



# STATUTORY GUIDANCE ON GAELIC EDUCATION





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# INTRODUCTION

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**This Statutory Guidance has been issued by Bòrd na Gàidhlig under Section 9 of the Gaelic Language (Scotland) Act 2005 and consists of two main parts. Part 1 provides guidance specifically relating to the Education (Scotland) Act 2016 and its provisions for the Gaelic medium primary education (GMPE) request process and the duty placed on education authorities to promote and support Gaelic education. These provisions come into force on 1 February 2017 but Part 1 of this Guidance may be useful in advance of this date to prepare for the provisions coming into force. Part 2 provides further guidance relating to the provision of Gaelic education in schools.**

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## Who is this Guidance for?

This Guidance is principally for education authorities and builds on the practice and delivery that has been developed by education authorities over the last three decades. Based on that experience, this Guidance aims to explain the different elements that constitute Gaelic education in Scotland and to establish a consistent approach and a clear expectation of what Gaelic medium education (GME) is and how it should be delivered.

This Guidance is also for parents. It provides further detail on how to proceed with the submission of a request to an education authority to assess the need for GMPE, and an explanation of how the process works. It also provides parents with an explanation of what they can expect if they submit a request to assess the need for GMPE.

Beyond education authorities and parents, this Guidance is for all Scottish public authorities, cross-border public authorities with devolved functions and everyone who is involved in Gaelic education. Relevant public authorities must have regard to this Guidance where their functions relate to Gaelic education or the provision of Gaelic education, including GME. As such, there are links between this Guidance and other key statutory Gaelic documents such as the National Gaelic Language Plan and the Guidance on Gaelic Language Plans, both issued under the Gaelic Language (Scotland) Act 2005.



## Gaelic Education in Scotland

GME is now an established sector in Scottish education. The aim is for young people to be able to operate confidently and fluently in two languages as they progress from early years, through primary education and into secondary education.

GME from nursery to the end of primary school is a form of immersion education. With this form of education, Gaelic is the sole language of learning, teaching and assessment in the first three years of primary school. From P4 to P7, immersion education will continue, but at this stage, English will be introduced. From P4 onwards, following the introduction of English, Gaelic should remain the predominant language of the classroom.

With the best Gaelic medium and immersion practice, the purpose is to ensure that children achieve equal fluency and literacy in both Gaelic and English, whilst reaching expected attainment levels in all other areas of the curriculum through the medium of Gaelic. GME is delivered to children and young people who come from families where Gaelic is spoken and from families with little or no background in Gaelic.

GMPE is currently available in a number of education authority areas across Scotland. In some instances, children from adjacent education authorities have access to GMPE as a result of agreements between the education authorities. There is also a growing number of Gaelic medium schools in Scotland and dual stream (Gaelic and English) primary schools where GME is in the majority.

Early learning and childcare (ELC) is also offered through the medium of Gaelic in various forms, both statutory and

non-statutory, across Scotland. More information on the number and location of current providers of Gaelic education at all levels is available on Bòrd na Gàidhlig's website.<sup>1</sup>

Gaelic medium secondary education (GMSE) is also available in a number of secondary schools in Scotland. In these schools, Gaelic is typically offered as a subject, with some schools delivering a further proportion of the curriculum through the medium of Gaelic. Gaelic learner education (GLE) is distinct from GME in that it is delivered to those who are in English medium education as an additional language. There has been encouraging growth in recent years in GLE, particularly at primary school level where it provides young people with an introduction to Gaelic language and culture. Educational agencies and public bodies in Scotland also have a vital role to play in supporting and developing Gaelic education in Scotland. Education Scotland, the Scottish Qualifications Authority (SQA), the General Teaching Council for Scotland (GTCS), the Scottish Funding Council (SFC), the Scottish College for Educational Leadership (SCEL) and teacher education institutions make an essential contribution to the promotion, support and growth of Gaelic education in Scotland. Along with these bodies, Stòrlann Nàiseanta na Gàidhlig supports pupils, teachers and parents through its role in providing resources for Gaelic education.



## Preparing this Statutory Guidance

In the preparation of this Statutory Guidance Bòrd na Gàidhlig was advised by a Core Group chaired by Bruce Robertson OBE and consisting of representatives from Bòrd na Gàidhlig, the Scottish Government, Education Scotland, COSLA, Highland Council and Glasgow City Council.

During the preparation of this Statutory Guidance several engagement sessions were held with parents and staff involved in Gaelic education to identify the issues most in need of addressing. Feedback from these sessions played a vital role in the preparation of Part 2 of this Guidance.

A three-month public consultation was held between August and November 2016 during which consultees were asked to comment on a draft of this guidance and respond to a number of specific questions. 242 responses were received to the consultation (18 from education authorities, 15 from Gaelic organisations, 15 from other organisations or groups and the rest from individuals including parents) and have informed the final version of this Guidance. A full report on the topics raised in the public consultation will be available from Bòrd na Gàidhlig.



## LEGISLATIVE POSITION

**This section of the Guidance sets out the key legislative duties placed on Bòrd na Gàidhlig and education authorities in relation to this Guidance.**

**Education (Scotland) Act 2016** – as in force from 15 July 2016

### Section 16 – Guidance

- (1) Section 9 of the Gaelic Language (Scotland) Act 2005 (guidance on Gaelic education) is amended as follows.
- (2) In subsection (1), for “may” substitute “must”.
- (3) After that subsection insert–
  - “(1A) Guidance under subsection (1) may, in particular, include provision relating to the provision of Gaelic education in schools.
  - (1B) In subsection (1A), “schools” has the meaning given by section 135(1) of the Education (Scotland) Act 1980.”
- (4) After subsection (2) insert –
  - “(2A) Any relevant public authority having functions relating to, or to the provision of, Gaelic education must, to the extent that guidance under subsection (1) relates to the functions, have regard to the guidance in carrying out the functions.”

**Gaelic Language (Scotland) Act 2005** – as amended from 15th July 2016 (amendments shown in gold)

### Section 9 – Guidance on Gaelic education

- (1) The Bòrd **may must** prepare and submit to the Scottish Ministers guidance in relation to the provision of Gaelic education and the development of such provision.
  - (1A) **Guidance under subsection (1) may, in particular, include provision relating to the provision of Gaelic education in schools.**
  - (1B) **In subsection (1A), “schools” has the meaning given by section 135(1) of the Education (Scotland) Act 1980.**
- (2) Subsections (2) to (8) of section 8 apply to guidance under subsection (1) as they apply to guidance under subsection (1) of that section.
  - (2A) **Any relevant public authority having functions relating to, or to the provision of, Gaelic education must, to the extent that guidance under subsection (1) relates to the functions, have regard to the guidance in carrying out the functions.**

## Section 8 – Guidance, assistance, etc. by the Bòrd

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- (2) In preparing the guidance, the Bòrd must –
    - (a) publish a draft of the guidance,
    - (b) publicise the opportunity to make representations about the draft guidance under subsection (3) within such period of not less than 3 months as the Bòrd may specify, and
    - (c) take into account any representations received by it within that period.
  - (3) Any person who wishes to make representations to the Bòrd about the draft guidance may do so within the period specified in pursuance of subsection (2).
  - (4) The Scottish Ministers must–
    - (a) approve the guidance with or without modifications, or
    - (b) reject the guidance and, where they do so, may require the Bòrd to prepare and submit to them, within such period as they may specify, revised guidance.
  - (5) Where revised guidance is submitted, the Scottish Ministers must–
    - (a) approve the guidance, or
    - (b) order the Bòrd to publish it in such terms as the Scottish Ministers think fit.
  - (6) On such guidance being approved or, as the case may be, ordered to be published by the Scottish Ministers, the Bòrd must publish it in such manner as it thinks fit.
  - (7) The Bòrd may vary or revoke guidance published under subsection (6), and subsections (2) to (6) apply to a variation.
  - (8) Before revoking guidance published under subsection (6), the Bòrd must obtain the consent of the Scottish Ministers.
    - (a) approve the guidance with or without modifications, or
    - (b) reject the guidance and, where they do so, may require the Bòrd to prepare and submit to them, within such period as they may specify, revised guidance.
  - (5) Where revised guidance is submitted, the Scottish Ministers must–
    - (a) approve the guidance, or
    - (b) order the Bòrd to publish it in such terms as the Scottish Ministers think fit.
  - (6) On such guidance being approved or, as the case may be, ordered to be published by the Scottish Ministers, the Bòrd must publish it in such manner as it thinks fit.
  - (7) The Bòrd may vary or revoke guidance published under subsection (6), and subsections (2) to (6) apply to a variation.
  - (8) Before revoking guidance published under subsection (6), the Bòrd must obtain the consent of the Scottish Ministers.
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This Guidance is issued under Section 9 of the Gaelic Language (Scotland) Act 2005, as amended by the Education (Scotland) Act 2016 from 15 July 2016, which places a duty on Bòrd na Gàidhlig to issue this Guidance and a duty on education authorities and other relevant public authorities to have regard to this Guidance in carrying out any of their functions that relate to Gaelic education or the provision of Gaelic education.

### **Education (Scotland) Act 2016 - Section 12(6)**

#### **Full assessments**

- (6) In making a decision under subsection (5), the education authority must have regard to –
- (b) any guidance under section 9 of the Gaelic Language (Scotland) Act 2005,

Education authorities must have regard to this Guidance when carrying out a full assessment of the need for GMPE in the designated GMPE assessment area and deciding whether to secure the provision of GMPE in that area (which an education authority **must** decide to secure unless, having regard to the matters listed in section 12(6), it would be unreasonable to do so). Part 1 of this Guidance is specifically about the GMPE assessment process.

### **Education (Scotland) Act 2016 - Section 15(6)**

#### **Duty to promote and support Gaelic medium education and learning**

- (6) In carrying out its duty of support under subsection (2) in relation to education as mentioned in that subsection, an education authority must –
- (c) have regard to any guidance under section 9 of the Gaelic Language (Scotland) Act 2005.

Education authorities must also have regard to this Guidance in carrying out their duty to promote and support the availability of GME and GLE.



## STATUTORY DEFINITIONS

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### This section sets out the statutory definitions of key terms related to Gaelic education.

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In this Statutory Guidance, according to the relevant legislation:

**'Gaelic education'** means education consisting of teaching and learning in the use and understanding of the Gaelic language as used in Scotland, or about the Gaelic language as used in Scotland or by means of the Gaelic language as used in Scotland (*see section 10(1) of the Gaelic Language (Scotland) Act 2005*).

**'Gaelic medium education'** means teaching and learning by means of the Gaelic language as spoken in Scotland (*see section 18(2) of the Education (Scotland) Act 2016 and paragraph 12 of schedule 1 of the Schools (Consultation) (Scotland) Act 2010*).

**'Gaelic learner education'** means the teaching of the Gaelic language to, and the learning of the Gaelic language by, pupils to whom education is provided primarily by means of the English language (*see section 18(2) of the Education (Scotland) Act 2016*).

**'Early learning and childcare'** means a service, consisting of education and care, of a kind which is suitable in the ordinary case for children who are under school age, regard being had to the importance of interactions and other experiences which support learning and development in a caring and nurturing setting (*see section 46 of the Children and Young People (Scotland) Act 2014*).

