**BÒRD NA GÀIDHLIG**

**GUIDANCE ON THE DEVELOPMENT OF GAELIC LANGUAGE PLANS**

**Draft: 31 July 2023**

1. **Introduction**

This section provides an introduction to the purpose of this guidance, the rationale behind Gaelic language plans, and key principles which should be reflected in Gaelic language plans.

* 1. **The Gaelic Language (Scotland) Act 2005**

1.1.1. The Gaelic Language (Scotland) Act 2005 (the ‘Gaelic Act’) was passed by the Scottish Parliament on 21 April 2005, received Royal Assent on 2 June 2005, and came into force on 13 February 2006. The introductory text to the Gaelic Act sets out its purposes, as follows:

An Act of the Scottish Parliament to establish a body having functions exercisable with a view to securing the status of the Gaelic language as an official language of Scotland commanding equal respect to the English language, including the functions of preparing a national Gaelic language plan, of requiring certain public authorities to prepare and publish Gaelic language plans in connection with the exercise of their functions and to maintain and implement such plans, and of issuing guidance in relation to Gaelic education.[[1]](#footnote-1)

1.1.2. The Gaelic Act has three main and inter-related elements. First, it establishes a statutory body, Bòrd na Gàidhlig (the ‘Bòrd’) to, among other things, promote and facilitate the use and understanding of the Gaelic language, and Gaelic education and Gaelic culture. The Bòrd is required to do this with a view to securing the status of the Gaelic language as an official language of Scotland commanding equal respect to English through increasing the number of persons who can use and understand Gaelic, encouraging the use and understanding of Gaelic, and facilitating access to the Gaelic language and Gaelic culture.[[2]](#footnote-2)

1.1.3. Second, it requires the Bòrd to prepare, every five years, a national Gaelic language plan which must include a strategy for promoting and facilitating the promotion of the use and understanding of Gaelic, and Gaelic education and Gaelic culture.[[3]](#footnote-3)

1.1.4. Third, it gives the Bòrd the authority to issue a statutory notice to any Scottish public authority, any cross-border public authority (in relation to functions exercisable in Scotland or as regards Scotland which do not relate to reserved matters), or the Scottish Parliamentary Corporate Body, requiring the authority to prepare a Gaelic language plan.[[4]](#footnote-4)

1.1.5. The Bòrd also has a role in the approval of Gaelic language plans prepared by public bodies (outlined further, below, in section 2, ‘The Gaelic Language Plan Process’).[[5]](#footnote-5) In preparing a Gaelic language plan, a public authority is required to have regard to a variety of things (outlined further, below, in section 3, ‘Preparing Gaelic Language Plans’), one of which is any guidance given by the Bòrd.[[6]](#footnote-6) This document constitutes that guidance.[[7]](#footnote-7)

* 1. **Gaelic Language Plans: Purpose and Function**

1.2.1. It is now generally recognised that the exclusion of minority languages such as Gaelic from the public sphere has had a negative impact on their vitality, and that the expanded use of minority languages in the conduct of public business can play an important part in revitalising them. As is noted in the explanatory report to the European Charter for Regional or Minority Languages, a Council of Europe treaty under which Gaelic is protected, only through states offering active support, including through the education system and in permitting their use in administrative and other settings, can languages such as Gaelic be compensated for unfavourable conditions in the past and preserved and developed.[[8]](#footnote-8)

1.2.2. Prior to the passage of the Gaelic Act, virtually all public business in Scotland, including the provision of administrative and other services to the public, was conducted exclusively through the medium of English. Empowering the Bòrd to require public authorities to prepare Gaelic language plans is intended to address this. Thus, the Gaelic Act provides that the Gaelic language plan of a public authority must set out the measures it will take in relation to the use of Gaelic in connection with the exercise of its functions.[[9]](#footnote-9)

1.2.3. Where a public authority provides services to the public, Gaelic language plans can give members of the public who wish to use Gaelic in conducting their business with the public authority the opportunity to do so. Gaelic language plans can also provide employees of public authorities with the opportunity to use Gaelic in carrying out their duties. In this way, Gaelic language plans contribute directly to the Bòrd’s overriding objective of promoting and facilitating the use of Gaelic. Plans also have the potential to increase the perceived utility and status of Gaelic, which also encourages the greater use of Gaelic but also the greater acquisition of Gaelic, another overarching goal of the Gaelic Act. Through commitments such as the use of Gaelic in public signage and on webpages, for example, Gaelic language plans promote the greater visibility of the language. The delivery of Gaelic language plans will encourage and may require the designation of certain jobs as being ones in which competence in Gaelic is an essential or desirable requirement, thereby enhancing the perception of the practical utility of the language.

