

The Scottish Languages Bill

Island Communities Impact Assessment

December 2023

Name of Policy, Strategy or Service

The Scottish Languages Bill

The Scottish Languages Bill, Island Communities Impact Assessment

Under the terms of the Islands (Scotland) Act 2018 (the Islands Act), the Scottish Government is a relevant authority and must have regard to island communities as it carries out its functions. As such the Scottish Government will consider the impact of new and revised policies, strategies and services and set this out in an Island Communities Impact Assessment. An impact assessment is also for Scottish Ministers when considering policies to be implemented by legislation. Below is a review of the impact of the Scottish Languages Bill on island communities. This review involves both comment on existing policies and policies proposed by the Bill where it is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in the area in which the authority exercises its functions.

Step One – Develop A Clear Understanding Of Your Objectives

What are the objectives of the policy, strategy or service?

The objective of the Scottish Languages Bill is to strengthen existing support for Gaelic and Scots across a range of sectors in Scottish public life. These primarily lie in education, public sector support for Gaelic, and aspects of community development. The Bill's provisions build on existing measures with the aim of achieving more efficient progress on behalf of Gaelic and Scots.

Do you need to consult?

The Scottish Languages Bill stems from a number of language related commitments made by the Scottish Government in 2021. These were subject to an extensive public consultation between August and December 2022 and this has provided the basis for the provisions in the Bill. The consultation used a mixture of online and in-person events between island and mainland communities. The Bill's provisions – especially those regarding Areas of Linguistic Significance – have also been shaped by the [Report of the Short Life Working Group on Economic and Social Opportunities for Gaelic](#). Members of this group represented a cross section of public life in Na h-Eileanan an Iar and Skye.

How are islands identified for the purpose of the policy, strategy or service?

The Scottish Languages Bill follows the Islands Act's definition of an island as being "a naturally formed area of land that is surrounded on all sides by the sea ignoring artificial structures e.g. bridges, and is above water at high tide". While its provisions are applicable to all offshore inhabited Scottish islands the principal focus of this impact assessment is populated islands with significant community and economic activity.

What are the intended impacts/outcomes and how do these potentially differ across the islands?

The intended impact of the Scottish Languages Bill is to provide a more efficient structure for strengthening Gaelic and Scots across Scotland. The intended outcome of this will be an increase in the numbers speaking the two languages. To consider how this intended impact and outcome potentially differs for island communities it is useful to consider the two languages separately.

Gaelic is a language spoken across Scotland. This is borne out by the 2011 Census which showed a near even split between Gaelic speakers in the Highlands and Islands and the rest of the country. It is also shown by the spread of Gaelic medium education (GME) across Scotland, with some of the most important centres of GME provision being found in Glasgow and Edinburgh among other areas. However, the 2011 Census figures also show that the island communities of the three Highland & Island councils – Comhairle nan Eilean Siar, Highland Council, and Argyll & Bute Council – are the parts of Scotland where Gaelic retains the greatest community presence. Based on SNS 2011 Datazones, this can range from the 70-80% returns found for Gaelic speakers in places such as Barra, South Uist and Northwest Lewis to lower but still substantial percentages in other Hebridean communities. Other data categorisations, such as postcode areas, provide even higher returns at a more local level. It is recognised, therefore, that the provisions of the Scottish Languages Bill have the potential to differentially impact these island communities.

Scots is also present across Scottish society. However, it has not acquired the distinct association with island communities which Gaelic has in the modern age. There are, however, some points which should be mentioned. The 2011 Census found that Orkney Islands Council and Shetland Islands Council were among the four Scottish local authorities which had the highest proportion of people for whom Scots was a language of the home. It is possible, therefore, that the Scots provisions of the Bill may have a greater impact on these two local authorities.

