

## COUNCIL GAELIC LANGUAGE PLAN

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### 1.0 EXECUTIVE SUMMARY

This report updates members on the Council's Gaelic Language Plan, as previously considered on 30<sup>th</sup> June 2022.

The recommendations are that Council:

- Note that this matter was referred to Scottish Ministers in June 2022 under section 5(8) of the Gaelic Language (Scotland) Act 2005, as there was no agreement between the Council and Bòrd na Gàidhlig on the proposed amendment regarding the establishment of an all-Gaelic School;
- Note that engagement between officers from the Council and from Scottish Government took place to inform the Scottish Ministers of the Council's position and subsequently a decision by Scottish Ministers was sent to the Council on 16<sup>th</sup> December 2022. This decision states that Ministers would approve the Plan subject to the modification already agreed by Council regarding L2 or L3 and the following alternative approach to the matter of a Gaelic School:

*“Action 2.11 Argyll and Bute Council will engage fully and constructively with Bòrd na Gàidhlig, as adviser on Gaelic education, and other stakeholders (including parents and parent representatives) with a view to bringing forward, within the next 2 years, a consultation to ascertain the demand for an all-Gaelic School within the local authority area.”*

- Note and consider the position that the decision of the Scottish Ministers is one that, subject to any considerations in relation to judicial challenge is one that is binding on the Council and Bòrd na Gàidhlig.

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ARGYLL AND BUTE COUNCIL

COUNCIL

CUSTOMER SUPPORT SERVICES

23<sup>RD</sup> FEBRUARY 2023

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## COUNCIL GAELIC LANGUAGE PLAN

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### 2.0 INTRODUCTION

2.1 At its meeting on 30<sup>th</sup> June 2022, Council considered proposals recommended by Bòrd na Gaidhlig to amend the Council's Gaelic Language Plan. Council agreed the following:

**1 - Notes the current status of the Council's Gaelic Language Plan.**

**2 - Notes that the majority of actions in the plan continue to be delivered.**

**3 - Agrees the amended Target recommended by Bòrd na Gaidhlig: Up to 90% of all primary schools in the Council area will offer Gaelic at L2 or L3.**

**4 - In respect of the proposed amendment to the Plan by Bòrd na Gaidhlig to establish a Gaelic School, agrees no further change to the Council's draft Plan as previously approved by the Community Services Committee.**

2.2 This report updates members on progress with Scottish Ministers, to whom this matter was referred under section 5(8) of the Gaelic Language (Scotland) Act 2005 in June 2022 and makes further recommendations to Council, which, if accepted, would enable final approval of an amended Gaelic Language Plan.

### 3.0 RECOMMENDATIONS

It is recommended that Council:

3.1 Note that this matter was referred to Scottish Ministers in June 2022 under section 5(5)(c) of the Gaelic Language (Scotland) Act 2005, as there was no

agreement between the Council and Bòrd na Gaidhlig on the proposed amendment regarding the establishment of an all-Gaelic School;

- 3.2 Note that engagement between officers from the Council and from Scottish Government took place to inform the Scottish Ministers of the Council's position and subsequently a decision by Scottish Ministers was sent to the Council on 16th December 2022. This decision states that Ministers would approve the Plan subject to the modification already agreed by Council regarding L2 or L3 and the following alternative approach to the matter of a Gaelic School:

*“Action 2.11 Argyll and Bute Council will engage fully and constructively with Bòrd na Gàidhlig, as adviser on Gaelic education, and other stakeholders (including parents and parent representatives) with a view to bringing forward, within the next 2 years, a consultation to ascertain the demand for an all-Gaelic School within the local authority area.”*

- 3.3 Note and consider the position that the decision of the Scottish Ministers is one that, subject to any considerations in relation to judicial challenge is one that is binding on the Council and Bòrd na Gaidhlig.