* 1. **Gaelic Language Plans: Key Principles**

1.3.1. The Gaelic Act gives expression to a number of key principles which inform the creation of Gaelic language plans.

**An Official Language of Scotland**

1.3.2. The Gaelic Act aims to secure the status of Gaelic as an official language of Scotland, and requires the Bòrd to carry out its functions, one of which is to require public authorities to prepare Gaelic plans and then to approve them, with a view to doing so. A hallmark of official status is the ability of members of the public to use the language for official purposes, such as in the accessing of public services and, where they work in the public sector, to use it in the workplace.

**Equal Respect**

1.3.3. The Gaelic Act also requires the Bòrd to carry out its functions with a view to securing the status of Gaelic as an official language of Scotland *commanding equal respect to English*. In considering whether to approve a Gaelic language plan, the Bòrd must therefore consider whether such a plan demonstrates the principle of equal respect.

1.3.4. Equal respect does not require that Gaelic and English be treated in precisely the same way by every public authority in Scotland. As is noted below, the content of a public authority’s commitments regarding Gaelic will also be expected to be reasonable and proportionate, in recognition of the need for flexibility given differences in the level of Gaelic use across the country.

1.3.5. The principle of equal respect does require that public authorities should strive in their commitments to be as supportive of the greater use of Gaelic as possible, to identify proactively ways in which they can support and encourage the greater use of Gaelic, and to ensure that the commitments of the Gaelic language plan are implemented fully and effectively.

1.3.6. Equal respect is demonstrated in the following ways:

* Where a public authority commits to make available a service through the medium of Gaelic, that service should be provided on the same basis as the equivalent English-medium service. This means that it should be of the same quality and provided with the same timeliness as the equivalent English-medium service. The Bòrd will expect that every Gaelic language plan will give expression to this principle.
* The public authority is expected to adopt and make effective the principle of ***‘active offer’***. This requires that where Gaelic-medium services are made available or where the use of Gaelic is otherwise possible, the public and the employees of the public authority should be made aware proactively of this and are actively encouraged to make use of the opportunities to use Gaelic that the plan has created. The Bòrd will expect that every Gaelic language plan will give expression to the principle of active offer.
* More generally, the public authority is expected to publicise proactively and promote both its Gaelic language plan and the ways the plan provides opportunities to use Gaelic in accessing services and, for employees of the authority, in the conduct of their work and in terms of any training in Gaelic that the plan commits to making available. The Bòrd will expect that every Gaelic language plan will contain a description of the ways the public authority will publicise and promote awareness of its Gaelic language plan and of the opportunities it creates in relation to the use of Gaelic.

**Reasonable and Proportionate**

1.3.7. Both the Bòrd, in deciding whether to require a public authority to prepare a Gaelic language plan,[[10]](#footnote-10) and the public authority, in preparing its Gaelic language plan,[[11]](#footnote-11) must consider the extent to which the Gaelic language is used by persons in relation to whom the functions of the authority are exercisable. Where, for example, the public authority is an education authority, functions include the provision of pre-school, primary and secondary education, and persons in relation to whom the functions of the authority are exercisable would include parents, students, teachers, and other staff employed by schools and at the education authority. The Bòrd and the public authority must also consider the potential for developing the use of the Gaelic language in connection with the exercise of the public authority’s functions.[[12]](#footnote-12) Thus, the Gaelic Act recognises that Gaelic language plans will differ depending on the functions of different public authorities, and numbers of users of Gaelic that may be served by different public authorities, and the potential for developing greater use of Gaelic.

1.3.8. In general, it is expected that, the greater the presence of Gaelic in the population served by a public authority, the greater will be the commitments of the public authority in relation to the use by it of Gaelic.[[13]](#footnote-13) Also, by virtue of the nature of their functions, some public authorities will interact with the public to a greater degree than others. Where public authorities interact with the public to a significant degree, commitments with regard to the provision of services to the public will be of particular importance.

