

Scottish Languages Bill

Children's Rights and Wellbeing Impact Assessment (CRWIA)

Disclaimer

This document is an **initial assessment** of the impact of **Scottish Languages Bill** and Scottish Government will continue to review and update this document where required during the parliamentary process. Any future iterations will reflect an increased understanding of these impacts as the amount of data and research available continues to grow.

This impact assessment should be read in conjunction with the Equality Impact Assessment and the Fairer Scotland Duty Assessment.

1. Brief Summary

Name the relevant proposal and describe its overall aims.

The policy objective of the Scottish Languages Bill is to provide further support for Scotland's historical indigenous languages, Gaelic and Scots. Its provisions take their lead from Scottish Government manifesto commitments and make statements about the status of Gaelic and Scots. Although the provisions of this Bill take their lead from Scottish Government commitments, the Bill also seeks to respond to the clearly expressed wish in the Gaelic and Scots communities for further support to be put in place for the languages. This has been demonstrated in formal consultation responses but also in regular engagement with Gaelic and Scots representatives and others with specific interest.

The measures within the Bill build on policy priorities that are currently in place for Gaelic and Scots. They aim to achieve more effective progress for the two languages across Scotland's public life. These measures are as follows:

- The Bill makes a statement on the status of Gaelic within Scotland. It will also include a duty on Scottish Ministers to prepare a Gaelic language strategy. This will be accompanied by a power to prepare standards for public authority activity, including Gaelic education. As at present, there will be a requirement on Scottish public authorities to produce Gaelic language plans. In future these plans will take their lead from the strategy and standards rather than the National Gaelic Language Plan currently produced by Bòrd na Gàidhlig. The Bill will introduce the possibility of areas of linguistic significance to be established to allow for proportionate delivery within different parts of Scotland. 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 contains a range of measures relating to Gaelic education. Namely, these place a duty on Scottish Ministers and education authorities to consider Gaelic education – both Gaelic Medium and Gaelic Learner – in their general educational provision. Educational authorities must produce delivery plans outlining how Gaelic education at all levels is to be supported within their areas. Provision is also made to ensure that Gaelic Medium Early Learning and Childcare (GMELC) is assessed for as part of education authorities general consideration of their ELC needs.
- The Bill will include a duty on Scottish Ministers to prepare a language strategy for Scots as well as a power for Scottish Ministers to make regulations in relation to Scots in education. This is the first time that Scots has featured in legislation and the Bill provisions will include a statement about the status of the Scots language. This is a long-standing wish of the Scots speaking community. Statements on the status of Scots have frequently been made in non-legal documents and in ministerial statements but not in legislation. Scots has been recognised in the European Charter for Regional and Minority Languages and in proceedings of the British Irish Council.
- In addition to this, the Bill will include other important provisions to promote the use and recognition of Scots in public and community life.

The provisions of this Bill will demonstrate continuity with the measures that are already in place. The aim is to make the new package of measures more effective for the progress that is needed for Gaelic and Scots. Where the Bill makes statements on official status for Gaelic, it is building on current statements regarding status in the Gaelic Language (Scotland) Act 2005.

In the preparation of their Gaelic language plans, Scottish public authorities will now be required to have regard to the Gaelic language strategy and Gaelic language standards prepared by Scottish Ministers. These replace the guidance currently produced by Bòrd na Gàidhlig. Bòrd na Gàidhlig will report to the Scottish Parliament and to the Scottish Ministers on Gaelic language plan compliance 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.

Start date of relevant proposal: The Scottish Languages Bill dates back to manifesto commitments upon which the current Scottish Government was elected in May 2021. Following a public consultation in the latter half of 2022, the drafting of the Bill's provisions commenced at the beginning of 2023. Therefore it has been clear since 2021 that legislation would be required. It was also clear that a CRWIA would be needed to support this legislation and its consequent policies.

Start date of CRWIA process: As above, the CRWIA implications have been considered since May 2021 concurrent with the development of the legislation.

2. Which aspects of the relevant proposal currently affects or will affect children and young people up to the age of 18?

The Bill has a pronounced focus on educational and community development matters. As such each of its provisions has the potential to affect children and young people.

The Bill makes statements regarding the official status of Gaelic and Scots. These will positively impact Gaelic and Scots speakers of all ages, reaffirming the standing of the two languages within Scotland and the recognition of their speaker communities.

Part 1 Chapter 1 of the Bill focuses on the general support of Gaelic across Scotland's public life. In place of the current system where Bòrd na Gàidhlig produces a National Gaelic Language Plan outlining the development of the language, Scottish Ministers will produce a Gaelic Language Strategy. This strategy may be accompanied by standards and regulations detailing the extent to which different public bodies are expected to provide for Gaelic in pursuit of the Strategy's aims. Such a strategy will relate to all aspects of Scottish public life. This is demonstrated by the current system of Gaelic Language Plans, with around 60 individual plans being implemented by public bodies covering the breadth of the public sector.

The establishment of areas of linguistic significance within local authorities will allow for Gaelic development to be better integrated with local community development. Among the aims of this measure is to enable the better integration of community based activities with Gaelic education.

Bòrd na Gàidhlig will retain its role as a monitoring body in the implementation by public bodies of the new Gaelic Language Strategy. It will also focus on the delivery of the Strategy at community level. This will allow the Bòrd to continue imparting the considerable experience it has of educational matters for the benefit of young Gaelic speakers.

The Bill's measures on behalf of Gaelic education will increase the access which children and young people have to this service. Since its establishment in 1985 Gaelic Medium Education has grown to become a successful minority sector within the wider Scottish state school system. Gaelic Learner Education has also made similar progress. However, gaps and challenges in provision remain. In this regard the Bill's aim is to ensure that children and young people who wish to pursue their school careers through Gaelic, or have the chance to learn Gaelic while part of English Medium Education, are given the fullest opportunity to do so.

The Bill contains provisions for a Scots Language Strategy, standards and regulations similar to those outlined for Gaelic. The implementation of these will similarly benefit young Scots speakers and their communities. It will also improve access to learning opportunities within the two languages – as well as the wider cultural and artistic world they foster – for all those who speak or otherwise have an interest in them.

The Bill makes a range of provisions which have implications for Gaelic and Scots speakers. Therefore, there is a range of proposals that will affect children and young people where they are part of those speaker groups. For example statements as to the 'official status' of Gaelic and Scots within Scotland will impact positively on speakers of all ages. Part 1 Chapter 2 and Part 2 Chapter 2 of the Bill deal respectively with education for Gaelic and Scots. There are duties on Scottish Ministers and education authorities to promote and support Gaelic and Scots language education as well as powers to set standards and give guidance. This range of measures will enhance the status of the two languages and their speaker communities.

The benefits of this, and their relation to child rights and wellbeing, will be further explored in stage 2 of the CRWIA.

3. Which groups of children and young people are currently or will be affected by the relevant proposal?

Children and young people who:

- are Gaelic and/or Scots speakers
- are Gaelic and/or Scots learners or wish to learn either language
- attend Gaelic medium settings for pre-school, early learning and childcare, primary and secondary school

Declaration

4. Is a Stage 2 Children's Rights and Wellbeing Impact Assessment required?

A CRWIA is required.

5. Sign & Date

Policy Lead Signature & Date of Sign Off: Claire Cullen, 2 February 2024

Deputy Director Signature & Date of Sign Off: Clare Hicks, 3 February 2024

Date SGLD contacted: December 2023



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