**'Education authority'** means a council constituted under section 2 of the Local Government etc.

(Scotland) Act 1994, and 'area' in relation to an education authority shall be construed accordingly (*see section 135 of the Education (Scotland) Act 1980*).

**'Parent'** includes the guardian and any person who is liable to maintain or has parental responsibilities in relation to, or has care of a child or young person (*see section 135 of the Education (Scotland) Act 1980 and section 1(3) of the Children (Scotland) Act 1995*).

### Note on terminology regarding areas

**'GMPE assessment area'** relates to an assessment request under the Education (Scotland) Act 2016 and means an area designated by an education authority in relation to which it will undertake its assessment of the need for GMPE (*see section 8 of the Education (Scotland) Act 2016 and paragraphs 1.14-26 of this Guidance*).

**'Catchment area'** relates to an established school and means an area designated by an education authority from which pupils will be admitted to the specified school (*see sections 28A and 28B of the Education (Scotland) Act 1980 and paragraphs 2.53-56 of this Guidance*).

The factors to be considered by an education authority when designating these types of area are set out in separate pieces of legislation and may differ considerably based on local circumstances.

## PART 1 – THE EDUCATION (SCOTLAND) ACT 2016

**This section provides guidance on the Gaelic provisions of the Education (Scotland) Act 2016 (“the 2016 Act”), namely the process for requesting an assessment of the need for the provision of Gaelic medium primary education (GMPE) from an education authority and the duty to promote and support Gaelic education.**

These provisions of the 2016 Act come into force on 1 February 2017 but Part 1 of this Guidance may be useful in advance of this date to prepare for the provisions coming into force.

### **Assessment Requests** (Section 7 of the 2016 Act)

**Parents of children under school age, and who have not yet started to attend a primary school, have a right to request an assessment of the need for GMPE from the education authority in whose area their child lives.**

- 1.1** The parent of a child who is under school age and who has not yet started to attend a primary school, has the right to request an assessment of the need for GMPE from the education authority in whose area the child is resident.
- 1.2** Before submitting a request for an assessment of the need for GMPE, it is recommended that a parent should check whether GMPE provision is already available in the education authority area, and should, in the first instance, contact the education authority to enquire about their child accessing this provision. Parents should note that a request for an assessment of the need for GMPE is not the same as an application to

enrol their child in any existing or potential provision (see paragraphs 1.61 and 2.53-56).

- 1.3** Scottish Ministers have made regulations under section 7(5) and (6) of the 2016 Act providing a form which must be used by a parent when submitting a request to an education authority for an assessment of the need for GMPE. These regulations come into force on 1 February 2017 which is also the first date on which a request may be made. The GMPE Assessment Request Form will be available on the Scottish Government website at [gov.scot/GMPEAssessmentForm](http://gov.scot/GMPEAssessmentForm).
- 1.4** It is recommended that each education authority should have on its website a page containing information on how a parent can access GME in its area. This is considered a minimum requirement of an education authority's duty to promote and support Gaelic education and learning (see paragraph 1.66). This page should include details on how a person can access any existing GME (at any level) available in the education authority, as well as details on how to request an assessment of the need for GMPE. The GMPE Assessment Request Form and this Guidance should be made available or linked to on this page.

- 1.5** Details of the submission process should also be made clear including to which email address an electronic version of the form should be sent and, if sending in hard copy, to which specific postal address the form should be sent. Providing clear and specific details about submission procedures will help education authorities to ensure that requests are directed to the correct team and processed within the timescales required by the 2016 Act.
- 1.6** The form requires a parent to attach evidence of their child's date of birth and place of residence. Several standard identification documents are listed but there is also an 'other' box and parents are advised to check the website of the education authority that they are submitting their request to, to see which identification documents that education authority recommends including.
- 1.7** There are certain details that the parental request **must** contain:
- The request must be made in relation to only one child who must be specified in the request.
  - The request must also set out, or be accompanied by, evidence of demand for GMPE from parents of other children resident in that same education authority area and who are in the same year group as the specified child.
- 1.8** A parental request **may** also contain evidence that there is a demand for GMPE from parents of other children under school age, who are resident in the same education authority area and have not yet begun to attend a primary school but who are in a *different* year group to the specified child. The form provided by Scottish Ministers specifies the information needed in any

parental request which is submitted to an education authority.

- 1.9** While, strictly, it is only necessary to provide evidence of demand in relation to children in the same year group as your own child, it may strengthen the request if evidence of demand from parents of other children in different year groups is also provided. This is because, at the full assessment stage, the education authority must have regard to all the information it took into account at the initial assessment stage (see paragraph 1.28).
- 1.10** The education authority must also have regard to any other information that the education authority has about the demand for GMPE in its area from parents of children who are under school age and have not yet started to attend a primary school, whether in the same or a different year group from the specified child. There may be a role here for Bòrd na Gàidhlig and Comann nam Pàrant. These bodies could provide advice and assistance for parents in obtaining evidence of demand for GMPE from parents of other children, whether for the same year group or a different year group.



**1.11** Note that, at present, submitting a request only triggers a duty on authorities to assess the request in relation to primary education, and section 18(2) of the 2016 Act makes it clear that 'primary education' does not include early learning and childcare. A request cannot trigger a duty to assess the need for GME at the level of either early learning and childcare or secondary education.

**1.12** In the future, the Scottish Ministers may, by regulations, require an education authority to treat a parental request to assess the need for GMPE in its area as a request to assess the need for GME at the level of early learning and childcare. If such regulations are made, it would help to ensure that GME provision at the level of early learning and childcare and GMPE (i.e. GME in primary schools) complement each other, providing continuity in a child's language immersion.

**1.13** However, even without the extension of the 2016 Act, education authorities retain a discretion to provide GME at the level of early learning and childcare and will be expected to strive for a degree of continuity of GME, in accordance with their Gaelic Language Plan and the National Gaelic Language Plan. The Scottish Government has suggested that an extension of the 2016 Act will be considered at a later date when the timing is appropriate with reference to the resource implications of such an extension.<sup>2</sup>

### **GMPE Assessment Areas**

(Section 8 of the 2016 Act)

**Education authorities must designate an area as a GMPE assessment area. This is the area in relation to which the parental request will be assessed.**

**1.14** When an education authority receives a parental request made under the 2016 Act, it must designate the geographical area in relation to which it will undertake its assessment of the need for GMPE. This will be referred to as a 'GMPE assessment area'.

**1.15** Essentially, a GMPE assessment area should be an area in which it is reasonable for children resident in that area to travel to any GMPE provision established following an assessment under the 2016 Act. This will vary based on local circumstances which should be taken into account by the education authority. If GMPE is not currently offered, at this stage it would be helpful if the education authority gave thought to where GMPE provision could be located.

**1.16** The 2016 Act requires that, when designating a GMPE assessment area, an education authority must, so far as is reasonable, seek to accommodate the demand for GMPE from those who are named or listed in the request and any other demand for GMPE that the education authority knows about from parents of children who are under school age, have not yet started to attend a primary school and are resident in that education authority area.

**1.17** An education authority must also take into account other factors that do or might affect how that demand could reasonably be met in the GMPE assessment area. These may include:

- the residence of children named in the parental request;
- the residence of other children in respect of whom the education authority is otherwise aware of demand for GMPE; or
- the accessibility of any existing or potential provision of GMPE.

- 1.18** It is recommended that education authorities consider working with adjacent education authority areas when designating GMPE assessment areas. Although this is not required by the 2016 Act, it will help with planning and resourcing of current and potential GMPE provision in the future.
- 1.19** That being said, education authorities are discouraged from establishing fixed GMPE assessment areas in advance of receiving a request. The duty under the 2016 Act requires education authorities to designate areas with reference to the demand evidenced in the request and any other demand that the education authority is aware of at the time of receiving the request.
- 1.20** The entire local authority area could be designated as a GMPE assessment area. This would depend on the size of the education authority area and how demand in the entire area could reasonably be met having regard to accessibility of any existing or potential provision and the residence of the children in relation to whom there is evidence of demand.
- 1.21** While these criteria could mean that a smaller education authority (in terms of area) could be designated as one GMPE assessment area, this would be less likely in a geographically larger education authority because of the requirement to have due regard to the accessibility of existing or potential provision and the residence of the children in relation to whom there is evidence of demand.
- 1.22** If an education authority already has catchment areas in relation to existing GMPE provision, parents may still request an assessment of the need for GMPE provision under the 2016 Act. A parent could submit such a request and the education authority would be required to define a GMPE assessment area based on the demand evidenced in the request and any other demand that it is aware of in its entire area.
- 1.23** As explained on page 10 of this Guidance, although there are similar considerations at play, a GMPE assessment area will not necessarily be the same as any existing catchment area. This is because catchment areas relate to *existing* provision and GMPE assessment areas are to be established when assessing the need for *new* provision. In practice, this means that GMPE assessment areas should be established without reference to any existing catchment areas and only with reference to the demand evidenced in the request and that the education authority is otherwise aware of in relation to children under school age who have not yet started to attend a primary school.
- 1.24** When designating a GMPE assessment area, the education authority should also have regard to:
- the availability and suitability of any premises in its area where GMPE is being or could reasonably be provided;
  - the location of any existing GMPE provision in its area;
  - the location of any existing GMPE provision in an adjacent authority area;
  - the extent to which children in adjacent authority areas could access any existing GMPE provision or any that might be established as a result of the request; and
  - the extent to which children resident in the proposed GMPE assessment area could access provision in an adjacent authority area.

**1.25** This does not mean that, where there are known capacity issues in relation to any existing provision, an education authority would be obliged to establish a GMPE assessment area that was deliberately different from the catchment area for that existing provision. However, it does mean that the existing capacity issue would influence the decision as to whether or not to secure the provision of further GMPE in the GMPE assessment area.

**1.26** If, as a result of the full assessment, the education authority decided to secure the provision of GMPE and a new GMPE school was established, a catchment area would have to be established in relation to that school but it would not have to be the same as the GMPE assessment area. The education authority would need to consult on the proposed catchment area as required by the Schools (Consultation) (Scotland) Act 2010.

### **Initial Assessments and Duties of Education Authorities**

(Sections 9 & 10 of the 2016 Act)

**When an education authority receives a parental request for GMPE, the education authority must assess the need for GMPE. Following an initial assessment, the education authority must decide whether there is a potential need for GMPE in the GMPE assessment area or not. This is defined as demand for GMPE in relation to five or more children in the same pre-school year group.**

**1.27** When an education authority receives a parental request for GMPE, the education authority must make an initial assessment of the need for GMPE in relation to the designated GMPE assessment area and in relation to the year group of the child specified in the request.

**1.28** In this initial assessment, an education authority must take into account any information it holds about relevant demand for GMPE. This means any information it holds, whether due to the evidence in the parental request or otherwise, about demand for GMPE from parents of children under school age who have not yet started to attend primary school. This may include children who are in the same year group as the specified child, or in a different year group but still under school age.

**1.29** Given that, at all times, education authorities retain a discretion to provide GMPE, they may also wish to include in their consideration any demand for GMPE that they may be aware of in relation to children resident in an adjacent education authority area. However, such information is not required to be considered as part of the statutory process under the 2016 Act and it will not influence whether or not the threshold is met.

**1.30** The threshold for an obligatory full assessment under the 2016 Act is that an education authority is satisfied that there is demand for GMPE in the GMPE assessment area from the parents of at least five children who are resident in the GMPE assessment area and all in the same pre-school year group; the specified child should be counted in this total.