1.3.9. As a result, with regard to the content of Gaelic language plans, the following principles apply:

1. Where users of Gaelic comprise greater than 20 percent of the population of the area served by a public authority, it is expected that the public authority will work towards the provision of a fully bilingual service over all its services to the public and will ensure that any employee who wishes to use Gaelic in the execution of their duties will be able to do so. It is expected that the public authority will ensure that this commitment will be achieved within a reasonable time, but in any case, by its third Gaelic language plan following the introduction of this guidance.
2. Where the area served by a public authority includes a civil parish or parishes in which users of Gaelic comprise greater than 20 percent of the population, it is expected that the public authority will work towards the provision of a fully bilingual service at any office or service point based in such a civil parish or parishes, or in towns adjacent to or in reasonably close proximity to such a civil parish or parishes and which have a significant role in providing public services, recreational, social and commercial facilities to people resident in such a civil parish or parishes. Should the head office of the public body not be based in any such areas, it should create the possibility for members of the public who wish to use Gaelic in interacting with the head office to do so. It is expected that the public authority will ensure that these commitments will be achieved within a reasonable time, but in any case, by its third Gaelic language plan following the introduction of this guidance.
3. Public authorities with a national remit should ensure that a reasonable range of services of relevance to users of Gaelic are available through the medium of Gaelic. Front line services to the public, as well as signage and displays intended for the general public, are of particular importance.
4. It is expected that all public authorities will be positive and proactive in identifying ways to enable Gaelic users to interact with them through the medium of Gaelic to the maximum extent possible. It is also expected that all public authorities will have a bilingual corporate logo, and that external signage at principal public authority buildings such as head offices will be bilingual.

1.3.10. While the Gaelic language plan will reflect the unique situation of each public authority, it is desirable that public authorities which serve the same or similar public should over time include similar specific commitments in their Gaelic language plans. Lack of consistency between Gaelic language plans of public authorities serving the same or similar public can lead to confusion as to what sorts of Gaelic medium services the public can expect, and such confusion can have a negative impact on the use by the public of such Gaelic medium services as may exist. Consistency is particularly important in relation to public authorities in respect of which principles 1 and 2, just outlined, apply.

1.3.11. The Bòrd therefore encourages public authorities to co-operate with each other in the preparation of Gaelic language plans. In addition to sharing best practices, such co-operation can identify areas, for example Gaelic language training, translation, and interpretation, and so forth, might be shared, resulting in economies in the implementation of Gaelic language plans. Co-operation may also enhance the ability of each public authority to advance the National Gaelic Language Plan. The Bòrd will assist in facilitating the development of co-operation between public authorities.

**Education**

1.3.12. Under the Gaelic Act, one of the general functions of the Bòrd is to promote and to facilitate the promotion of Gaelic education,[[14]](#footnote-14) which includes not only Gaelic-medium education (GME) but the teaching of Gaelic as a language. The Bòrd is required to exercise this and its other functions with a view to increasing the number of persons who are able to use and understand the Gaelic language and encouraging the use and understanding of the Gaelic language.[[15]](#footnote-15)

1.3.13. Delivery of school education is the responsibility of education authorities, and where a public authority is an education authority, the Bòrd will generally expect the Gaelic language plan of such a public authority will include commitments in relation to Gaelic education. Where such an authority provides GME, such commitments could include the further extension of GME; where it does not, such commitments could include the provision of GME. Such public authorities could also include commitments to make Gaelic available as a subject at one or more schools, or where it is already available as a subject, to expand availability.

1.3.14. All Public authorities can support the Bòrd’s efforts to increase the number of persons who are able to use and understand the Gaelic language by making commitments in their Gaelic language plans to support staff who wish to learn or improve their Gaelic language skills, for example through financial support for staff wishing to take Gaelic language course, providing flexible hours for staff wishing to take such a course, providing classes at the workplace, and supporting the creation of Gaelic conversation groups in the workplace.

1.3.15. Universities and colleges can support the Bòrd’s efforts in this area by making commitments in their Gaelic language plans. Such commitments could, for example, include the development or extension of courses in the Gaelic language.

**Policy functions**

1.3.16. It is now widely recognised that policy decisions and policy initiatives that do not directly relate to a minority language can nonetheless have a significant impact on that language. Examples of policy areas in which such an impact often occurs include economic development, land use planning, agriculture and fisheries, health care, housing, transport, and social care. Gaelic language plans should therefore generally include a commitment that, in formulating policies and in taking policy decisions, a public authority will assess the potential impact of policies on the acquisition and use of Gaelic.

1.3.17. Where such an assessment reveals that a policy may have a negative impact, the public authority should include a commitment to consider how it may reformulate the policy so as to eliminate or reduce any negative impact. Where the assessment reveals that a policy may have a neutral or a positive impact, the public authority should include a commitment to consider how it may reformulate the policy so as to create or enhance any positive impact.

1.3.18. Such commitments are particularly important in relation to public authorities which serve areas in which Gaelic users constitute at least 20 percent of the population, or which serve areas in which there are civil parishes in which Gaelic users constitute at least 20 percent of the population.