The provisions of this Bill are building on policy priorities that are currently in place with the aim of making the new package of measures more effective for the progress that is needed for Gaelic and Scots. The Bill will include a duty on Scottish Ministers to prepare a Gaelic Language Strategy and to prepare Standards for public authority activity, including Gaelic education. As at present, there will be a requirement on Scottish public authorities to produce a Gaelic language plan and in future these plans will take their lead from the Strategy and Standards. The Bill will introduce the possibility of Areas of Linguistic Significance to allow for proportionate delivery. Bòrd na Gàidhlig will have a key role in these new provisions but with both an increased focus on delivery at a community level and reporting on compliance for the

above. The Bill will include a duty on Scottish Ministers to prepare a Language Strategy for Scots and to prepare secondary legislation on Scots. Scottish public authorities will now be required to have regard to the Gaelic Language Strategy and Standards in the preparation of their Gaelic Language Plans rather than Guidance on Gaelic Plans. Bòrd na Gàidhlig will report to the Scottish Parliament and to the Scottish Ministers on Gaelic Language Plan compliance and Language Plans and this will supplement the current Bòrd na Gàidhlig monitoring regime. Scottish Ministers will prepare a Scots Strategy which will be supported by provisions for Guidance and Standards for Scots Language education. These will replace the current Scottish Government Scots policy.

Is the policy, strategy or service new?

The Bill's provisions build on measures currently in place for Gaelic and Scots. It largely demonstrates continuity with the existing legal and policy framework of both languages and seeks to make them more effective. The Bill's statements on official recognition of both languages build on previous statements to that effect. The provision for Scottish Ministers to prepare a Gaelic Language Strategy is an adaptation of the current duty on Bòrd na Gàidhlig to prepare a National Gaelic Language Plan and placing a duty on Scottish Ministers to prepare Gaelic language standards replaces Bòrd na Gàidhlig's duty to prepare statutory guidance.

The two areas where the Bill creates new policies are the provisions for Areas of Linguistic Significance on behalf of Gaelic and then the Scots language provisions. However, the latter is something which is also building on an existing Scottish Government Scots language policy issued in 2015.

Step Two – Gather Your Data And Identify Your Stakeholders

What data is available about the current situation in the islands?

Until the data for Gaelic and Scots collected in the 2022 Census is published, the returns of the 2011 Census remain the most authoritative statistics for the position of both languages across Scotland.

For Gaelic, research has been undertaken by various bodies looking at the position of the language within individual communities. The findings of such research have also informed the policy aims of the Scottish Languages Bill.

The Scottish Government and its stakeholders supports various initiatives on behalf of Gaelic and Scots across Scotland. These relate to educational provision on behalf of the languages, teacher numbers, and community activities and are an additional source of data for our work.

Do you need to consult?

As stated above, the Scottish Languages Bill is the product of an extensive public consultation between August and December 2022. This took place in island and mainland communities and used a mixture of in-person and online events across Scotland to ensure the process was accessible. Introducing the Bill to the Scottish Parliament will also result in a further

consultation process. The Report of the Short Life Working Group on Economic and Social Opportunities for Gaelic was another significant source of community opinion.

How does any existing data differ between islands?

Language use differs both in terms of density of speakers in different islands and the circumstances of the two languages.

For Gaelic, existing data demonstrates a variation in speaker density between different islands. As mentioned above, the proportion of Gaelic speakers within an island community can range from 70-80% in parts of the Outer Hebrides to low double figures in parts of the Inner Hebrides with a great number of island communities inhabiting a position somewhere between.

The main sources of data for Gaelic are consistent between islands. The first of these is the returns of the national census which ensure that Gaelic data is collected in a consistent and comprehensive manner across Scotland. The second is the annual education data collected by Bòrd na Gàidhlig illustrating the extent of Gaelic medium education and Gaelic learner education provision in all Scottish local authorities. This is supplemented by work undertaken by organisations such as Highlands & Islands Enterprise, MG Alba, universities and estate or community trusts in providing a statistical impression of Gaelic's circumstances across a variety of social and economic sectors.

