

EDUCATION IN THE SCOTTISH PARLIAMENT

MARK PRIESTLEY

PREAMBLE

This paper follows on from the previous bulletin (Priestley, 2004), which covered the business of the Parliament's Education Committee between February and June 2004. This bulletin covers committee proceedings during the first half of the 2004–5 parliamentary year (Session 2, September 2004 until January 2005).

The Education Committee currently comprises the following members: Robert Brown (Convener), Wendy Alexander, Rhona Brankin, Rosemary Byrne, James Douglas-Hamilton, Fiona Hyslop, Adam Ingram, Kenneth Macintosh, and Elaine Murray. Full records of its meetings, including transcripts of proceedings and Committee papers are found on the accessible and comprehensive Scottish Parliament website at: www.scottish.parliament.uk/business/committees/education/index.htm

The bulk of the Committee's deliberations during the period related to the following areas:

- Stage 2 of the School Education (Ministerial Powers and Independent Schools) (Scotland) Bill;
- Issues surrounding child protection. This included discussion of the ongoing Committee Inquiry into child protection, Children's Panels and Hearings, Disclosure requirements and the deferred implementation of the Protection of Children (Scotland) Act 2003;
- The ongoing Committee Inquiry into the school curriculum;
- Discussion of the 2005–6 education budget process
- Stage 1 of the Gaelic Language (Scotland) Bill.

The bulletin focuses in turn on the discussions that have accompanied each of these substantive issues, including the questioning of expert witnesses. The scope of the bulletin obviously precludes detailed discussion of the issues covered by this important Committee over a period of several months; instead I have identified the key issues, highlighted and exemplified some of the substantive debates and, where appropriate, pinpointed additional sources of information for researchers who seek to further explore the Committee's business and accompanying papers.

SCHOOL EDUCATION (MINISTERIAL POWERS AND INDEPENDENT SCHOOLS) (SCOTLAND) BILL (SECOND STAGE)

This bill negotiated its second committee stage in one meeting on September 15th 2004. There was continued lively discussion, following on from points raised in Committee during the first stage (Priestley, 2004), about the necessity for such powers for the Minister. Lord James Douglas-Hamilton, in speaking to his proposed amendments, suggested that the bill was both unnecessary and Orwellian:

The effect of amendments 44 to 54 is to delete all mention of enforcement directions from the bill. The amendments reinforce and address arguments that were put at stage 1 of the bill's consideration. Many local authorities feel that the powers in part 1 of the bill are unnecessary. The arguments for that are fivefold. First, powers of enforcement already exist under section 70 of the Education (Scotland) Act 1980. Secondly, there is no evidence that local authorities are not taking seriously the recommendations of Her Majesty's Inspectorate

of Education. Thirdly, the new proportionate inspection system ought to be afforded time to prove itself before being subject to further reforms. Fourthly, the bill undermines local democracy by imposing a centralising agenda that is reminiscent of Big Brother in George Orwell's "Nineteen Eighty-Four". Lastly, the Convention of Scottish Local Authorities sees the bill as a waste of parliamentary time (Douglas-Hamilton, 15.09.04, Col 1789).

These sentiments were echoed by Adam Ingram, who asserted that 'what we have in the bill is an excessively bureaucratic sledgehammer to crack a rather inoffensive nut' (Ingram, 15.09.04, Col 1795).

Opposing Lord Douglas-Hamilton's amendment (44), the Deputy Minister for Education and Young People, Euan Robson, stated that 'while ministers can at present make recommendations, there is no power to ensure that a school or authority takes action to meet those recommendations and no duty on them to comply' (Robson, 15.09.04, Col 1590). He went on to reassure the Committee that these were not the draconian powers that some alleged:

I hope that I can reassure the committee that there is no intention on the part of Scottish ministers to act unreasonably at any stage in the process. I can confirm that ministers will not require schools or authorities to take any unreasonable action in order to meet the requirements of an enforcement direction. If ministers were to act unreasonably they would be open to challenge. Under part 1, for example, ministerial decisions are open to judicial review (Robson, 15.09.04, Col 1593).

