

# Advice on Gaelic Education

**Gaelic Education: legislation**

## Gaelic Education: legislation

**2.1** Legislation and measures have been put in place which 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. As part of its function in implementing the National Gaelic Language Plan for Gaelic, Bòrd na Gàidhlig in partnership with authorities, has set out a National Gaelic Education Strategy. Bòrd na Gàidhlig also supports local authorities in preparing and implementing Gaelic Language Plans. Bòrd na Gàidhlig may 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 such as when Gaelic Medium Education is to be established or discontinued, or should there be a change to a catchment area that affects 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 will be 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, in particular 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 Scottish Government's Programme for Government (November 2014)** states that the Scottish Government will introduce an Education Bill which will promote children's and parental rights, including in relation to Gaelic Education. The Education Bill will further progress the Scottish Government's support for Gaelic Education and its commitment to recognising, respecting and promoting children's and parental rights. Specifically, the Bill will make provision on entitlement to, and promotion of, Gaelic Medium Education in schools. The Scottish Government has recently completed a consultation on this new legislation. This may result in the Scottish Government issuing statutory guidance on Gaelic Education. It is intended that this Advice, and other work done by Education Scotland, will support the creation of any statutory guidance on Gaelic Education.

