



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Education, Children and Young People Committee

Wednesday 11 December 2024

Session 6



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**EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE**  
**33<sup>rd</sup> Meeting 2024, Session 6**

**CONVENER**

\*Douglas Ross (Highlands and Islands) (Con)

**DEPUTY CONVENER**

\*Jackie Dunbar (Aberdeen Donside) (SNP)

**COMMITTEE MEMBERS**

\*George Adam (Paisley) (SNP)

\*Miles Briggs (Lothian) (Con)

\*Pam Duncan-Glancy (Glasgow) (Lab)

\*Ross Greer (West Scotland) (Green)

\*Bill Kidd (Glasgow Anniesland) (SNP)

\*John Mason (Glasgow Shettleston) (Ind)

\*Willie Rennie (North East Fife) (LD)

\*Evelyn Tweed (Stirling) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Kate Forbes (Deputy First Minister and Cabinet Secretary for Economy and Gaelic)

Emma Harper (South Scotland) (SNP)

Michael Marra (North East Scotland) (Lab)

**CLERK TO THE COMMITTEE**

Pauline McIntyre

**LOCATION**

The Robert Burns Room (CR1)



# Scottish Parliament

## Education, Children and Young People Committee

Wednesday 11 December 2024

*[The Convener opened the meeting at 09:00]*

### Scottish Languages Bill: Stage 2

**The Convener (Douglas Ross):** Good morning and welcome to the 33rd meeting in 2024 of the Education, Children and Young People Committee. The first and only item on our agenda is day 1 consideration of the Scottish Languages Bill at stage 2.

I welcome to the meeting the Deputy First Minister and Cabinet Secretary for Economy and Gaelic, Kate Forbes, along with her supporting officials. The officials who are seated at the table are here to support the Deputy First Minister, but they cannot speak in the debates on the amendments. Members should therefore direct their comments or questions for the Scottish Government to the Deputy First Minister.

Before we begin, for anyone who is watching, I will briefly explain the procedure that we will follow this morning. The amendments that have been lodged have been grouped together in various groups. There will be one debate on each group of amendments. I will call the member who lodged the first amendment in the group to speak to and move that amendment and to speak to all the other amendments in the group.

I will then call any other members who have lodged amendments in that group. Members who have not lodged amendments in the group but who wish to speak should indicate that to me. If she has not already spoken on the group, I will then invite the Deputy First Minister to contribute to the debate.

The debate on the group will be concluded by me inviting the member who moved the first amendment in the group to wind up. Following the debate on each group, I will check whether the member who moved the first amendment in the group wishes to press the amendment to a vote or to seek to withdraw it. If they wish to press it, I will put the question on that amendment. If a member wishes to withdraw their amendment after it has been moved, they must seek the agreement of other members to do so. If any member present objects, the committee will immediately move to a vote on the amendment.

If any member does not want to move their amendment when it is called, they should say,

“Not moved.” Please note that any other member present may move such an amendment. If no one moves the amendment, I will immediately call the next amendment on the marshalled list.

Only committee members are allowed to vote. Voting in a division will be by a show of hands. It is important that members keep their hands raised until the clerks have recorded the vote.

The committee is also required to indicate formally that it has considered and agreed to each section of the bill, so I will put the question on each section at the appropriate points.

I hope that those instructions were helpful. Now that we have covered the housekeeping matters, we can move on to the substantive business.

#### Section 1—Status of the Gaelic language

**The Convener:** Amendment 76, in the name of Ross Greer, is grouped with amendments 16, 35, 50 and 96.

**Ross Greer (West Scotland) (Green):** Good morning, all.

Amendments 76 and 96 are about the definition of “official status” in the bill. The giving of “official status” to Gaelic and Scots is a significant part of the bill and one of the key motivators behind it, but the Law Society of Scotland posed the question of what “official status” means. At the moment, we do not have a definition of “official status”. Amendments 76 and 96 are the Law Society’s proposals for how we should define that term. They define it as meaning that those languages—Gaelic in the case of amendment 76, and Scots in the case of amendment 96—command equal respect to that of English.

Amendments 16, 35 and 50 in the group further thread the principle of equal respect through the bill in relation to Gaelic. The term “equal respect” is already used in part 1 of the bill. Section 2(2)(c) usefully sets out the principle of equal respect, which I think should be seen as the touchstone for Gaelic policy across the board. Section 2(2)(c) relates to the responsibilities of Bòrd na Gàidhlig in supporting other public authorities. It says:

“the Bòrd must seek to give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the Gaelic and English languages should be accorded equal respect.”

I am simply taking language that is already used in section 2 of the bill and putting it elsewhere. Amendment 16 seeks to insert reference to the principle of equal respect in the section on preparation of the Gaelic language strategy. Amendment 35 seeks to do that in relation to the production of guidance by ministers, and amendment 50 seeks to do the same in relation to the preparation of Gaelic language plans. The

amendments in this group simply take language that is already used in one section of the bill and thread it throughout the bill. I think that the principle of equal respect should underlie everything else that we do in relation to the bill.

I move amendment 76.

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** Madainn mhath. I thank Ross Greer for explaining the purposes of the amendments. The bill as drafted grants Gaelic and Scots official status in Scotland, and our position is that the current wording gives both languages the requisite standing in Scotland's public life. The inclusion in the bill of a clear statement of official status is an important part of recognising Gaelic and Scots. That was welcomed by Gaelic and Scots interests, because it is a means of countering some of the neglect and practices of earlier times. We want to reverse that neglect in the bill.

Our approach to drafting the bill is intended to signpost the high policy aspirations that we hold for these languages. Definitions in this area are difficult, and there is no standard universal understanding of concepts such as "official status" or "official language". Those concepts have different meanings in different countries, which is why, instead of including a definition that cannot be consistently interpreted, we have carefully set out in subsection (2) of each provision how the statement that Gaelic and Scots have official status is given legal effect.

Therefore, we argue respectfully that amendments 76 and 96 would result in a lack of clarity on the legal effect of the statements on official status for Gaelic and Scots, which could create considerable legal and budgetary uncertainty and risk for public authorities. Of course, I believe in the principle of equal respect for Gaelic and Scots, but I believe that that can be better written into the bill through support for amendments 16, 35 and 50, which require that the principle should be considered at precise points, where that requires concrete and specific action by Scottish ministers and public authorities.

As Ross Greer said, amendments 16 and 35 modify the bill to require ministers to have regard to the principle of equal respect when preparing the ministerial Gaelic language strategy and guidance, and amendment 50 requires public bodies to have regard to the principle of equal respect when preparing their Gaelic language plans. Therefore, the principle must be considered at precise points.

We are happy to support amendments 16, 35 and 50 because they meaningfully strengthen the bill's provisions in relation to equal respect at particular points and because they make the

support for equal respect clear without creating the uncertainty that we believe would be the result of amendments 76 and 96. Therefore, we are disinclined to support those amendments and urge Mr Greer not to press them, while we fully endorse the principle of equal respect that his other amendments highlight.

**The Convener:** I will only check for this amendment as it is our first one, but I see that no other member has indicated that they want to come in. Therefore, I ask Ross Greer to wind up and to press or seek to withdraw amendment 76.

**Ross Greer:** I appreciate the cabinet secretary's comments and I understand the Government's position. At this stage, I am happy not to press amendment 76 and not to move amendment 96, but I would welcome further engagement with the cabinet secretary, if she is agreeable to that, ahead of stage 3 because I am conscious that, particularly with regard to Scots, the principle of equal respect is not particularly present throughout the bill. My amendments 16, 35 and 50 relate primarily to Gaelic, so, if we all agree on the principle of equal respect, there is perhaps more work that we can do ahead of stage 3 to ensure that that principle is also represented in the bill for Scots.

*Amendment 76, by agreement, withdrawn.*

*Section 1 agreed to.*

## **Section 2—Functions of Bòrd na Gàidhlig**

**The Convener:** Amendment 1, in the name of the Deputy First Minister, is in a group on its own.

**Kate Forbes:** Amendment 1 comes off the back of feedback from the committee and a number of stakeholders about the importance of refocusing our efforts on communities. It is important that Gaelic community development planning and support are prioritised. The bill will strengthen the focus on support for Gaelic at a community and grass-roots level.

Amendment 1 ensures that advice, assistance and support from Bòrd na Gàidhlig is in place. The amendment will make support for community language planning a requirement of Bòrd na Gàidhlig as part of its wider functions. The renewed focus on community activity, with support from the board, will be important for Gaelic in the years ahead, securing a range of social, cultural, educational and economic benefits. I believe that the focus on community language activity was the committee's biggest ask following the evidence session prior to stage 1.

I move amendment 1.

*Amendment 1 agreed to.*

*Section 2, as amended, agreed to.*

### Section 3—Bòrd na Gàidhlig corporate plan

**The Convener:** Amendment 2, in the name of Ross Greer, is grouped with amendments 2, 9 to 12, 17, 18, 78, 19 to 25, 26, 42, 48 and 49.

**Ross Greer:** I am afraid that this is the start of quite a long run of amendments from me, but not all of my speaking notes are too long.

In this section, amendments 2, 9 to 12, 17, 19 to 25, 36, 42, 48 and 49 all simply insert the word “national” at various points in the bill. The intention is to ensure that there is absolute clarity that, when the legislation talks about the Gaelic language strategy, it is talking about the national strategy for which ministers have responsibility and which is replacing the national Gaelic language plan that exists as a result of the Gaelic Language (Scotland) Act 2005. There are lots of other documents that will be referred to as strategies, plans and so on that will be produced as a result of the bill, so the intention is to ensure that there is absolute clarity in that regard. That is the rationale behind all of those amendments, which I hope is simple and agreeable to members.

**Pam Duncan-Glancy (Glasgow) (Lab):** For clarity, can you confirm that you think that it is important that there are still local approaches to other strategies, giving voice to the views of local people, communities and organisations, and that the intention of the amendments is simply to clarify that there is a national strategy?

**Ross Greer:** Yes, I am grateful for the member’s intervention on that important point. We will need locally appropriate plans and strategies across the country because different communities have different needs in relation to Gaelic and Scots, and those local strategies will require more flexibility. It is appropriate for Parliament to be a bit more prescriptive about what we want to see in the national strategy, but those local strategies should have that greater level of flexibility. My amendments are intended to clarify that, in the various sections that are relatively prescriptive about what should be in the national strategy, and which will perhaps be more prescriptive after the stage 2 amendments, we are prescribing for the national strategy alone, and that there is still the ability for local strategies and plans—whatever phrase is used—to be more flexible.

Amendment 18 simply adds that ministers must publicise consultation on the draft strategy. It is up to Government how that is done but, at the moment, there is no provision to share the consultation publicly or widely. Amendment 18 clarifies that, if the draft strategy is to be consulted on, that consultation has to be publicised at large.

On the same principle, amendment 78 is designed to ensure that there is a greater level of transparency to enable a more informed view to

be taken of the basis on which the policy underpinning the strategy was formed. Accordingly, it requires the results of the consultation to be published. I have further amendments that we will come to later this morning to the effect that, wherever a consultation takes place, the results of that consultation should be published, simply so that we ensure that the process has maximum public confidence and buy-in.

Essentially, amendment 18 requires that the consultation is publicised, and amendment 78 requires that the results of any consultation are published.

I move amendment 2.

**Kate Forbes:** The bill’s provisions for a Gaelic language strategy to be prepared by Scottish ministers bring new status and profile to language planning. I understand that Mr Greer’s intention in introducing the amendments is to emphasise that status. It is worth saying that, in my earlier evidence to the committee during stage 1 and in all subsequent meetings, I have made it clear to everyone here that I want to collaborate. Although we do not think that some of the amendments are absolutely essential, I want the bill to be shaped by all parties in Parliament, so, if Mr Greer feels that the suggested name for the strategy better emphasises the importance of Gaelic to our national life, I am happy to support the amendments.

The Gaelic Language (Scotland) Act 2005 added the word “national” to Bòrd na Gàidhlig’s Gaelic language plan to distinguish it from the individual Gaelic language plans that were produced by public authorities. The national Gaelic language plan for 2023 to 2028 will remain with us in the coming years, and the many initiatives and commitments that it contains for Gaelic will be implemented. Having both a national Gaelic language plan and a national Gaelic language strategy might create the potential for confusion between the documents, which is partly why we did not include national in the title at introduction.

09:15

Of course, there are other strategies that are produced by Scottish ministers that are lent the status of a national strategy by default, such as the circular economy strategy, the fuel poverty strategy and the forestry strategy. They do not automatically include the word “national” in their titles, but one hopes and assumes that people know that, by their very nature, they are national. However, we are very happy to support the amendments in Ross Greer’s name that add the word “national” throughout the bill.

On amendments 18 and 78, it was always our intention for the consultation on the draft Gaelic language strategy that is included in the bill to be a public consultation and to allow for all interested parties to make representations about it. I am happy to support Ross Greer's amendment 18, which makes that clear, and I am also happy to commit to publishing the result of the consultation and therefore to support Ross Greer's amendment 78 to set that out in the bill.