Following a division, amendment 44 was dropped.

The Convener thanked the Deputy Minister for his input, but made two additional suggestions for further changes to the Bill between stages 2 and 3. These stemmed from the COSLA (2004) submission, which suggested that:

- 'there might be some advantage, against the background of the school improvement agenda, in making specific reference in section 1 to linking the ministerial powers in the bill to securing improvement, in particular under the Standards in Scotland's Schools etc Act 2000' (Brown, 15.09.04, Col 1594);
- intervention could take the form of peer support from professional colleagues.

On a separate matter, Lord James Douglas-Hamilton proposed another amendment to address child safety concerns in independent schools, where some teachers may not be GTC registered. This amendment sought to ensure that Scottish ministers may grant an application for registration only if they are satisfied both that 'every proposed teacher in the school is a proper person to be a teacher in any school' and that 'every other proposed employee in the school is a proper person to be an employee in any school' (Douglas-Hamilton, 15.09.04, Col 1598). This amendment was dropped after the Deputy Minister pointed out that:

there are already sufficient safeguards for ensuring that all people who work in schools — whether in the public or the private sector — are suitable to work with children. That applies not just to those who are employed by the schools, but to those who work there as volunteers. The Protection of Children (Scotland) Act 2003 imposes a duty on ministers to keep a list of people who are unsuitable to work with children, making it an offence for such disqualified people to work with children or to try to do so (Robson, 15.09, 04, Col 1600).

He added that 'we cannot see why we should introduce different controls for people who work in the independent sector from those that apply to people who work in the public sector, nor do we see what information ministers would be able to gather to satisfy themselves of the propriety of employees other than information that

is already gathered under the Protection of Children (Scotland) Act 2003 and the other legislation' (*ibid*).

The table below details the Bill's progress through this stage in Committee.

Amendments	Action taken by the Committee
<ul style="list-style-type: none"> • 30, 55, 56, 31, 58, 59, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 <p>Sections 3, 7 and 8, schedule 2, section 9 and the long title were agreed to without amendment. Sections 1, 2, 4, 5 and 6 and schedule 1 were agreed to as amended. The Committee completed Stage 2 consideration of the Bill.</p>	<p>Agreed to on 15th September 2004</p>
<ul style="list-style-type: none"> • 44 	<p>Disagreed to on 15th September 2004</p>
<ul style="list-style-type: none"> • 1, 61 	<p>Moved and then withdrawn with the Committee's agreement</p>

CHILD PROTECTION

A number of the meetings covered issues concerning child protection. On 29th September the Committee discussed its ongoing Child Protection Inquiry, in the context of the Executive response (SSED, 2004a) to its recent report, further evidence from a variety of organisations and the implications of the Bichard report in the wake of the Soham tragedy (Bichard, 2004). In particular, the committee raised a number of concerns about the forthcoming enactment of the Protection of Children (Scotland) Act 2003, especially the impact that compulsory disclosure was going to have on voluntary organisations. The provisions of this Act that make the failure of organisations to obtain disclosure on new employees illegal had been deferred for a year to allow voluntary organisations to adjust, but were due to come in operation on 10th January 2005. Three main issues emerged from discussions and questioning of witnesses:

- An over zealous application of disclosure procedures by organisations keen to protect themselves;
- The requirement for all new employees and volunteers to be disclosed from 10th January and the deferred requirement for all existing employees to be disclosed retrospectively
- The lateness of official guidance to organisations.

