

<p>Co-chomhairle air Bile Seirbheis Cùraim Nàiseanta (Alba)</p> <p>Freagairt Bhòrd na Gàidhlig</p> <p>30 Lùnastal 2022</p>	<p>National Care Service (Scotland) Bill Consultation</p> <p>Bòrd na Gàidhlig Response</p> <p>30 August 2022</p>
<p>Is e Bòrd na Gàidhlig a’ phrìomh bhuidheann phoblach ann an Alba a tha an urra ri a bhith a’ cur air adhart leasachadh na Gàidhlig agus a bhith a’ toirt comhairle do Mhinistearan na h-Alba air cùisean Gàidhlig a’ gabhail a-steach foghlam.</p> <p>Bu chòir mar a tha Riaghaltas na h-Alba a’ dealbhadh Seirbheis Cùraim Nàiseanta a bhith a’ nochdadh nam poileasaidhean is gealltanasan aca a thaobh na Gàidhlig. Tha Riaghaltas na h-Alba ag aithneachadh gu bheil a’ Ghàidhlig na pàirt bhunaiteach de dhualchas, fèin-aithne nàiseanta agus beatha chultarach na h-Alba. Tha e “fhathast dealasach a thaobh a bhith a’ toirt taic dhan Ghàidhlig agus ag amas air dèanamh cinnteach gu bheil an fheadhainn a tha airson Gàidhlig a chleachdadh nam beatha làitheil a’ faighinn cothrom sin a dhèanamh”. Tha seo a’ gabhail a-steach dealas airson “dèanamh cinnteach gu bheil luchd-labhairt na Gàidhlig ann an coimhearsnachdan eileanach air am brosnachadh agus a’ faighinn taic gus an riochdachadh fhèin tro mheadhan na Gàidhlig”.</p> <p>’S e prìomh amas Plana Nàiseanta na Gàidhlig 2018-2023 gum bi a’ Ghàidhlig ga cleachdadh nas trice, le barrachd dhaoine agus ann an raon nas fharsainge de shuidheachaidhean. Tha e an uair sin ag ràdh “gun toir cùisean eile buaidh air an amas seo”. Tha iad sin a’ gabhail a-steach cùisean eaconamach agus bun-structarail. Tha am Plana cuideachd ag ràdh gum feumar dèanamh cinnteach gu bheil a’ bhuidheann a th’ aca air a’ Ghàidhlig air aithneachadh agus gu bheil a’ dèiligeadh riutha.</p> <p>Bu chòir aithris shònraichte a bhith anns an lagh a thathar a’ moladh gun toir an t-Seirbheis Cùraim Nàiseanta seirbheis do</p>	<p>Bòrd na Gàidhlig is the principal public body in Scotland responsible for promoting Gaelic development and providing advice to the Scottish Ministers on Gaelic issues.</p> <p>Scottish Government’s design of a National Care Service should reflect its existing policies and commitments regarding the Gaelic language. Scottish Government “recognises that Gaelic is an integral part of Scotland’s heritage, national identity and current cultural life”³. It “remains committed to supporting the Gaelic language and aims to ensure that the those who wish to live their lives through the language are afforded the opportunities to do so”⁴. That includes a commitment to “ensure that Gaelic speakers in island communities are encouraged and supported to represent themselves through the medium of Gaelic”⁵.</p> <p>The National Gaelic Language Plan 2018-2023 has the overall aim that Gaelic “is used more often, by more people and in a wider range of situations”. It goes on to state that “other issues impact on this aim”. These include economic and infrastructural issues. The National Gaelic Language Plan notes the need to “ensure their impact on Gaelic is recognised and addressed”⁶.</p> <p>The proposed law should include a specific statement that the National Care Service will</p>

³ <https://www.gov.scot/publications/consultation-scottish-governments-draft-gaelic-language-plan-2021-2026/>

⁴ <https://www.gov.scot/publications/consultation-scottish-governments-draft-gaelic-language-plan-2021-2026/>

⁵ <https://www.gov.scot/publications/national-plan-scotlands-islands/documents/>

⁶ <https://www.gaidhlig.scot/wp-content/uploads/2018/03/BnG-NGLP-18-23-1.pdf>

luchd-labhairt na Gàidhlig aig aois sam bith tro luchd-obrach iomchaidh, faicsinneachd agus cleachdadh a' chànan ann an àiteachan a tha iomchaidh agus a tha ruigsinneach do theaghlaichean. Tha seo gu sònraichte cudromach leis gum faod còmhradh sa chiad chànan aig daoine (i.e. Gàidhlig) cur gu mòr ri sunnd aig amannan tinneis no iomagain.

Tha am Bile a' toirt cumhachd do Mhinistearan na h-Alba uallach airson cùram sòisealta a ghluasad bho ùghdarrasan ionadail gu seirbheis nàiseanta ùr. Bheir e comas do Mhinistearan na h-Alba cuideachd gnìomhan cùram slàinte a ghluasad bhon NHS agus bùird-slàinte gu Seirbheis Cùraim Nàiseanta.