If I have explained that correctly, that means that we are very happy to support all of Ross Greer's amendments in the group.

**Ross Greer:** I am grateful to the cabinet secretary for her remarks and for her support for these amendments. I should give credit to Professor Wilson McLeod, who gave evidence to the committee at stage 1. Through my engagement with him, many of the proposals that I am making this morning came about, particularly the amendments in relation to inserting the word "national" to add clarity and amendment 18 on publicising the consultation. I also put on the record that amendment 78 is a proposal from the Law Society.

*Amendment 2 agreed to.*

**The Convener:** Amendment 77, in the name of Ross Greer, is in a group on its own.

**Ross Greer:** I hope that this will be short. This is another proposal that originated from discussions that I had with the Law Society. Amendment 77 provides that ministers would have to give reasons for rejecting a corporate plan that had been produced by the bòrd. It is simply about ensuring greater transparency.

My expectation is that it would be extremely rare for things ever to get to the point at which any final corporate plan produced by the bòrd was rejected by ministers. My expectation is that, if there were any serious issues with a plan, there would be far greater engagement earlier in the process, when it was in draft form, and that back-and-forward dialogue would resolve issues.

If it were ever to get to the point at which the corporate plan produced by the bòrd was judged by ministers to be so deficient that they rejected it, it is an important point of transparency and a matter for public confidence that ministers should have to provide reasons for rejecting the plan, which is the rationale behind amendment 77.

I move amendment 77.

**Kate Forbes:** I am grateful to Ross Greer for his extensive work in lodging amendments. In relation to amendment 77, Bòrd na Gàidhlig has submitted successive national Gaelic language plans to Scottish ministers under the Gaelic Language (Scotland) Act 2005 since it came into force.

Those plans have been successfully developed and approved through current provision.

The member will be aware that the bill provides that ministers will now have the role of issuing a number of documents that used to originate with Bòrd na Gàidhlig. That includes the statutory guidance on Gaelic language plans, the statutory guidance on Gaelic education and the new Gaelic strategy. That reinforces the importance that Scottish ministers place on those documents and the leadership role that should sit with Scottish ministers for the Gaelic language.

Amendment 77 relates to something quite different, which is the bòrd's own internal corporate plan. The approval of a corporate plan for any non-departmental public body is a normal part of the internal processes and discussions between central Government and NDPBs, so it does not require parliamentary input. The amendment would add a stage that would sit quite strangely with the iterative process that exists between non-departmental public bodies and the Scottish Government.

I therefore do not support amendment 77. I ask the member not to press it, because it would have implications for how NDPBs do their iterative process of producing internal documents, which does not currently require parliamentary input.

**Ross Greer:** I appreciate not just the cabinet secretary's remarks on amendment 77 but the constructive way in which we have engaged on amendments to this point. She is right to point out that the amendment does not relate to the Gaelic language strategy, because responsibility for that is moving to ministers. It is about the corporate plan of an NDPB. In that sense, the rationale behind the amendment has nothing to do with the Gaelic language—it is about my and my party's view about the transparency of public bodies in Scotland.

The cabinet secretary is right to point out the iterative process that exists for the production of corporate plans by NDPBs. As I pointed out in my opening remarks, the provision in amendment 77 would come into place only at the end of that process. The iterative process is about drafting a corporate plan. It is an important point of transparency and public confidence that, if that process has taken place as normal but, at the end of it, an NDPB has produced a corporate plan that ministers believe is so deficient that they reject it, ministers should have to give a rationale for that.

I am being somewhat opportunistic in proposing such a provision in the bill, because the bill relates to a particular NDPB but, as a point of transparency in the public sector, I will press amendment 77.



**The Convener:** The question is, that amendment 77 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Duncan-Glancy, Pam (Glasgow) (Lab)  
Greer, Ross (West Scotland) (Green)  
Mason, John (Glasgow Shettleston) (Ind)  
Rennie, Willie (North East Fife) (LD)

**Against**

Adam, George (Paisley) (SNP)  
Briggs, Miles (Lothian) (Con)  
Dunbar, Jackie (Aberdeen Donside) (SNP)  
Kidd, Bill (Glasgow Anniesland) (SNP)  
Ross, Douglas (Highlands and Islands) (Con)  
Tweed, Evelyn (Stirling) (SNP)

**The Convener:** The result of the division is: For 4, Against 6, Abstentions 0.

*Amendment 77 disagreed to.*

*Section 3, as amended, agreed to.*

**Section 4—Areas of linguistic significance**

**The Convener:** Amendment 3, in the name of the Deputy First Minister, is grouped with amendments 4 to 7.

**Kate Forbes:** Amendments 3, 6 and 7 respond to legitimate concerns that the committee raised. I think that Ruth Maguire, one of the committee's former members, asked me about the matter that they address when I gave evidence at stage 1.

The aim of areas of linguistic significance is to give improved recognition to Gaelic in certain areas and to give communities a greater say in the development of a Gaelic-language policy that applies to them. That recognises the importance of, and the renewed focus on, communities.

Amendment 3 requires that, if the authority for an area that has 20 per cent of the population with Gaelic-language skills decides not to designate that area, it must make public the decision and its reasons for not proceeding.

Amendments 6 and 7 increase the level of community input into the process, which was a specific ask from the committee. They enable communities to commence the process of designating an area of linguistic significance by making that demand known to Bòrd na Gàidhlig, which must then request that the local authority must consider making a designation.

One criticism that has been made is that, often, Gaelic-language policy is very top down. Amendments 6 and 7 are about ensuring that people at grass-roots level—the community level—are able to make their views known and initiate a process that would give their area the status of an area of linguistic significance. Those

amendments also give Bòrd na Gàidhlig a key role in the process and enable and encourage it to be active at a community level and act in line with community representation. That is to ensure that a third party can manage the process, and Bòrd na Gàidhlig is well placed to do that.

In principle, I am very supportive of amendments 4 and 5, in the name of Pam Duncan-Glancy. I would be interested in progressing work with her in advance of stage 3. The provisions in the bill already allow consultation with community councils when those councils wish to engage. There is a broad consultation provision that refers to

“such other persons as the authority considers it appropriate”

to consult. Where there is an active and engaged community council, it would want to respond to any consultation for its area. However, it is possible—we all know this from doing work in our areas—that a community council might be inactive or fail to respond. It could therefore become quite difficult for the local authority to be sure that it had complied with the duty created by amendment 5 if a community council was not currently operational. There are also some small technical issues with the drafting.

I consider it important to give effect to the principle that Pam Duncan-Glancy is seeking to implement through the bill. I would be happy to support her amendments 4 and 5, but I ask her to work with me before stage 3 to ensure that the drafting of the provisions reflects those challenges and reflects more generally the diverse situation in communities where there is no operational community council.

**Ross Greer:** It always feels awkward to come in before the member who has lodged amendments. The Deputy First Minister says that she agrees with the principle of amendments 4 and 5. I welcome them because there might be a situation in which a local authority has done all the community engagement right and has community buy-in, but the Government then decides to modify the scheme, which puts that community buy-in at risk. Does the Government agree that, in principle, if the scheme is modified by Government, there should be direct community engagement before the decision is made?

**Kate Forbes:** Absolutely. The phrase “community buy-in” is critical. My aim in working with Pam Duncan-Glancy would be to ensure that we gave effect to the principle of community buy-in without tying our hands to community councils. I know that, in some communities, there are really strong community trusts and other community representatives, who might be more reflective if a community council is inactive at the time.

I, too, am extremely sympathetic to and supportive of the principle. If we dealt with some of the drafting issues, we could come back at stage 3 with a really strong amendment in the name of Pam Duncan-Glancy, if that is of interest—with, I hope, Ross Greer's support.

I move amendment 3.

**Pam Duncan-Glancy:** I thank the Deputy First Minister for her response and for her indication of support. For completeness, I will say that I intend to support her amendments in the group.

I lodged the amendments to do precisely what the Deputy First Minister and my colleague Ross Greer spoke about, which is to give communities a voice in the decision about whether an area should be designated as an area of linguistic significance. In evidence, the committee heard concerns that that might not always be easily achieved. Added to the Deputy First Minister's amendments, the proposed provision would give strength to community voice.

We chose community councils for amendment 5 because of the role that they play in supporting and advocating for local communities. I take the point that, if there was no active community council at the time, the situation could be quite difficult, and I would not want to hold up a process of community engagement in such cases.

On the basis of what I have heard this morning, I would be happy to work with the Government ahead of stage 3 on an amendment that we could all support, to give voice to communities in such decisions.

**The Convener:** I call the Deputy First Minister to wind up.

**Kate Forbes:** I have no need to wind up, other than to say that I think that we have an agreed way forward.

*Amendment 3 agreed to.*

*Amendments 4 and 5 not moved.*

09:30

*Amendments 6 and 7 moved—[Kate Forbes]—and agreed to.*

*Section 4, as amended, agreed to.*

#### After section 4

**The Convener:** Amendment 8, in the name of Michael Marra, is grouped with amendments 13, 14, 15, 37, 41, and 43. I call Michael Marra to speak to and move amendment 8, and to speak to all other amendments in the group.

**Michael Marra (North East Scotland) (Lab):** Scottish Labour has concerns about the scope of

the bill, which we set out at stage 1. The key questions as to the survival of the Gaelic language relate to a functioning economy in communities in the areas in which Gaelic is already spoken. We know that the decline in the number of Gaelic speakers in those areas is precipitous. Experts have given the committee grave warnings about the future of the language without significant intervention. Good jobs, affordable housing and reliable transport links are all essential if we are to have a thriving economy in Gaelic-speaking areas. I believe that the bill is a missed opportunity for the kind of transformational change that Gaelic-speaking communities need. Some of my later amendments will give more detail on what that transformational change would be.

Turning to the detail of my amendments, I welcome the collegiate approach that the Deputy First Minister has taken thus far on the bill. I believe that there is cross-party consensus about the importance of the Gaelic language and the need to preserve it for future generations, which is very welcome.

However, I am concerned that, without measurable targets and outcomes, the legislation risks becoming symbolic. We cannot afford for there to be a cosy consensus in Holyrood that, in reality, does little to reverse the current trend of decline in the number of Gaelic speakers in traditional Gaelic-speaking areas. There is little point in the Government or the Parliament boasting about processes or inputs: it is outcomes that matter to people across the country.

My amendments in group 6 would insert a duty on Scottish ministers to specify targets in order to, in essence, define a core intent for the bill and a strategy for dealing with the precipitous collapse in the number of Gaelic speakers in Scotland. It is not really just about respect, as we have already heard, but about survival and the opportunity to thrive.

The targets that we have set out include the number of

"Gaelic speakers, broken down by geographical area ... candidates entered for Gaelic medium national qualifications"

and the number of

"candidates entered for national qualifications in Gaelic."

I am under no illusion whatsoever that those targets would be silver bullets or that they would provide a solution, but I believe that they would strengthen the legislation so that the Parliament and the public could get a sense of what the legislation would achieve, and so that the Government could be held to account on whether it is allowing the Gaelic language to survive and thrive in Scotland.

I move amendment 8.

**Ross Greer:** I think that Michael Marra and I have approached this part of the bill from the same place, which is our concern for the reality that Gaelic is on the edge, as a living language. My amendment 14 recognises the fact that, in the bill, ministers need to set out arrangements for monitoring progress towards objectives. My amendment adds that ministers need to define

“how such progress will be measured”.

That reflects the evidence that we took at stage 1 and the committee’s stage 1 report, in recognition that there is broad agreement about what we are trying to achieve and that it will probably not be difficult to get agreement on the high-level objectives for the strategy.

However, there is a gulf between the high-level objectives and the current reality. We need to be very clear, not just about what we are trying to do, but about whether or not it is working. We need to set out a very clear action plan, but we also need to know regularly whether we are making progress towards achieving it. There is a question about what we are measuring and what specifically we are trying to achieve in measurable terms. I have lodged amendment 14 to reflect the evidence that we took at stage 1. As I said, it comes from a very similar place to amendments 8, 13, 15, 37 and 41, which are in Michael Marra’s name.

**Kate Forbes:** I extend my gratitude to members for lodging the amendments in the group, which enrich our debate. I will go back to the origin of some of the comments, which is the census figures.

The fact that we saw a reduction in some areas, but overall growth, indicates that we need to get behind the figures to understand what is really going on at local geographic level as well as in terms of depth of language. That requires a regular progress update.

I turn to the amendments. I agree that having things to aim for is important, and that aims should be disruptive, ambitious and aspirational. We have always been of the view that we should develop targets after undertaking consultation on the types of things for which we should have targets and what those targets should be. Our view was that that aspect should be in the Gaelic language strategy. A number of authorities and bodies already have targets for measuring their own activity, and that will be maintained.