Several members spoke of the 'tendency to take the letter of the law too far with regard to the need for disclosure' (Brown 29.09.04), stating that this would discourage volunteers and potentially stop voluntary activities. An example provided by Kenneth Macintosh exemplifies these concerns nicely:

This is not just about employers, full-time employees and even full-time volunteers; it is about part-time volunteers, such as parents, and people who just want to help out. I have another personal example. My local school wants to have a Hallowe'en party this weekend, but there are not enough parents who have had a disclosure check for the school to be confident about running it. The school is hesitant about using parents who have not been checked, despite the fact that none of the parents will be left alone

with the children and that their own children will be involved. It seems to me that there is no sense in that. We have lost all sense of proportion (Macintosh, 27.20.04, Col 1659).

Such concerns have been echoed by the Scottish Parent Teacher Council, which referred in its evidence to the 'new anxiety', stating that 'it is reaching a point where... everyone over the age of 18 should be checked' (SPTC, 2004).

At a central level the new requirement was not seen to be problematic. Because of the likelihood of Disclosure Scotland having to perform 500,000 checks on individuals (and the impossibility of this undertaking with existing resources), retrospective checks have been deferred. According to Brian Gorman of Disclosure Scotland, increased staffing levels in response to slow turnaround times in early 2004 have led to a situation where 'we are back to returning disclosures within the timescale that everyone accepts' (Gorman 27.10.04, Col 1663). However the situation is considerably more problematic for the small voluntary organisations that will be required to obtain disclosure on volunteers. In the meeting of 15th December, the committee gave a rough ride to the SEED official questioned about the arrangements for implementation, including the provision of guidance. The Committee was particularly critical about this latter issue; the guidance pack was only available in its final form in mid-December, a situation described by the convener as 'quite ridiculous' (Brown, 15.12.04, Col 1926). Other members reinforced this point:

The point is that the guidance is coming out two weeks before Christmas and the commencement order will come into effect on 10 January. How will voluntary groups be able to disseminate the information over the Christmas period? Of all periods in the year — bar, possibly, July — this is the most difficult time for organisations to get information out to individual groups and volunteers (Murray, 15.12.04, Col 1926).

The organisations will receive the guidance only on 23 December, which, when one takes into account the intervening public holidays, gives those organisations less than a working week before the commencement of the act (Alexander, 15.12.04, Col 1927).

Another concern raised by the Committee in this meeting related to the apparent failure of the Executive to consult with voluntary organisations in the development of the guidance pack.

In a hastily convened meeting the following week, the Committee questioned the Deputy Minister, Euan Robson about these issues. It appears that the collective anger of the Committee had led to subsequent action in two areas:

- A series of hurriedly organised meetings between the Deputy Minister and voluntary organisations;
- A deferral of the offence element of the Act for a further three months to allow organisations (not just voluntary) to assimilate the guidance material, meaning that 'all organisations that need to will be able to make checks against the list from 10 January, although they will not be at risk of committing an offence if they do not do so until the three month preparation period is concluded' (Robson, 22.12.04, Col 1998).

A separate Child Protection issue briefly discussed by the Committee concerns the ongoing review of Children's Hearings (see Berry and McCallum, 2004). Concerns were expressed about patchy provision, and a general lack of resources. Adam Ingram referred to the first phase of the review:

A number of key issues were flagged up in the first phase of the review. There is the lack of resources for children's hearings and, perhaps more important,

there is the implementation of the plans that will stem from the outcomes of the review. The biggest issue is about dealing with children and ensuring that their needs are met. That came through from the responses loud and clear (Ingram, 27.10.04, Col 1647)

There is no doubt that this complex and important issue will return to exercise the Committee in the future.

SCHOOL CURRICULUM INQUIRY

The school curriculum and the ongoing Committee Curriculum Inquiry were discussed at two of the meetings, one of which involved the questioning of the Minister for Education and Young People, Peter Peacock. At the meeting on 27th September, members discussed the draft remit of the forthcoming inquiry, agreeing that it would be separated into three phases: the collection of evidence before Christmas 2004; a series of facilitated discussions with school pupils, teachers and education authorities during the early part of 2005; and the questioning of witnesses in Committee.