**1.31** However, the other information that does not contribute to meeting the threshold but that an education authority must consider at the initial assessment stage (about demand in relation to children in a different year group from the specified child) and the other information that an education authority **may** have regard to at any time in considering whether to exercise its discretion to provide GMPE (such as demand for GMPE

in adjacent authority areas or elsewhere in its own authority area i.e. beyond the GMPE assessment area) is still relevant.

**1.32** This is because at the end of the initial assessment, an education authority can decide to take one of several actions, including steps to secure the provision of GMPE or undertaking a full assessment even where that minimum of five or more in one year group is not met (see paragraphs 1.38-39). These are decisions an education authority might want to take having considered the demand in the generality across various year groups and as a result of any other information it may hold.

**1.33** The information that education authorities are required to consider at the initial assessment stage is the information about demand that must then be supplied to the persons listed in Section 12(3) of the 2016 Act to consider, when their views are invited as part of the full assessment. However, if an authority has considered wider information then it would also be good practice to provide this to the persons listed in Section 12(3). After all, Section 12(6)(c) requires that an education authority must, itself, reconsider all the information about demand that it took into account at the initial assessment stage.

**1.34** Following an initial assessment, an education authority must then determine if there is a potential need for GMPE in the GMPE assessment area or not. A potential need for GMPE is defined in the 2016 Act as demand for GMPE in relation to five or more children in the same pre-school year group which includes the specified child.

**1.35** Under Section 9(7) of the 2016 Act, the Scottish Ministers may, by regulations,

change the numerical threshold required to determine that there is a potential need for GMPE. This power allows Ministers to change the numerical threshold either universally to apply across Scotland or in relation to particular education authorities. If Scottish Ministers exercise the power in Section 9(7)(a) then the effect will be that the numerical threshold is changed with universal application to all education authorities.

**1.36** If Scottish Ministers exercise the power in Section 9(7)(b) then this means they may provide that a different threshold applies to one or more specified education authorities or that various different thresholds apply to various different education authorities. Scottish Ministers can also combine these powers, changing the default number and providing for a different number or various different numbers to apply to specified education authorities.<sup>3</sup>

**1.37** If Scottish Ministers exercise either of these powers, the regulations will require to be positively approved by the Scottish Parliament and, although not a statutory requirement, consultation with those who will be affected is expected.

**1.38** Where an education authority determines that there **is a potential need** for GMPE in the GMPE assessment area, the education authority has two possible options, it must:

- carry out a full assessment of the need for GMPE in the GMPE assessment area, as described below; or
- without carrying out a full assessment, exercise its discretion to take such steps as are necessary to secure the provision of such GMPE as it considers appropriate in the GMPE assessment area.



**1.39** Where an education authority determines that there **is not a potential need** for GMPE in the GMPE assessment area, the education authority has three possible options, it must:

- take no further action to provide GMPE in relation to that parental request; or
- exercise its discretion to carry out a full assessment of the need for GMPE in that GMPE assessment area; or
- without carrying out a full assessment, exercise its discretion to take such steps as are necessary to secure the provision of such GMPE as it considers appropriate in the GMPE assessment area.

**1.40** Where an education authority decides to exercise its discretion to secure the provision of GMPE following an initial assessment, it is required to ensure that GMPE is provided in the GMPE assessment area within such period after making the decision as is reasonable in all the circumstances. In this scenario, it is recommended that the education authority should take all possible steps to ensure that the GMPE it intends to provide is provided from the start of the next school year.

**1.41** When an education authority carries out an initial assessment of the need for GMPE, whatever decision it makes, it must notify the parent who made the request, as well as parents of other children in relation to whom demand is evidenced by the request, of its determination as to the potential need and its decision about what action to take as well as the reasons for reaching that determination and decision. This information must also be published on its website.

**1.42** An education authority must do these things **no later than six weeks** after receiving the request. This means that parents can expect to be informed of the

outcome of their request, following an initial assessment, within six weeks of the authority receiving it. Because the full assessment must be completed within 10 weeks of the education authority deciding to carry out a full assessment (see paragraph 1.54), the maximum overall timeframe from receipt of a parental request to publication of a report on a full assessment is 16 weeks.

**1.43** These timescales are strict and do **not** relate to school term time. The key information about demand will be readily ascertainable from the request and it would be good practice for education authorities to keep a rolling account of the other information about demand and the other matters it must have regard to in the full assessment to ensure that these timescales can be adhered to at all times.

### **Requests That Need Not be Considered**

(Section 11 of the 2016 Act)

**An education authority does not need to carry out an initial assessment of a parental request if an earlier request was made within the preceding two years in relation to the same GMPE assessment area.**

**1.44** An education authority does not need to carry out an initial assessment of a parental request if a parental request has already been made within the preceding two years in relation to the same GMPE assessment area. This applies irrespective of the outcome of the previous initial assessment, and whether the request is made by the same parent, a parent with a child in the same year group, or a parent of a child in a different year group.

**1.45** However, if there is evidence of a change of circumstances within that two-year period, such as an increased number of children whose parents wish to request GMPE, parents should bring this to the education authority's attention, and it may use its discretion to proceed with an initial assessment or, indeed, simply to provide GMPE without undertaking any assessment.

**1.46** Parents may also wish to bring this to the attention of the Scottish Ministers as the Scottish Ministers may, in such cases as they consider appropriate, direct an education authority to proceed with an initial assessment under the 2016 Act.

### Full Assessments

(Sections 12 & 13 of the 2016 Act)

**When carrying out a full assessment, an education authority must have regard to a list of mandatory matters, and must decide to secure the provision of GMPE in the GMPE assessment area unless it would be unreasonable to do so.**

**1.47** In most cases, an education authority will be carrying out a full assessment because it has determined that there is a potential need for GMPE in that GMPE assessment area but an education authority may also choose to undertake a full assessment when the threshold of five or more children has not been met and it has determined that there is no potential need for GMPE.

**1.48** Where an education authority has received a parental request and decided to carry out a full assessment of the need for GMPE in a GMPE assessment area, it must notify Education Scotland, Bòrd na Gàidhlig, Comann nam Pàrant and the National Parent

Forum of Scotland of its determination about whether or not there is a potential need for GMPE in the GMPE assessment area.

**1.49** The education authority must provide these bodies with details of the parental request and any information which the education authority was required to take into account during the initial assessment about the demand for GMPE in the GMPE assessment area. It must then seek the views of these bodies on this information and on the education authority's determination as to the potential need for GMPE.

**1.50** Education Scotland and Bòrd na Gàidhlig must provide these views **within four weeks** of being asked. Comann nam Pàrant and the National Parent Forum of Scotland are under no duty to provide these views but may do so within the same time period. All four of these bodies will be asked to assess and comment on the education authority's determination that there is or is not a potential need for GMPE in the area. In doing this they will be expected to draw on their particular national expertise and comment on the potential need and possibility of securing GMPE provision in the GMPE assessment area within the wider parental, Gaelic and educational context in Scotland.

**1.51** The education authority must have regard to a number of mandatory factors when undertaking a full assessment, described in paragraph 1.52 below, and must then decide to secure the provision of GMPE in the GMPE assessment area unless it would be unreasonable to do so.

### 1.52 Factors which must be considered are:

- **Views provided by statutory consultees:**

The education authority must have regard to any views provided within four weeks of being sought by Education Scotland, Bòrd na Gàidhlig, Comann nam Pàrant and the National Parent Forum of Scotland on the education authority's decision that there is a potential need for GMPE and on the information provided to these consultees.

- **Guidance on Gaelic Education:**

The education authority must have regard to this Guidance, and any future iteration thereof.

- **Initial assessment information:**

The education authority must have regard to the information which was available to it at the time of the initial assessment of the parental request, including the precise residence of the children in the GMPE assessment area in relation to whom demand was apparent during the initial assessment.

- **Demand throughout the education authority area:** The education authority must have regard to any information at all that it has, whether considered as part of the initial assessment or not, about the demand for GMPE throughout the entire education authority area from parents of children who are under school age and who have not yet started to attend a primary school.

- **Existing GMPE provision:** The education authority must have regard to any existing GMPE provision, either within its own boundary, or in the area of an adjacent education authority.

- **Access to GMPE from other education authorities:** The education authority must have regard to the extent to which children resident in an adjacent education authority could access GMPE in the GMPE assessment area.

- **Access to GMPE in an adjacent education authority area:** The education authority must have regard to the extent to which children resident in the GMPE assessment area could access GMPE in the area of an adjacent education authority.

- **Accommodation:** The education authority must have regard to the availability and suitability of any premises in the education authority's area in which GMPE is being or could reasonably be provided.

- **Costs:** The education authority must have regard to the estimated costs of providing GMPE in the GMPE assessment area. Funding may be available through the Gaelic Specific Grant or the Gaelic Schools Capital fund towards these costs. (See paragraphs 2.68-72)

- **Teachers:** The education authority must have regard to the potential to assign or recruit teachers to teach GMPE in the GMPE assessment area. (See paragraphs 2.57-67)

- **Gaelic Language Plan:** The education authority must have regard to any Gaelic Language Plan it has published which is in force at the time of making a decision on whether to secure the provision of GMPE following the full assessment.

- **Gaelic in the area:** The education authority must have regard to the potential to develop or increase the use of the Gaelic language and activities relating to the Gaelic language in the education authority's area.

**1.53** Scottish Ministers may, by regulations, amend either the list of bodies asked to provide views or the list of mandatory factors. These powers will provide the flexibility to respond to the creation of new bodies and any change in the name or status of existing bodies, and to any unforeseen difficulties which may arise in the operation of these provisions.<sup>4</sup>

**1.54** The education authority must publish on its website, **no later than 10 weeks** after deciding to carry out a full assessment, a report that sets out its decision on whether or not to secure the provision of GMPE in that GMPE assessment area. The report should also be sent to the parent who made the request, and parents of other children in relation to whom demand is evidenced by the request. This means that parents can expect to be informed of the outcome of their request, where a full assessment is undertaken, within a maximum of 16 weeks of the authority receiving it.

**1.55** As explained in paragraph 1.43, these timescales are strict and do **not** relate to school term time. The key information about demand will be readily ascertainable from the request and it would be good practice for education authorities to keep a rolling account of the other information about demand and the other matters it must have regard to in the full assessment to ensure that these timescales can be adhered to at all times.

**1.56** The report must also set out the reasons for the education authority's decision with reference to each of the mandatory factors in Section 12(6) of the 2016 Act (paraphrased above, full text available in Annex C) and with reference to the education authority's duty to secure the

provision of GMPE unless it is unreasonable to do so, as described at paragraph 1.58.

**1.57** This means that an education authority cannot take or justify a decision **not** to provide GMPE simply by citing a single factor like accommodation, cost or teacher availability. Instead, whatever the education authority's decision, it must provide a thorough and reasoned explanation of how it reached its decision with reference to each of the mandatory factors and an explanation of how it has complied with its duty to 'secure the provision of GMPE unless it would be unreasonable to do so'.

**1.58** The education authority **must decide to secure provision of GMPE** in the GMPE assessment area **unless**, having regard to the list of mandatory matters, it would be unreasonable to do so. This creates an effective entitlement to GMPE where there is evidence of reasonable demand and no fundamental obstacle to securing such provision. This sets a high bar for an education authority that requires it to justify a decision **not** to secure the provision of GMPE (particularly as the nature and form of the delivery of GMPE is for the education authority to determine).