I note that Michael Marra has another amendment that looks for reporting to be done every two years. The national census contains information on Gaelic speakers, broken down by area and region. It would be hugely challenging to produce those figures at the same level as the

census every two years, so that might not suit the timeframe for reporting on the Gaelic strategy that is proposed in the bill.

I will speak to amendments 8, 13 and 15 specifically—amendments 37, 41 and 43 are consequential on those amendments—regarding a duty to create specific targets. There are a couple of things that make me want to resist the amendments at this stage—again, with a view to doing something at stage 3. Although there is merit in setting targets, our preference—as I said—would be for them to be contained in the strategy, rather than their being a matter of regulation. A basic point, for example, is that the regulation-making power is not currently subject to any parliamentary procedure.

The policy preference is for targets to be in the strategy, and we would want to look at the nature of those targets and whether they are the right ones. Overall, targets for people with Gaelic language skills probably would not help us to get behind the high-level figures that are already in the census with regard to the nature of those skills and the fluency level. In summary, I would like to have targets. I just—

I see that Michael Marra wants to come in.

**Michael Marra:** Would you agree that the census, which is held once a decade, is insufficient for our needs, in particular given the rapidity of the decline in the numbers? In essence, we could wait until the next census and find that Gaelic had effectively died in Scotland.

A big part of the amendments is acknowledgement that we cannot wait for that analysis, and that we need to do things more regularly in order to have a current understanding of the situation, because the situation is so dire that we have to address it. There is a clear issue around the timeframe and the urgency of doing something about the situation. Would the Deputy First Minister recognise that in her comments?

**Kate Forbes:** I recognise that, which is why we have lodged amendments ourselves to measure progress.

With regard to amendments 8, 13 and 15, we are arguing that the opportunity to set targets is better provided for in the strategy, which can be updated faster, at pace: we would not need to wait for parliamentary cycles. The strategy will be consulted on with stakeholders within and outwith Parliament to make sure that the targets are right.

I am trying, in my comments, to be supportive of the notion behind Michael Marra’s amendments, because I think that he is right—it is just that I do not support the way in which he is currently trying to go about it.

In amendment 8, target (a), for example, specifies

“Gaelic speakers, broken down by geographical area”.

At present, we would use the term “people with Gaelic language skills” rather than “Gaelic speakers”. The bigger issue is that although we have seen in the census an increase in the number of people with Gaelic language skills, that might not tell us the whole story. We might want to know, for example, whether they have learned through Duolingo or are actually using the language in their daily lives.

My point is that I am not sure that they are the right targets to be measuring on, and I do not think that they should be in the bill, because what we need is a far more flexible response to the challenges that we face.

**Pam Duncan-Glancy:** Just for clarity, would you consider defining targets differently in the bill, or do you think that there should be no targets in the bill?

**Kate Forbes:** I think that we should have a commitment to setting targets, but the nature of those targets should be clarified and defined in the subsequent strategy. We could support the principle of targets, and the principle of aims and ambitions, and there could be a role for Parliament in scrutinising whether we are meeting those targets.

However, with regard to the three targets that are set out in amendment 8, if you were to look at, say, the target for Gaelic speakers in isolation, you could say that we had met it this year, because the census has shown a marginal increase. However, you would not be getting beneath the surface of things.

**Pam Duncan-Glancy:** I appreciate that, and I understand the point about leaving specific numbers for the targets to the strategy, but do you not recognise the importance of setting out what the ambition is in legislation? It is common practice to define what an ambition is through targets. I take the point about some of the specific language, but should there not be something about targets in the bill, with the level of those targets then being set in the strategy?

**Kate Forbes:** My view is that the principle of the importance of containing targets in the strategy can be in the bill, but if we become overly rigid in determining those targets in 2024—they will, inevitably, be only high-level targets—we will be at risk of distorting Gaelic language policy. It would be better to set targets out in the strategy, and to be far more responsive.

**Miles Briggs (Lothian) (Con):** I do not think that we are all that far away from what we are trying to achieve. I should say that I had hoped to

lodge amendments on the matter, but I had an issue in that respect.

As the Deputy First Minister has said, setting a target is one thing, but measuring an outcome is very different. As we look towards lodging amendments at stage 3, I wonder, given that all members are in the same space here, whether the Deputy First Minister would be open to working with us to achieve that.

**Kate Forbes:** I would be very open to that. Perhaps my answers are slightly less fluent, because I really care that members are keen to push the Government further on achieving the aims in relation to Gaelic.

However, I think that the three targets in amendment 8 are not very reflective of where the conversation on Gaelic language policy is just now. At the moment, the big debate is about the fact that, although we have seen an increase overall in Gaelic speakers, we are seeing a decline in the traditional Gaelic-speaking areas, and the targets do not go to the heart of that, nor do they go to the heart of the breadth of where a Gaelic speaker can use their language. A person might speak the language or have some skill in it, which would meet target (a) in amendment 8, but it might be the case that they cannot actually use the language anywhere.

We know that, when it comes to policy development in any sphere of Government or public sector work, the moment that targets are set down in primary legislation all activity becomes consumed with achieving them. If they are the wrong targets, that would mean that, over the next 10 years, we would be engaged in meeting targets that are wrong, and I reckon that we would be back here in a few years' time saying, “Well, as the 2024 census results revealed, the figures are going up, so the Government can celebrate, theoretically, having met the legislative requirements.” However, you could rightly say to me—if I am still a minister at that point—that that does not mean anything, because in the Western Isles, the north of Skye, Tiree, Islay and such places, there has been a dramatic reduction in the number of speakers. That is why I am nervous about putting the wrong targets in the bill; it would focus all the scrutiny on whether we had met them, instead of our having a more flexible approach in strategy.

I suggest that Parliament should hold ministers to account for being required to meet, report on and gather evidence on targets. However, we have to be very careful that we do not put the wrong targets in the bill.

09:45

**The Convener:** I call Michael Marra to wind up the debate and to press or seek to withdraw amendment 8.

**Michael Marra:** It has been a very useful discussion, and I agree with much of what members have said.

There is a core question about the urgency of the situation. I take some comfort in agreeing with what the Deputy First Minister said about setting the wrong targets and policy being driven in the wrong direction. Frankly, that happens far too often in Scotland. Some of her comments in describing the process seemed to be a very long-winded version of what we are trying to achieve. A big part of this is about urgency and ensuring that the bill's intention—the survival of the language—is set out clearly.

However, I take on board and fully agree with the Deputy First Minister's points about the complexity that sits below the numbers. In fact, that sits at the heart of my analysis of the census and the broader literature around the issue. It is one thing to have young people in the central belt of Scotland leaving Gaelic-medium education with some skills in the language then never speaking Gaelic again, but it is an entirely different thing to have people living in a Gaelic community using Gaelic daily as part of their culture and of how they live their lives. I understand that there could be a tension between the two, with the Government and its agencies driving towards the wrong outcome.

I hope that, rather than leaving some of the detail for the strategy, the Government will, ahead of stage 3, come round to the idea that the bill should include a real signal of intent, and I hope that other colleagues will agree with that. It might not be appropriate to set the direct targets that we are describing, but we should give a sense of impetus and urgency.

**John Mason (Glasgow Shettleston) (Ind):** I follow your argument, but do you accept that, as long as the bill says that there should be targets, it does not need to say exactly what those targets are?

**Michael Marra:** I certainly accept that that is an option. I have some reluctance in relation to where the targets are set. As, I think, the Deputy First Minister set out, Parliament might have a view on setting what the targets should be through a secondary measure or otherwise, and there would be broader consultation on them. However, I understand the complexity. Given the comments from across the room, there seems to be a willingness for development before stage 3.

**Kate Forbes:** I am happy to work with Michael Marra on including in the bill a commitment on targets. I would like a very localised approach to targets to be developed. In my mind, I envisage that working through there being a duty that places that are designated as areas of linguistic significance must have a community language development plan with specific local targets, the meeting of which all public bodies that work in the area would be required to support. That is definitely not necessary for the bill, although there are some amendments on community areas of linguistic significance.

Are you willing to work with me on both counts? We should protect local aims—for example, the north of Skye might need more houses—and we can explore a stage 3 amendment that commits the Government to establishing targets.

**Michael Marra:** I welcome that very much.

I was about to close on the fact that targets must drive actions; just having another plan that flows from them is insufficient. There has to be housing, better transport links and jobs in those communities. That is what will make a difference.

On the basis of the assurances that I have had, I do not intend to press amendment 8. I look forward to the discussions ahead of stage 3.

*Amendment 8, by agreement, withdrawn.*

### **Section 5—Gaelic language strategy**

*Amendments 9 to 12 moved—[Ross Greer]—and agreed to.*

*Amendment 13 not moved.*

*Amendment 14 moved—[Ross Greer]—and agreed to.*

*Amendment 15 not moved.*

*Amendments 16 to 18, 78 and 19 to 25 moved—[Ross Greer]—and agreed to.*

*Section 5, as amended, agreed to.*

### **Section 6—Gaelic language standards**

**The Convener:** Amendment 26, in the name of Michael Marra, is grouped with amendments 27 to 31, 79, 32 and 80.

**Michael Marra:** My amendments 26, 27, 30 and 31 would require the Scottish Government to publish draft Gaelic language standards. The bill already requires the Government to carry out a consultation, but a requirement to consult is only worth while as long as there is something on which to consult.

Members of the committee will have gathered that there is significant public interest in the future of the Gaelic language from a range of

stakeholders. I know that many have made passionate representations to the committee, in person and in writing, about how best to preserve and promote the Gaelic language. It is only right that the Government draws on the expertise of those stakeholders when publishing Gaelic language standards.

Amendment 32 holds the Scottish Government to a deadline for the publication of the draft Gaelic language standards, that being within one year of the day after royal assent.

There are two reasons for amendment 32. First, I think that it is fair to say that, in recent years, the Government has taken a very generous approach to its own deadlines, using nebulous targets such as “autumn”, which gives little certainty to Parliament or the wider public. The Government should not only set itself clear outcomes against which it can be measured but be transparent about when it expects to achieve those outcomes. A constant shifting of the goalposts erodes public trust.

Secondly, as the committee stated in its stage 1 report, the Gaelic language is in a “perilous state”. We do not have the luxury of time—perhaps you can detect a theme, convener, to many of my amendments. It is really important that the Government holds itself to a timeous deadline for the publication of Gaelic language standards.

I move amendment 26.

**Kate Forbes:** It is much nicer to be able to talk supportively about a number of amendments—not all of them, but most of them—in this group.

My amendment 29 sets out further detail about the functions that might be covered by standards in areas of linguistic significance. Again, that is in direct response to the committee, which said that an area of linguistic significance is only as important as the changes that it creates for communities.

Those areas will be designated in recognition of the demographic strength of Gaelic in them and/or the level of Gaelic activity. It is recognised that those qualities intersect with many other aspects of community and economic development in those areas, as the short-life working group on economic and social opportunities for Gaelic highlighted.

It is correct, therefore, that the Scottish Languages Bill should provide further detail for public authorities on the sorts of provisions that might be made in standards within an area of linguistic significance.

Amendment 29 also ensures that language planning and development are tied in with other objectives, such as community planning and economic development. I am so often struck by the fact that the aims and aspirations of Gaelic

speakers in some traditional communities are very much intertwined with the desires and aspirations of those who do not have Gaelic language. Issues around infrastructure and transport are obvious examples. That is consistent with other measures in the bill, as well as other Scottish Government strategies.

Amendment 28 provides further clarity on the nature of provision that could be included in the standards. Amendments 26 and 27 convert the power to make standards into a duty. I am of the view that it was always the intention to exercise that power. We are content to support those amendments because of the urgency of the situation, as Michael Marra has set out.

Amendments 30 and 31 require an additional procedural step of laying regulations in draft form for consultation. I am a big fan of consulting on things, so I am happy to support those amendments.

Amendment 32 is where we perhaps have a slightly different view. I take on board Michael Marra’s point about the perilous state of the language and the urgency of the required response. The amendment imposes a strict time limit of one year from royal assent for the first laying of regulations. We feel that that could be too restrictive. We want to be able to develop the standards and requirements properly, in consultation with stakeholders, as required by the existing provisions in the bill, which would be enhanced by Michael Marra’s amendments 30 and 31. Meeting the time limit in amendment 32 could hit a number of challenges, not all of which are within the Government’s control. For example, it is quite likely that, on this occasion, the time limit would run into the end of the current five-year parliamentary session, which would risk making the ability to meet the time limit challenging or impossible. The spirit of amendment 32 is well understood, but we feel that keeping to the time limit will not always be possible and that, therefore, it is too restrictive.

**Ross Greer:** On Michael Marra’s amendment 32, can you clarify the Government’s expected timescale? Is within a year of royal assent too soon? Is it realistic to make it within a year of enactment? Do you have an indicative timescale at this point?