**National Gaelic Language Plan**

1.3.19. Both the Bòrd, in deciding whether to require a public authority to prepare a Gaelic language plan,[[16]](#footnote-16) and the public authority, in preparing its Gaelic language plan,[[17]](#footnote-17) must consider the most recent National Gaelic Language Plan prepared by the Bòrd.

1.3.20. The Bòrd expects that all public authorities will include in their Gaelic language plans commitments in relation to the ways in which they can contribute to the delivery of the current National Gaelic Language Plan. The current National Gaelic Language Plan can be found here: [BnG-NGLP-18-23-1.pdf (gaidhlig.scot)](https://www.gaidhlig.scot/wp-content/uploads/2018/03/BnG-NGLP-18-23-1.pdf) [link to the Gaelic version in the Gaelic version of the guidance]

**Revising Gaelic language plans**

1.3.21. The Gaelic Act requires that every public authority which has a Gaelic language plan that has been approved by the Bòrd must, within five years of that approval, review the plan, make such amendments (if any) that the public authority considers necessary or expedient, and submit the revised plan to the Bòrd.[[18]](#footnote-18) Thus, Gaelic language plans are expected to be dynamic documents, and the Bòrd expects that the commitments made by public authorities will be strengthened over time.

1.3.22. Such an approach to the regular preparation every five years of a revised Gaelic language plan is consistent with the general function of the Bòrd under the Gaelic Act to promote and facilitate the promotion of the use and understanding of Gaelic. This function is to be exercised by the Bòrd with a view to increasing the number of persons who can use and understand the Gaelic language and to encouraging its use and understanding. This approach is also consistent with the obligation under the Gaelic Act that public authorities must, in preparing their Gaelic language plans, have regard to the potential for developing the use of Gaelic in connection with the exercise of their functions.

**Employment**

1.3.23. The delivery of many commitments in a Gaelic language plan, and particularly those commitments in relation to the provision of services to the public through the medium of Gaelic, will require that public authorities have staff with sufficient Gaelic language skills in relevant positions. Such positions will normally be expected to be ones in which Gaelic is designated as an essential skill. There may be other positions in which the ability to use Gaelic is not essential but is a desirable skill for the holder of the position to have, and such positions are also expected to be designated accordingly.

1.3.24. As noted in the sub-section 2.3 below, ‘Preparing a Gaelic language plan’, it is recommended that, in the preparation of Gaelic language plans, public authorities should audit the capacity of the authority to deliver its commitments, and one element of such an audit will be the identification of staff members who are able to use Gaelic. It may be that Gaelic-essential and Gaelic-desirable positions can be filled by existing staff. If not, the public authority will need to include commitments in its Gaelic language plan in relation to training existing staff in Gaelic and to the recruitment of staff who have the requisite ability to use Gaelic.

1.3.25. The designation of any position as either Gaelic-essential or Gaelic-desirable as a result of the preparation of a Gaelic language plan which is ultimately approved by the Bòrd is consistent with existing equalities legislation.

**The Use of Gaelic in Gaelic Language Plans**

1.3.26. It is expected that all public authority Gaelic language plans will be bilingual in English and Gaelic. The publication of a Gaelic language plan in Gaelic as well as English is, in itself, a contribution to the promotion of the use of Gaelic, a key principle in the Gaelic Act. It also gives expression to the principle that Gaelic is an official language of Scotland commanding equal respect to the English language.

1.3.27. A great deal of work has been undertaken within the education sector to create Gaelic terminology, grammar and usage that are of high quality and that promote consistency in oral and written communication. The Bòrd expects that public authorities will adhere to these standards, both in the preparation of their Gaelic language plans themselves but also in their use of Gaelic more generally in the exercise of their functions.

1.3.28. In practical terms, the Bòrd expects that public authorities will adhere to the current Gaelic Orthographic Conventions (available here: <https://www.sqa.org.uk/sqa/files_ccc/SQA-Gaelic_Orthographic_Conventions-En-e.pdf>) and the place-naming standards developed by Ainmean-Àite na h-Alba / Gaelic Place-Names of Scotland (available here: <https://www.ainmean-aite.scot/>).

**Bòrd Support**

1.3.29. Under the Gaelic Act, the Bòrd is required, on the request of a public authority, to provide advice and assistance, free of charge.[[19]](#footnote-19)

1.3.30. In addition, the Bòrd’s language plans team has developed a range of resources to help public authorities with the preparation of Gaelic language plans, and these are available on the Bòrd website: <https://www.gaidhlig.scot/en/gaelic-language-plans/professional/>.

1.3.31. The Bòrd will assign a Gaelic language plan officer to each public authority which is issued with a notice requiring it to prepare a Gaelic language plan. The officer will act as a point of contact for the public authority throughout the Gaelic language plan process.

