

# **The Scottish Languages Bill**

## **Equality Impact Assessment Record**

**December 2023**

## Equality Impact Assessment Record

<b>Title of policy/ practice/ strategy/ legislation etc:</b>  The Scottish Languages Bill
<b>Minister:</b>  Cabinet Secretary for Education and Skills
<b>Directorate, Division, Team:</b>  Directorate for Education Reform: Gaelic & Scots Division
<b>Is this new policy or revision to an existing policy?</b>  This is a revision to four existing policies (the status of Gaelic & Scots; Gaelic Medium Education; Bòrd na Gàidhlig; the Scots language) and the creation of one new policy (Areas of Linguistic Significance).

### Screening

#### Policy Aim

The Bill has five overarching policy aims. These are i) to improve the status of Gaelic and Scots; ii) to establish a new strategic approach to Gaelic medium education; iii) to establish Areas of Linguistic Significance to better support individual Gaelic speaking communities while maintaining Gaelic's status as a language for all of Scotland; iv) to

review the structures and functions of Bòrd na Gàidhlig; v) to take action on the Scots language.

i) Improving the status of Gaelic and Scots

The Bill seeks to give legal recognition to Gaelic and Scots as languages of Scotland and to place a requirement on Scottish Ministers to set a strategy for Gaelic.

Under the Gaelic Language (Scotland) Act 2005, Bòrd na Gàidhlig was established “with a view to securing the status of the Gaelic language as an official language of Scotland commanding equal respect to the English language”. The Scots language doesn’t currently receive any statutory recognition.

ii) A new strategic approach for Gaelic Medium Education

The Bill aims to place a requirement on local authorities to prepare delivery plans for Gaelic Medium Education (GME) and Gaelic Learner Education (GLE). The local authorities will also have a duty to regard the promotion and support of Gaelic when exercising their functions. It will create powers for Scottish Ministers to issue guidance and direction for the authorities to set standards. A requirement is created to establish catchment areas for GME. The role of key bodies in supporting Gaelic within education and communities will be recognised by requiring local authorities to consult with them.

iii) Areas of Linguistic Significance

This aim has been designed in response to the “Gàidhealtachd” commitment. It will introduce a framework to designate Areas of Linguistic Significance depending on the wider demographic position of Gaelic within them. In combination with the powers to set standards and enhanced requirement for Gaelic language plans, this will enable public

bodies to make a positive contribution to Gaelic in their area of operation.

iv) Review the structures and functions of Bòrd na Gàidhlig

The functions of Bòrd na Gàidhlig are to be altered so that its role can be refocused on monitoring delivery within a renewed regulatory structure. Bòrd na Gàidhlig will continue to support and promote the use and understanding of Gaelic and will be required to report to Parliament and Scottish Ministers on compliance by public bodies.

v) Take action on the Scots language

Through statutory guidance, Scottish Ministers will set the vision for Scots. Within this the role of key bodies in supporting Scots in education will be recognised and strengthened. A strategy for Scots will be prepared and kept under review by Scottish Ministers. Statutory guidance will be prepared for public authorities on the promotion and facilitation of Scots usage and the development and encouragement of Scots culture. Scottish Ministers and local authorities will have a duty to promote and support Scots education in schools. Scottish Ministers will also have powers to issue guidance to local authorities on Scots language education in schools and to set standards and requirements for local authorities in relation to Scots language education.

**Who will it affect?**

This policy will affect all those who are presently part of Scotland's Gaelic and Scots language communities, those who aspire to be part of them, and those who support them. It seeks to encourage language education within Scotland and recognise Scotland as a multilingual country by building upon the existing opportunities for Gaelic and Scots language acquisition.

The provisions of the Scottish Languages Bill will support and strengthen the ambition that equal opportunities should feature as an important element of Scottish public and cultural life. In the first instance, the provisions which this Bill will put in place are open to all and there will

not be any individuals or communities that are excluded. This is true at present of the main elements of Gaelic and Scots provision, education, arts, media, Gaelic learning and this will continue.

As of the 2011 census, 57,600 people reported speaking Gaelic while a total figure of 87,100 reported having some level of ability in the language. For Scots the equivalent figures were 1,537,626 and 1,929,444.

Giving the languages legal recognition as languages of Scotland will further the rehabilitation of two minority cultures which have historically been discriminated against within the Scottish public sector. It will also help enshrine the principles within the European Charter for Regional or Minority Languages across Scottish public life. The provisions within the Bill, by taking steps to remedy historical inequalities enacted against indigenous linguistic minorities, represent in themselves measures which enhance equality as well as setting a precedent for further action in this area.

### **What might prevent the desired outcomes being achieved?**

Gaelic medium education faces the same challenges as the wider Scottish educational sector as well as ones which are distinct to it. The latter includes teacher shortages and the successful implementation of the Bill's provisions will require the continuance of existing efforts to encourage more people to pursue careers in Gaelic medium teaching. Successful examples of these efforts can be found in Bòrd na Gàidhlig's Dèan Diofar campaign and the recent inclusion of Gaelic in the Scottish Government's teacher bursary. This is work which the Scottish Government will continue in collaboration with Bòrd na Gàidhlig and other public bodies such as local authorities, the education agencies and teacher training institutions.