**Kate Forbes:** We could largely keep to that deadline, but, to give some flexibility in relation to those parliamentary moments, we could adapt it to two years. It is right to hold the Government to account for laying the regulations as quickly as possible, but two years would give a little bit more flexibility. It would be my aspiration to deliver as quickly as possible, but we could adapt the deadline.

**Michael Marra:** My concern about changing the deadline to two years is that that pushes the matter into the next parliamentary session, and goodness only knows what that will look like. Things are in great flux. I hope that we do not just pass the bill but ensure that substantive action is taken within this parliamentary session. On that basis, I have concerns about moving to a two-year timeframe. In the spirit of negotiation, could we go a bit further? Could we find something at 18 months—essentially, prior to May 2026?

**Kate Forbes:** Yes, we could definitely look at that. I am conscious that we are in December 2024. Purdah will probably be February 2026. The bill is at stage 2 and we have to get it to stage 3. We then need royal assent. In the spirit of realism, once we get royal assent, which normally takes a couple of weeks—sometimes a month—after stage 3, we are then into quite a tight year. Even if it were 18 months, you are looking at early in the next parliamentary session.

Perhaps the requirement is for us to demonstrate progress in the interim, short of laying the regulations. We could do something around a year from the legislation coming into force. Is that what you mean? We could definitely explore that. Rather than coming up with compromises here, I commit to coming up with a compromise prior to stage 3 that makes sense.

Amendments 79 and 80 require Scottish ministers to publish the results of consultations on Gaelic language standards and guidance. Not only am I hugely supportive of consultation, I am even more supportive of publishing the results of that consultation, so I am happy to support those amendments.

10:00

**Ross Greer:** Amendments 79 and 80 are, like the amendments that I moved earlier, proposals from the Law Society. I have explained the rationale for them in relation to transparency. The cabinet secretary has indicated the Government's support, so I do not think that I need to add any more.

**The Convener:** I invite Michael Marra to wind up and press or withdraw amendment 26.

**Michael Marra:** That was another useful discussion. I am happy to support Ross Greer's amendments 79 and 80, and I welcome the cabinet secretary's support. Given her indications on amendment 32, I am happy to withdraw it and have a broader conversation with her as to how we might progress the proposal.

I press amendment 26.

*Amendment 26 agreed to.*

*Amendment 27 moved—[Michael Marra]—and agreed to.*

*Amendments 28 and 29 moved—[Kate Forbes]—and agreed to.*

*Amendments 30 and 31 moved—[Michael Marra]—and agreed to.*

*Amendment 79 moved—[Ross Greer]—and agreed to.*

*Section 6, as amended, agreed to.*

#### After section 6

*Amendment 32 not moved.*

#### Section 7—Functions of relevant public authorities

**The Convener:** Amendment 33, in the name of Ross Greer, is grouped with amendments 34, 54 and 68. If amendment 33 is agreed to, I cannot call amendment 34, because of a pre-emption.

**Ross Greer:** These amendments all relate to the duties of the relevant public authorities. I start with amendment 33. The current language in section 7 is that a relevant public authority

“must have regard to the desirability of—

(a) promoting, facilitating and supporting the use of the Gaelic language,

(b) developing and encouraging Gaelic culture.”

I think that “desirability” is too weak, frankly. The alternative wording that I propose is still caveated. It is:

“appropriate in the circumstances and reasonably practicable”.

That is a more objective test than “desirability”. Desirable, to me, feels too subjective, because surely we are deciding that this is all broadly desirable, so the duties that we put in the bill should be about something that is a bit more objective and whether it is appropriate in the relevant public authority's circumstances. We are the ones to decide on desirability here. The phrasing in the bill is a bit too weak for me, and with amendment 33, I propose replacing it with something more objective.

Amendment 54 is more substantive. It is about expanding to cover colleges, universities, ScotRail, the Caledonian sleeper and Scottish Water the obligations on public bodies that have existed since 2005 under the Gaelic Language (Scotland) Act 2005.

At the moment, there is ambiguity about whether colleges and universities are already covered by those obligations. If they are covered, the system is not working, because only a couple

have effective Gaelic language plans, so it would be useful to clarify that.

The public companies—ScotRail, the Caley sleeper and particularly Scottish Water—are, in effect, public bodies for the purposes that we are talking about, so they should have the same obligations as other public bodies. That is the rationale for expanding the number of bodies that are covered by the provision in amendment 54.

**Pam Duncan-Glancy:** I am minded to support the amendment. I am keen to know what conversations the member has had with further and higher education institutions about the matter and about the implications for their work of explicitly bringing them within that provision.

**Ross Greer:** In the conversations that I have had—albeit, they have been largely informal—no one has raised concerns with me. As it happened, the institutions that I engaged with the most turned out to be those that had Gaelic language plans, and it was perhaps more of a struggle to engage with institutions that did not have plans in place. I will be the first to admit that I have not spoken to every institution in that regard, but no concerns were raised with me about the amendment, which I lodged relatively early in the process. Certainly, no objections have been raised with me by Colleges Scotland or Universities Scotland, which I raised the matter with previously.

On amendment 68, past experience is much of the reason why we are here discussing this bill, and it is relevant to the discussions that have just taken place between Michael Marra and the cabinet secretary about the urgency of the matter. Past experience tells us that there will probably often be reluctance to fulfil the duties and that they will not be prioritised in the way that we would wish to see. Amendment 68 simply gives ministers stronger enforcement powers in that regard. They are largely replicated from the Education (Scotland) Act 1980, so they are not unprecedented. To a significant extent, the powers are copied and pasted from a set of enforcement powers that ministers already have.

Although it is to be hoped that we do not get to the point of needing to use such powers, as I said, past experience indicates that their use is not unlikely. I want ministers to be able to take effective action if any public body is failing in the duties that Parliament has placed upon it. Even putting aside the content and purpose of this specific bill, I would want ministers to be able to rectify that situation. That is the rationale behind amendment 68.

I move amendment 33.

**The Convener:** Jackie Dunbar will speak to the amendments that were lodged by Emma Roddick.

I call Jackie Dunbar to speak to amendment 34 and other amendments in the group.

**Jackie Dunbar:** Representatives of speaker communities have expressed concern that the duties that are set out in the bill on relevant public authorities to

“have regard to the desirability”

of taking action in respect of Gaelic language and culture are not strong enough, and that the reference to “desirability” could suggest that taking action to promote, facilitate or support Gaelic might not be desirable. Amendment 34 therefore removes the reference to “desirability”. A duty to “have regard to” taking such action will be clear for public authorities while addressing stakeholder concerns.

Ross Greer’s amendment 33 seeks to achieve the same aim, but it imposes a more complex two-stage test that might be less clear for public authorities that are seeking to comply with the duties. Therefore, I hope that members will support amendment 34 in preference to Mr Greer’s amendment.

**Kate Forbes:** On amendments 33 and 34, I understand the importance of ensuring that the duties that we place on relevant public authorities strike the correct balance. Amendment 34, lodged by Emma Roddick, would achieve that. A duty to have regard to something is a commonly used formulation in law, and the removal of the reference to “desirability” in relation to having regard to Gaelic language and culture makes the duty more direct and, therefore, stronger, while still allowing the relevant public authorities flexibility and autonomy to consider what action they should take in their particular circumstances.

From our reading, the two-stage test that is set out in Ross Greer’s amendment 33 is less clear. I appreciate that that wording appears in the 2005 act, but that is in relation to the very different context of Bòrd na Gàidhlig giving advice and assistance to authorities. I am concerned that that test would be more complex for authorities to apply than the simple test of having regard to Gaelic language and culture, which Emma Roddick’s amendment 34 would achieve.

Therefore, I ask members to support amendment 34. On this occasion, I am not able to support amendment 33. *[Interruption.]*

Oh, sorry—I will keep going, as I need to turn to amendment 54, which relates to relevant public authorities that are to be included in the scope of the Gaelic Language (Scotland) Act 2005. I should say that our support for amendment 54 is another example of our trying to support as many amendments as possible, either now or at stage 3.



The Scottish Government's position is that Scottish Rail Holdings and Scottish Water are already included in the scope of the 2005 act by virtue of the use of the definition, "Scottish public authority". We feel that it is unnecessary to expressly specify them and that to do so might create doubt and even a narrowing of the definition, by suggesting that bodies must be expressly mentioned to be subject to the act.

Colleges in Scotland are already classed as part of the public sector, and they have some functions to which the duties in the 2005 act, as amended by the bill, will apply. There was an assumption that universities would be covered by the 2005 act. They have a mix of public and private functions. Their private functions are obviously not the concern of the bill, but it is undoubtedly the case that public functions are carried out in the sector that should be exercised with an appreciation of the Gaelic language. Indeed, that is happening already. Just last week, the University of Edinburgh launched its refreshed Gaelic language plan, which is a great example of how universities, through their activities in running the internal corporate aspects of their institutions and in providing for their student populations, can act positively for Gaelic.

**Ross Greer:** I recognise that there was an assumption that colleges and universities were included under the 2005 act, and best practice has been mentioned. However, practice has not been consistent. There has been doubt, and the 2005 act has not been applied consistently by colleges and universities. Therefore, it is clear that some level of clarity is required.

**Kate Forbes:** I think that that is a compelling argument, which balances the concerns that I raised in my opening paragraphs in relation to whether bodies need to be expressly referenced in order to be captured. Of course, our view is that the whole of the public sector should be captured.

All the actions that universities are engaged in contribute to the wider public visibility of and respect for the Gaelic language and the opportunities to use it in Scotland.

In addition, through the bill, we are taking a power to require the Scottish Funding Council to impose conditions on the funding that it provides to universities to ensure that funds are used to enable, encourage and increase participation in higher education in the Gaelic language. That will ensure that the objective of improving Gaelic participation is met without risking the independence of universities.

I am content to support Mr Greer's amendment 54, which would put coverage of the 2005 act beyond doubt.

I turn to amendment 68. I am aware of the calls that have been made for enhanced enforcement mechanisms to reinforce the duties in the 2005 act. Concern about enforcement has been raised by a number of members, including by Michael Marra in the debate on the previous group. I thank Ross Greer for explaining his amendment 68, which I am happy to support.

**The Convener:** I invite Ross Greer to wind up and to press or seek to withdraw amendment 33.

**Ross Greer:** I am grateful for the debate on this group, and I am grateful to Emma Roddick for lodging amendment 34 and to Jackie Dunbar for explaining the rationale behind it.

For the sake of simplicity in relation to whether members should support amendment 34 or amendment 33, I am happy not to press amendment 33. However, I intend to move amendments 54 and 68, which the cabinet secretary supports.

*Amendment 33, by agreement, withdrawn.*

*Amendment 34 moved—[Jackie Dunbar]—and agreed to.*

*Amendments 35 and 80 moved—[Ross Greer]—and agreed to.*

*Section 7, as amended, agreed to.*

### **Section 8—Reporting on Gaelic language strategy, standards and duties**

*Amendment 36 moved and agreed to.*

*Amendment 37 moved—[Michael Marra].*

10:15

**The Convener:** The question is, that amendment 37 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

#### **For**

Duncan-Glancy, Pam (Glasgow) (Lab)  
Greer, Ross (West Scotland) (Green)

#### **Against**

Adam, George (Paisley) (SNP)  
Briggs, Miles (Lothian) (Con)  
Dunbar, Jackie (Aberdeen Donside) (SNP)  
Kidd, Bill (Glasgow Anniesland) (SNP)  
Mason, John (Glasgow Shettleston) (Ind)  
Rennie, Willie (North East Fife) (LD)  
Ross, Douglas (Highlands and Islands) (Con)  
Tweed, Evelyn (Stirling) (SNP)

**The Convener:** The result of the division is: For 2, Against 8, Abstentions 0.

*Amendment 37 disagreed to.*

**The Convener:** Amendment 38, in the name of Ross Greer, is grouped with amendments 39, 40 and 44 to 46.

Amendments 38 to 40 and 44 to 46 require annual reporting with appropriate flexibility. For example, amendments 38 and 44 use the phrase

“as soon as reasonably practicable after each financial year”.

That is to reflect the urgency of the situation that we have already discussed. In the last set of census figures, beneath the Duolingo figure that boosted overall Gaelic language skills, the decline in Gaelic as a living, spoken or community language was obvious.

My intention with the amendments in the group is not to be overly prescriptive—they are not amendments about everything that should be included in the contents of the reports—but to clarify that there is a need for regular reporting for accountability and for us to be confident that progress is being made.

They are simple enough amendments. We have previously debated striking a balance between not placing too onerous a duty on bodies and the need for us to be regularly appraised of the situation. My hope is that we will be able to find agreement on that.

**Kate Forbes:** Bòrd na Gàidhlig’s reporting on Scottish ministers’ progress and public authority compliance is essential. Ross Greer is right to highlight it as an important issue, in which I hope Parliament continues to take an interest. However, we want to try to avoid a situation in which Bòrd na Gàidhlig spends the whole year producing the next report, which would be a distraction. It is a small and nimble organisation, and I would like as much of its time and effort as possible to be deployed in promoting Gaelic and supporting communities rather than producing reports.