Several points were made by members in response to the remit. It was suggested that it would be worthwhile to question the group responsible for the Curriculum Review Document (SEED, 2004b), rather than revisiting the witnesses that this group had already drawn upon. Wendy Alexander expressed discomfort 'about phase one of the inquiry being entirely focused on the producers' interests in education rather than on the interests of the users and consumers of education' (Alexander, 29.09.04, Col 1618). There was also some confusion about whether the reference to teaching approaches in the remit included learning styles, as the following exchange demonstrates:

Ms Byrne: In our last discussion of the subject, we talked about learning styles, of which I see no mention. Recognising that young people have different learning styles is key. Having done that, we should examine different learning styles. Those differences can be one reason why young people are disillusioned or disaffected.

The Convener: Does the second bullet point cover that?

Ms Byrne: Teaching approaches are not the same as learning styles.

The Convener: No, but they include learning styles.

Ms Byrne: Teaching approaches concern a teacher's presentation. A learning style is how a young person learns and picks up information from teaching. Some young people are active learners and some like to learn through mind mapping. Many different styles exist.

The Convener: I see what you mean. We could refer to teaching approaches and learning styles. (Brown and Byrne, 29.09.04, Col 1622)

The Committee returned to the issue of the curriculum on 10th November, when it questioned a high-powered delegation from SEED including the Minister, Peter Peacock. At this meeting, the Minister briefed the Committee about the recently published Curriculum Review, emphasising the important role for teachers:

I want to make it clear that this is not simply a job for the Executive. We are going to facilitate the teaching profession's wide engagement in the forthcoming process; it is not a case of ministers sending down tablets of stone from on high for people in schools to follow. We are creating the framework, principles and objectives and making it clear that we want to engage the profession in designing the detail of learning. After all, that is their professional skill, and we need to utilise it (Peacock, 10.11.04, Col 1698)

The Minister spoke of reducing the amount of prescription faced by teachers, reducing content and opening up space for learners. He mentioned elements of the present system that need to be changed, including a reference to Standard grades and Highers:

I have spoken to young people and have listened to what they have been saying, and I have also watched young people being interviewed on television over the past 10 days. They have been saying that we have got the system upside-down. They point out that they have four years in which to do standard grades, which are much less important than highers, yet only one year in which to do their highers. We ought to be opening up more space for pupils to do highers. If we did that, several things would happen. Children could sit the same number of highers, but take a year longer to do so, and they might well get a much better-quality pass as a consequence, which would open up opportunities for them in future. Alternatively, they could choose to do the same number of highers, or one or two fewer, in the one year, and then do another group of highers later. They might wish to sample other forms of learning, which could open up space to do more of the things that schools are doing around community engagement, community involvement, community enterprise and so on (Peacock, 10.11.04, Col 1702).

The ministerial statements did not always provide a clear exposition of the rationale and methodology for change. On two occasions members asked specific questions about the operationalisation of the curriculum. For example, Frank McAveety said, 'I am interested in how we transfer the principles in guidelines, which often end up occupying a dusty corner of a staffroom, to operational activity in the classroom' (McAveety, 10.11.04, Col 1701). The Minister and his officials did not explicitly address this issue. One member expressed concern about what she saw as a lack of aspiration for real change in the Minister's statements:

I find it difficult to reconcile what we heard today with what we heard from the vice-chair of the curriculum review group at the start of the process about what the review would produce. Perhaps SPICe could probe the issue a little. The evidence from Keir Bloomer and Mike Baughan was about a step change. Although what we heard this morning was incredibly worthy, it was about a progression (Alexander, 10.11.04, Col 1716)

Moreover the Minister made one statement that could be construed as a conflation of the means and ends of education, saying that one purpose of S1 and S2 is to 'complete the 5–14 curriculum' (Peacock, 10.11.04, Col 1699). There is clearly much Committee discussion ahead on the issue of the school curriculum, and future developments will be interesting.