#### **4.0 DETAIL**

- 4.1 The Council has been engaged in protracted negotiations and discussions with Bòrd na Gaidhlig on the final version of the Gaelic Language Plan and proposed amendments. The majority of actions had been agreed and progress has been ongoing to deliver these, as has been reported to the Community Services Committee. The one area of contention in the Plan remained the establishment of an all-Gaelic School. The current National Gaelic Language Plan has a target to increase the number of Gaelic Schools, but it was not identified as a priority for Argyll and Bute Council and was therefore not included in our Gaelic Language Plan.
- 4.2 Significant officer time has been expended meeting with Bòrd na Gaidhlig to represent the Council's position and explain the reasons for investing in Gaelic Language delivery through Gaelic Medium Education across the wider area rather than developing a standalone Gaelic school in a single community. Bòrd na Gàidhlig's position remained that *‘a clear commitment should be made in t the Gaelic Language Plan to plan for and establish a Gaelic Medium School in Argyll.’*
- 4.3 Ultimately agreement could not be reached, and the Council took a decision in June 2022 to make the proposed amendment to Action 2.5 in the Plan *‘Up to 90% of all primary schools in the Council area will offer Gaelic at L2 or L3’* but: *‘In respect of the proposed amendment to the Plan by Bòrd na Gaidhlig to establish a Gaelic School, agrees no further change to the Council's draft Plan as previously approved by the Community Services Committee.’*
- 4.4 As an agreement on the latter proposed modification was not reached between the Council and the Bòrd a referral was made to Scottish Ministers, under

section 5(5)(c) of the Act, with a 6 month timeline for decision making. Officers met with representatives of Scottish Ministers to provide detail on the Council's position. Bòrd na Gaidhlig did the same.

- 4.5 The decision letter from Scottish Ministers under Section (5)(8) of the Act was issued to the Council on 16<sup>th</sup> December 2022. This imposes an alternative approach to the issue of a Gaelic School by way of modification to the Plan. This is '*to undertake a consultation within 2 years to ascertain the demand for an all-Gaelic school in the area.*' This is to be carried out by engaging fully and constructively with Bòrd na Gaidhlig.
- 4.6 Officers have taken all relevant matters into account following the Scottish Minister's decision, and consider that this compromise position allows the Council to ascertain the views of communities on this issue, without making an unbudgeted commitment to the establishment of a Gaelic school, which was the nature of the Bòrd na Gaidhlig proposal. The decision of the Scottish Ministers is one that, subject to any considerations in relation to judicial challenge is one that the Council is binding on the Council and BnG. It is not considered that there are arguable grounds for judicial challenge of the decision of Scottish Ministers.

## **5.0 CONCLUSION**

- 5.1 Members decided on 30<sup>th</sup> June 2022 not to agree an amendment to the Council's Gaelic Language Plan by Bòrd na Gaidhlig which would commit the Council to establishing a Gaelic School. The Plan was therefore referred to Ministers for a final decision and officers engaged with representatives of Scottish Ministers to present the Council's position and underlying rationale. A final decision letter was received from Scottish Ministers on 16<sup>th</sup> December 2022 with an alternative approach imposed on the Plan by way of a modification to it. This alternative approach offers a compromise position.

## **6.0 IMPLICATIONS**

- 6.1 Policy – None from this report
- 6.2 Financial – None from this report
- 6.3 Legal – Scottish Ministers have power under the Gaelic Language (Scotland) Act 2005 to approve the Council's Gaelic Language Plan. If the modification made by Scottish Ministers is not accepted, and the finalised Plan is not published and implemented by the Council, the Council may be at risk of breaching its statutory duty to have a Gaelic Language Plan under the Act
- 6.4 HR – None from this report
- 6.5 Fairer Scotland Duty:
- 6.5.1 Equalities - protected characteristics – None from this report
  - 6.5.2 Socio-economic Duty – None from this report
  - 6.5.3 Islands – None from this report
- 6.6 Climate Change – None from this Report

6.7 Risk – If the proposed modification made by Scottish Ministers is not accepted, and the finalised plan is not published and implemented by the Council, the Council may be at risk of breaching its statutory duty to have a Gaelic Language Plan under the Act.

6.8 Customer Service – None from this report

**Executive Director with responsibility for Customer Support Services**

**Policy Lead Robin Currie**

18.01.2023

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