For Scots speakers, the returns for Orkney and Shetland in the 2011 Census showed a range of between 28.02% and 60.94%. As with Gaelic, these figures are derived from the SNS 2011 Datazones and more local perspectives, such as those afforded by postcode areas, will show a greater variation. Returns for Scots speakers are higher in the Shetland Islands than in the Orkney Islands with Shetland as a whole reporting 48.66% Scots speakers and Orkney 40.59%. These figures place them within the same range for density of speakers as mainland areas such as Aberdeenshire, Moray and East Ayrshire or Angus. It should be noted that the difference between branches of Scots, and the distinct identities attached to them, should guard against conflating the circumstances of these communities based on census returns. This was a view which came across in responses to the public consultation.

Are there any existing design features or mitigations in place?

There are a number of mitigations in place to support the Gaelic and Scots languages. These are things which the Scottish Languages Bill seeks to enhance within island communities – further bolstering both the languages and the wider aspects of community life which they in turn sustain.

The primary areas in which the Scottish Government supports Gaelic are in education, broadcasting and our funding and sponsorship of Bòrd na Gàidhlig. The latter in turn is a means by which the Scottish Government indirectly supports Gaelic development in public bodies and communities across Scotland.

Since its establishment in 1985 Gaelic medium education (GME) has grown to become a successful minority sector within the Scottish state school system. Much of GME's early progress came from communities in Na h-Eileanan an Iar, Skye and other islands. Since 2019

GME has been the default for pupils starting school in Comhairle nan Eilean Siar. The Scottish Government works closely with local authorities and other local authorities in their provision of GME and also Gaelic learner education for pupils attending English medium education. The provisions within the Scottish Languages Bill relating to Gaelic medium and Gaelic learner education aim to place their provision on a strategic base across Scotland – addressing the challenges identified within the current system. This will in turn strengthen one of the key aspects of government activity within Gaelic speaking island communities.

Bòrd na Gàidhlig was established following the enactment of the Gaelic Language (Scotland) Act 2005. In the 18 years since it has played a crucial role in advocating for Gaelic across Scotland's public life, giving the Bòrd a prominent voice in the island communities where Gaelic has a significant presence. The Bòrd's main activities involve the guidance and monitoring of institutional Gaelic Language Plans outlining the support public bodies give to Gaelic speakers as well as the wide range of initiatives they fund on behalf of the language. The Bòrd also funds Comunn na Gàidhlig (CnaG) which acts as a community development body in multiple island communities. The Bòrd will retain this role and its ability to pursue it will be enhanced through the creation of a duty for Scottish Ministers to prepare a National Gaelic Language Strategy in place of the current National Gaelic Language Plan.

Other Scottish Government stakeholders such as An Comunn Gàidhealach, Fèisean nan Gàidheal and Stòrlann both contribute to the support of Gaelic as a community language in the islands while also providing employment and training through their activities.

For Scots, the Scottish Government supports a number of bodies which contribute to the vitality and promotion of the language. Organisations which can be mentioned in this regard are the Scots Language Centre, Scots Hoose, Dictionaries of the Scots Language and the Association for Scottish Literary Studies. These groups and the activities they support help sustain Scots in its island communities while also providing opportunities for Scots speakers within them to use the language in different aspects of public life.

Step Three – Consultation

Is there information already gathered through previous engagements?

As stated above, this Bill is the product of consultation with the public and key stakeholders from both Gaelic and Scots communities. The consultation endeavoured to engage island as well as mainland communities through a series of in-person and online events

How will you carry out your consultation and in what timescales? Public meetings/Local Authorities/key Stakeholders

As above the consultation was carried out between August and December 2022. This was further informed by the Report of the Short Life Working Group on Economic and Social Opportunities for Gaelic.

What information has already been gathered through consultations and what concerns have been raised previously by island communities?

Following the public consultation carried out between August and December 2022, independent [analysis](#) was prepared of these responses and published in June 2023. The Short Life Working Group on Economic and Social Opportunities for Gaelic provided an additional, wide-ranging, overview of island community concerns.

Is your consultation robust and meaningful and sufficient to comply with the Section 7 duty?

Yes.

Step Four – Assessment

Does your assessment identify any unique impacts on island communities? (Further detail in the Guidance):

- **Demographic**
- **Economic**
- **Gaelic**
- **Social**

Yes.

Does your assessment identify any potential barriers or wider impacts? Are there mitigations already in place for these impacts raised?

