implications and consequences where a body were judged as non-compliant.
Create a power to designate geographical areas as “areas of linguistic significance”	Further information is needed on: <ul style="list-style-type: none"> • how local Authorities would arrive at designating communities as areas of linguistic significance. • what value and weight be given to local decision making within this process. • the financial implications of being granted/not being granted status as an area of linguistic significance.
Put a duty on the Scottish Government to prepare a National Gaelic Strategy, which replaces the National Gaelic Plan	Further information is needed on: <ul style="list-style-type: none"> • How the strategy will be developed and who will be involved in the process.

Proposals	Draft City of Edinburgh Council response
	<ul style="list-style-type: none"> • The role of local authorities and other public bodies and networks be in the process. • How the Scottish Government will ensure that the voices of those with experience of strategic development and promotion of Gaelic will be included in a meaningful way. • Which bodies will agree the set of principles for the language.
Give Scottish Ministers more powers to put duties on public bodies to promote, facilitate and support Gaelic.	More information is needed on how the Scottish Government will ensure that local democracy and local decision making are respected and protected.

We note and welcome the provisions in this part of the bill which place importance on local government and local decision making to support the Gaelic and Scots languages. These provisions are in line with the principles set out in the Verity House agreement on working arrangements between the Scottish Government and Local Government.

Other areas of the bill, however, adopt less collaborative language referring to *giving direction, direction making power and compliance*. We would recommend that language used in these sections is amended to reflect a more collaborative, cooperative approach to Gaelic and Scots language development across all public bodies in Scotland.

Description of the Bill: Part 1 – Chapter 2

This part of the Bill includes provisions that would:

- Require Scottish Ministers to promote Gaelic education
- Give Scottish Ministers the power to set standards and produce guidance for public authorities in relation to Gaelic education
- Require education authorities to support access to Gaelic medium education
- Make various other changes linked to Gaelic medium education covering:
 - school transport
 - catchment areas
 - information-sharing
 - early learning and childcare
 - widening access to Gaelic education in further and higher education settings

Call for Views and draft response

3. What are your views on these proposals?

Proposal made	Draft City of Edinburgh Council response
Give Scottish Ministers the power to set standards and produce guidance for public authorities in relation to Gaelic education	Further information is needed on:

	<ul style="list-style-type: none"> • The approach which will be taken to formulate the set of standards, and which stakeholders will be involved. • In the area of Gaelic education, how will the standards relate to existing policy documents and the landscape of curriculum reform, including HGIOS, ACfE, the 2022 National Discussion and Louise Hayward’s comprehensive report on the outcomes.
<p>Require education authorities to support access to Gaelic medium education</p> <p>Make various other changes linked to Gaelic medium education covering:</p> <ul style="list-style-type: none"> • school transport • catchment areas • information-sharing • early learning and childcare 	<p>Proposed changes to duty to consult on changes to GME transport have financial and staffing implications for local authorities and potentially impact on sustainability goals.</p> <p>Further information is needed on how these implications and impacts will be addressed or mitigated by Scottish Government. For example, will there be investment by the Scottish Government in creating resource and infrastructure to create a pipeline of staff?</p>

Description of the Bill: Part 2 – Chapter 1

Call for Views and draft response

<p>Proposal made Give Scots official status in Scotland</p> <p>Require Scottish Ministers to create a Scots language strategy and report on any progress made</p> <p>Allow Scottish Ministers to create guidance for public bodies in relation to promoting and supporting the Scots Language and the development of Scots culture</p> <p>Require Scottish Ministers to promote and support Scots language education in schools</p> <p>Allow Scottish Ministers to produce guidance and set standards for education authorities relating to Scots language education in schools</p>	<p>Draft City of Edinburgh Council response Further information is needed on the process for formulating the strategy including the involvement of key stakeholders.</p> <p>Further information is needed on how staffing for education will be supported and financed.</p> <p>There is currently engagement with Scots in our schools, in large part through inter-disciplinary activities and learning linked to literacy and literacies. The bill proposals raise questions over whether it would be the intention that Scots would come under the 1+2 agenda, and how will the inclusion of Scots will be planned, supported and resourced.</p>
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General views on the Bill

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

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

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

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

Good progress has been made in Edinburgh through the creativity and commitment of local partners. Further progress would be best supported by a legal framework which is collaborative and respectful of local skills, knowledge, motivation, and partnership working.