1. **The Gaelic Language Plan Process**

This section explains the process of creating, implementing and renewing a Gaelic language plan. This includes the issuance of a statutory notice, plan preparation, consultation, formal approval, implementation, monitoring, and renewal.

* 1. **Issuing Statutory notices by the Bòrd**

2.1.1. Under the Gaelic Act, the Bòrd may give a notice in writing to any Scottish public authority, any cross-border public authority (in relation to functions exercisable in Scotland or as regards Scotland which do not relate to reserved matters), or the Scottish Parliamentary Corporate Body, requiring it to prepare a Gaelic language plan.[[20]](#footnote-20) The notice must specify a date, which is at least six months after the date of the notice, by which the authority must submit the plan to the Bòrd, and must inform the authority of its rights under the Gaelic Act to request a review by the Bòrd of the date it has specified and the right to appeal to the Scottish Ministers in relation to the issuance of the notice itself.[[21]](#footnote-21)

2.1.2. In deciding to issue a notice, the Bòrd must have regard to:

* the most recent National Gaelic Language Plan: Gaelic language plans are one of the principal mechanisms to implement the National Gaelic Language Plan.
* the extent to which Gaelic is used by persons in relation to whom the functions of the authority are exercisable: the Bòrd will consider relevant data, including the most recent census data on Gaelic abilities of the population served by the public authority and, where the authority provides Gaelic education, the numbers of students in Gaelic education, and will also consider the nature of the public authority’s functions and the extent to which the authority engages with the public in the execution of its functions;
* the extent to which, in the Bòrd's opinion, there is potential for the authority to develop the use of the Gaelic language in connection with the exercise of those functions: in addition to the Gaelic abilities of the population served by the public authority and, where the public authority provides Gaelic education, the numbers of students in Gaelic education, the Bòrd will consider the degree to which the public authority already uses Gaelic in exercising its functions, and, if known, the numbers of people employed by the public authority who have Gaelic abilities and their role in the authority;
* any representations made to it in relation to the use of the Gaelic language in connection with the exercise of those functions; and
* any guidance given by the Scottish Ministers.

2.1.3. The Bòrd will work with public authorities to produce a set of ***strategic priorities*** which will generally be issued at the same time as the Bòrd’s statutory notice to a public authority requiring it to prepare a Gaelic language plan. These strategic priorities are intended to provide a focus to the public authority on how it can most effectively contribute to the delivery of the current National Gaelic Language Plan.

2.1.4. Once the draft strategic priorities have been agreed between the Bòrd and a public authority, they will be considered by the board of the Bòrd and then by the Minister with Responsibility for Gaelic before they are formally issued to the public authority at the same time as the statutory notice.

* 1. **Review of and appeal against a statutory notice**

2.2.1. If a public authority considers that the date specified in a statutory notice issued by the Bòrd is unreasonable, it may request the Bòrd to review the date. The public authority must submit this request within 28 days of receiving its statutory notice, and must set out the reasons for its request.[[22]](#footnote-22) The Bòrd must within 28 days of its receipt of the request either confirm the date (and must set out its reasons for that decision), or substitute a later date.[[23]](#footnote-23) If the public authority is not satisfied with the Bòrd’s decision, it may, within 28 days of receiving that decision, appeal the decision to the Scottish Ministers.[[24]](#footnote-24) The Scottish Ministers must make a decision on the appeal within 2 months of receiving it, and if they uphold the appeal, they must specify another date by which the public authority must submit its plan to the Bòrd.[[25]](#footnote-25)

2.2.2. A public authority may also appeal against the statutory notice to prepare a Gaelic language plan itself. Such an appeal must be submitted to the Scottish Ministers within 28 days of receiving the statutory notice. The appeal must set out the reasons why, in relation to the matters that the Bòrd must have regard to in issuing the notice (described in section 2.1, above), the public authority believes that the Bòrd’s decision to issue the statutory notice was unreasonable.[[26]](#footnote-26) The Scottish Ministers must make a decision on the appeal within 6 months of receiving it.[[27]](#footnote-27) If the Scottish Ministers uphold the appeal, the statutory notice no longer has any effect and the Bòrd may not issue another statutory notice to the public authority until 2 years after the original statutory notice was issued by the Bòrd.[[28]](#footnote-28)

* 1. **Preparing a Gaelic language plan**

2.3.1. The Gaelic Act specifies that a Gaelic language plan must:

* set out the measures to be taken by the public authority in relation to the use of the Gaelic language in connection with the exercise of it functions.
* specify the date by which the measures are to be taken; and
* contain any other information prescribed by the Scottish Ministers in any regulations made by them in relation to the content of Gaelic language plans.[[29]](#footnote-29)

2.3.2. The Gaelic Act also requires that, in preparing its Gaelic language plan, a public authority must have regard to

* the most recent National Gaelic Language Plan.
* the extent to which Gaelic is used by persons in relation to whom the functions of the authority are exercisable.
* the potential for the authority to develop the use of the Gaelic language in connection with the exercise of those functions.
* any representations made to the authority in relation to the use of the Gaelic language in connection with the exercise of those functions; and
* any guidance given by the Scottish Ministers or the Bòrd.