THE BUDGET PROCESS 2005–6

At the meeting on 10th November, a panel from SEED, including the Minister, was questioned about the budget process. The Minister stated that allocation of funds to central education budgets are set to rise over the budget review period from £600 million to £866 million. These increased budgets will allow targets to be met in terms of additional teachers (a target of 53,000 by 2008), smaller class sizes, new building commitments and developments in curriculum, inspection and child protection. Several points were queried by Committee members.

Wendy Alexander pointed to the disparity between the number of priorities (11), and the number of targets (10) listed in the document *Building a Better Scotland* (Scottish Executive 2004).

Some issues — such as Gaelic — that appear in the targets do not appear in the statement of priorities. Over time, can we expect to see alignment of the

11 priorities with the 10 targets? We felt that having different priorities and different targets might allow some people out there to pick and choose the things that they respond to; they might not respond on some priorities that are key for the Executive. Directionally, over time are we likely to see targets that reflect the 11 priorities? (Alexander, 10.11.04, Col 1678).

In response, the Minister stated that this was due to standardisation of policy across departments:

At the end of the day, however, we had to come to a decision. The Finance Committee wants each department to have 10 targets, so that is what we have sought to do (Peacock, 10.11.04, Col 1678)

On a different issue, Ms Alexander also raised the issue of cuts in local authority spending, expressing a concern that Education spending may suffer:

It has been confirmed that £150 million of savings in local government in Scotland have been assumed, more than half of which will come from education and social work. Are you leaving directors of education and directors of social work to get things right on their own in finding their share of those savings, or have there been extensive discussions on how the education and social work elements of that £150 million should be found? (Alexander, 10.11.04, Col 1686)

These concerns were amplified by Elaine Murray:

Seventy per cent of the schools budget goes on employee costs, but we hear that the efficiency element will not be applied to teachers' salaries, although I am not sure whether that applies to classroom assistants and other staff—I see that the minister is nodding. I am a little worried about the way in which the efficiency element will be applied because if it squeezes down on the remaining 30 per cent of the schools budget—if that is subject to fairly rigorous efficiency savings—directors of education might use that as a rationale to close schools (Murray, 10.11.04, Col 1694)

In response, Mr Peacock sought to reassure members that 'if anything, financial issues will drive rationalisation less than they have done in the past decade or more... the efficiency savings will not drive the education system in the way in which Elaine Murray anticipates' (Peacock, 10.11.04, Col 1694).

GAELIC LANGUAGE (SCOTLAND) BILL (STAGE ONE)

A large proportion of the Committee's business from November was taken up with the first stage of the Gaelic language (Scotland) Bill.

The Bill establishes Bòrd na Gàidhlig 'as a statutory body which will work to secure the status of Gaelic as an official language of Scotland' (Kidner, 2004). Under the terms of the Bill, the Bòrd is charged with developing a national Gaelic plan, has plans to require Scottish public authorities to produce Gaelic plans and will generally advise on Gaelic issues, including in the sphere of education. Despite the wishes of many Gaelic campaigners that the language be given 'equal status' or equal validity' with English, this is not included in the Bill; this issue provoked much of the subsequent discussion in Committee, as will be seen later in this paper. The writers of the Bill have tried to balance two opposing strands. On the one hand there is the need to secure the status of an at-risk language, for example providing rights of access to Gaelic medium education, and generally promoting a social cultural milieu within which the language may thrive. On the other hand there is the pragmatic issue of resourcing; many would argue that it is simply not possible with current resources to provide Gaelic services across Scotland. This is combined

with the differing needs of communities in terms Gaelic tradition; in some areas of Scotland there is little or no tradition of Gaelic. For example, Dumfries and Galloway Council stated the following in its submission to Parliament:

It is essential that the requirements of this legislation do not result in the Gaelic language being artificially imposed on areas where there is little or no demand for it. In an area such as Dumfries and Galloway there is no tradition of Scottish Gaelic, whereas the Scots language has long been an integral part of our history and culture (cited in Kidner, 2004).