**1.59** As such, it is recommended that every education authority should take a thorough and reasoned approach to detailing the balance arrived at in the full assessment. As well as helping to demonstrate that the education authority has complied with its duties under the 2016 Act, this will also provide parents with clear and transparent information at the culmination of the assessment process.

**1.60** Where the education authority has decided to secure the provision of GMPE in the GMPE assessment area, it must take the necessary steps to secure the provision of such GMPE as it considers appropriate and must do so within a period that is, objectively, reasonable in all the circumstances. In this scenario, it is recommended that the education authority should take all possible steps to ensure that the GMPE it intends to provide is provided from the start of the next school year.

**1.61** Note that making an assessment request does not create a right for the children named in that request to receive any eventual GMPE provision; any child named in the request will still need to be enrolled in any eventual GMPE provision according to the education authority's procedures.

#### **Appeals** (no provision in the 2016 Act)

**There is no appeals process laid out in the 2016 Act. If a parent feels that the assessment process has not been followed correctly, they may appeal through an education authority's own appeals procedure, make a complaint under section 70 of the Education (Scotland) Act 1980 or seek to judicially review the decision in court.**

**1.62** The assessment process in the 2016 Act is intended to be a comprehensive and thorough process that is open, transparent and requires reasons to be given at each stage and, at the full assessment stage, against a specified list of factors. Requesting parents and parents who contributed to demand in the initial assessment must be notified of decisions and the reasons for those decisions, and that information must also be published online. This process will require education authorities to justify their

decisions in a way that means parents will be equipped to understand and challenge the decisions if it appears to the parent that the authority has failed to carry out their statutory duty or has acted unreasonably.

**1.63** The 2016 Act does not, itself, provide for any appeal process. Education authorities are well used to making decisions about the provision of school education and the allocation of resources to meet demand and all operate their own appeals procedures which should be used in the first instance if a parent considers that an authority has not followed the correct procedure.

**1.64** If a parent is still not content and considers that the education authority has failed to discharge its duties under the 2016 Act, the parent can make a complaint under section 70 of the Education (Scotland) Act 1980.

**1.65** Finally, where a parent considers that there is evidence that the education authority has acted unreasonably, a parent may wish to take legal advice about raising an action to judicially review the education authority's decision in court.

#### **Duty to Promote and Support Gaelic Medium Education and Learning**

(Section 15 of the 2016 Act)

**An education authority must promote the potential provision of GME and GLE and provide support for pupils and teachers in these types of Gaelic education.**

**1.66** Irrespective of whether GME and GLE are already provided in an education authority's area, an education authority must promote, in such manner as it thinks appropriate, the potential provision of

GME, the right to make a request for GMPE and the potential provision of GLE.

**1.67** Where an education authority already provides Gaelic education in the form of GME or GLE, or establishes such provision whether following an assessment or otherwise, including at the level of early learning and childcare, it must promote and support that provision so far as reasonably practicable. In relation to such existing provision, the duty of promotion includes a duty to take reasonable steps to publicise the existing provision of GME and/or GLE in its area, in such manner as the education authority thinks appropriate.

**1.68** The means of promotion will be a matter for the education authority but it is recommended that consideration should be given to online promotion on the education authority's website or by social media, adverts placed in the local press, correspondence with parents of children of pre-school age and with any groups that are representative of parents.

**1.69** The duty of support requires an education authority to take reasonable steps to ensure that teachers in any class providing GME or GLE have such resources, training and opportunities as are reasonably necessary to provide that education adequately and effectively. It is recommended that this should include providing teaching staff in GME with adequate support to ensure that their fluency levels are up to the standard required to maintain immersion. This duty also requires that pupils in any such class have such resources as are reasonably necessary to adequately and effectively receive and benefit from that education.

**1.70** Furthermore, in carrying out its duty of support, an education authority must have regard to this Guidance. In fulfilling this duty of support, education authorities and others should aspire to make similar provision available for those teaching and learning through the medium of Gaelic as for those teaching and learning through the medium of English.

**1.71** The means of promotion and support for Gaelic education should be referenced in any Gaelic Language Plan produced by an education authority under the 2005 Act.



## PART 2 – GAELIC EDUCATION

**This part provides Statutory Guidance for education authorities, parents and anyone else with an interest in Gaelic education, bringing together research, experience and best practice on delivering the various aspects of Gaelic education.**

### Transitions in Gaelic Medium Education

**Education authorities should plan for continuity and progression throughout GME. Parents and young people should be encouraged to continue with GME throughout the school experience.**

- 2.1** The aim of GME should be to offer young people a progressive 0-18 learning experience. It is therefore considered essential that education authorities plan for continuity of GME in learning, with particular attention to key transition points such as moving from early learning and childcare (ELC) settings to P1, between P7 and S1 and between S3 and the Senior Phase.
- 2.2** For children entering GME, Gaelic ELC is considered a beneficial first step. Where Gaelic ELC is not yet available, P1 is also an appropriate entry point. Entry at another point may be considered in exceptional circumstances, and personal and local considerations should be taken into account, such as the level of fluency of the child.
- 2.3** Continuity between different stages of GME is important in strengthening the confidence of parents in GME, and in encouraging participation by others. Continuity recognises Gaelic as integral

to the curriculum, delivers a consistent education from 0-18 and helps young people achieve positive destinations beyond school.

- 2.4** Further information on the implementation of Gaelic education across all aspects of the curriculum can be found in Education Scotland's 'Advice on Gaelic Education', published in February 2015.<sup>5</sup>

### Gaelic Early Learning and Childcare

**Education authorities should give consideration to commencing and supporting Gaelic provision for children below school age.**

- 2.5** Gaelic early learning and childcare is an important initial stage of Gaelic medium education. Its importance is that it encourages language learning from an early age and puts young children on a path towards Gaelic fluency.
- 2.6** Education authorities are under a duty to provide a mandatory amount of ELC every year to those aged 3-5 and to certain 2 year olds<sup>6</sup> and the Scottish Government has announced an intention to increase this provision.<sup>7</sup> However, there is, generally, no duty on education authorities to provide early learning and childcare to those aged

0-3; instead, education authorities have a discretionary power to provide early learning and childcare to this age group and can do so themselves or by making arrangements with private providers.

- 2.7** Gaelic ELC is available in some education authority areas for children aged 0-3 and 3-5. There are no duties on education authorities to provide Gaelic ELC but they may do so and this Guidance recommends that authorities consider establishing Gaelic ELC as a step towards Gaelic medium primary education (GMPE). If an education authority is providing GMPE, it should be actively considering opportunities to establish forms of Gaelic ELC.
- 2.8** It is considered essential that Gaelic ELC is led by Gaelic-speaking ELC practitioners who hold the relevant childcare qualifications and are able to deliver immersion in Gaelic. This gives consistency and continuity across provision from age 0-5 and reduces the reliance on parent committees.
- 2.9** Gaelic ELC also gives parents the opportunity to become involved in their child's Gaelic language development in an informal setting by learning through play, songs, activities and games. This has benefits to both children and parents, many of whom will not have Gaelic in the home. It also gives parents the opportunity to learn about GME through the experiences of other parents with children in GME. Gaelic ELC is open to all with no previous knowledge of Gaelic necessary.

### Gaelic Medium Primary Education

**In GMPE only Gaelic should be used for learning, teaching and assessment from P1 to P3. From P4, English should be gradually introduced, with Gaelic remaining the predominant language of the classroom.**

- 2.10** The aim of GME is for children and young people to be able to operate fluently and confidently in two languages, Gaelic and English, and to use both languages in a range of situations within and beyond the school. As a result of varying prior knowledge of Gaelic and the predominance of English, young people need an early stage of Gaelic language immersion. There is a strong correlation between Gaelic immersion in P1-P3 and later pupil achievements.
- 2.11** For effective immersion in GMPE, the language of the classroom should be Gaelic from P1-P3. This involves only Gaelic being used in the classroom, although exceptions may be made when dealing with any upset or distress or making any announcements about health or safety. When to make such exceptions is a matter for the professional judgement of the staff. When there are visiting specialists in the classroom, an effort should be made to obtain Gaelic-speaking specialists to ensure immersion is maintained.
- 2.12** From P4-P7, English language and literacy outcomes should be introduced through the medium of Gaelic. In order for pupils to maintain and develop Gaelic fluency and make progress with the language, it is recommended that schools should aim for all aspects of the curriculum to be delivered through the medium of Gaelic.



**2.13** Where there are composite classes, it is recommended either that the composite class should only include P1-P3 or if the composite class includes P4 then the use of Gaelic only in the classroom should be extended beyond P3 into P4. As a rule, if composite classes are required for GME, they should contain as few stages as possible.

### **Gaelic Medium Secondary Education**

**Education authorities should plan for continuity of GME from primary into secondary.**

**2.14** Where GME is available at primary level, it is considered essential that children and young people are given the opportunity to continue their language skills into secondary education. This will mostly be within the education authority that provided GMPE or it could be through a joint provision arrangement between education authorities. Links between staff at primary schools and secondary schools providing GME should be encouraged.

**2.15** The GME curriculum from S1 to S3 and into the Senior Phase (S4-S6) remains one based on the principle of immersion in Gaelic. It is considered essential that education authorities and schools identify the curricular areas and subjects, in addition to Gaelic, that are possible to deliver through the medium of Gaelic, based on the availability of staff and young people's choices.

**2.16** Schools should aim to deliver a sufficient proportion of the secondary curriculum through the medium of Gaelic to enable young people to continue to develop their fluency in Gaelic. Schools and education authorities should plan for this, taking their lead from the subjects for which qualifications are available

from the SQA (see paragraphs 2.18-19). Some secondary schools with GME will offer other subject provision and this will depend on local circumstances and teacher availability. Schools and education authorities should collaborate to develop secondary level GME curriculum opportunities, sharing of expertise, courses and a range of delivery methods, including the use of distance learning and technology.

**2.17** Having taken a decision on the curriculum they wish to offer through the medium of Gaelic at secondary, it is considered essential that education authorities publicise its availability to ensure the viability of these options.

### **Qualifications and Awards in Gaelic Education**

**Qualifications and awards in Gàidhlig, Gaelic (Learners) and a range of other subjects in GME are offered by the SQA. Education authorities should consider this when expanding GME provision at secondary level to the Senior Phase.**

**2.18** All bodies involved in GME should work to promote the availability of qualifications in Gàidhlig, Gaelic (Learners) and current GME subjects offered by SQA. It is considered essential that pupils studying Gaelic and studying through the medium of Gaelic are able to have access to these qualifications and awards and have their achievements recognised.

**2.19** Currently Gàidhlig, Gaelic (Learners), Eachdraidh (History), Cruinn-eòlas (Geography), Nuadh-eòlas (Modern Studies) and Matamataig (Mathematics) are offered from National 3 level to Advanced Higher level. SQA is not limiting the subject choice on offer and an expansion in Gaelic medium subjects may be possible

but should be planned and agreed at a national level. It is considered essential that education authorities consider the qualifications and awards they wish to offer through the medium of Gaelic in their area and publicise their availability.