This document contains the Bòrd’s guidance to which a public authority must have regard.

2.3.3. With regard to the most recent National Gaelic Language Plan, as noted at paragraph 2.1.3, above, the Bòrd will work with the public authority to produce collaboratively a set of ***strategic priorities*** which will generally be issued at the same time as the Bòrd’s statutory notice to a public authority requiring it to prepare a Gaelic language plan. These strategic priorities are intended to provide a focus to the public authority on how it can most effectively contribute to the delivery of the current National Gaelic Language Plan.

2.3.4. With regard to the extent to which Gaelic is used by persons in relation to whom the functions of the public authority are exercisable, it will be important for the public authority to consider the most recent census data on Gaelic abilities of the population it serves. Other information, for example, for public authorities which offer Gaelic education, the numbers of students in Gaelic education in the area which the public authority serves, will also be of relevance. The Bòrd is able to provide assistance in determining such information.

2.3.5. With regard to the potential of a public authority to develop its use of Gaelic, it is recommended that the public authority conduct an audit of its Gaelic capacity. Such an audit should, for example, consider the use that the public authority already makes of Gaelic in the exercise of its functions. It should also consider the extent to which employees of the public authority are able to use Gaelic, and the extent to which employees would like to learn or improve their Gaelic abilities, should they be able to do so. Such information provides both the public authority and the Bòrd with a basis for assessing the ways in which the existing capacity of the public authority to use Gaelic in the exercise of its functions could be extended. The Bòrd is able to provide advice on the ways in which the public authority can conduct an internal Gaelic capacity audit.

2.3.6. With regard to representations made to the public authority in relation to the use of Gaelic in connection with the exercise of its functions, the Gaelic Act requires that the public authority must consult persons appearing to it to have an interest in the plan.[[30]](#footnote-30) Each public authority will have its own procedures for the conduct of public consultations. However, the Bòrd would generally expect the following in relation to the required consultation on a Gaelic language plan:

* The draft Gaelic language plan be made available bilingually in Gaelic and English.
* The consultation period should be sufficiently long to facilitate optimal participation in the consultation process.
* The public authority should publicise the consultation and how the draft plan may be obtained on its website, and through a bilingual press release at the beginning of the consultation period, issued to all relevant media outlets and to the Bòrd.
* As part of the consultation process, there should be sufficient engagement events (such as public meetings, workshops, or focus groups, for example) to facilitate engagement in the consultation process by members of the public having an interest in the Gaelic plan, as well as staff of the public authority, and such events should be appropriately advertised and minuted.

2.3.7. The public authority will normally be expected to provide a report to the Bòrd on the consultation exercise, which should describe how the consultation was carried out and a summary of the main themes that emerged from the consultation. This report will be used by the Bòrd in the consideration of the Gaelic language plan which is ultimately submitted to it by the public authority.

2.3.8. With regard to guidance, in addition to this guidance, under the Gaelic Act the Bòrd must also prepare and submit to Scottish Ministers guidance in relation to the provision of Gaelic education and the development of such provision.[[31]](#footnote-31) The Bòrd’s guidance is available here: <https://www.gaidhlig.scot/wp-content/uploads/2017/01/Statutory-Guidance-for-Gaelic-Education.pdf>. Any public authority having functions relating to, or relating to the provision of, Gaelic education must, to the extent that this statutory guidance on Gaelic education relates to these functions, have regard to this education guidance in carrying out its functions. As such, the public authority should also have regard to the statutory guidance on education in preparing its Gaelic language plan.

2.3.9. Gaelic language plans have significant policy implications in relation to the exercise by public authorities of their functions, including in relation to human resources, communications, service provision and information technology. It is therefore important that staff with responsibility for such functions are involved in the preparation of the plan. Experience to date suggests that plans are more successful when there has been substantive involvement of senior officers from across the public authority.