The annual timeframe that the amendments propose would be demanding for the task that Ross Greer highlighted. It would be a lot to do in a relatively short time, which would reduce the quality of the information collected and hamper any follow-up activity that was required. Our preference would be to allow the bòrd discretion to set its own reporting timescales. An annual timescale is an overly onerous duty and potentially counterproductive, which is why we reluctantly cannot support Ross Greer’s amendments.

**Ross Greer:** I understand the Scottish Government’s perspective and the need to strike a balance, particularly for a relatively small public body. However, given the reason why we are debating the matter and the urgency of the situation, is there any scope for compromise at stage 3 to allow a reasonable level of discretion for

the bòrd but perhaps set a minimum timescale—not necessarily a year, but perhaps no less than every two or three years? Would the Government be amenable to an amendment that would at least set a minimum standard?

**Kate Forbes:** I wonder whether we should consider that jointly with my earlier commitment to Michael Marra on regular reporting and evidence gathering in order to monitor progress. If I understand Ross Greer correctly, what he really wants to find out is whether we are making progress according to the aspirations that we have set. I would ask who is best to do the reporting and the evidence gathering, and how we ensure that that evidence is robust, because it is one thing to write a report that highlights all the activities that have been undertaken in a year and quite another to write one that monitors whether those activities have been in any way impactful. I wonder whether there is a bit of a crossover of the members’ aspirations here, so I would be very happy to consider in the round the issues of who is best to report, on what basis, how frequently and with what evidence.

**The Convener:** I call Ross Greer to wind up and to press or seek to withdraw amendment 38.

**Ross Greer:** On the basis of those comments from the cabinet secretary, I am happy to withdraw amendment 38 and to not move the other amendments in the group. We will look to reach some form of agreement ahead of stage 3.

*Amendment 38, by agreement, withdrawn.*

*Amendments 39 to 41 not moved.*

*Amendment 42 moved—[Ross Greer]—and agreed to.*

*Amendments 43 to 46 not moved.*

*Section 8, as amended, agreed to.*

**The Convener:** As this is a suitable time to have a short break, I will suspend the meeting for about 15 minutes.

10:22

*Meeting suspended.*

10:40

*On resuming—*

#### **After section 8**

**The Convener:** Amendment 47, in the name of Michael Marra, is grouped with amendments 55 and 67.

**Michael Marra:** My amendment 47 would require ministers to prepare a biennial report on the number of Gaelic speakers in Scotland. That

ties in with some of the discussion that we had on the previous group of amendments, and with my earlier comments regarding amendments to insert into the bill provisions on measurable outcomes on Gaelic.

I recognise that there is no single measure by which the health status of the Gaelic language can be judged, but surely the most critical measure is the number of speakers in Scotland. As we have already explored this morning, the census is not an adequate means of measuring the number of Gaelic speakers in Scotland. The Deputy First Minister and other members of the committee have recognised and set that out.

Given the warnings that the committee has heard from authoritative experts about the decline in the number of Gaelic speakers and the risks to the future of the language in the next five to 10 years, it is not acceptable for Government or the Parliament to wait a decade for another census. To put it bluntly, by the time of the next census, it might well be too late. Gaelic communities need concrete actions to be taken now, and there must be a means for the Parliament to judge in a timely manner whether the actions that are being taken by Government are having the desired effect.

Many members of the Gaelic community have expressed to me that, as this will be the first bill on Gaelic since 2004, the Parliament has had a long time for in-depth consideration of the health of the language in their communities in the round. They cannot wait that long again, or even half that time. We need to make sure that we hold the Government to account on that on a regular basis. More particularly, we have to assess whether its actions are working, so that we can support the Government in getting new means by which to save Gaelic in Scotland.

I am yet to decide whether to move amendment 67, but with it I wanted to set out, as I mentioned earlier, that Scottish Labour is seriously concerned about the limited scope of the bill. It is clear that the bill was originally conceived as an education bill, and I fear that it may in the end represent a missed opportunity to revitalise the Gaelic language in communities where it is traditionally spoken. I am looking for recognition from the Deputy First Minister that the bill does not represent the full extent of the Government's ambition for Gaelic and that we have to move well beyond it. I am looking for assurances that the Government will, at the earliest opportunity, seek to take more concrete actions to address the key economic questions of housing, jobs and infrastructure in Gaelic communities.

**Ross Greer:** On amendment 67, and touching on some of the issues that we have looked at so far, would the reporting requirements be better placed against the national strategy, rather than

against the bill—or what would then be the act—given that the Parliament has a role in deciding what it does and does not want to do post-legislative scrutiny on? The strategy should, I hope, include much more in the way of specific actions whose impact we are trying to measure.

**Michael Marra:** That is fair; that could be one way to do it. What I have proposed in amendment 67 and what we are considering pushing for inclusion in the bill—we are waiting for the reaction to the proposal—is to be very specific about the broader context in which Gaelic exists. At the moment we are looking at what, in the main, feels to me like an education bill, but we must specifically recognise and address the fact that the key factors that will underpin the survival of the language are not purely educational. There are broader issues. A strategy must take account of those and the Government should present it now.

I take the constructive criticism that there could be duplication between a strategy and the reporting mechanisms that I propose, and that there might be a case for finding a crossover between the two. The point is to try to see the issue in all its complexity and in the round, while setting out the key data that is associated with it.

10:45

The recent work from the Government—the short-life working group—was welcome and it set out some of those themes, but I am afraid that, already, it feels to me as though that work is gathering dust on a shelf in St Andrew's house. We need opportunities both in the Parliament and in communities to hold the Government to account for the analysis that it has produced; it is positive that the work identified issues that pertain to the issues of economic survival. There is a recent track record of some good work, but we need the opportunities to make sure that we can hold the Government to account on it.

I move amendment 47.

**Kate Forbes:** Again, my thanks for the amendments.

Since the passing of the Gaelic Language (Scotland) Act 2005, data gathering in relation to Gaelic policy has been an issue. In this debate so far and in previous debates, we have heard about the consequences of the lack of data. My amendment 55 will improve the quality and extent of data gathering by public bodies in relation to their Gaelic policies and the implementation of the Gaelic language strategy. It will also create a framework for providing training and encouraging or assisting others to do those tasks. Those actions will be to the benefit of the strategy's implementation and will address a concern that has been raised about the assessment of Gaelic

language plans since the passage of the 2005 act. We recognise the importance of data and research.

**Michael Marra:** Do you recognise that the independence of that form of analysis is very important? I cite the landmark publication of “The Gaelic Crisis in the Vernacular Community”, which proved controversial in policy circles. Some of the well founded and deeply researched issues in that publication showed the depth of the decline. Although it might be a point of debate, independent research that holds the policy community and the Government to account for their actions is vitally important. In that regard, directly commissioned work from the Government might have its limitations.

**Kate Forbes:** Michael Marra has touched on something that is broader than the bill: the extent of independent research generally when it comes to Gaelic, and the work within civic Scotland to consider policy improvements and policy changes. I am very conscious that, in a number of other spheres of debate, we are often extensively lobbied by a number of different organisations that have contributed significant time and effort to researching, evidencing and data gathering on policy issues in particular. I would like that to be developed further when it comes to Gaelic, but the member is absolutely right—I do not think that that should be owned by Government. Government should be the recipients of that lobbying or that challenge.

I agree that it is important to hear a robust debate on Gaelic policy, and I commend the committee for what it has done even in gathering evidence from a number of stakeholders. I hope that that does not end with the passage of the bill but continues. I commend a number of different organisations, not least Misneachd Alba, which has done a lot of work in that space.

**Ross Greer:** On the face of it, amendment 55 sounds positive to me. More research and more data collection are, of course, valuable. My question is about the necessity for the amendment. Is there currently a barrier to ministers’ being able to commission such research and collect such data, or is amendment 55 simply a clarifying amendment, in that nothing currently says that you cannot do that, but the amendment makes it absolutely clear that you can?

**Kate Forbes:** My understanding is that that is correct. When it comes to the 2005 act, we are aware that data gathering has been a challenge and that we need to do more on that. The committee, too, flagged a criticism about the robustness of the data that we gather. That was a frequent refrain from the committee, so amendment 55 highlights our commitment on that.

I turn to the other amendments. Amendment 47, from my reading of it, would essentially create a requirement to report on the number of Gaelic speakers, at the level at which the census reports, every two years. While we would not argue with the desire to have far more frequent reporting on progress among Gaelic speakers, our sense is that, considering that it takes quite a long time to do the census, the strict schedules in amendment 47 would require a significant amount of resources and staffing. Again, the risk is that that would distract from the urgent need for action by focusing resources on reporting rather than delivery. There are also deeper questions around the methodology that would be involved in such reporting, which would have to be settled before making it a requirement on ministers. The reason why we lodged amendment 55 was to address that issue. In a way, it is less onerous and will, we hope, provide a greater depth of information.

Amendment 67 concerns a desire for more information and would require reporting on particular issues. The Gaelic language strategy and standards are the way for us to assess the issues that affect the language and its communities. There is a concern that the requirements in this amendment would, again, require a significant resource investment that would focus efforts away from the delivery of the bill’s measures. Again, we have lodged amendment 55 to try to address the issue.

I have previously stated that the challenges facing Gaelic require action across a range of issues relating to social and economic matters as much as to the themes of education, institutional planning and community development that will be the main focus of the bill. Interventions are under way that indicate the Government’s recognition of the need to provide a comprehensive approach to the language.

**Michael Marra:** On the first point, regarding census-level activity, I do not think that the amendment necessarily stipulates that that would be required in exactly that way. There are different methodologies by which the numbers could—more usefully, to be frank—be gauged. The Deputy First Minister will be aware of the rather novel way—as we might put it—in which the Scottish Government conducted the most recent census. I think that it is fair to say that it was slightly sub-optimal in comparison with the approach in the rest of the United Kingdom.

Using modelling options based on authoritative data sampling would provide different ways of gathering the information, rather than using the household approach, which the Scottish Government, in essence, abandoned—erroneously—in the previous census. There are options by which the information could be

gathered, so I do not really hold to the point that the Deputy First Minister makes. Any reflections from her in that regard would therefore be useful.

More broadly, on the Deputy First Minister's point relating to amendment 67 and how we would see those broader concerns reported on, I take her comments on board. However, when would she see the Parliament having an opportunity to hold her to account on the related actions that are set out in the bill? Yes, the requirement for data gathering is set out in amendment 55, but when would we see that and how regularly, and when would we be able to ensure that there was scrutiny in order to see whether the actions had been successful?

**Kate Forbes:** I will make a couple of points. As I said in a previous debate, I would envisage that, in areas of linguistic significance in particular, an intensive monitoring exercise would be required. If we simply take the top level of figures, which is the overall number, that can tell us different stories. By and large, however, it is currently telling us that there is a rise in the number of speakers. We around this table know that that does not tell the full story, because the general national rise in people with Gaelic-speaking skills may mask what is happening in traditional communities, and we believe that those traditional communities would be the foremost contenders to be areas of linguistic significance.

I would envisage there being a requirement on public bodies, with the support of Bòrd na Gàidhlig, to evaluate the number of speakers, set out targets and monitor the success of those targets, which would inevitably require consideration of the number of speakers.

Their primary responsibility would be to increase the number of speakers and increase the depth of that understanding and that fluency in those local areas and, if we have not done so already, to look at a requirement to report in those areas. That is intensely local.

On parliamentary scrutiny, I dare not criticise the Parliament, but if there is a criticism of Government here, there is also perhaps a criticism of the Parliament for not taking sufficient interest in some of these issues—which this committee has done a lot to repair, to its credit. The way that this committee has taken evidence is commendable.

However, personally—if a Government minister dare say this—I would like to see the Parliament taking more of an interest, more regularly, in scrutinising the progress and the success of Gaelic language policies. I would like to see the Parliament asking ministers to report on that or to give further information—basically, for ministers to be scrutinised and held to account for what is or is

not happening. There is nothing to stop that from happening right now.

**Michael Marra:** The Deputy First Minister would recognise that part of the significant reason why that does not happen is just a factor of the numbers. We have a very small Gaelic community as a component part of our overall population and, in many parts of the country, Gaelic is not spoken widely—in some areas, it is not spoken at all. The political reality of that is that there is a small group—of which you are one, as somebody who represents a Gaelic-speaking community. In essence, the weight of the concerns of other parts of the country cannot be allowed to drown out this vital issue. The Parliament will tend towards reflecting that. That is why legislation is an opportunity to put in place moments in the parliamentary calendar when reports might be lodged, where we can have a rhythm of scrutiny that does not lend itself to a moment of panic in 10 years' time, when the census comes out and shows us a further precipitous decline. It is about the legislation and the purpose of trying to give the Parliament that moment—particularly for what is, by its very nature, a minority issue.