Thus there are two key aspects to the Bill: ‘a language planning approach – a general approach well recognised internationally, and provisions intended to ensure balance and flexibility’ (Kidner 2004).

Committee discussions about the Bill have been lively. At a series of meetings in November and December 2005, several witnesses were questioned by the committee. These are listed below.

Date of Committee	Witnesses
17th November 2004	<ul style="list-style-type: none"> • Pam Talbot: <i>Clì Gàidhlig</i> • Magaidh Wentworth and Iain MacIllichiar, <i>Comann nam Pàrant</i>
29th November 2004	<ul style="list-style-type: none"> • Professor Norman Gillies, Iain Mac an Tailleir, and Mairaid Robertson: <i>Sabhal Mòr Ostaig</i> • Dòmhnall Màrtainn, Màiri Bremner and Donald Macdonald: <i>Comunn na Gàidhlig</i>
1st December 2004	<ul style="list-style-type: none"> • Michael Foxley and Bruce Robertson: <i>Highland Council</i> • Iain Morrison: <i>Comhairle nan Eilean Siar</i> • Dawn Corbett and Christine Higginson: <i>Glasgow City Council</i>
8th December, 2004	<ul style="list-style-type: none"> • Meri Huws and Merion Prys Jones: <i>Welsh Language Board</i>
15th December 2004	<ul style="list-style-type: none"> • Duncan Ferguson, Allan Campbell and Robert Dunbar: <i>Bòrd na Gàidhlig</i> • Peter Peacock, Douglas Ansdell, Steven McGregor and Jim Logie: <i>Scottish Executive</i>

Most respondents welcome the general thrust of the Bill. However many of the submissions and much of the oral evidence highlighted a number of concerns about omissions in the Bill’s provisions. The issue of whether the Bill should adopt a rights or a planning approach was controversial. For example Comunn na Gàidhlig argued in its submission for:

Gaelic to be accorded the same status as Welsh in terms of the Welsh Language Act 1993. This would, in the case of Gaelic, give effect to the principle that so far as is appropriate and practicable Gaelic and English will be treated on the basis of equality, in the provision of public services ... We believe that unless the Bill is strengthened along the lines suggested we will continue to have confusion and uncertainty in what is actually meant by “*the functions conferred on the Board by this Act are to be exercised with a view to securing the status of the Gaelic language as an official language of Scotland*”. We can provide the Committee with examples of where Gaelic speakers have been denied reasonable requests to obtain services from public bodies through Gaelic because of the absence of a clear position on the legal status of Gaelic (Comunn na Gàidhlig, 2004).

Such legal status would confer rights to people in terms of access to Gaelic medium education, Gaelic provision in the courts and Gaelic documents and services from public bodies. In essence this is a legal and philosophical discussion about rights. According to Iain Mac an Tàilleir of Sabhal Mòr Ostaig:

I fear that there could be some kind of ghetto and that everything would be over in Lewis without anything being available on the mainland or in the east or south. I do not think that that is vague, as you suggested. In my personal opinion, if something is right in Harris, it is right anywhere. For example, when legislation on racism was introduced, black people had just as many rights in Kinlochbervie as they had in places such as Glasgow. This question is similar, as it is a question about opportunities and rights to services and about people feeling that they have equal rights wherever they are in Scotland (Mac an Tàilleir, 29.11.04, Col 1799).

The Minister, giving evidence on 15th December took a different line, arguing for a planning approach.