2.3.10. It is strongly recommended that public authorities identify a lead officer at an early stage of the plan preparation process who will liaise with the Bòrd’s Gaelic language plan officer throughout the process. This lead officer should be a senior manager within the public authority and should have overall responsibility for the preparation of the authority’s Gaelic language plan. To assist the lead officer and to ensure that the Gaelic language plan is embedded within the corporate structure of the public authority, the Bòrd recommends the establishment of a Gaelic plan working group with responsibility for developing and, after approval, implementing the Gaelic language plan.

* 1. **Content of a Gaelic language plan**

2.4.1. As noted in section 2.3, above, a Gaelic language plan must set out the measures to be taken by a public authority in relation to the use of Gaelic in connection with the exercise of its functions and must specify the date by which these measures are to be taken.

2.4.2. The Bòrd has developed a Gaelic language plan template which is in the appendix to this document, and the Bòrd strongly recommends that this template should be followed by all public authorities. The template is based on the experience to date of Gaelic language plans and represents current best practice.

2.4.3. The Gaelic Act states that a Gaelic language plan must set out the measures which a public authority will take in relation to the use of Gaelic in connections with the exercise of its functions. The Bòrd has identified four core areas that it wishes public authorities to address in their Gaelic language plans:

* Identity:
* Corporate identity (e.g., corporate logo, stationery, badges, passes, vehicle livery, straplines in electronic communication)
* Signage (e.g., external signage on public authority buildings and other service delivery points, internal signage such as signage in reception areas and at service points, internal directional signage, toilets, exits, and so forth)
* Communications:
* Reception (bilingual staff available at reception areas in public authority buildings and other service points, and identified as such, bilingual greetings by reception staff to members of the public)
* Front-line service delivery (bilingual staff available to provide service in Gaelic, and identified as such)
* Use of Gaelic by staff in the conduct of their work
* Telephone (bilingual greetings, whether provided by a person or an automated message, on main public enquiry telephone lines, with direction to Gaelic-speaking staff where the Gaelic language plan commits to providing Gaelic language service; the provision of a dedicated line or lines on which Gaelic language communication is possible)
* Mail and electronic communication (acceptance of communications in Gaelic; the provision of responses in Gaelic to communications made in Gaelic; initiation of correspondence in Gaelic where correspondents have registered a preference for corresponding in Gaelic)
* Forms, information leaflets, notices
* Public meetings (conduct of public meetings in Gaelic, with simultaneous interpretation to facilitate participation by those who do not speak Gaelic)[[32]](#footnote-32)
* Publications:
* Public relations and media (Gaelic or bilingual versions of press releases; designation of Gaelic-speaking staff who can interact with the public and the press)
* Printed material and electronic versions thereof (bilingual versions of printed material for the public, such as significant policy documents and other corporate decisions and reports, information brochures, and similar material)
* Websites (fully bilingual websites or websites which have Gaelic content, with such Gaelic or bilingual webpages clearly identified on the main public authority webpage)
* Exhibitions (use of Gaelic or bilingual content in exhibitions which are created by public authorities, including display material)
* Staffing:
* Training (awareness of the content and obligations of the public authority’s Gaelic language plan; training, support, and resources available for staff involved in implementation of the Gaelic language plan; access to translation and interpretation services)
* Language learning (Gaelic language training for staff to learn or enhance Gaelic language abilities)
* Designation of posts in which Gaelic is an essential or a desirable characteristic (as determined by the context of the Gaelic language plan)
* Recruitment of Gaelic-speaking staff (where existing staff are unable to fill positions which are Gaelic-essential or Gaelic-desirable, recruitment of staff with Gaelic abilities; bilingual or Gaelic-only advertisements for such posts; a statement in all recruitment advertisements that Gaelic language skills are valued by the public authority)

2.4.4. The precise content in relation to each of these areas should be guided by the principles set out in section 1.3, above, under the heading ‘Reasonable and Proportionate’. The principle of ‘Active Offer’, also set out in section 1.3, above, should be expressed in the Gaelic language plan.

2.4.5. Gaelic language plans should set out the commitments that are undertaken in relation to the National Gaelic Language Plan in a separate section, clearly identified in the Gaelic language plan. Similarly, commitments relating to Gaelic education and relating to the consideration of the impact of policies on Gaelic, both issues referred to in section 1.3, above, should be set out in separate sections, clearly identified in the Gaelic language plan.

* 1. **Submission and formal approval of a Gaelic language plan**

2.5.1. Public authorities are required to submit to the Bòrd their Gaelic language plans by the date stipulated in the statutory notice given by the Bòrd, or if the date has been modified by Scottish Ministers on an appeal by the public authority, the modified date. Public authorities are required to submit a revised plan within five years of the date of approval of the earlier plan.