**Kate Forbes:** That is a compelling argument for why I believe that this reporting should be done on an intensely localised basis. It is key to monitor progress within local communities. Even if you were to take a single island, the island of Skye, and look at the figures across that island, that would not tell you much about the health of the communities where the population is highly dense, in the north of the island.

Where we might want to move further is on how to report regularly to the Parliament on progress in the areas of linguistic significance, according to the plans that will have been established in those intensely populated local areas and on whether they are proving to be successful or not. That is where I whole-heartedly agree with the member and where I think that doing it purely on a national basis does not meet the aims and the ambitions.

Michael Marra's amendment 67 requires us to look at the extent to which certain issues have been addressed by the bill's provisions and at what other issues exist in relation to Gaelic communities and the use of the Gaelic language. Those are very laudable aims, but they are most relevant when applied to traditional Gaelic-speaking communities, so I think that that reporting should be done with regard to those areas. At the moment, the position would be that, if an area were designated as an area of linguistic significance, with a plan in place, that plan should then be monitored after consultation with local stakeholders.

On amendment 47, I take Michael Marra's point that it does not have to be census methodology,

but if there is a requirement to publish a report on the number of Gaelic language speakers in Scotland every two years, we may actually see very little fluctuation in those figures. We may see, for example, that more children are learning Gaelic, but the process is very resource intensive for getting quite a high-level view. At the risk of sounding like a broken record, there might be merit in looking at how we include more parliamentary scrutiny in the reporting, without going down the route of national high-level census figures every two years.

On amendment 67, which is about reporting on the specific issues that the bill seeks to address, that sort of thing is done at an intensely local level. If the Gaelic community plan for a particular locality says, “The three priorities here are X, Y and Z,” the question is how the Parliament scrutinises whether any of those plans are successful. There could be an amendment to that effect as part of the areas of linguistic significance requirements.

11:00

**The Convener:** Have you concluded, cabinet secretary?

**Kate Forbes:** I think so.

**The Convener:** Great—thank you. I call Michael Marra to wind up and to press or withdraw amendment 47.

**Michael Marra:** I thank the cabinet secretary for her comments, and I think that there is some common ground here on the lack of frequency of reporting with regard to the status—or state—of the language, as far as the level is concerned. I sense that we are moving towards a commitment to doing something about reporting in terms of the areas of linguistic significance, and on that basis, and if there is a commitment to having further discussions ahead of stage 3 on how we ensure that this is in the bill, I am happy not to press amendment 47.

*Amendment 47, by agreement, withdrawn.*

### Section 9—Gaelic language plans

*Amendments 48 to 50 moved—[Ross Greer]—and agreed to.*

**The Convener:** Amendment 51, in the name of Ross Greer, is grouped with amendments 52 and 53.

**Ross Greer:** I should clarify at the outset that these amendments are relevant only when a report has been produced that concludes that a public body has failed in its duties under the bill—or the act, as it will be—and the Scottish Government agrees with that report. I think—I

hope—that such circumstances would be incredibly limited; nevertheless, they would be serious. After all, when Parliament passes law, we expect public bodies to align with and fulfil their duties under it.

Although I hope that such an occurrence will be very rare, I think it appropriate to have the amendments to cover circumstances in which a report is produced that concludes that a public body has failed in its duties, and the Government agrees. The amendments would simply clarify that the Government must direct the organisation in question to implement the measures that were included in its plan by a certain date. Giving such organisations a timescale would be important to ensuring that the duties were fulfilled; the fact is that such duties will be put on bodies only if Parliament has agreed to them, which means that they will have legitimacy and the weight of law behind them. The timescale is also important to give the community confidence that the Government is committed to taking effective action to ensure that what has been campaigned for, and what has been agreed by Parliament, is fulfilled.

That is what amendment 51 does, while amendment 52 simply cleans up section 9.

I move amendment 51.

**Kate Forbes:** Amendments 51 and 52, which would provide a mechanism for ensuring that Bòrd na Gàidhlig recommendations are carried out with the support of Scottish ministers, respond to the wishes of Gaelic interests for Scottish public authorities to implement the commitments in their Gaelic language plans. I am happy to support those amendments.

Amendment 53 will remove from section 9 a direction-making power that Scottish ministers were proposing to take but which the Delegated Powers and Law Reform Committee had asked to be reconsidered. The Scottish Government agrees that the objectives of that power could be achieved by other means—particularly the power to set standards, which authorities will have to follow, and the power to give guidance. I therefore propose to remove that power from the bill.

**The Convener:** I call Ross Greer to wind up and to press or withdraw amendment 51.

**Ross Greer:** I have nothing further to add. I press amendment 51.

*Amendment 51 agreed to.*

*Amendment 52 moved—[Ross Greer]—and agreed to.*

*Amendment 53 moved—[Kate Forbes]—and agreed to.*

*Section 9, as amended, agreed to.*

### After section 9

*Amendment 54 moved—[Ross Greer]—and agreed to.*

*Amendment 55 moved—[Kate Forbes]—and agreed to.*

**The Convener:** Amendment 56, in the name of the Deputy First Minister, is grouped with amendment 73.

**Kate Forbes:** The amendments provide clear stand-alone powers under which the Scottish ministers can provide financial assistance to any person for the purposes of promoting, facilitating and supporting the use of Gaelic and Scots. Financial assistance can include grants and loans. A range of interventions can support minority languages that require financial assistance. Although support for the sector tends to use powers that are primarily provided for education or culture, for example, these fresh powers will ensure that the Scottish ministers can turn to bespoke powers to use for language planning purposes across a range of sectors, and they will ensure that the necessary powers are in place to support the language for a strong future.

The amendments respond to comments that were made by the committee and stakeholders about the extent of interventions that would be available to Government and other public bodies when supporting the language in a particular local area. One comment was about economic interventions to support businesses, enterprises, initiatives or entrepreneurs who are working in an area that is suffering from depopulation and that could benefit from support.

**Pam Duncan-Glancy:** I am minded to support the amendments, given the committee's conclusions on that aspect, but I have a couple of questions. Will you set out why the financial resolution came so late? Why is the power specifically needed in this bill? In the ordinary workings of Parliament, the Government can, through the budget process, allocate finance to whatever it wants, in effect. It would be helpful to have clarity on those points.

**Kate Forbes:** I apologise that the financial resolution came—to use the member's term—later in the day. There has been a lot of movement with amendments, and we wanted to ensure that the position was as accurate as possible. The financial position must reflect the amendments. The reason for having a revised financial memorandum will be to reflect how we intend to amend the bill.

One tension with the bill is that members and external stakeholders have—rightly—been asking and pressing for the bill to mean more. I think that the word that was used is that the bill needs to be “strengthened” in order for areas of linguistic

significance to really mean something. In many cases, that points to making a number of community interventions, which we can probably do independently of the bill. However, because of the criticism—which is quite right—and the calls to strengthen the bill by setting out what activities and interventions are required, we have sought to strengthen the bill. Therefore, in the bill, we will be able to point to things that we can actively do without waiting for the standards or the strategy.

There is already a range of grant-making powers that are designed for culture, education and heritage, but what was perhaps missing was economic activity. At the end of the day, jobs and businesses are the cornerstone of any community. This enables us to highlight and point to specific interventions that could be made and which could probably have been made already, but we are strengthening the bill to make a series of more active interventions in areas of linguistic significance, if that makes sense.

**The Convener:** That was your response to an intervention. Do you want to continue?

**Kate Forbes:** I think that I am done.

I move amendment 56.

*Amendment 56 agreed to.*

*Sections 10 and 11 agreed to.*

### Section 12—Power for Scottish Ministers to set standards relating to Gaelic education

**The Convener:** Amendment 81, in the name of Pam Duncan-Glancy, is grouped with amendments 82, 83, 57 and 58.

**Pam Duncan-Glancy:** The amendments in the group are to recognise that, in Scotland, when we take pride in our teaching profession and in the standards to which teachers work, many of those standards are supported and guided by legislation and by standards set out by the General Teaching Council for Scotland.

As it stands, the bill does not fully recognise those standards. It is unclear how the standards around Gaelic that are proposed in the bill will relate to the way in which the GTCS carries out its functions on the standards relating to education more broadly. Amendments 81 and 82 seek to clarify that.

Amendment 81 sets out the standards of education and training that are appropriate for schoolteachers and the conduct and professional competence that are expected of teachers as per the GTCS standards. Amendment 82 requires the Government to make sure that the General Teaching Council for Scotland is consulted. The amendment would make that explicit; it would clarify and preserve the approach that we have

had in Scotland for some time, which recognises graduate professional teachers.

I move amendment 81.

**Ross Greer:** Amendment 83 is based on a proposal from the Law Society that there should be a requirement to publish the results of consultations, which has been well covered, as I have moved similar amendments in relation to various sections, so I will not repeat that.

Amendment 57 refers to section 13, which currently says that ministers “may” give guidance to public authorities about Gaelic education. That is the core of why we are here, so it should not be optional, and we should change “may” to “must”.

We recognise and have recognised for almost 20 years that Gaelic is one of our national languages, and there is a consensus that that should not change for the foreseeable future. If we ever ended up at a point at which Government ministers believed that it was no longer necessary to provide guidance on Gaelic education, that would be a significant enough change for them to have to come to the Parliament to change the legislation.

Amendment 57 makes a simple proposal to change “may” to “must”, to reflect the fact that such guidance is necessary; it is at the core of the bill and is why the bill was necessary in the first place.

**Kate Forbes:** I thank Pam Duncan-Glancy for explaining the purpose of amendments 81 and 82. Among the overarching aims of the bill is to put in place a new strategic approach to Gaelic education in recognition of the unique challenges that are faced by a minority language in a national education system. To tackle those challenges, it is necessary that standards and regulations for Gaelic education should be formed in a framework that is distinct from that which has been put in place for the wider English-medium sector.

The GTCS’s input will be sought as a valuable part of the process in forming standards and requirements for Gaelic education. A process for that is already in place, and the bill enables the GTCS to be consulted when it is appropriate to do so. However, in the spirit of wanting to accept as many amendments as I can, where we can do so, I recognise the wish for the GTCS to be specifically listed among the bodies that ministers must consult on education regulations, and I am happy to support amendment 82.

On amendment 81, not all regulations and standards under the power that is being amended will relate directly to teachers. The GTCS has functions that operate as a matter of law, and the power under proposed section 6B of the 2016 act should not be unduly curtailed or framed in that

way. Our feeling about amendment 81 is that it is not necessarily appropriate in that place.

11:15

On amendment 83, in practice we publish consultation results when permission has been given and when that is considered appropriate. We are happy to support this amendment for consultation results relating to the preparation of standards and regulations.

Amendment 57 would amend the 2016 act by replacing Bòrd na Gàidhlig’s duty to prepare guidance on Gaelic education with a power for the Scottish ministers to produce that guidance. As that function is being reallocated to ministers from an NDPB, it was considered appropriate to frame it as a power rather than a duty. However, we are happy to support amendment 57.

Scottish Government amendment 58 removes the power for ministers to give education authorities a direction in relation to Gaelic education. That follows comments about that power from this committee and the Delegated Powers and Law Reform Committee at stage 1. I am content that the objectives of the power can be effectively achieved by other means.

**Pam Duncan-Glancy:** On the basis of the clarification that the Deputy First Minister set out, I am content to withdraw amendment 81. I will press amendment 82, which I am pleased that the Government is minded to support. For completeness, we will also support the other amendments in the group.

*Amendment 81, by agreement, withdrawn.*

*Amendment 82 moved—[Pam Duncan-Glancy]—and agreed to.*

*Amendment 83 moved—[Ross Greer]—and agreed to.*

*Section 12, as amended, agreed to.*

### **Section 13—Guidance to public authorities relating to Gaelic education**

*Amendment 57 moved—[Ross Greer]—and agreed to.*

*Section 13, as amended, agreed to.*

### **Section 14—Directions to education authorities relating to Gaelic education**

*Amendment 58 moved—[Kate Forbes]—and agreed to.*

*Section 15 agreed to.*



**Section 16—Duty to promote Gaelic education in exercising functions under the Education (Scotland) Act 1980**

**The Convener:** Amendment 59, in the name of the Deputy First Minister, is grouped with amendments 60, 62 and 64.

**Kate Forbes:** The amendments make very minor corrections that will ensure that references to the Education (Scotland) Act 1980 follow the style of the act into which they are being inserted. That will ensure consistency and remove any possible ambiguity.

I move amendment 59.

*Amendment 59 agreed to.*

*Amendment 60 moved—[Kate Forbes]—and agreed to.*

*Section 16, as amended, agreed to.*

**After section 16**

**The Convener:** Amendment 61, in the name of Ross Greer, is grouped with amendments 84 and 75.

**Ross Greer:** The amendments are ultimately about teacher workload—an issue that the committee will be very familiar with, as it is a recurring theme in almost everything that we do. Teachers in GME schools face an additional and significant burden, because they have to do much of the work of translating materials that are produced in English by Education Scotland into Gaelic so that it is usable in their school settings. Education Scotland does some work, but, according to feedback that I have received from GME teachers, it is not routine enough.