A challenge unique to GME is a shortage of bespoke Gaelic curriculum materials. The successful implementation of a national strategy for GME will require the better resourcing of Gaelic teachers. The Scottish Government supports bodies such as Bòrd na Gàidhlig and Stòrlann in

developing Gaelic educational resources and this is work which will continue with the aim of fulfilling the Bill's provisions.

The designation of Areas of Linguistic Significance will require extensive cooperation between the Scottish Government, local authorities and other public bodies active within any areas to be so designated. However, the framework provided by the current Gaelic language planning system enables these bodies to work together on behalf of the language and ensures that there is a strong foundation upon which this new provision can be built.

Developing a strategy, statutory guidance, and educational provision for the Scots language will require extensive cooperation between different public bodies as well as groups such as the Scots Language Centre and Scots Hoose.

## **Stage 1: Framing**

### **Results of framing exercise**

The Scottish Languages Bill is the result of several language related commitments on which the Scottish Government came to power in May 2021. A consultation was held on these commitments between August and December 2022. This engaged stakeholders and the public across Scotland, eliciting just over 750 responses which can be [viewed](#) on the Citizen Space platform. The provisions within the Bill are the product of these responses and the recommendations of external analysts and policy and legal colleagues within the Scottish Government. The external analysis of consultation responses can be viewed on the [Scottish Government website](#).

The consultation engaged with communities in rural, island and urban areas via online and in person meetings. This ensured a wide geographic spread of respondents. Our methodology ensured that consultation engagement was accessible and people who come within the protected characteristics were able to contribute to the process.

Also significant is the Report of the [Short Life Working Group on Economic and Social Opportunities for Gaelic](#). The Group consisted of representatives from Skye and the Western Isles who work across the economic and public life of Gaelic speaking communities. They also

engaged with major stakeholders in their areas and their report was produced within the same period as the consultation. Its recommendations have informed aspects of the Bill – most notably those concerning Areas of Linguistic Significance.

Our approach ensured that people of all ages were able to contribute. By meeting with stakeholders such as Young Scot and individual schools and universities we were able to ensure that secondary pupils and students participated in the process. Meeting with national and local branches of Comann nam Pàrant encouraged contributions by the parents and guardians of current and prospective Gaelic medium children. Submissions by organisations like Skills Development Scotland, Highlands and Islands Enterprise and universities and colleges were able to reflect the concerns of people of working age. Estate and community trusts based in rural areas with older populations were able to reflect their particular concerns – in addition to the contributions of local authorities. The response submitted by a branch of Alzheimer Scotland brought an awareness of the needs which the Bill could address among a particular group within the older population. The Bill's focus on Gaelic medium education meant particular attention was paid to the opportunities for children of early years and school age to learn the language. A recurring concern was the lack of Gaelic immersion learning in childcare or early years – as well as access points to GME for pupils beyond primary one. Another major issue was the absence or narrowing of Gaelic medium provision in some local authorities after primary school. This was felt to unfairly affect pupils between 12 and 18. It also impacts the number of school leavers with Gaelic qualifications who are available for workforce opportunities and training.

There was also a desire for greater adult learning opportunities. Primarily this was with regard to support for non-Gaelic speaking parents of Gaelic medium pupils but it also concerned general learning opportunities for adults with an interest in the language. These are questions of equality which the Bill has been designed to address.

Legislative provisions were not required for all of the responses which came forward in the consultation. However, this assessment is of relevance to them and they have been considered as part of the exercise. For example, in relation to continuing support for teachers or increasing Gaelic skills in the workforce, measures already exist for

pursuing these aims. They include measures to increase access to, and uptake of, ways to improve Gaelic skills at all levels - opportunities to provide a range of routes to learning and improve confidence in Gaelic skills. As mentioned above, Gaelic was recently included in the Scottish Government's teacher bursary to increase the numbers pursuing Gaelic teaching. Scottish Government stakeholders such as Stòrlann and MG Alba develop materials and training courses which provide a range of routes to developing and improving professional Gaelic skills. Other public bodies also have their own Gaelic workforce development programmes – for example, Skills Development Scotland's annual 'Siuthad!' Gaelic careers day.

The Scottish Government's continued funding of stakeholders such as MG Alba, Sabhal Mòr Ostaig, Stòrlann, the Scots Language Centre, and Scots Hoose – as well as individual language initiatives across a range of sectors – all contribute to the policy aims of the Bill.

Views which were received on the consultation's original Gàidhealtachd commitment regarded it as an opportunity to provide a more holistic approach to Gaelic education – one where local authorities provide comprehensive 3-18 education through the language and in which learning opportunities existed for people of all ages in the wider community. These views have shaped the provision to designate Areas of Linguistic Significance. The measure was also regarded as something which could encourage the intergenerational transmission of Gaelic between older and younger speakers – a step which would also improve social interaction between the generations.