Tha Planaichean Gàidhlig aig cha mhòr a h-uile ùghdarras ionadail ann an Alba, cho math ri NHS nan Eilean Siar agus NHS na Gàidhealtachd¹. Tha planaichean Gàidhlig a toirt cothrom dhan phoball Gàidhlig a chleachdadh nan gnìomhachd làitheil leis a' bhuidhinn agus a' toirt cothrom do luchd-obrach na buidhne Gàidhlig a chleachdadh san àite-obrach mar phàirt de na dreuchdan àbhaisteach aca. Bidh planaichean Gàidhlig a' cuideachadh gus dèanamh cinnteach gun seas a' Ghàidhlig agus gus cur ri iomadachd cànanach na h-Alba.

Tha sinn a' moladh gu làidir gun tèid dleasan a thaobh na Gàidhlig co-cheangailte ri gnìomhan cùram sòisealta agus gnìomhan cùram slàinte a tha ann am Planaichean Gàidhlig ùghdarrasan ionadail/NHS a ghluasad dhan t-Seirbheis Cùraim Nàiseanta.

Chan eil Measadh Buaidh Coimhearsnachd nan Eilean (ICIA) airson a' Bhile a' coimhead air a bhuidhinn air a' Ghàidhlig. Is e fìor dhearmad a tha seo – gu h-àraidh air sgàth cho follaiseach sa tha a' Ghàidhlig ann am Plana Nàiseanta nan Eilean aig Riaghaltas na h-Alba.

Tha seo ag ràdh "Thaobh a-staigh a' Phlana, tha Riaghaltas na h-Alba ag aithneachadh cho cudromach 's a tha a' Ghàidhlig do dh'iomadh coimhearsnachd eileanach, agus cho cudromach 's a tha na coimhearsnachdan eileanach far a bheil Gàidhlig air a buidhinn do sheasmhachd na Gàidhlig ann an Alba. Tha am Plana a' gabhail a-steach gealltanasan a bheir taic do dhaoine fa leth, coimhearsnachdan agus buidhnean ann an

provide a service for Gaelic speakers of any age through appropriate staffing, visibility and use of the language in locations which are appropriate and accessible to families. This is particularly important given that conversing in one's first language (i.e. Gaelic) can be a great contributor to wellbeing at times of illness or distress.

The Bill allows Scottish Ministers to transfer social care responsibility from local authorities to a new, national service. It will also enable Scottish Ministers to transfer healthcare functions from the NHS and health boards to the National Care Service.

Almost all Scottish local authorities, and NHS Western Isles and NHS Highland, have Gaelic Language Plans⁷. These statutory plans enable members of the public who may wish to use Gaelic in conducting their daily business with the organisation and enables the organisation's employees to use Gaelic in the workplace as part of their normal duties. Gaelic Language Plans help ensure that the language continues to be used and that the linguistic diversity of the whole of Scotland is enriched.

We strongly advocate that obligations regarding Gaelic in relation to social care activities and healthcare functions contained in local authority/NHS Gaelic Language Plans are transferred to the National Care Service.

The Islands Community Impact Assessment (ICIA) for the Bill does not cover its impact on the Gaelic language. This is a serious omission - not least because of the prominence given to Gaelic within Scottish Government's National Islands Plan.

This states that "Within the Plan, the Scottish Government recognises the importance of the Gaelic language to many island communities, and the importance of the Gaelic speaking island communities to the survival and sustainability of Gaelic in Scotland. The Plan includes commitments throughout to supporting individuals, communities