We recognise the unsustainable workload across the teaching profession and it is only appropriate that we recognise the particularly acute additional workload pressures that GME teachers face. Amendment 61 in relation to Gaelic, and amendment 75 in relation to Scots, would simply put a duty on Education Scotland to consider whether any material that it produces in English should also be produced in Gaelic and Scots. They would not require it to do that in all instances—there will, of course, be instances where that is not necessary—but the amendments clarify that Education Scotland needs to take that matter into consideration. As far as I am concerned, Education Scotland has much more capacity to engage in that kind of work than a classroom teacher in a GME school does. That is the rationale behind the amendments.

I move amendment 61.

**The Convener:** I call Pam Duncan-Glancy to speak to amendment 84 and other amendments in the group.

**Pam Duncan-Glancy:** I lodged amendment 84 on the back of various different bits of work that I have been doing. When I visited one of the Gaelic schools in Glasgow, I was most struck by the teachers' explanations about the time that it takes for them to translate some materials into Gaelic in order for their young people to access the materials that they need in order to do the best that they can do in their exams and throughout their education.

On that basis, my amendment 84 would put a duty on the examinations boards in Scotland to provide such materials for GME, so that young people who are learning through the medium of Gaelic have as much support as those who are learning through the medium of English. That is why I lodged the amendment.

**Kate Forbes:** We are, in principle, sympathetic with the aims of the amendments, but some changes need to be made to them. We could perhaps work together in advance of stage 3 to address some of the issues through new drafting. Some areas of practice and legislative provisions would make it very difficult for us to support the amendments in their current form, but I want to set out some of the relevant provisions that are already in place or being developed.

The Scottish Qualifications Authority already makes some qualifications available in Gaelic. The Education (Scotland) Bill is proposing to replace the SQA with the new body qualifications Scotland. Section 7 of that bill will place a duty on qualifications Scotland to

“have regard to the needs and interests of persons using its services, including those who are receiving, or wish to receive Gaelic learner education”

or

“Gaelic medium education”.

That cross-cutting duty will apply where qualifications Scotland is exercising all its functions, including devising and awarding qualifications and accreditation.

**Pam Duncan-Glancy:** I thank the Deputy First Minister for setting that out. This is probably not the time or the place to go through my concerns about that particular body and that bill.

However, I will say that the duty that my amendment 84 would provide is slightly broader than the duty that is proposed in the education bill. In my understanding, the education bill clarifies the existing duty around the qualifications body to consider making materials available—it effectively tidies up that duty for the purposes of the bill. However, in practice, that duty is not enough,

because teachers and staff in schools are not made to provide other materials in addition to that.

To strengthen what is required, given how important it is that all the material be available, it is not enough that there be a duty in the education bill—notwithstanding the fact that it has not yet gone through the Parliament. It is not just the exam papers themselves that schools are having to translate, but some of the material that supports young people to do the best that they can in their exams, which takes up a lot of time and, in some cases, money.

**Kate Forbes:** Pam Duncan-Glancy is absolutely right to highlight that point. Our comments are not necessarily at odds with it. We believe that that requirement probably needs to be a bit more targeted. For example, some subject areas have the highest impact on fluency, and there should be greater focus on those subjects.

There are some concerns that a blanket duty is quite difficult to fulfil, as not all qualifications are available in Gaelic. Our position is probably not far removed from where the member wants to get to. I guess that the question is whether we should accept the amendments at this stage, then adapt the provisions at stage 3, or simply work on the drafting for stage 3, because we are happy to support the member in that regard.

**John Mason:** I take your point that we could proceed in either way. However, I would say that amendments 61 and 75, in particular, seem to be fairly gentle. Can you spell out your reservations a little bit more? All that they are saying is that we must “consider” whether certain information should be provided in Gaelic, and must

“have regard to the desirability”

of publishing certain other information in Scots. I am not sure that that means anything. What is the real problem with the amendments?

**Kate Forbes:** To be fair, I note that I had not yet turned to amendments 61 and 75—what I was saying was very much in relation to amendment 84.

Our point about amendments 61 and 75 is simple. Education Scotland is an agency of the Scottish Government, so it is not possible to use legislation to put duties on it. Any such duty would be placed on Scottish ministers. If members agree not to press the amendments, we are simply left with a question of drafting. In legislative terms, the burden would not be on Education Scotland; it would be on the Scottish Government.

I do not think that there is any disagreement. It is more the case that, from a legal and drafting perspective, some minor concerns have been highlighted on amendments 61 and 75. John Mason is right to say that the intention of the

amendments is fairly straightforward: it is just a question of focusing the duty on Scottish ministers, not on Education Scotland.

On the SQA point, it is a question of the change that is going on in another bill, as well as making sure that we do not take a blanket approach but that, instead, the approach is quite targeted.

**Pam Duncan-Glancy:** Can the Deputy First Minister make it clear that she is prepared to consider the matter and address it at stage 3?

**Kate Forbes:** Yes, absolutely. I envisage us being not just in a position to consider the issue before stage 3 but to support amendments at stage 3 that are, essentially, amendments 61, 75 and 84 with some minor drafting changes.

**Ross Greer:** On the basis of the cabinet secretary's remarks, I am happy not to press amendment 61. I understand the legal point about Education Scotland's status as an executive agency, which means that responsibility rests with ministers, but there is a governance point that the committee has encountered on lots of occasions in relation to Education Scotland, in that duties on ministers simply have not cascaded down effectively.

I understand the legal issue around drafting, so I am happy not to press amendment 61 and for us to work on the matter ahead of stage 3. We will need to take into account that duties that are placed on ministers are, quite frankly, often not fulfilled by the executive agencies that are accountable to ministers, so perhaps we need to tighten that up in this specific regard. Of course, there is a wider governance issue that is not for this committee to consider right now.

**Kate Forbes:** I would like to make two quick points. I want to highlight organisations that have not been referenced but do a lot of work to support Gaelic-medium education at the moment, such as Stòrlann Nàiseanta na Gàidhlig and Sabhal Mòr Ostaig.

That point about cascading was very well made, so we might want to think about how we incorporate that as part of our conversations on drafting of amendments.

**Ross Greer:** I thank the cabinet secretary for that intervention and for the acknowledgment of that point. On that basis, I am happy not to press amendment 61, and to bring a version of it back at stage 3.

*Amendment 61, by agreement, withdrawn.*

*Section 17 agreed to.*

### Section 18—Gaelic education delivery planning

*Amendment 62 moved—[Kate Forbes]—and agreed to.*

*Section 18, as amended, agreed to.*

*Section 19 agreed to.*

### Section 20—Transport to Gaelic medium education: application of Schools (Consultation) (Scotland) Act 2010

**The Convener:** Amendment 63, in the name of the Deputy First Minister, is grouped with amendments as shown in the groupings paper.

**Kate Forbes:** Section 20 is quite an extensive section on Gaelic-medium education. Two amendments in the group are in my name. Amendment 63 will clarify the timescale within which an authority must establish a catchment area for schools that are providing Gaelic-medium education provision at the time when section 20 comes into force. The timescale will run from the date on which section 20 comes into force. It is a minor and fairly technical amendment.

On amendment 65, there is no question about the benefits of all-Gaelic schools, yet the parental experience is that the path towards their establishment can be far too long and is often frustrating. My amendment 65 seeks to address the situation by putting a clear process in place. The amendment will support parents who want a local authority to formally consider the establishment of an all-Gaelic school in their area.

11:30

If it is requested, the education authority must

“complete an assessment of whether it would be viable for the education authority to establish an all-Gaelic school in an area specified in the request.”

In completing the assessment, the authority must have regard to a number of considerations, as set out in the proposed new provisions. When the result of the assessment is that an all-Gaelic school would be viable, the authority must take steps to establish one.

All-Gaelic schools are ideal environments for providing immersion education, which is central to the success of Gaelic-medium education. Without doubt, all-Gaelic schools provide important benefits for Gaelic and go to the heart of what has been frequently identified in committee debate about the level of fluency in Gaelic.

Amendments 85 to 94 aim to simplify the process for parents who wish to have Gaelic-medium education for their children, and to combine the two stages—initial assessment and full assessment—in one process. I completely

understand the sentiment behind the amendments and the desire to make things more straightforward, but they leave some gaps and some unanswered questions, which could unintentionally make the process longer and more complicated.

Amendment 85 would require an education authority to provide GME if there is demand from five or more children in a year group, unless it is unreasonable to do so, having regard to the matters that are set out in the amendment. However, it is not clear what decision could be made by the authority if there were fewer than five children, or whether it would even have to undertake an assessment in that case. It is also not clear whether a full assessment is the only possible route for the authority to take, even if it is content to provide GME. There are some questions outstanding about how the process would operate and there are some issues that would need to be addressed.

In view of that, I would like to give the matter further consideration, in consultation with Miles Briggs, to ensure that the drafting works in a technical sense and that it improves the position for parents, young people and all those who are involved in the delivery of GME. If we could come back to the issue at stage 3, which has become a refrain in our debate on all the groups of amendments, I think that we could have a good package of support for parents who are keen for there to be Gaelic-medium education in their area. I am keen to work with the member to that effect.

I move amendment 63.

**Miles Briggs:** I welcome the cabinet secretary's amendments 63 and 65. My proposed amendments 85 to 94 would simplify and strengthen the current mechanisms for assessing demand for Gaelic-medium education by compressing the current system of having an initial assessment and a subsequent full assessment into a single process, which I think would be useful, as it would make the process quicker and less stressful for parents who are making key decisions about their children's future education. Specifically, my amendment 85 proposes compressing sections 9, 10 and 11 of the Education (Scotland) Act 2016, as prospectively amended, into a single section 9. The crucial provision, which requires education authorities to provide Gaelic-medium education when the threshold of five children is reached, unless it would be unreasonable to do so, is moved forward to emphasise its importance.

After 40 years of Gaelic-medium education, there are only eight all-Gaelic schools in Scotland, with four of those being situated in Glasgow. There is currently no strategy or process in place for the establishment of those schools, and it is

often left to parents to lobby their local authorities. On occasion, that has meant that local parent groups have had to fund feasibility studies for schools. As we know, it has taken a minimum of 10 years from the initial requests from parents to open those Gaelic-medium schools, which means that many parents who are campaigning for schools often do not see the benefits of them for their children. Campaigners have told me that there are currently five areas in which parents are campaigning, so far unsuccessfully, for Gaelic-medium education in schools.

My amendments could help to simplify that process. I listened to what the cabinet secretary had to say with regard to drafting, so I am happy to work with her at stage 3 and will not move amendments 85 to 94.

**Ross Greer:** I have a couple of questions about amendments 63 and 65, but I thought that they would be best placed in a separate contribution rather than interrupting the flow of the Deputy First Minister's speech.

In the first instance, can she address the question whether amendments 63 and 65 are compliant with the United Nations Convention on the Rights of the Child? Much as I welcome the amendments overall, the proposed new section 13A of the 2016 act gives parents, but not young people themselves, the ability to make a request. Under the proposed new section 13B, however, young people themselves—"pupils"—can make an input once the process is triggered.

That seems to be a little inconsistent. If we are, under proposed new section 13B, allowing young people to have a role as part of the process, should we not, in particular given that the UNCRC is now part of our domestic law, give them an equivalent ability to make a request under proposed new section 13A?

Miles Briggs made the point that the experience of many parents is that they have to campaign for GME, but by the time they have achieved their aim, their children are no longer in school. Amendment 65 refers specifically to "parents of pupils" who are in school. I wonder whether we could change that to include the parents of pre-school children, who would be more likely to achieve the aim in time for their own children to benefit.

My third question starts with a plea for assistance from the Deputy First Minister to help me to pronounce the name of Comann nam Pàrant, the Gaelic education parents association.

The Law Society of Scotland had some questions about this. Is Comann nam Pàrant established in statute? If it is, I think that it is fine that it is referred to specifically in the proposed new section. If it is not, is it advisable to include in

law a specific organisation that is itself not established in law? It could change form, name, status and so on at some point without an act of Parliament, which would then, if the amended bill is passed, require an act of Parliament to be changed.

**Kate Forbes:** On point 1, we will come back to you with greater consideration of what you perceive to be the difference between the two proposed new sections with regard to a child's, or pupil's, ability to make the request. We are dealing in some cases with early learning as well, so we will need to consider that.

On your last question, Comann nam Pàrant is not established in statute. Over the period of 40 years that Miles Briggs identified, it has evolved to become the primary national body for parents of GME pupils, and so it is the obvious group in that regard.

I have forgotten what your second question was, so feel free to intervene.

**Ross Greer:** The question was on whether parents of pre-school children could be included, given that—as Miles Briggs pointed out—parents of children who are already in school often have to campaign for so long that their children have left school by the time they have achieved what they were looking for.