If that phrase were put into the bill, it would have a legal meaning. If the phrase were taken literally, it would mean that the English and Gaelic languages would have to be regarded as being absolutely equal in all circumstances; they would have to have equal validity for usage in courts, public service delivery and all dimensions of our life. Frankly, we could not deliver such equality of status. The bòrd recognised that that could not be done in practice. Delivering equal validity status might be possible in certain pockets of Scotland because of the concentration of Gaelic speakers there, which would allow a high proportion of services to be delivered through Gaelic. If the courts' ultimate interpretation of the bill was that we had to deliver equal validity status across the board in Scotland, we simply could not do so; therefore, equal validity would be simply symbolic, because it would be meaningless in legal terms. Equally, the courts could interpret equal validity differently and could narrow the interpretation by finding that, because equal validity was not achieved in practice, Gaelic did not have equal validity. Frankly, rather than put ourselves in such a position, I believe that we should try to accommodate all the concerns by other mechanisms that we can put in place (Peacock, 15.12.04, Col 1977).

The issue of Gaelic medium education was discussed widely in Committee. Many of the arguments centred around the rights/planning debate outlined above, but additional further points are worthy of mention. It was noted that while there is satisfactory access to Gaelic medium education in many areas at primary school level, this provision tails off sharply once pupils reach secondary age.

The specific issue is the lack of Gaelic-medium education in secondary schools. I remain surprised that, in Stornoway, in the Western Isles, there is no Gaelic-medium secondary education to any significant extent. We saw some in Portree and there is some in Glasgow, but there is clearly a big gap (Brown, 01.12.04, Col 1874)

This in turn has an affect on children's use of Gaelic in everyday life, and was noted to have an effect on the supply of teachers for Gaelic medium education. According to Bruce Robertson, the Director of Education for Highland Council, 'the biggest single obstacle to the development of the Gaelic language in Scotland is the lack of a supply of teachers – that is absolutely critical' (Robertson, 01.12.04, Col 1863). In his address to the Committee on 15th December, the Minister sought to address such concerns:

We have been doing quite a lot recently. We continue to tell the funding councils that this is a priority area for us and that they should fund places at the teacher training institutions for Gaelic-medium teachers. In 2005, we will run a recruitment campaign ... A new part-time open learning course is being run by Highland Council and the University of Aberdeen, whereby people can stay at home and train to be a teacher over two years while they continue working. That is showing real promise, and I would like to see much more of that. A similar course is being run by the University of Strathclyde and other local authority partners, and another course is being run by Lews Castle College and the UHI Millennium Institute to produce more Gaelic-medium teachers (Peacock, 15.12.04, Col 1983).

Other points raised in Committee included:

- The need to promote a cultural and social milieu within which Gaelic speaking may thrive. Access to services was seen as being part of this, and other suggestions included increasing the number of dual language road signs.
- The thorny issue of how the Bòrd na Gàidhlig might deal with UK organisations was raised by many respondents. In such cases there is no requirement for organisations subject to the reserved powers of the Westminster parliament to develop Gaelic plans. The example of the refusal of the Royal Mail to develop Gaelic/English stamps was cited. It was noted that the BBC was not obliged to provide Gaelic services, but nevertheless had done some excellent work in this area.
- The need to promote the teaching of Gaelic as an additional language, and to clearly distinguish in the Bill between this provision and Gaelic medium education.
- The need to develop effective resources for teaching in Gaelic, including the use of technology.
- The potential cost of establishing and enacting Gaelic plans was raised by several local authorities. Some respondents stated that the proposed funding would be inadequate.

Committee meetings immediately after the Christmas break returned to the passage of the Bill, being mainly concerned with the preparation of the report on stage one of the Bill. In general the committee supported the aspirations of many of the campaigners for Gaelic, stating in its report:

The Committee is particularly struck by the fragile state of the Gaelic language and the need for immediate action to protect and develop it ... The Committee strongly welcomes the commitment demonstrated by the Scottish Executive to striving to protect and develop the Gaelic language by introducing the Gaelic Language (Scotland) Bill and fully endorses the Minister for Education and Young People's statement that: "... it is legitimate for individuals to aspire to use Gaelic as normally as possible in their lives; that Gaelic should not suffer from a lack of respect at individual and corporate level; that there should be parity of esteem for the languages; and that Gaelic is as legitimate a language as any other spoken anywhere in the world" (Education Committee, 2005).