¹ <https://www.gaidhlig.scot/gd/planaichean-gaidhlig/planaichean-aontaichte/>

⁷ <https://www.gaidhlig.scot/en/gaelic-language-plans/approved-plans/>



<p>coimhearsnachdan Gàidhlig eileanach le bhith a’ cleachdadh na Gàidhlig”.</p> <p>Tha am Plana a’ gabhail a-steach an amais ro-innleachdail “slàinte, cùram sòisealta agus sunnd a leasachadh agus a bhrosnachadh”. Is e fear de na gnìomhan co-cheangailte ris a bhith “dèanamh cinnteach gu bheil seirbheisean slàinte, cùram sòisealta agus sunnd rim faighinn tro mheadhan na Gàidhlig gus taic a thoirt do choimhearsnachdan eileanach Gàidhlig”.</p> <p>Mar thoradh air seo tha e reusanta a bhith an dùil gum biodh an ICIA air feart a thoirt air buaidh a’ Bhile air a’ Ghàidhlig. Tha sinn a’ tagradh gu làidir gum bu chòir coimhead air a’ bhuidh air a’ Ghàidhlig ann am pìos obrach a bharrachd a rachadh a chur ris an ICIA a rinneadh roimhe.</p> <p>Dh’fhoillsich Riaghaltas na h-Alba stiùireadh ICIA ùraichte san Iuchar 2022². Is e sin, mìos às dèidh dhan ICIA airson a’ Bhile a bhith air a chrìochnachadh.</p> <p>Tha earrann an stiùiridh air Measadh ag ràdh:</p> <p>“Tha ìomhaigh na Gàidhlig cudromach do mhòran choimhearsnachdan eileanach. Tha comas aig ùghdarrasan poblach a tha ag obair ann an coimhearsnachdan eileanach gus cur gu mòr ris a’ Ghàidhlig ann an roinnean leithid cosnadh, taigheadas, foghlam, ealainean, gnothaichean coimhearsnachd is eile”.</p> <p>Tha e cuideachd a’ cur dleastanas air a’ bhuidhinn a tha a’ dèanamh an ICIA na rudan a leanas a chur a-steach:</p> <p>“A thaobh nam poileasaidhean, ro-innleachdan agus seirbheisean agaibh am b’ urrainn dhuibh a dhèanamh soilleir san ICIA agaibh dè a’ bhuidhinn a bhios ann air a’ Ghàidhlig ann an coimhearsnachdan eileanach, ma tha gin ann, an taca ri sgìrean eile (a’ gabhail a-steach coimhearsnachdan eileanach eile) agus dè an taic a tha sibh a’ toirt seachad an-dràsta (ma tha sibh a’ toirt seachad taic sam bith)?”</p> <p>agus</p> <p>“Ma sheallas ICIA gu bheil (no gu bheil coltas ann gum bi) poileasaidhean, ro-innleachdan agus seirbheisean a’ toirt buaidh air a’ Ghàidhlig, a dh’fhaodadh buaidh a thoirt air coimhearsnachdan eileanach ann an dòigh gu math eadar-</p>	<p>and organisations in Gaelic speaking island communities in their use of Gaelic”.</p> <p>The Plan includes the strategic objective “improve and promote health, social care and wellbeing”. One of the related actions is to “ensure that health, social care and wellbeing services are available through the medium of Gaelic to support Gaelic speaking island communities”.</p> <p>On this basis alone it is reasonable to expect the ICIA to have included the Bill’s impacts on the Gaelic language. We strongly advocate that the impacts on Gaelic are covered in an add-on piece of work to the ICIA that has been undertaken.</p> <p>Scottish Government published refreshed ICIA guidance in July 2022⁸. That is, one month after the ICIA for the Bill was completed.</p> <p>The guidance’s section on Assessment states that:</p> <p>“The profile of Gaelic is important to many island communities. Public authorities operating in island communities have the potential to make an important contribution to Gaelic in sectors such as employment, housing, education, arts, community matters and more”.</p> <p>It also requires the body undertaking the ICIA to include the following:</p> <p>“With reference to your policies, strategies and services could you make clear in your ICIA what the impact is on the Gaelic language in island communities, if any, compared to other areas (including other island communities) and what (if any) support you are currently providing?”</p> <p>and</p> <p>“If an ICIA indicates that policies, strategies and services are having (or are likely to have) an impact on the Gaelic language, which could result in island communities being impacted in a significantly</p>
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² <https://www.gov.scot/publications/island-communities-impact-assessments-guidance-toolkit-2/documents/>

⁸ <https://www.gov.scot/publications/island-communities-impact-assessments-guidance-toolkit-2/documents/>



dhealaichte ri sgìrean eile (a' gabhail a-steach coimhearsnachdan eileanach eile) dè na ceumannan a ghabhas an t-ùghdarras agaibh, a rèir Plana Nàiseanta nan Eilean, gus a' bhuidh aca air a' Ghàidhlig a lasachadh no a leasachadh?"

Mar sin, tha riathanas ann a' bhuidh air a' Ghàidhlig a thoirt a-steach dhan ICIA. **Bu chòir an stiùireadh ùr a chur an sàs ann a bhith a' dèanamh pìos obrach ùr a bharrachd mu bhuidh a' Bhile air a' Ghàidhlig. Bu chòir a chleachdadh cuideachd ann am Measaidhean Buaidh Coimhearsnachd Eileanach sam bith a nithear ann am fo-reachdas a thèid a chruthachadh tro na cumhachdan a thèid a thoirt a-steach sa Bhile.**

different way from other areas (including other island communities), what steps are being taken by your authority, in line with the National Islands Plan, to mitigate or improve their impact on the Gaelic language?"

Thus, there is a requirement to include the impacts on Gaelic within an ICIA. **The new guidance should be applied in undertaking the add-on piece of work to cover the Bill's impacts on Gaelic. It should also be used in any ICIA's undertaken as secondary legislation is developed on the basis of powers to be introduced in the Bill.**