For the Scots language, there was a desire for any provision to be accessible to all ages. The need to provide resources for the language in the digital spaces where many young Scots speakers are active was emphasised – as was the need for Scots language and culture to be normalised to children in formal education from early years onwards.

The Gàidhealtachd commitment, and the resulting provision for Areas of Linguistic Significance, broached general social issues which were felt to disproportionately affect working age adults and young families – such as rural housing, transport and employment. It was viewed as something which could positively impact the ability of people within demographics to live within their desired communities. The provision for Areas of Linguistic Significance is a means by which public bodies active in



Gaelic speaking communities can consider how efforts on behalf of the language can also address such social and economic issues and the disproportionate impact they have on specific age groups.

The Gàidhealtachd commitment did provoke some concern that it could be an exclusionary measure. Several respondents wanted guarantees that any such step would be inclusive and one which maintained Gaelic's status as a national language which belonged to all. The provision for Areas of Linguistic Significance is designed to be open to all parts of Scotland and is a means by which Gaelic speakers and Gaelic learners of all backgrounds can be better supported in their efforts to sustain the language and increase the opportunities for all to learn it.

In discussions with individual parents and branches of Comann nam Pàrant it was noted that the current level of additional support for learning in Gaelic medium education was not equal to that in English medium schooling. The Bill aims to introduce a duty for education authorities to produce delivery plans for Gaelic medium education. It is hoped this will go some way towards reducing this disparity – which was identified as a barrier to inclusion for children who required additional support for learning.

The lack of specific equalities protection for language was a concern which emerged during the consultation. This is in itself an extension of a longer public debate about the status of Gaelic and Scots, or any other language, under the Equality Act 2010. Those who engaged with the consultation expressed a desire for greater protection for Gaelic and Scots in this regard.

Throughout the Bill's consultation there was a view that the support of Gaelic and Scots was a question of equality, and that increasing access to them through the Bill's provisions would be a measure to enhance equality in Scottish public life.

### **Extent/Level of EQIA required**

The Scottish Government's assessment of the impact of this policy is that it has the potential to positively affect the protected characteristics of age and disability. For all other protected characteristics it is not

considered to have any effect. The EQIA process has demonstrated that the Scottish Government will need to pursue close engagement with stakeholders as the provisions of the Scottish Languages Bill are implemented to ensure that the desired positive effects of the legislation are achieved.

## **Key Findings**

### **Protected Characteristic of Age**

The Bill's focus on Gaelic medium education will have a greater impact on children of school age, their parents or guardians, and schoolteachers. Its provisions can positively impact these age groups by improving their access to Gaelic medium education.

Within the Scots language provisions of the Bill, the emphasis is also on education, therefore ensuring a greater impact on children of school age, their parents or guardians, and schoolteachers. As with Gaelic medium education, the improved provision of Scots language education in schools will positively impact these groups.

The Bill's provision to designate Areas of Linguistic Significance is a measure which could enable public bodies to better tackle wider social and economic issues which disproportionately affect young families and people of working age within rural communities. By enabling Gaelic medium education to be better integrated with community learning it can also improve social interaction between generations.

### **Protected Characteristic of Disability**

There is evidence for the unequal provision of additional learning support within Gaelic medium schools compared with the English medium sector. This has resulted in Gaelic medium pupils being disadvantaged or in parents or guardians who wish for their children to receive Gaelic medium education being required to opt for English medium instead.

By placing Gaelic medium education on a strategic basis, the Scottish Languages Bill has the potential to positively impact children with additional learning needs as well as their parents or guardians. Giving Scottish Ministers the power to prescribe standards and requirements for Gaelic education in schools will outline the full extent of provision to which education authorities must work. The Bill requires Scottish Ministers to prepare regulations in consultation with listed interest parties who will better ensure the input of parents, guardians and teachers in prescribing the standards and regulations of Gaelic

education. The ability to overcome shortfalls within Gaelic medium or learner education across local authorities is made possible by inserting a new section 6D into the Education (Scotland) Act 2016 and its conferring of a power on Scottish Ministers to give directions to education authorities about the performance of their functions relating to both forms of Gaelic education.

### **Protected Characteristic of Sex**

This policy had no impact on this protected characteristic.

### **Protected Characteristic of Pregnancy and Maternity**

This policy had no impact on this protected characteristic.

### **Protected Characteristic of Gender Reassignment**

This policy had no impact on this protected characteristic.

### **Protected Characteristic of Sexual Orientation**

This policy had no impact on this protected characteristic.

### **Protected Characteristic of Ethnicity**

This policy had no impact on this protected characteristic.

### **Protected Characteristic of Religion or Belief**

This policy had no impact on this protected characteristic.

### **Protected Characteristic of Marriage or Civil Partnership.**

This policy had no impact on this protected characteristic.



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