### **GME and the Schools (Consultation)**

(Scotland) Act 2010

**A proposal to establish a GME school, or to discontinue any GME provision, would trigger a consultation process under the Schools (Consultation) (Scotland) Act 2010 ('the 2010 Act').**

**2.20** If an education authority proposes to establish a new GME school then this would qualify as a relevant proposal under the 2010 Act. This means that the consultation process under the 2010 Act would be triggered. The assessment process under the 2016 Act is separate from the procedure regarding relevant proposals under the 2010 Act and so, where assessment under the 2016 Act had led to a proposal to establish a new GME school, consultation as required by the 2010 Act would also have to take place.

**2.21** However, a proposal to establish new GME provision which stopped short of a new school (such as a GME unit in an existing school) would **not** qualify as establishing a new 'stage of education' but, rather, would be an existing stage of education delivered through the medium of Gaelic so this would **not** trigger the provisions of the 2010 Act.

**2.22** Any proposal to discontinue GME provision in all nursery classes at a school or in a yearly stage of primary or secondary education would also be regarded as a relevant proposal under the 2010 Act.

This means that the consultation process under the 2010 Act would be triggered.

**2.23** Where a GME related proposal constitutes a 'relevant proposal' under the 2010 Act, the education authority must also follow certain procedures. It must:

- prepare an educational benefits statement (which reflects its assessment of the educational effects and benefits of the proposal on any pupils of an affected school, any other users of those school facilities, the pupils of other schools in that education authority area and any children who would be likely to become pupils of the school);
- prepare and publish a proposal paper (that contains the details of the proposal, the educational benefits statement and any other relevant evidence);
- undertake a consultation with various persons including Bòrd na Gàidhlig;
- hold a public meeting;
- request a report from Education Scotland; and
- prepare a consultation report containing a review of the initial proposal which has regard to representations received and the Education Scotland report.

### **Gaelic and the 1+2 Languages Approach**

**GME and GLE should be considered in the larger context of language learning. For children in GME, another language should be introduced no later than P5. Education authorities should also make support available for teachers who would like to develop skills in delivering GLE for children in English medium education.**

**2.24** Both GME and GLE in English medium education should be considered within the framework of 'Language

*Learning in Scotland: A 1+2 Approach*.<sup>8</sup>

Both need special consideration.

- 2.25** For children in GME, a third language should be introduced no later than P5. In effect there are three languages to plan for in the GME curriculum – Gàidhlig, English and another language. Young people in GME need to have coherent and progressive language learning experiences with opportunities to continue all of these languages in S1 to S3. Education authority planning for languages should take this into account. There should also be opportunities to continue with any of these languages into the Senior Phase.
- 2.26** For children and young people in English medium education there are also opportunities to learn Gaelic throughout the Broad General Education Phase, P1 to S3. This could be either from P1 as their first additional language or from P5 as their second additional language. Children and young people can continue or begin their learning of Gaelic throughout the Broad General Education Phase.
- 2.27** Education authorities should offer a high-quality and progressive language learning experience in GLE with the aim of continuing this through into secondary education to Gaelic (Learners) qualifications and awards at the Senior Phase. There are resources available, primarily from Stòrlann and SQA, to support learning, teaching and assessment in the provision of GLE as part of the 1+2 framework.
- 2.28** When Gaelic and English medium provision are situated together in the same school, there should be opportunities for the pupils in English medium to learn Gaelic and learn about Gaelic language and culture as part of Scotland's identity.

## School Ethos and Environment

**If GME is provided in a school, the education authority should ensure that Gaelic has equal status with English in the school environment. It should be seen and heard and feature prominently in the school ethos.**

- 2.29** It is considered essential that children and young people in GME feel that their school experience is of equal validity to that of children and young people in English medium education within the school and the education authority. This can be assisted by ensuring that Gaelic is recognised and used where possible throughout the school and in whole-school activities.
- 2.30** In relation to ethos and environment, the school and the education authority should ensure that Gaelic is visible and audible in and around the school. This can be achieved by including Gaelic in daily activities such as assemblies, breakfast clubs and in school dining rooms. Gaelic should also be reinforced through school signage, websites and communications.
- 2.31** In a dual stream school, Gaelic should also feature in whole-school activities. Children and young people in the English stream should also be given the opportunity to learn about Gaelic in Scotland and be offered the opportunity to learn Gaelic as an additional language through GLE. This policy of equal status will encourage a positive and inclusive attitude to Gaelic in the school and will contribute to the fluency and confidence of young people learning through the medium of Gaelic.

### **Additional Support Needs in GME**

**Steps should be taken to improve provision for children and young people in GME who require additional support in their learning.**

- 2.32** Education authorities are required to identify, assess and provide for a child or young person's additional support needs. This requirement applies equally to children and young people in GME as it does to all children and young people in Scotland.
- 2.33** Schools and education authorities should work through effective partnerships with parents and carers to identify and assess appropriately any learner's additional support needs. Children and young people are also likely to be involved in planning and reviewing levels of support.
- 2.34** Education authorities should demonstrate through their workforce planning that they are considering how additional support is provided to children and young people in GME. Early identification of barriers and subsequent support is vitally important in ensuring that every learner has every opportunity to achieve as highly as possible. The language of delivery of additional support will depend on the needs of the child, the availability of resources and the availability of suitably qualified staff.
- 2.35** In 2013, Bòrd na Gàidhlig initiated an investigation into the nature and extent of ASN in Gaelic medium education and also to consider the skills and training needs of those involved in this provision. The report was published in 2014 and was followed by a dedicated conference, the publication of papers and the development of materials.<sup>9</sup>

- 2.36** This process has been clearly set out by Stòrlann in an 'ASN Handbook' for GME. The primary focus of this handbook is on the development of assessment tools and methods which take account of the distinctive nature of Gaelic medium education. Following this, Stòrlann took responsibility for the development of resources that are now available to teachers. Both the handbook referred to above and the resources are available from Stòrlann.<sup>10</sup>
- 2.37** Other materials relating to ASN in GME are available from the Royal College of Speech and Language Therapists and from Dyslexia Scotland. In addition, the recent Gaelic text to speech software, Ceitidh, is available to all public bodies free of charge from Call Scotland at the University of Edinburgh.<sup>11</sup>

### **ICT in Gaelic Education**

**Education authorities should be aware of the resources available to ensure that pupils in GME can use technology in Gaelic where possible.**

- 2.38** There are a variety of Gaelic technological tools and interfaces available today such as browsers, office applications, operating systems, keyboard settings and other assistive technologies. We would encourage education authorities to make these available in their Gaelic provision.
- 2.39** Education authorities should also be aware of opportunities to use technology to enhance and expand Gaelic in schools. These opportunities include the digital delivery of Gaelic learning through projects such as 'e-Sgoil', the Gaelic virtual school developed by Comhairle nan Eilean Siar with support from Bòrd na Gàidhlig and the Scottish Government.

## Leadership and Planning of Gaelic Education

**Leaders and managers involved in Gaelic education should be aware of the distinct nature and needs of Gaelic education and build this awareness into any relevant policies that are being developed or programmes being implemented.**

- 2.40** It is considered essential that education authorities, other public bodies, head teachers and managers at all levels should be aware of the distinct needs of Gaelic education and how they apply to their areas of responsibility. Bodies such as the Scottish College for Educational Leadership (SCEL) and the General Teaching Council for Scotland (GTCS) have a key role in supporting professional learning at all levels. Units related to leadership in Gaelic education are currently in development in collaboration with Bòrd na Gàidhlig for inclusion in GTCS's Headship qualifications.
- 2.41** Gaelic education should be included in relevant education policies, programmes and in school and authority planning. Leaders, managers and officers in public bodies which have functions relating to Gaelic education, including Education Scotland, the Scottish Funding Council (SFC) and the Scottish Qualifications Authority (SQA), should have regard to this Statutory Guidance in carrying out their duties and responsibilities.
- 2.42** In the development of their Gaelic language plans all relevant public authorities (including education authorities) are asked to consider how they can support Gaelic education in their area. The Gaelic Language (Scotland) Act 2005 requires that, as these plans are being developed, relevant public authorities must have regard to this Guidance, as well

as Bòrd na Gàidhlig's Guidance on Gaelic language plans<sup>12</sup>, and the potential for the use of the Gaelic language in connection with the exercise of their functions. When having regard to this Guidance in the development of Gaelic language plans, the relevant public authority should consider any way in which its functions relate to GME or GLE, and plan to exercise those functions in a way that develops GME and GLE provision now and in the future.

## Career-long Professional Learning in Gaelic Education

**Education authorities and other relevant public authorities should ensure that all staff involved in Gaelic education have access to relevant career-long professional learning (CLPL).**

- 2.43** Education authorities and other relevant public authorities have a responsibility to provide effective career-long professional learning which is specific to the linguistic and professional needs of staff involved in the provision of both GME and GLE.
- 2.44** Staff involved in Gaelic education should have access to professional learning activities in order to improve their understanding of issues specific to Gaelic education such as immersion teaching in schools, specialist vocabulary, grammar, orthography, assessment, digital technologies and leadership. Staff in GME should also have access to opportunities to learn about key national policy developments and the impact these may have on education in Scotland.
- 2.45** Education authorities and school leaders have a role in promoting and encouraging leadership development opportunities for teachers in GME. Gaelic education

should also be taken into account when school management structures are being designed and put in place.

### Engagement of Families in Gaelic Education

**For children and young people in Gaelic education, their families have an important support role.**

- 2.46** Education authorities should ensure that accurate and relevant information is available to families to support their child's developing bilingualism as part of GME. Families should have regular opportunities to discuss progress and achievements in GME with schools. Families should be made aware of how to support targets set in children's learning and attainment through home learning.
- 2.47** Education authorities should ensure that all families are aware that GME is inclusive and open to all, whether Gaelic is used in the home or not. One way to do this would be by promoting to parents websites which support children and young people with their home-based Gaelic learning such as [Gaelic4Parents](#).
- 2.48** Education authorities should provide families with clear information on how to support their children's education and fluency development in Gaelic, English and any other home language through activities and events that occur outside of school. In doing so, education authorities should provide information about the various opportunities available to families for learning Gaelic. Comann nam Pàrant will also have a role in this.

### Class Sizes in GME

**Education authorities should consider the different demands on the GME teacher and consideration should be given to different class sizes in GME.**

- 2.49** Scottish primary maximum class sizes are currently set at 25 for P1, 30 for P2 and P3 and 33 for the rest of primary.<sup>13</sup> The composite class maximum is set at 25. However, in establishing GME provision, education authorities should consider that there are particular requirements placed on the GME teacher whose aim is to develop and maintain fluency in Gaelic in the early stages of primary education.
- 2.50** Not only will the GME classroom teacher have to demonstrate progress with the recognised skills of listening, talking, reading and writing but that teacher will have to do this in a language that is relatively new to many of the children. This task can present particular challenges as some pupils will have different levels of fluency in Gaelic. Another element to consider is that GME is often delivered in composite classes.
- 2.51** In particular, education authorities should have regard to these matters in considering the provision of staff for GMPE classes at P1 to P3 and for GMPE composite classes across the primary stages. The education authority should also give serious consideration to the use of language assistants to support GMPE teachers and the language acquisition of GME pupils.
- 2.52** Across the primary stages, headteachers should pay close attention to the numbers of pupils in any GMPE class. If teachers and school managers are concerned

with the quality of GME learning or the effectiveness of delivery then steps should be taken to address this. They may want to give consideration to reducing the class size, improving the pupil teacher ratio or using language assistants.

