

Schools (Consultation) (Scotland) Act 2010

Report by HM Inspectors of Education addressing educational aspects of the proposal by Aberdeen City Council to establish catchment areas for existing Gaelic Medium Education provisions. At Hazlehead Academy, to overlay the existing English medium catchment areas for Hazlehead Academy, Northfield Academy and Aberdeen Grammar School. At Gilcomstoun School, to overlay the existing English medium catchment areas for Gilcomstoun School, Ashley Road School, Mile End School and Skene Square School. The new catchment areas should take effect from 1 August 2022.

November 2021

1. Introduction

1.1 This report from Education Scotland has been prepared by Her Majesty's Inspectors of Education (HM Inspectors) in accordance with the terms of the [Schools \(Consultation\) \(Scotland\) Act 2010](#) ("the 2010 Act"). The purpose of the report is to provide an independent and impartial consideration of Aberdeen City Council's proposal to establish catchment areas for the Gaelic Medium Education provisions at Hazlehead Academy and Gilcomstoun Primary School. Section 2 of the report sets out brief details of the consultation process. Section 3 of the report sets out HM Inspectors' consideration of the educational aspects of the proposal, including significant views expressed by consultees. Section 4 summarises HM Inspectors' overall view of the proposal. Upon receipt of this report, the 2010 Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include this report and must contain an explanation of how, in finalising the proposal, it has reviewed the initial proposal, including a summary of points raised during the consultation process and the council's response to them. The council has to publish its final consultation report three weeks before it takes its final decision.

1.2 HM Inspectors considered:

- the likely effects of the proposal for children and young people of the schools; any other users; children likely to become pupils within two years of the date of publication of the proposal paper; and other children and young people in the council area;
- any other likely effects of the proposal;
- how the council intends to minimise or avoid any adverse effects that may arise from the proposal; and
- the educational benefits the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs.

1.3 In preparing this report, HM Inspectors undertook the following activities:

- attendance, using virtual connections, at the public meeting held on 14 September 2021 in connection with the council's proposals;
- consideration of all relevant documentation provided by the council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and
- discussion with relevant consultees.

2. Consultation process

2.1 Aberdeen City Council undertook the consultation on its proposal(s) with reference to the [Schools \(Consultation\) \(Scotland\) Act 2010](#). The formal consultation ran from 23 August 2021 to 8 October 2021. The proposal paper was distributed to a wide range of stakeholders and interested parties. Aberdeenshire Council make placing requests to send children and young people to Aberdeen City Council to be educated through the medium of Gaelic. They are supportive of the proposal as it does not impact on families residing in Aberdeenshire. They do not comment on proposal's impact for future families. A dedicated area of Aberdeen City Council's website afforded interested parties both information and an opportunity to respond to the statutory consultation. This attracted 61 responses, with a further six responding by email. Almost all of the respondents, including Bòrd na Gàidhlig and Comann nam Pàrant, did not support the proposed

catchment areas. The respondents who oppose the proposal were largely comprised of parents who currently access Gaelic Medium Education, have done so or those who plan to do so in the future. The local Gaelic community, including a few specialist academics also oppose the proposal.

2.2 There were common and consistent themes to the concerns expressed in responses to the statutory consultation. These included a lack of rationale and connection to national policy, practice and statutory guidance for Gaelic, catchment areas being too small, with a different catchment area established for the primary provision to that of the secondary. A significant number of respondents expressed the view that a lack of fairness and equity would result from the proposal, should it be established. There was also a consensus that pre-consultation discussions, although not statutory, would have been helpful prior to stakeholders being presented with the proposals as part of a statutory process. HM Inspectors' evaluative activities confirmed these legitimate concerns. Bòrd na Gàidhlig in their response refer to providing the council with recommendations on the proposed catchment areas for Gaelic Medium Education. They report that these have not been taken into account. Bòrd na Gàidhlig view the current proposals as being a disadvantage to the people of Aberdeen and not encouraging a greater uptake of Gaelic Medium Education. This is a statutory duty.

2.3 The public meeting was attended by three members of the public in person, and 39 joined the meeting virtually using technology. Two officers at Aberdeen City Council presented the proposal and received questions on the themes already highlighted in this report. The public meeting offered an opportunity to explore the proposal. HM Inspectors agree with stakeholders that the meeting did not allay concerns and justify the educational benefits from this proposal.

3. Educational aspects of proposal

3.1 Aberdeen City Council has one nursery, primary and secondary provision that offers Gaelic Medium Education. In 1991, Gaelic Medium Education was established by Grampian Regional Council (as it existed at the time) for its area in response to parental demand. At that time, strategic planning resulted in Gaelic Medium Education being available to all pupils within the city, should that be parents' preferred option in education. The current Gaelic Medium Education provision is based within schools that also offer education through the medium of English. The council is yet to set up additional provisions, or all Gaelic schools as is happening in some other parts of the country as a result of growth in Gaelic Medium Education. In 2017, Bòrd na Gàidhlig published Statutory Guidance on Gaelic Education asking that catchment areas be set up for Gaelic Medium Education to support a sector of education experiencing growth nationally. Aberdeen City Council's proposal would establish catchment areas that do not enable equal access to Gaelic Medium Education for children and young people living in the council area, without the need for placing requests for a large number of residents.

3.2 From our scrutiny activity, HM Inspectors have evidenced that the council has substantial work to do to establish the educational benefits that would result from their proposals, should these be advanced further. The council have also to establish how they will mitigate against adverse effects that may result from the proposal, should it be advanced. They are still to convince parents and other stakeholders of the educational benefits of their proposals. HM Inspectors see the educational benefits statements as being very general aspirations and do not view the proposals as resulting in educational benefits.

