

To: Education and Children Policy Board

On: 9 March 2017

Report by: Director of Children's Services

Heading: Education (Scotland) Act 2016 Commencement of Gaelic Provisions

1. Summary

- 1.1. The Scottish Government recognises that Gaelic is an integral part of Scotland's heritage, national identity and cultural life. A number of legislative provisions have been put in place in order to ensure that Gaelic has a sustainable future in Scotland.
- 1.2. The Education (Scotland) Act 2016 contains several provisions in relation to Gaelic medium education. These include placing a duty on education authorities to promote and support Gaelic medium education (GME) and Gaelic learner education (GLE) in their area and the establishment of a process by which parents can request GME from their education authority.
- 1.3. Gaelic medium education is a form of immersive education. With this form of education, Gaelic is the sole language of learning, teaching and assessment in the first 3 years of primary school. From primary 4-7, immersive education will continue, but at this stage English will be introduced. From primary 4 onwards, following the introduction of English, Gaelic should remain the predominant language of the classroom.
- 1.4. 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.
- 1.5. These provisions commenced on 1 February 2017. In response to this, Renfrewshire Council has developed an action plan in order to ensure these requirements are addressed appropriately.

2. Recommendations

- 2.1. The education and children policy board is asked to note changes to the legislation and approve the attached local authority action plan.

3. Background

- 3.1. The Scottish Government remains committed to supporting all our indigenous languages, including Gaelic. The Scottish Government's **Programme for Government (November 2014)** stated that they would introduce an Education Bill which would promote children's and parental rights, including in relation to Gaelic Education. The Education Bill would further progress the Scottish Government's support for Gaelic Education and its commitment to recognising, respecting and promoting children's and parental rights. Specifically, the Bill would make provision on entitlement to, and promotion of, Gaelic Medium Education in schools.
- 3.2. The report, ***Language Learning in Scotland: A 1+2 Approach*** sets an ambitious framework for the future delivery of language learning in Scotland's schools. It describes a framework for learning based on the mother tongue and two additional languages in the broad general education leading to awards and qualifications in the senior phase. Both Gaelic Learner and Medium Education are central to this framework.
- 3.3. **The Education (Scotland) Act 2016** contains several provisions in relation to Gaelic education. These include placing a duty on education authorities to promote and support Gaelic medium education (GME) and Gaelic learner education (GLE) in their area and the establishment of a process by which parents can request GME from their education authority.
- 3.4. Gaelic Medium Primary Education (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. Renfrewshire Council currently accesses GMPE in both Glasgow and Inverclyde Councils.
- 3.5. The key legislative duties placed on education authorities by the 2016 Act will present a number of challenges, with recruitment of appropriately trained primary staff being the biggest challenge. Currently in our schools we have one class teacher interested in pursuing the special teaching qualification with Strathclyde University (Gaelic Immersion for Teachers – GIFT) and this is for secondary Art & Design.
- 3.6. Bòrd na Gàidhlig has published Statutory Guidance on Gaelic Education. The Guidance offers clarification to the Gaelic provisions in the Education (Scotland) Act 2016 and sets out clearly what parents can expect for their children in Gaelic education. We have utilised this guidance in preparing our attached action plan.

Implications of this report

- 1. Financial Implications**
None.
- 2. HR and Organisational Development Implications**
Advertising and recruiting appropriately trained staff to meet parental aspiration.
- 3. Community Plan/Council Plan Implications**
None
- 4. Legal Implications**
The Education Act 2016 places a duty on education authorities and other relevant public authorities to have regard to Bòrd na Gàidhlig's Statutory Guidance in carrying out any of their functions that relate to Gaelic education or the provision of Gaelic education.
- 5. Property/Assets Implications**
None.
- 6. Information Technology Implications**
None.
- 7. Equality and Human Rights Implications**
The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because for example it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
- 8. Health and Safety Implications**
None.
- 9. Procurement Implications**
None.
- 10. Risk Implications**
None.
- 11. Privacy Impact**
None.

List of Background Papers

- (1) Bòrd na Gàidhlig's Statutory Guidance on Gaelic Education
- (2) Education Scotland Act 2016 Section 2

The foregoing background papers will be retained within children's services for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is Julie Colquhoun, Education Officer, 0141 618 6009 julie.colquhoun@renfrewshire.gcsx.gov.uk

*Children's Services
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Renfrewshire Council Gaelic Education Action Plan

Appendix 1

Education (Scotland) Act 2016 Section	Priorities and related actions	Timescale	Lead responsibility	Expected Impact
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.	<ul style="list-style-type: none"> Update information on Gaelic page of Council website Produce parent information leaflet 	<p>Feb 2017</p> <p>Feb 2017</p>	<p>Julie Colquhoun Education Officer</p> <p>As above</p>	<p>Parents will be informed of their right</p>
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.	<ul style="list-style-type: none"> Requests for the above will be designated 'GMPE Assessment Area' 	As required	Gordon McKinlay Head of Schools	Parental requests will be consistently and fairly assessed
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	<ul style="list-style-type: none"> Maintain records of demand for GMPE from parents of children under school age Initial assessment carried out taking account of the 'GMPE Assessment Area' and the year group of the child specified in the request – potential need/no potential need 	As required	<p>Julie Colquhoun Education Officer</p> <p>Gordon McKinlay Head of Schools</p>	<p>The Council will have up to date records of demand for GMPE</p> <p>Parental requests will be consistently and fairly assessed</p>

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Education (Scotland) Act 2016 Section	Priorities and related actions	Timescale	Lead responsibility	Expected Impact
demand for GMPE in relation to five or more children in the same pre-school year group.				
Requests That Need Not be Considered (<i>Section 11 of the 2016 Act</i>) 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.	<ul style="list-style-type: none"> Appropriate letter to parent 	As required	Julie Colquhoun Education Officer	Parental requests will be consistently and fairly dealt with
Full Assessments (<i>Sections 12 & 13 of the 2016 Act</i>) 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.	<ul style="list-style-type: none"> When necessary, carry out full assessment and 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 Take account of mandatory factors when undertaking a full assessment * see below 	As required	Gordon McKinlay Head of Schools	Potential need for GMPE is determined All parties are informed of the potential need or not for GMPE

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Education (Scotland) Act 2016 Section	Priorities and related actions	Timescale	Lead responsibility	Expected Impact
Duty to Promote and Support Gaelic Medium Education and Learning <i>(Section 15 of the 2016 Act)</i> 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.	<ul style="list-style-type: none"> Promote potential provision of GME, the right to make a request for GMPE and the potential provision of GLE via the Council website Add the above information to Appendix 12 of the Admissions Policy Development of L3 guidance and training for primary & secondary sectors in line with current L3 guidance for French/Spanish/German & Italian 	Feb 2017	Julie Colquhoun Education Officer	
		May 2016	As above	
		May 17 – June 18	As above and Louise Dunn Modern Languages Co-ordinator	

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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 2.67-70)
- **Teachers:** The education authority must have regard to the potential to assign or recruit a teacher to teach GMPE in the GMPE assessment area. (See paragraphs 2.56-66)

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- **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.