### **GME Catchment Areas and Placing Guidelines**

**Education authorities should establish catchment areas for GME provision, and may wish to consider demand for GME when setting guidelines for placing pupils in GME provision.**

**2.53** The Education (Scotland) Act 1980 places a duty on education authorities to set out catchment areas for their schools and guidelines to be followed when placing pupils in schools.<sup>14</sup> As such, education authority areas will be divided up into a number of school catchment areas, with placing guidelines based on local factors such as distance to the school and the number of pupils living in the area.

**2.54** A catchment area for GME provision should be an area in which the education authority thinks it is reasonable for pupils wishing to receive GME provision to travel to school, and should have the potential to attract parents to choose GME provision for their children. Catchment areas for GME provision will normally overlay a number of school catchment areas.

**2.55** When producing and/or developing guidelines for enrolment and placing requests, education authorities may wish to give consideration to establishing specific enrolment policies and placing request criteria for GME. While such guidelines are for each individual education authority to determine based on local considerations,

Bòrd na Gàidhlig would welcome involvement and/or consultation in the process.

**2.56** Note that any proposal to vary admission arrangements for a school including a proposal to establish, terminate or otherwise alter the school catchment area or to make or modify guidelines in respect of the handling of placing requests is a relevant proposal under the Schools (Consultation) (Scotland) Act 2010 and the consultation and procedures referred to in paragraphs 2.20-23 should be adhered to.

### **Recruitment and Retention of Teachers in GME**

**Local authorities should seek to ensure that all possible steps are taken to recruit, retain and support GME teachers. Vacancies should be advertised as soon as possible, probationers who have been trained in GME should be placed in GME classes, and additional steps should be considered by the authority to secure teachers for GME classes from its own workforce. There are a number of initiatives in place to help education authorities with these steps.**

**2.57** The recruitment and deployment of teachers, including GME teachers, is a matter for education authorities who are responsible for providing a complement of teachers, including GME teachers, which meets the needs of each of their schools and its pupils in light of the resources available.

**2.58** There have been occasions when education authorities have experienced some delay and difficulty in relation to filling teacher vacancies in GME classes. For this reason a number of initiatives have been put in place to assist local authorities with recruiting GME teachers.

**2.59** Support has been made available to Bòrd na Gàidhlig to employ a Gaelic teacher recruitment officer, to co-ordinate the recruitment and supply of qualified teachers with education authorities and provide advice on the available routes into GME teaching.

**2.60** The guidance letter which is sent annually from the Scottish Government to the Scottish Funding Council (SFC) asks the SFC to continue to promote GME teacher education and to give consideration to any initiatives which could help to increase the number of GME teachers.

**2.61** If an education authority has a GME vacancy or is likely to do so, the following steps should be taken, where appropriate. The vacancy should be advertised through the education authority's normal procedure and given further exposure on social media. The advert should also be sent to Bòrd na Gàidhlig which will place it on their teacher vacancy website ([www.teagasg.com](http://www.teagasg.com)) and circulate it through their networks. Bòrd na Gàidhlig will then forward job adverts to the General Teaching Council for Scotland, for circulation directly to all teachers who are registered to teach through the medium of Gaelic in Scottish schools. For this process to operate effectively, education authorities are advised to advertise GME vacancies as soon as possible.

**2.62** Education authorities may also secure a GME probationer through the Teacher Induction Scheme. For a number of years, the Scottish Government has been working with GME probationer allocations outwith the mainstream process.

**2.63** When reporting posts which are suitable for probationers, education authorities are

invited to indicate which of these posts are suitable for GME teachers. Staff within the education authorities with responsibility for teacher allocations are encouraged to work closely with those with responsibility for Gaelic, as it is considered essential that GME trained probationers are placed within a GME context.

**2.64** Probationers are then allocated to the available posts, taking account of the preferences they have expressed. Bòrd na Gàidhlig are invited to give their view on the proposed allocation of GME probationers before these are finalised.

**2.65** Education authorities should consider what additional steps they can take to secure GME teachers from their own workforce. They should consider a survey of the teaching workforce to identify the level of interest and ability in Gaelic, and to see if there are any teachers who would like to consider transferring from English medium education to GME. A template for this purpose is available from Bòrd na Gàidhlig.

**2.66** The STREAP Programme<sup>15</sup> and the Gaelic Immersion for Teachers (GIfT) course<sup>16</sup> are available to help teachers who wish to transfer from English medium education to GME. Some education authorities also offer courses to support teachers who would like to introduce GLE classes into the primary school. Teachers interested in receiving any of these opportunities should contact their education authority. Where an education authority supports a teacher who wishes to transfer to GME, either by the STREAP programme or the GIfT course, every effort should be made to ensure a Gaelic teaching position is secured on completion of the course.



**2.67** Education authorities should take all possible steps to recruit, retain and support teachers in GME. In addition to the initiatives listed above, an education authority may wish to consider other measures such as incentives to ensure they can achieve this.

### Funding for Gaelic Education

**Scottish Government funding available for Gaelic education includes the Gaelic Specific Grant, available for bids towards the cost of delivery of Gaelic education (both GME and GLE), and the Gaelic Schools Capital Fund to assist education authorities with capital costs incurred in their development of provision.**

**2.68** The Gaelic Specific Grant is offered under the Grants for Gaelic Language Education (Scotland) Regulations 1986. Through the scheme, funding is available to all Scottish education authorities for **up to 75%** of the cost towards delivery of Gaelic education. The Scheme of Gaelic Specific Grants covers all areas of Gaelic education from pre-school, primary, and secondary, through to adult learning. As well as 23 education authorities, Stòrlann, STREAP and Gaelic Learners in the Primary School (GLPS) receive grants via this mechanism.

**2.69** When preparing a bid for a Gaelic Specific Grant, education authorities are advised to have regard to the National Gaelic Language Plan which is prepared by Bòrd na Gàidhlig under the Gaelic Language (Scotland) Act 2005.<sup>17</sup> In addition, education authorities are asked to include specific details of how they can help meet the Scottish Government's key priority of growing the next generation of users of the language.

**2.70** The Scottish Government welcomes bids from education authorities, or groups of education authorities, under the Scheme of Gaelic Specific Grants and in respect of expenditure to be incurred for purposes approved by the Scottish Ministers in, or in connection with, the teaching of the Gaelic language or the teaching in that language of other subjects. At this time the Scottish Government seeks to encourage education authorities to plan for mainstreaming of grant-aided project costs into central budgets as early as possible, and certainly no later than five years from commencement of funding. The Scottish Government aims to support new Gaelic provision, alongside projects that are currently funded.

**2.71** The Gaelic Schools Capital Fund was set up in 2007 in recognition of the growing demand for Gaelic education and to assist education authorities in their development of Gaelic provision. The Fund has been successful in supporting education authorities across Scotland with the costs of establishing or expanding Gaelic provision. The fund remains open to all education authorities interested in the delivery of Gaelic education with the Scottish Government's Gaelic and Scots team promoting it annually through direct contact with Directors of Education at education authorities.

**2.72** In addition to these specific Gaelic funding streams, education authorities are often able to access other funding streams and financial opportunities through the Scottish Government to support their education provision. As Gaelic education forms part of the wider educational context in Scotland, education authorities are encouraged to consider Gaelic projects as they develop their bids to these.

## NOTES

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- <sup>1</sup> Available at: <http://www.gaidhlig.scot/bord/ga/research/education-data/>
- <sup>2</sup> See paragraph 35 of the Delegated Powers Memorandum for the 2016 Act:  
[http://www.scottish.parliament.uk/S4\\_Bills/Education\\_DPM\\_.pdf](http://www.scottish.parliament.uk/S4_Bills/Education_DPM_.pdf)
- <sup>3</sup> See paragraphs 19 and 20 of the Delegated Powers Memorandum for the 2016 Act:  
[http://www.scottish.parliament.uk/S4\\_Bills/Education\\_DPM\\_.pdf](http://www.scottish.parliament.uk/S4_Bills/Education_DPM_.pdf)
- <sup>4</sup> See paragraph 22 of the Delegated Powers Memorandum for the 2016 Act:  
[http://www.scottish.parliament.uk/S4\\_Bills/Education\\_DPM\\_.pdf](http://www.scottish.parliament.uk/S4_Bills/Education_DPM_.pdf)
- <sup>5</sup> Available at: <https://education.gov.scot/improvement/Pages/gael3-advice-on-gaelic-education.aspx>
- <sup>6</sup> See Sections 47 and 48 of the Children and Young People (Scotland) Act 2014:  
<http://www.legislation.gov.uk/asp/2014/8/contents/enacted>
- <sup>7</sup> See the Scottish Government's Discussion Paper on Early Learning and Childcare (1140 hours expansion):  
<https://consult.scotland.gov.uk/digital-communications/childcare-expansion>
- <sup>8</sup> Available at: <http://www.gov.scot/Publications/2012/05/3670>
- <sup>9</sup> Available at: <http://www.storlann.co.uk/asn-slt/>
- <sup>10</sup> Available at: <http://www.storlann.co.uk/feumalachdan-taic/>
- <sup>11</sup> Available at: <http://www.thescottishvoice.org.uk>
- <sup>12</sup> Available at: <http://gaeliclanguageplansscotland.org.uk/en/how-to-develop/guidance>
- <sup>13</sup> See the Scottish Government's Guidance on Determining Primary School Capacity:  
<http://www.gov.scot/Resource/0046/00461513.pdf>
- <sup>14</sup> See Section 28A and Section 28B(1)(c) of the Education (Scotland) Act 1980:  
<http://www.legislation.gov.uk/ukpga/1980/44/contents>
- <sup>15</sup> **STREAP** is a one-year part-time programme delivered by Aberdeen University and Sabhal Mòr Ostaig for teachers who are already fluent in Gaelic. The course is fully funded by the Scottish Government and provides an opportunity for teachers to enhance their professional practice in the teaching of a subject or stage through the medium of Gaelic. It develops participants' Gaelic language skills, competence and confidence in classroom practice and critical reflection in a Gaelic medium context. GME teachers interested in enhancing their training or Gaelic-speaking English medium teachers interested in transferring to GME teaching are encouraged to consider the course. Further information is available from Bòrd na Gàidhlig.
- <sup>16</sup> **Gaelic Immersion for Teachers (GIFT)** is a one-year full-time course delivered by the University of Strathclyde and is designed for qualified teachers who have intermediate Gaelic language competence (similar to Higher Gaelic or equivalent) and are committed to working in GME. The teachers who are supported by their education authority are expected to return to teach through the medium of Gaelic. Education authorities are encouraged to consider the course as an option to help their workforce planning and work with those involved in its delivery. Further information is available from Bòrd na Gàidhlig.
- <sup>17</sup> Available at: <http://www.gaidhlig.org.uk/bord/wp-content/uploads/sites/2/National-Gaelic-Langauge-Plan-2012-20172.pdf>