Potential barriers could be a lack of resources.

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

A challenge unique to GME is a shortage of bespoke Gaelic curriculum materials. The successful implementation of a national strategy for GME will require the better resourcing of Gaelic teachers. The Scottish Government supports bodies such as Bòrd na Gàidhlig and Stòrlann in developing Gaelic educational resources and this is work which will continue with the aim of fulfilling the Bill's provisions.

The designation of Areas of Linguistic Significance will require extensive cooperation between the Scottish Government, local authorities and other public bodies active within any areas to be so designated. However, the framework provided by the current Gaelic Language Planning system enables these bodies to work together on behalf of the language and ensures that

there is a strong foundation upon which this new provision can be built. Bòrd na Gàidhlig is currently involved in developing community language plans in places such as North Uist and Staffin, Skye. These will provide some sense of how Gaelic development can be implemented in a comprehensive, local manner.

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

Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes? Are these different effects likely?

The basic structures supporting Gaelic and Scots in island and mainland communities are the same. However, it is recognised that the circumstances of the languages differ between island and mainland communities – all the more so when this difference is also between rural and urban communities. As such, while the same provisions are expected to benefit Gaelic and Scots speakers in all parts of Scotland, the Bill is designed with the understanding that its provisions must be adaptable to local needs.

Are these effects significantly different?

Yes.

Could the effect amount to a disadvantage for an island community compared to the mainland or between island groups.

Yes.

You must now determine whether in your opinion your policy, strategy or service is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities).

If your answer is **no** to the above question, a full ICIA will **not** be required and you can proceed to Step Six.

If the answer is **yes**, an ICIA must be prepared and you should proceed to Step Five.

Yes, the Scottish Languages Bill is likely to have an effect on an island community which is significantly different from its effect on other communities.

Step Five

In Step Five, you should describe the likely significantly different effect of the policy, strategy or service.

Assess the extent to which you consider that the policy, strategy or service can be developed or delivered in such a manner as to improve or mitigate, for island communities, the outcomes resulting from it.

The policy will have a different effect in island communities as a result of speaker numbers and language profile. The Bill has the potential to improve the delivery of key public services in island communities such as Gaelic medium education. Through the designation of Areas of Linguistic Significance Gaelic language planning, community development and the delivery of public services can be better integrated. A more efficiently structured Bòrd na Gàidhlig can contribute to the overall efficacy of public bodies in island communities.

It is recognised that Gaelic has a distinct profile within island communities in Comhairle nan Eilean Siar, Highland Council and Argyll & Bute. The Bill builds on an existing and well established system of support for Gaelic – one which combines a national remit with an awareness of local circumstances.

The public consultation – as well as other sources such as the Report of the Short Life Working Group on Economic and Social Opportunities for Gaelic and general public debate – presented strong views on the need for national Gaelic policies which were more adaptable to the specific circumstances of local communities. A strong current of opinion in this regard was the need for Gaelic development to be better integrated with efforts to tackle other social and economic issues affecting Gaelic communities. For island communities the most prominent among these issues were employment, housing and transport. The provisions for Areas of Linguistic Significance were designed in response to this.

Consider alternative delivery mechanisms and whether further consultation is required.

A number of alternative delivery mechanisms were proposed in the consultation.

Step Seven – Publishing your ICIA:

Have you presented your ICIA in an Easy Read format?

No.

Does it need to be presented in Gaelic or any other language?

Yes.

Where will you publish your ICIA and will relevant stakeholders be able to easily access it?

The final ICIA will be signed off by the Cabinet Secretary for Education & Skills as the Scottish Minister with lead responsibility for the Scottish Languages Bill.

Who will sign-off your final ICIA and why?

The final ICIA will be signed off by the Cabinet Secretary for Education & Skills as the Minister with responsibility for Gaelic and Scots.

Screening ICIA completed by: Niall Bartlett

Position: Policy Officer, Gaelic & Scots Division

Signature and date: Niall Bartlett, 8 December 2023

ICIA authorised by: Clare Hicks

Position: Director for Education Reform

Signature and date: 8 December 2023



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