

Advice on Gaelic Education February 2015

Update March 2022



For Scotland's learners, with Scotland's educators



2. Gaelic Education: legislation

2.1 Legislation and measures have been put in place that have extended and strengthened the development of Gaelic Education. These have included: **The Education (Scotland) Act 1980; Specific Grants Regulations; and The Standards in Scotland's Schools Act 2000**. The 2000 Act gives parents an entitlement to have their children educated in accordance with their wishes.

2.2 The Council of Europe adopted **The European Charter for Regional or Minority Languages** in 1992 to help protect and promote Europe's lesser-used indigenous languages. The Charter aims to ensure that regional or minority languages are used in education and in the media, to permit and encourage their use in legal and administrative contexts, in economic and social life, for cultural activities and in trans frontier exchanges. The UK Government signed the Charter in 2000 and ratified it in 2001 in respect of Gaelic and Scots. The Charter sets out a series of eight core principles and objectives upon which signatory states are encouraged to base their policies, legislation and practice, and which are regarded as providing the necessary framework for the preservation of the languages concerned.

2.3 The **Gaelic Language (Scotland) Act 2005** aims to secure the status of Gaelic as an official language of Scotland, commanding equal respect to the English language. The Act builds on existing measures to support the rights of Gaelic and other lesser used languages, including: the United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (1992); the Council of Europe's European Charter for Regional or Minority Languages (1992); Framework Convention of the Protection of National Minorities (1995); and clauses relating to Gaelic in education, media, civil courts andcrofting legislation of the UK and Scottish Parliaments.

2.4 Under 2005 Act, Bòrd na Gàidhlig has a function to promote and facilitate the use and understanding of Gaelic language, education and culture. The Act requires Bòrd na Gàidhlig to prepare and submit to the Scottish Ministers a National Gaelic Language Plan every five years. As such, the National Gaelic Language Plan has legal status. It identifies the main priorities for Scotland to take forward to enable Gaelic to secure a sustainable future for the language, with an increase in the number who use it for communication. Bòrd na Gàidhlig also supports local authorities in preparing and implementing Gaelic Language Plans. Bòrd na Gàidhlig must prepare and submit to the Scottish Ministers guidance in relation to the provision of Gaelic Education and the development of such provision.

2.5 The principal purpose of the **Schools Consultation (Scotland) Act 2010** is to update and strengthen the statutory consultation practices and procedures that local authorities apply to their handling of all proposals for school closures and other major changes to schools. The Act also specifies that Bòrd na Gàidhlig is to be consulted when a proposal affects the provision of Gaelic Medium Education. Examples include:

- when Gaelic Medium Education is to be established, or discontinued;

- should a catchment area be established, or
- there be a change to a catchment area that effects Gaelic Medium Education.

2.6 The Requirements for Community Learning and Development (Scotland) Regulations 2013 mean that each local authority must develop a three-year plan that outlines how Community Learning and Development is delivered. Local authorities have to consult with partners in drawing up these plans, evidencing the assessment of need, including those of young people. The first of these plans will be in place by September 2015.

2.7 The Children and Young People (Scotland) Act 2014 aims to increase the provision of early learning and childcare to improve outcomes for children. This is in particular for those from disadvantaged backgrounds; to support parents to work, provide economic security for their families and routes out of unemployment and poverty; and to support parents with the costs of early learning and childcare. The Act and its associated statutory guidance also applies to early learning and childcare, day care and out-of-school care that is available through the medium of Gaelic, as part of Gaelic Medium Education.

2.8 The Education (Scotland) Act 2016 has provisions for Gaelic. These are to ensure that education authorities assess the need for establishing Gaelic Medium Primary Education. The parent of a child who has not yet started school may request that their local education authority assess the need for Gaelic Medium Education. More information is available on the [Scottish Government website](#). An important feature of this Act is that it puts in place a timely, statutory process for education authorities to follow on receipt of a parental request. HM Inspectors of Schools are involved in the statutory process. They produce an independent and impartial report on the determination to set up a Gaelic Medium provision. Education authorities can, as happens just now, decide to set up Gaelic Medium Education at any time without following this statutory process. Public and education authorities also have two duties in the Education (Scotland) Act 2016 to assist with strategic planning for improvement. These are:

- actively promote Gaelic Medium and Learner Education; and
- support Gaelic Medium and Learner Education where it is provided.

2.9 The Statutory Guidance on Gaelic Education, 2017 defines the different elements that constitute Gaelic Education in Scotland. It establishes a focused, consistent approach and clear vision for implementing Gaelic Medium and Learner Education. The Guidance gives clear direction to local and public authorities in their role for this. It also sets out processes to follow on receipt of a parental request to assess the need to establish Gaelic Medium Education.