## CONTACT **DETAILS**

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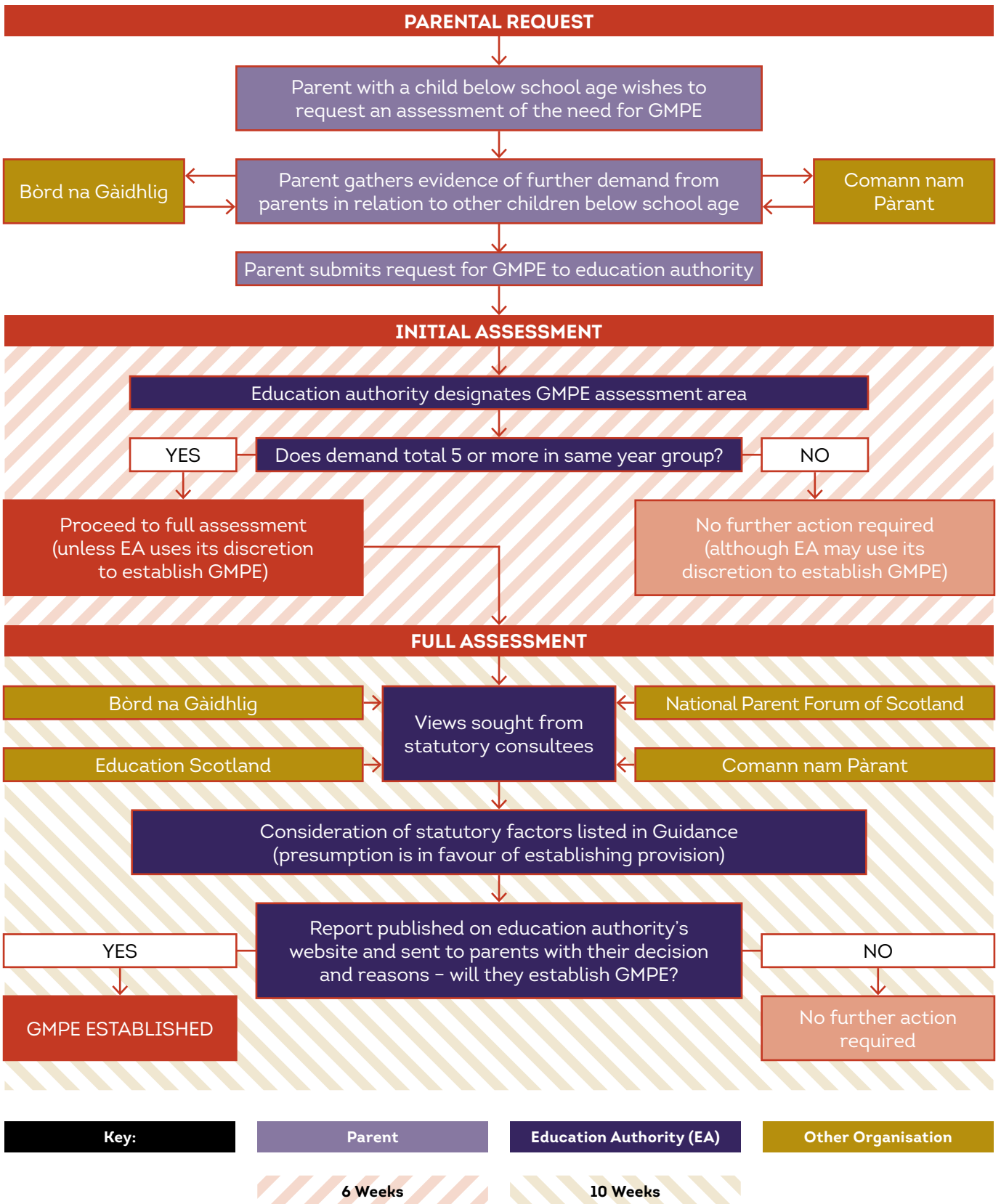
<http://www.parant.org.uk>

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# ANNEX A

## GAELIC MEDIUM PRIMARY EDUCATION ASSESSMENT PROCESS



## ANNEX B

### SUMMARY FOR PARENTS

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Do you have a child below school age who has not started school?

Do you wish your child to be educated in GMPE?

Is there evidence of further demand for GMPE in your education authority area?  
(Bòrd na Gàidhlig or Comann nam Pàrant may be able to help with this information)

**If your answer to all of the above questions is 'Yes', you may submit a request to assess the need for GMPE to your education authority.**  
(Guidance on what to include can be found in Paragraphs 1.7-1.9)

The education authority will carry out an **Initial Assessment** and will write back to you **within six weeks** of receiving your request.

If the Initial Assessment finds potential demand, the education authority will then carry out a **Full Assessment** (or use its discretion to establish GMPE) which will consider any factors which may affect the decision to secure GMPE.  
(Factors are listed in Paragraph 1.52)

The education authority will prepare a report **within 10 weeks** of beginning the Full Assessment, setting out:

- its decision;
- its reasons for reaching the decision;
- when it intends to commence GMPE, if this decision has been reached.

As the parent who requested GMPE, you will receive a copy of this report. If GMPE provision is to be secured, your education authority will let you know how to proceed.

It should be noted that a placing request will still need to be made separately for your child in relation to any eventual provision.

## ANNEX C

### EDUCATION (SCOTLAND) ACT 2016 – GAELIC PROVISIONS

This is an extract from the Education (Scotland) Act 2016 (2016 asp 8). The full text of the Act can be viewed at <http://www.legislation.gov.uk/asp/2016/8/introduction/enacted>.

#### Assessments: primary education

##### 7 Assessment requests

- (1) A person who is the parent of a child who is under school age and has not commenced attendance at a primary school may request the education authority in whose area the child is resident to assess the need for Gaelic medium primary education (in this Part, 'GMPE').
- (2) A request under subsection (1) must –
  - (a) relate to only one child (in this Part, the "specified child"), and
  - (b) set out, or be accompanied by, evidence that there is a demand for GMPE from parents of other children who are –
    - (i) resident in the area of the authority to which the request is made, and
    - (ii) in the same year group as the specified child.
- (3) A request under subsection (1) may set out, or be accompanied by, evidence that there is a demand for GMPE from parents of other children who are –
  - (a) resident in the area of the authority to which the request is made, and
  - (b) in a different year group in relation to the specified child.

- (4) In this Part, "year group", in relation to an education authority, means the group of children under school age all of whom, on commencing primary education at a primary school in the area of the authority, will be in the same yearly stage of primary education; and references in this Part to a child being in the same or a different year group as or in relation to other children are to be construed accordingly.
- (5) The Scottish Ministers may by regulations make further provision about requests under subsection (1).
- (6) Regulations under subsection (5) may in particular include provision for or in connection with –
  - (a) the form of the request and the manner in which it is to be made,
  - (b) information (including evidence in addition to that mentioned in subsection (2)) that is to be set out in, or accompany, the request,
  - (c) evidence as mentioned in subsections (2) and (3).

##### 8 GMPE assessment areas

- (1) This section applies where an education authority receives a request under section 7(1).

- (2) The authority must designate an area within the area of the authority in respect of which the need for GMPE is to be assessed.**
- (3) An area designated under subsection (2) is referred to in this Part as a “GMPE assessment area”.**
- (4) In considering what area to designate as a GMPE assessment area, an authority must –**
- (a) so far as reasonable, seek to accommodate –
    - (i) demand for GMPE evidenced in the request or contained in evidence accompanying the request, or
    - (ii) any other demand for GMPE of which the authority is aware in respect of children resident in the area of the authority who are under school age and have not commenced attendance at a primary school, and
  - (b) take into account factors which affect, or might affect, how any demand for GMPE could reasonably be met in the GMPE assessment area.
- (5) In taking those factors into account, the authority must have regard in particular to –**
- (a) any guidance under section 9 of the Gaelic Language (Scotland) Act 2005,
  - (b) accessibility in relation to the provision (or potential provision) of GMPE in the GMPE assessment area, and
  - (c) the residence of children who are under school age and have not commenced attendance at a primary school in respect of whom there is a demand for GMPE as mentioned in subsection (4)(a).
- 9 Initial assessments**
- (1) This section applies where an education authority receives a request under section 7(1) from the parent of a specified child.**
- (2) The authority must make an assessment (an “initial assessment”) of the need for GMPE –**
- (a) in relation to the GMPE assessment area designated under section 8(2), and
  - (b) in the specified child’s year group.
- (3) In making an initial assessment, the authority must take into account any information it has which –**
- (a) relates to the demand for GMPE in the GMPE assessment area from parents of children –
    - (i) who are resident in the GMPE assessment area, and
    - (ii) who are in the same year group as the specified child, and
  - (b) indicates that there is a demand for GMPE in the GMPE assessment area from parents of children–
    - (i) who are resident in the GMPE assessment area, and
    - (ii) who are in a different year group in relation to the specified child.
- (4) The information mentioned in subsection (3) includes information set out in or accompanying the request.**
- (5) Where, following an initial assessment in relation to a GMPE assessment area –**
- (a) the authority is satisfied that the condition in subsection (6) is met, the authority must determine that there is a potential need for GMPE in the area,
  - (b) the authority is not satisfied that that condition is met, the authority must determine that there is no potential need for GMPE in the area.
- (6) The condition is that the specified child and the children in respect of whose parents the authority has information as mentioned in subsection (3)(a) number 5 or more.**

**(7) The Scottish Ministers may by regulations –**

- (a) amend subsection (6) so as to substitute for the number of children for the time being specified there a different number,
- (b) provide for the number of children for the time being specified in that subsection to be read as a different number in the application of that subsection to such education authorities as may be specified in the regulations.

**(8) This section is subject to section 11.****10 Duties of education authorities****(1) Where an education authority makes a determination under section 9(5)(a) in relation to a GMPE assessment area, the authority must –**

- (a) carry out a full assessment of the need for GMPE in the area in accordance with section 12, or
- (b) take such steps as are necessary to secure the provision of such GMPE in the area as it considers appropriate.

**(2) Where an education authority makes a determination under section 9(5)(b) in relation to a GMPE assessment area, the authority must –**

- (a) take no further action to secure the provision of GMPE in the area so far as relating to the request in respect of which the determination is made,
- (b) carry out a full assessment of the need for GMPE in the area in accordance with section 12, or
- (c) take such steps as are necessary to secure the provision of such GMPE in the area as it considers appropriate.

**(3) An education authority must, no later than 6 weeks after receiving the request in respect of which a determination mentioned in subsection (1) or (2) is made, send to the persons mentioned in subsection (4) notification of –**

- (a) its determination,
- (b) its decision to act as mentioned in subsection (1)(a) or (b) or, as the case may be, subsection (2)(a), (b) or (c), and
- (c) the reasons for its determination and decision.

**(4) The persons are –**

- (a) the parent who made the request,
- (b) parents of other children as mentioned in section 7(2), and
- (c) where the request set out, or was accompanied by, evidence from parents of other children as mentioned in section 7(3), those parents.

**(5) An education authority must, before the expiry of the period mentioned in subsection (3), publish on its website –**

- (a) its determination as mentioned in subsection (1) or (2),
- (b) its decision to act as mentioned in subsection (1)(a) or (b) or, as the case may be, subsection (2)(a), (b) or (c),
- (c) the reasons for its determination and decision, and
- (d) information about the GMPE assessment area in respect of which its determination was made.