3.3 Stakeholders with whom HM Inspectors met confirmed that they were not consulted about the setting of catchment areas for Gaelic Medium Education before arrangements were made available to them as part of a statutory consultation. Almost all felt that the council should have

undertaken informal consultation in order to listen, explore with, explain and empower parents in setting up catchment areas that result in educational benefits. This consultation could have included how the proposal makes Gaelic Medium Education an attractive option for current and future parents who do and may use Gaelic Medium Education within the city.

3.4 HM Inspectors agree with stakeholders' views on the lack of clarity from the proposal on how these will contribute to meeting outcomes of national and local strategic plans. This includes the targets the council have set as part of their statutory Gaelic Language Plan and how they demonstrate their impact towards national targets for Gaelic. The council should also give further consideration to how their proposals meet the context set in their own paper on their service delivery model. This states that they aim to enact the underpinning principles of strengthening transparency, accountability, engagement, inclusiveness, shared vision and values, and a commitment to joint learning. The council also references their Local Outcome Improvement Plan with its vision for all people, families, businesses and communities to do well, succeed and flourish in every aspect. For the majority of parents currently using Gaelic Medium Education, the proposed catchment areas would result in them being out with the catchment area. This resonated with concerns that the catchment areas were too small and should be set for the whole of the city. It was unclear to stakeholders why a different catchment area was set for the primary and secondary. Stakeholders felt that the requirement to make a placing request may have an adverse effect on the future uptake for Gaelic Medium Education. They also did not approve that a catchment area was set around a "reasonable walking distance" when only one Gaelic Medium Education service was available across the city. In practice, it is an established factor of Gaelic Medium Education that, on the whole, pupils do have to travel further for this specialist provision than their counterparts do to receive learning through the medium of English. Parents are also seeking more clarity on their entitlement to 3-18 Gaelic Medium Education as a priority, should school rolls increase in the future. Comann nam Pàrant in their response have said that their request for the council's Equality and Human Rights Impact Assessment on the proposal has not been met. The council also needs to address Comann nam Pàrant's concerns that, should the proposal go ahead, inequalities for children, young people and families will be increased rather than reduced. This clarity is particularly required considering that the council has only one provision for Gaelic Medium Education as opposed to multiple provisions in learning through English.

3.5 Stakeholders in their discussions with HM Inspectors reflected on the factors contributing to growth in Gaelic Medium Education in other urban areas of Scotland. HM Inspectors agree that learning from others' success is a reasonable reflection activity that may influence change and improvement for Gaelic Medium Education. A number of stakeholders reported feelings of anxiety, concern, unfairness and inequity resulting from the proposals. They reported that they could not see the educational benefits of the proposal and how it is promoting Gaelic Medium Education. Parents reported additional financial and time burdens as they transported their children to school. This was exacerbated when parents had children at both the primary and secondary stages. The council should consider these factors as part of their focus on equity, inequality and reducing the cost of the school day. Parents need to be advised of how to access financial assistance from the council when they are experiencing such barriers. This should be taken forward in a collaborative, consultative and outcome-focused way. Parents in choosing Gaelic Medium Education are supporting a national target of creating a sustainable future for the language.

3.6 HM Inspectors in recent school inspections for Gilcomstoun School and Hazlehead Academy evidenced that transitions between primary and secondary needed to be improved. In this statutory consultation, the teachers and senior leaders with whom we spoke in Gilcomstoun School and Hazlehead Academy showed commitment in taking this forward. At Hazlehead Academy, staff also spoke to us of improvements to Gaelic Learner Education as part of setting a

more conducive ethos for Gaelic Medium Education. Transitions have still to improve so that all young people continue their immersion experiences at the secondary stages, given the additional value for fluency beyond studying Gàidhlig (Gaelic) as a subject in the curriculum. Going forward, there should be a more explicit commitment to improved continuity between primary and secondary Gaelic Medium Education. This proposal as it stands does not result in educational benefits for continuity and transition.

4. Summary

4.1 HM Inspectors have considered Aberdeen City Council's proposal to establish catchment areas for the Gaelic Medium Education provisions at Hazlehead Academy and Gilcomstoun School. We agree that there are legitimate concerns that the council has still to address. We have evidenced very strong opposition from stakeholders who could not agree that the proposals will result in educational benefits. HM Inspectors have not evidenced that the council has prepared an educational benefits statement that includes all of the criteria listed under Section 3 of the Schools (Consultation) (Scotland) Act 2010. The lack of pre-consultation work has been unhelpful in arriving at a consensus. It has caused a degree of anxiety that may have been avoided. Such pre-consultation could have assisted stakeholders in contributing their specialisms to devising a proposal that takes forward parents' and the council's commitment to national planning for Gaelic. Going forward, stakeholders' legitimate comments need to be taken into account in the strategic development of Gaelic Medium Education within the council. Bòrd na Gàidhlig, as statutory consultees, need to be enabled to be active participants in the consultation.

4.2 The council has significant work still to do to establish the educational benefits of their proposals. It is the view of HM Inspectors that catchment areas for Gaelic Medium Education should make learning through Gaelic attractive and feasible, whilst promoting high-quality standards, equity, equality, inclusion and growth as required by national planning. The council in proposing these catchment areas for Gaelic Medium Education leave many potential pupils out with the catchment area. The council need to ensure it is meeting its duty to promote and support Gaelic Medium Education. They also need to ensure they are reducing inequality of outcome for children and young people.

4.3 In its final report, the council needs to make clear how parents make future requests for establishing further Gaelic Medium Education provisions as set out in the Education (Scotland) Act 2016.

**HM Inspectors
November 2021**