The report included the following recommendations:

- The Bill should focus explicitly on the development of new Gaelic speakers as well as the consolidation of the language where it is spoken already.
- The Bill already explicitly recognises the status of Gaelic as an official

language in Scotland, but the phrase ‘secure status’ is problematic. The Committee disagreed with the Minister’s earlier statement that ‘equal status’ and ‘equal validity’ are the same thing, noting that while the former implies that both languages must be equally available, the latter suggests only that there is equality when both languages are used together. The Committee recommended therefore that ‘English and Gaelic should be treated as equally valid when and where used. However, the Committee accepts that any such formulation should not, certainly at this stage, confer rights on individuals as opposed to duties on public bodies’ (Education Committee, 2005).

- ‘The Committee recognises that education is not the primary focus of the Gaelic Language (Scotland) Bill but recommends that a comprehensive national strategy for the delivery of Gaelic education (from preschool through to further and higher education) is an essential component of developing Gaelic in the longer term and should be developed and led by the Scottish Executive in parallel to the development of the national Gaelic language plan’ (*ibid*). Developing Gaelic medium secondary education should be an important strand of this, as is the training and recruitment of suitably qualified teachers.
- The right to Gaelic medium education, while problematic in practical terms at present, should be a future aspiration.
- The Scottish Executive should clarify its role in respect of Gaelic broadcasting.
- ‘The Committee encourages Bòrd na Gàidhlig, under the functions in section 1(2) of the Bill, to work with those UK public bodies that deliver key public services in Scotland in a cooperative manner to find ways to improve their Gaelic provision and believes that legal sanction — which has never been required in Wales — should always be a last resort’ (*ibid*).

This report concluded Committee discussion of the Bill at stage one.

REFERENCES

- Berry, K. and McCallum, F. (2004) *Children’s hearings: SPICe briefing 04/53*, online at www.scottish.parliament.uk/business/research/briefings-04/sb04-53.pdf
- Bichard, M. (2004) *The Bichard Inquiry Report*, online at www.bichardinquiry.org.uk/report/
- COSLA (2004) *Written Evidence to the Education Committee: Education (Ministerial Powers and Independent Schools) (Scotland) Bill*, online, www.scottish.parliament.uk/business/committees/education/papers-04/edp04-14.pdf
- Education Committee (2005) *Stage 1 Report on the Gaelic Language (Scotland) Bill*, online at www.scottish.parliament.uk/business/committees/education/reports-05/edr05-02-00.htm
- Kidner, C. (2004) Gaelic Language (Scotland) Bill: SPICe briefing 04/82, online at www.scottish.parliament.uk/business/research/briefings-04/sb04-82.pdf
- Priestley (2004) Education in the Scottish Parliament. *Scottish Educational Review*, 36/2, 227–239
- Scottish Executive (2004) *Building a Better Scotland: spending proposals 2005–2008: Enterprise, Opportunity, Fairness*, online at www.scottish.parliament.uk/business/committees/education/papers-04/edp04-22.pdf
- SEED (2004a) *The Scottish Executive’s Response to the Report of the Education Committee: 8th Report, 2004 (session 2)*, online at www.scottish.parliament.uk/business/committees/education/or-04/ed04-2002.htm#Col1627
- SEED (2004b) *A Curriculum for Excellence: The Curriculum Review Group*, online at www.scotland.gov.uk/library5/education/cerv-00.asp
- SPTC (2004) *Disclosure checks*, evidence to the Committee, online at www.scottish.parliament.uk/business/committees/education/papers-04/edp04-20.pdf