**(6) For the purposes of complying with the duty imposed by subsection (1)(b) or (2)(c), the authority must ensure that the GMPE is provided in the GMPE assessment area within such period after making the determination as is reasonable in all the circumstances.**



**11 Requests that need not be considered**

- (1) Subsection (2) applies where –**
- (a) a request under section 7(1) (the “original request”) is made,
  - (b) in pursuance of the original request, the education authority that receives the original request carries out an initial assessment under section 9 in relation to a GMPE assessment area,
  - (c) the authority receives another request under section 7(1) (a “further request”) which would (but for subsection (2)) require the authority to carry out an initial assessment in relation to the GMPE assessment area, and
  - (d) the further request is received within the period of 2 years beginning with the day on which the original request is received.
- (2) The education authority need not comply with the duty imposed by section 9(2) in relation to the further request (subject to subsection (4)).**
- (3) For the purposes of this section, it is irrelevant –**
- (a) whether the further request –
    - (i) is made by the same person who made the original request or by another person, or
    - (ii) is made by a parent of a child in the same year group as, or a different year group from, the child whose parent made the original request, or
  - (b) whether GMPE is being provided in the GMPE assessment area to which the requests relate.
- (4) Despite subsection (2), the Scottish Ministers may, in such cases as they consider appropriate, direct an education authority to comply with the duty imposed by section 9(2) in relation to the further request.**

**12 Full assessments**

- (1) This section applies where an education authority –**
- (a) receives a request under section 7(1), and
  - (b) decides, under section 10(1)(a) or (2)(b), to carry out a full assessment of the need for GMPE in a GMPE assessment area.
- (2) The authority must –**
- (a) notify the persons mentioned in subsection (3) of the request,
  - (b) provide those persons with information about the request,
  - (c) provide those persons with the information the authority took into account under section 9(3) in making an initial assessment, and
  - (d) seek the views of those persons on –
    - (i) the information mentioned in paragraphs (b) and (c), and
    - (ii) the authority’s determination under section 9(5).
- (3) The persons are –**
- (a) Her Majesty’s inspectors of schools (that is to say, the inspectors of schools appointed by Her Majesty under the 1980 Act),
  - (b) Bòrd na Gàidhlig,
  - (c) the body known as Comann nam Pàrant,
  - (d) the body known as the National Parent Forum of Scotland.
- (4) The persons mentioned in subsection (3)(a) and (b) must –**
- (a) provide the views sought under subsection (2)(d), and
  - (b) do so before the end of the period of 4 weeks beginning with the day on which the views are sought.
- (5) Subject to subsection (7), the education authority must decide whether to secure the provision of GMPE in the GMPE assessment area.**

**(6) In making a decision under subsection (5), the education authority must have regard to –**

- (a) views provided by virtue of subsection (2)(d) before the end of the period of 4 weeks beginning with the day on which the views are sought,
- (b) any guidance under section 9 of the Gaelic Language (Scotland) Act 2005,
- (c) information that the education authority took into account in making an initial assessment under section 9(2),
- (d) in relation to the demand for GMPE mentioned in section 9(3) from parents of children, where those children reside,
- (e) any information the education authority has relating to the demand for GMPE in the area of the authority from parents of children who are under school age and have not commenced attendance at a primary school,
- (f) where GMPE is provided in the area of the education authority, or the area of another education authority adjacent to that area, the location of that provision,
- (g) the extent to which–
  - (i) children resident in the area of an education authority adjacent to the area of the education authority mentioned in subsection (5) could access GMPE in the GMPE assessment area,
  - (ii) children resident in the GMPE assessment area could access GMPE in the area of an education authority adjacent to the area of the education authority mentioned in subsection (5),
- (h) the availability and suitability of any premises in the education authority's area in which GMPE is being, or could reasonably be, provided,
- (i) the costs of providing GMPE in the GMPE assessment area,
- (j) the potential to assign or recruit persons to teach GMPE in the GMPE assessment area,

- (k) any Gaelic language plan published by the education authority under section 5(9) of the Gaelic Language (Scotland) Act 2005 in force at the time of making the decision mentioned in subsection (5),
- (l) the potential to develop or increase –
  - (i) the use of the Gaelic language in the education authority's area, and
  - (ii) the carrying out of activities relating to the Gaelic language in the authority's area.

**(7) The education authority must decide to secure the provision of GMPE in the GMPE assessment area unless, having regard to the matters mentioned in subsection (6), it would be unreasonable to do so.****(8) The Scottish Ministers may by regulations –**

- (a) modify subsection (3),
- (b) modify subsection (6) so as to amend, remove or add to the matters for the time being mentioned in that subsection,
- (c) make such other modifications of this section as the Scottish Ministers think necessary or expedient in consequence of any modification of subsection (3).

**13 Procedure following full assessment****(1) This section applies where an education authority has carried out a full assessment of the need for GMPE in a GMPE assessment area in accordance with section 12.****(2) The authority must prepare a report setting out –**

- (a) its decision on whether or not to secure the provision of GMPE in the area,
- (b) the reasons for its decision with reference to –
  - (i) each of the matters mentioned in section 12(6), and
  - (ii) its duty under section 12(7), and

- (c) where the decision is to secure the provision of GMPE in the area, the period within which the authority considers it would be reasonable for GMPE to be provided in the area.
- (3) The authority must send a copy of the report to –**
- (a) the parent who made the request in relation to which the full assessment was carried out,
- (b) parents of other children as mentioned in section 7(2), and
- (c) where the request contained, or was accompanied by, evidence from parents of other children as mentioned in section 7(3), those parents.
- (4) The authority must publish the report on its website.**
- (5) Publication of the report under subsection (4) must be no later than 10 weeks after the authority decides to carry out the full assessment.**
- (6) Where the authority decides to secure the provision of GMPE in the GMPE assessment area, it must take such steps as are necessary to secure the provision of such GMPE in the area as it considers appropriate.**
- (7) In taking those steps, the authority must ensure GMPE is provided in the GMPE assessment area within such period after making the decision mentioned in subsection (6) as is reasonable in all the circumstances.**

## Early learning and childcare

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### 14 Power to extend Part to early learning and childcare

- (1) The Scottish Ministers may by regulations make such provision as they consider necessary or expedient for or in connection with the purpose mentioned in subsection (2).**
- (2) The purpose is to require an education authority in receipt of a request under section 7(1) to treat it as a request to assess the need for Gaelic medium education in its area which, if provision for such education were made, would discharge (wholly or in part) the duty mentioned in subsection (3).**
- (3) The duty is the duty under subsection (1) of section 1 of the 1980 Act to the extent it is exercisable as mentioned in subsection (1A) of that section (duty of education authorities to secure provision of early learning and childcare).**
- (4) Regulations under subsection (1) may in particular –**
- (a) modify this Part, the 1980 Act or any other enactment,
- (b) provide for any provision of this Part, the 1980 Act or any other enactment to apply –
- (i) with such modifications as may be specified in the regulations, or
- (ii) without modifications.

## Promotion, support and guidance

### 15 Duty to promote and support Gaelic medium education and learning

- (1) **Every education authority must promote the potential provision of school education in the area of the authority –**
  - (a) by means of Gaelic medium education by publicising, in such manner as it thinks appropriate, the right to make a request under section 7(1) to the authority, and
  - (b) by means of Gaelic learner education in such manner as it thinks appropriate.
- (2) **Where subsection (3) or (4) applies, an education authority must, so far as reasonably practicable, promote and support –**
  - (a) Gaelic medium education provided in its area,
  - (b) Gaelic learner education provided in its area, or
  - (c) (as the case may be) both.
- (3) **This subsection applies where an education authority, in pursuance of its duty under section 1(1) of the 1980 Act (duty of education authorities to secure provision of education) to the extent it relates to school education, secures the provision in its area of –**
  - (a) Gaelic medium education,
  - (b) Gaelic learner education, or
  - (c) both.
- (4) **This subsection applies where an education authority exercises the power in section 1(1C) of the 1980 Act by securing the provision in its area of –**
  - (a) Gaelic medium education,
  - (b) Gaelic learner education, or
  - (c) both.

- (5) **In carrying out its duty of promotion under subsection (2), an education authority must take reasonable steps to ensure that it publicises, in such manner as it thinks appropriate, the provision in its area of –**
  - (a) Gaelic medium education,
  - (b) Gaelic learner education, or
  - (c) (as the case may be) both.
- (6) **In carrying out its duty of support under subsection (2) in relation to education as mentioned in that subsection, an education authority must –**
  - (a) take reasonable steps to ensure that teachers in any class where the education is provided have such resources, training and opportunities as are reasonably necessary to adequately and effectively provide the education,
  - (b) take reasonable steps to ensure that pupils in any such class have such resources as are reasonably necessary to adequately and effectively receive and benefit from the education, and
  - (c) have regard to any guidance under section 9 of the Gaelic Language (Scotland) Act 2005.

### 16 Guidance

- (1) **Section 9 of the Gaelic Language (Scotland) Act 2005 (guidance on Gaelic education) is amended as follows.**
- (2) **In subsection (1), for “may” substitute “must”.**
- (3) **After that subsection insert –**

“(1A) Guidance under subsection (1) may, in particular, include provision relating to the provision of Gaelic education in schools.

(1B) In subsection (1A), “schools” has the meaning given by section 135(1) of the Education (Scotland) Act 1980.”

- (4) After subsection (2) insert –  
 “(2A) Any relevant public authority having functions relating to, or to the provision of, Gaelic education must, to the extent that guidance under subsection (1) relates to the functions, have regard to the guidance in carrying out the functions.”

## Definitions: other Acts

### 17 Meaning of “Gaelic education” and “Gaelic medium education”

- (1) In section 10(1) of the Gaelic Language (Scotland) Act 2005 (interpretation), in the definition of “Gaelic education”, after “means education” insert “consisting of teaching and learning”.
- (2) In the Schools (Consultation) (Scotland) Act 2010, in schedule 1 (relevant proposals), in the definition of “Gaelic medium education” in paragraph 12, after “teaching” insert “and learning”.



## Interpretation of Part 2

### 18 Interpretation of Part 2

- (1) In this Part, the following expressions have the meanings given by section 135(1) of the 1980 Act –
- “early learning and childcare”,
  - “education authority”,
  - “parent”,
  - “pupil”,
  - “school”,
  - “school age”,
  - “school education”.

**(2) In this Part-**

“area”, in relation to an education authority, is (except where the context otherwise requires) to be construed in accordance with section 135(1) of the 1980 Act (see the definition of “education authority”),

“full assessment” is to be construed in accordance with section 12,

“Gaelic language” means Gaelic language as spoken in Scotland,

“Gaelic learner education”, in relation to the Gaelic language, means the teaching of the language to, and learning of the language by, pupils to whom education is provided primarily by means of the English language,

“Gaelic medium education” means teaching and learning by means of the Gaelic language,

“Gaelic medium primary education” means primary education consisting of teaching and learning by means of the Gaelic language,

“GMPE” means Gaelic medium primary education,

“GMPE assessment area” is to be construed in accordance with section 8,

“initial assessment” is to be construed in accordance with section 9,

“primary education” is to be construed in accordance with section 135(2) of the 1980

Act but does not include-

- (a) early learning and childcare the availability of which an education authority is required to secure under section 47(1) of the Children and Young People (Scotland) Act 2014, and
- (b) any school education that an education authority is enabled to secure the provision of under section 1(1C) of the 1980 Act,

“primary school” is to be construed in accordance with section 135(2) of the 1980 Act but does not include a nursery school or nursery class (within the meaning of section 135(1) of that Act),

“specified child” is to be construed in accordance with section 7(2),

“year group” is to be construed in accordance with section 7(4).







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