**Kate Forbes:** Absolutely—we will give that some consideration.

I wind up by saying that everything that Miles Briggs said is true—he is absolutely right to describe how difficult the process is. I frequently receive correspondence from parents who are—to use the technical term—pulling their hair out in trying to engage with it.

He is absolutely right on the need to simplify the process. If we can ensure that the amendments answer some of the unanswered questions that I identified in my opening remarks, I think that we will have a very compelling package, in combining his amendments with the ones that I have lodged.

*Amendment 63 agreed to.*

*Amendment 64 moved—[Kate Forbes]—and agreed to.*

*Section 20, as amended, agreed to.*

*Sections 21 and 22 agreed to.*

#### **After section 22**

*Amendment 84 not moved.*

*Amendment 65 moved—[Kate Forbes]—and agreed to.*

### **Section 23—Extension of assessments to early learning and childcare**

*Amendments 85 to 94 not moved.*

*Sections 23 to 25 agreed to.*

#### **After section 25**

**The Convener:** Amendment 66, in the name of Ross Greer, is grouped with amendment 95.

**Ross Greer:** Amendment 66 would place a duty on ministers to conduct a review of the status of Sabhal Mòr Ostaig in order to consider in particular whether it should be designated as a higher education institution and have the power to award degrees. Ministers would be required to publish a report on the review and to lay that before Parliament. The most important element of amendment 66 is that the review is required to take place within a year from the proposed new section coming into force. That acknowledges the wider discussions that we have been having about the urgency of the situation.

There is a consensus across the Parliament on the importance of Sabhal Mòr Ostaig as an institution operating through the medium of Gaelic. It is the national centre for Gaelic language, education and culture, and it plays a significant role for Gaelic nationally and internationally. It is right and proper that, as part of our consideration of the bill, we should be reviewing its status. It is my position and the position of my party that Sabhal Mòr Ostaig should have degree-awarding power.

I do not want to bounce the college into that before it is ready—to put it bluntly—and a review process would allow us to consider all the issues and potential barriers to it having that power and that status, which would ensure that it has time to put together an adequate business case and that it receives the support that it requires. That should be the aspiration, in any case.

That is the motivation behind amendment 66. I recognise that Willie Rennie is very much coming at the issue from a similar position, but I will let him speak to his own amendment.

I move amendment 66.

**Willie Rennie (North East Fife) (LD):** My amendment 95 goes a little bit further than Ross Greer's amendment 66, in that it stipulates action that needs to be taken by the Government, rather than simply requiring a review. The matter has been debated for a considerable period, and it is now time to make a decision on it. The institution tells me that it is ready, and other specialist institutions have been granted degree-awarding status already, including the Royal Conservatoire of Scotland. That is why we want to go further and recommend action rather than simply a review.

**The Convener:** I have met Gillian Munro, the principal of Sabhal Mòr Ostaig, who I thought made a compelling case for that. That was a very useful meeting for me, and I wanted to get that on the record.

**Kate Forbes:** I am heartened by your comments, convener. If we take what you, Ross Greer and Willie Rennie have all shared—and what I imagine other committee members may go on to share—we can see that there is a cross-party consensus on the need to move. The only difference between the two amendments in this group is the extent to which things would happen now or after some preparatory work. I emphasise that the Government would expect any preparatory work to happen at pace.

Representatives of Sabhal Mòr Ostaig have commented to me on the need for other bodies in the public sector to engage well with the college to reach the end point. Ross Greer's amendment 66 is timestamped in requiring the proposed review to happen within a year. It would introduce a duty to ensure that the review is laid before Parliament, therefore inviting parliamentary scrutiny—it requires a report to be written, which considers all the various points.

11:45

I am very sympathetic to Willie Rennie's amendment 95, although a few minor issues would need to be considered before it could progress. We would want to define in law the changes that would happen as a result of designation as a "small specialist institution", because that does not have a definition in law right now. It should also be noted that it is not wholly within the gift of ministers to determine whether an institution has degree-awarding powers—that is for the Privy Council. There are some outstanding issues that need to be resolved that do not entirely sit on Sabhal Mòr Ostaig's shoulders. In fact, other parts of the public sector will be required to engage well with those issues—for example, there are questions about funding.

Sabhal Mòr Ostaig is a very important part of the Gaelic community and of our higher and further education community. It is the national centre for Gaelic language, education and culture. In fact, we cannot meet any of the aims and objectives in the bill, or in our policy and strategy, without Sabhal Mòr Ostaig, so it must play an important role for many years to come.

Both amendments in the group indicate the need to move. Our position is that we will support Ross Greer's amendment 66, on conducting a review. We want that review to be done well and for Sabhal Mòr Ostaig to be well supported at the point that it becomes either a small specialist

institution or an institution with another status. That review needs to be done, and it needs to be done well, which requires a little time .

We will not vote against Willie Rennie's amendment 95, in recognition of the important points that he highlights, but we think that it is important that the preparatory work is done and that other parts of the public sector engage well with that review, and that Parliament has an opportunity to respond to the report, which will be laid in a timestamped manner.

I want to be clear about the value that we place on Sabhal Mòr Ostaig and that we see the amendments as two different routes to get to our end goal. Some preparatory work is required first for Sabhal Mòr Ostaig to have the best chances of success.

**The Convener:** I call Ross Greer to wind up and to press or seek to withdraw amendment 66.

**Ross Greer:** I will just echo the cabinet secretary's remarks. It is important that there is a role for Parliament, which is why my amendment 66 says that the review would result in a report being laid before Parliament. There is strong cross-party consensus on the importance of Sabhal Mòr Ostaig and its getting to the point of having the power to award degrees. Therefore, it is important that we preserve that role for Parliament and keep the process going to that shared outcome.

As has been mentioned, my amendment and Willie Rennie's amendment 95 have a lot of crossover, so I am certainly happy to support his. I recognise that there may be a requirement to do a little bit of reconciliation at stage 3 on the issue, but I encourage committee members to support both amendments, given that there is a clear shared desired outcome, and that we can resolve the areas of overlap with some tidying up at stage 3.

I will press amendment 66.

*Amendment 66 agreed to.*

*Amendment 95 moved—[Willie Rennie].*

**The Convener:** The question is, that amendment 95 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

#### For

Briggs, Miles (Lothian) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)

#### Abstentions

Adam, George (Paisley) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)

**The Convener:** The result of the division is: For 6, Against 0, Abstentions 4.

*Amendment 95 agreed to.*

*Amendment 67 not moved.*

*Amendment 68 moved—[Ross Greer]—and agreed to.*

#### Section 26—Status of the Scots language

*Amendment 96 not moved.*

*Section 26 agreed to.*

#### Section 27—Scots language strategy

**The Convener:** Amendment 69, in the name of Emma Harper, is grouped with amendments 71 and 74.

**Emma Harper (South Scotland) (SNP):** Good morning, everyone. It is a pleasure to be here, and I thank you for the opportunity to move these important amendments.

I thank the many Scots organisations and individuals who have been so helpful to me and who support our Scots language cross-party group, which I co-convene. The organisations include the Scots Language Centre, Oor Vyce, the Scots Language Society and the Open University in Scotland. Many individuals are associated with those organisations, and I must include Bruce Eunson, Dr Sylvia Warnecke and Dr Michael Dempster. All have made invaluable contributions to promoting Scots, both at the CPG and in providing input for me on the bill.

At stage 1, there was discussion about whether the term "Scots" includes the different dialects of the Scots language that are used in the different parts of Scotland—for instance, the north-east dialect, which is also called the Doric—so I am keen to introduce my amendments in this group.

My amendments seek to reassure the Scots language community on that point—not by changing the definition of "Scots" in an exhaustive way that could, inadvertently, exclude something, but by focusing on the substantive sections of part 2 of the bill. Amendment 69 makes it clear that the Scottish ministers' objectives for the promotion of Scots in the Scots language strategy are to include the different dialects of Scots that are used in the different parts of Scotland.

Amendment 71 clarifies that, likewise, the Scottish ministers' power to give guidance to

public authorities on the promotion of Scots includes the different dialects of Scots.

Section 31 of the bill places an education authority under a duty to

“promote, facilitate and support Scots language education”.

Amendment 74 makes it clear that the education authority

“may discharge its functions relating to Scots language education through teaching and learning in the dialect of the Scots language most relevant to its area.”

For instance, in the north-east of Scotland, Doric would be the most relevant.

I hope that that provides some reassurance for all stakeholders, and I ask the committee to support my amendments in this group.

I move amendment 69.

**Kate Forbes:** There was indeed discussion at stage 1 about whether the term “Scots” includes the different dialects of the Scots language that are used in the different parts of Scotland. As Emma Harper said, her amendments seek to provide reassurance to all who speak the language. The amendments in this group are therefore welcome, and I think that they offer that reassurance. They make it clear that the bill’s provision on Scots includes the different dialects, and we are content to support them.

**The Convener:** I call Emma Harper to wind up and to press or seek to withdraw amendment 69.

**Emma Harper:** There is nothing to add. I recognise that Scots is spoken in a variety of ways and in different dialects in different parts of Scotland. I urge colleagues to support the amendments in the group.

**Pam Duncan-Glancy:** What discussions has Emma Harper had with the Association of Directors of Education in Scotland and teachers about amendment 74 in particular?

**Emma Harper:** I engaged with the Scots language community when we discussed amendments to propose. There has been no direct discussion with ADES and teachers, but I have engaged with members of the Scots language community, who I believe are experts in Scots.

I encourage members to support amendments 69, 71 and 74.

*Amendment 69 agreed to.*

**The Convener:** Amendment 70, in the name of Ross Greer, is grouped with amendment 97.

**Ross Greer:** As amendments 70 and 97 are my last stage 2 amendments, I put on record my thanks to the bill team for all the work that they have put in and, in particular, their response to the

very long list of proposals that I put to them over recent weeks.

Amendments 70 and 97 tread familiar ground for me. They are about a requirement to publicise how the public can input into the draft strategy for the Scots language, and, similar to previous amendments, about the publication of the results of that consultation.

I move amendment 70.

**Kate Forbes:** I thank Ross Greer for his collaborative approach. The fact that he had so many amendments throughout the bill speaks to his ability to engage across parties and with external stakeholders.

We always publicise arrangements for engaging in consultations on draft strategies and other documents. We also have a practice of publishing consultation results where appropriate. As amendments 70 and 97 reflect that existing practice, we are happy to support them.

*Amendment 70 agreed to.*

*Amendment 97 moved—[Ross Greer]—and agreed to.*

*Section 27, as amended, agreed to.*

*Sections 28 and 29 agreed to.*

### **Section 30—Power for Scottish Ministers to give guidance**

*Amendment 71 moved—[Emma Harper]—and agreed to.*

*Section 30, as amended, agreed to.*

### **After section 30**

**The Convener:** Amendment 72, in the name of the Deputy First Minister, is in a group on its own.

**Kate Forbes:** Amendment 72 makes the same provision for Scots as was made for Gaelic by amendment 55, which I believe the committee has already agreed to—I hope that my memory serves me right.

As with Gaelic, it is important that ministers have the necessary powers to support their functions for Scots, including the ability to undertake research and inquiries and to collect and publish statistics on Scots. That will assist with the implementation of the Scots language strategy and ensure effective information gathering for its further development.

As this is the last time that I will speak in the meeting, I thank everybody for their engagement. I recognise that we have set ourselves a lot of work for stage 3, but the debate has clarified the priorities. I have said in every evidence session that I want the bill to be the product of the

Parliament and not a Government-imposed bill. The more amendments that we can accept and on which we can work with members, the better, so that the bill reflects Parliament's priorities. I look forward to the engagement on that.

I move amendment 72.

*Amendment 72 agreed to.*

*Amendment 73 moved—[Kate Forbes]—and agreed to.*

### **Section 31—Scots language education in schools**

*Amendment 74 moved—[Emma Harper].*

**The Convener:** The question is, that amendment 74 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

#### **For**

Adam, George (Paisley) (SNP)  
 Briggs, Miles (Lothian) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Tweed, Evelyn (Stirling) (SNP)

#### **Abstentions**

Duncan-Glancy, Pam (Glasgow) (Lab)

**The Convener:** The result of the division is: For 9, Against 0, Abstentions 1.

*Amendment 74 agreed to.*

*Section 31, as amended, agreed to.*

*Sections 32 to 35 agreed to.*

### **After section 35**

**The Convener:** Amendment 75, in the name of Ross Greer, has already been debated with amendment 61.

**Ross Greer:** It is an anticlimactic end, I am afraid, convener: I will not move the amendment.

*Amendment 75 not moved.*

*Sections 36 to 38 agreed to.*

*Long title agreed to.*

**The Convener:** That ends stage 2 consideration of the bill. I thank the Deputy First Minister and her supporting officials for attending. We would have gone into day 2 next Wednesday, so you now have time in your diary, Deputy First Minister. I am sure that your officials will fill that quickly. I also thank all committee members and our clerking team for their efforts.

*Meeting closed at 12:01.*



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