2.5.2. The Bòrd must either approve the plan as submitted or propose modifications to it.[[33]](#footnote-33) If the public authority does not agree with some or all of the modifications proposed by the Bòrd, it may notify the Bòrd of this, giving reasons for its objections, but the public authority ***must*** make such a notificiation within one month of receiving the Bòrd’s proposed modifications.[[34]](#footnote-34) Where the Bòrd proposes modifications and the public authority has not notified the Bòrd of any objections, the public authority must amend the plan to take account of the modifications proposed by the Bòrd and resubmit to the Bòrd the plan by the date that the Bòrd has stipulated, which must be within 3 to 6 months from the date the Bòrd proposed the modifications to the public authority.

2.5.3. Where the public authority has notified the Bòrd that it does not agree with some or all of the modifications, the Bòrd, having considered the reasons given by the public authority for objecting to the Bòrd’s modifications, must:

* approve the plan as originally submitted to it; or
* approve the plan subject to such modifications as the Bòrd and the authority may agree; or
* if the Bòrd has not approved the plan within two months of the public authority having given notice to the Bòrd of its objections, the Bòrd may refer the plan to the Scottish Ministers.[[35]](#footnote-35)

2.5.4. If the plan is referred to the Scottish Ministers, the Scottish Ministers must have regard to:

* the most recent National Gaelic Language plan.
* the extent to which the persons in relation to whom the authority's functions are exercisable use the Gaelic language.
* the potential for developing the use of the Gaelic language in connection with the exercise of those functions.[[36]](#footnote-36)

2.5.5. The Scottish Ministers must also give the Bòrd and the public authority an opportunity to make representations about the plan, may consult any other person they see fit, and must take account of such representations and the views of any person they have consulted.[[37]](#footnote-37)

2.5.6. The Scottish Ministers must then either approve the plan as originally submitted by the public authority to the Bòrd, or approve the plan subject to such modifications as Scottish Ministers think fit,[[38]](#footnote-38) and such approval must be given no later than 6 months after the date on which the matter was referred to them.[[39]](#footnote-39) The Act makes clear that modifications Scottish Ministers impose can include those that BnG has suggested at the earlier stage or other modifications……

2.5.7. Once the public authority’s Gaelic language plan has been approved by either the Bòrd or by Scottish Ministers, the public authority must publish the plan in the manner it sees fit, having regard to the content of this statutory guidance, and implement the measures set out in the plan in accordance with the plan.[[40]](#footnote-40)

2.5.8. Once a Gaelic language plan has been approved, a public authority may at any point during the life of the plan make minor amendments to the plan without seeking the approval of the Bòrd, such as correcting an error in the plan or updating factual information which has changed, but any such amendment shall not alter the plan substantially.[[41]](#footnote-41)

* 1. **Monitoring a Gaelic language plan**

2.6.1. At any point twelve months after the approval of a Gaelic language plan, the Bòrd may require the public authority to submit a report on the extent to which the authority has implemented the measures set out in the plan. Such a report must be submitted within three months of the date on which the requirement was issued.[[42]](#footnote-42) In practice, the Bòrd exercises this power with respect to every Gaelic language plan it has approved. The Bòrd has preparing a template which may be used by public authorities in the preparation of their report, and it is available here: <https://www.gaidhlig.scot/wp-content/uploads/2019/06/9-New-Monitoring-Report-form-Foirm-Aithisg-Dearcnachaidh-Ur.pdf>.

2.6.2. The Bòrd may issue a second or subsequent requirement to a public authority to submit such a report, but the Bòrd may only do so at least twelve months after issuing a previous requirement.[[43]](#footnote-43)

2.6.3. Where the Bòrd considers that the public authority is failing to implement adequately measures in its Gaelic language plan, it may submit a report to Scottish Ministers, setting out its reasons for its conclusions.[[44]](#footnote-44) In practice, the Bòrd will seek to work with the public authority to address the issues of concern to the Bòrd before considering the exercise of this power.

2.6.4. Where the Bòrd does exercise this power, Scottish Ministers may lay a copy of the Bòrd’s report before the Scottish Parliament, or may direct the public authority to implement any or all of the measures in its Gaelic language plan by a date specified by the ministers in their direction, or both.[[45]](#footnote-45) Before giving a direction, however, Scottish Ministers must consult the authority about the terms of the direction, and take account of any representations that the public authority makes.[[46]](#footnote-46)

* 1. **Review of Gaelic language plans**

2.7.1. The Gaelic Act requires that a public authority must, no later than 5 years after the approval of a Gaelic language plan, review the plan, make such amendments (if any) to the plan that the public authority considers necessary or expedient, and must submit it to the Bòrd.[[47]](#footnote-47)

2.7.2. As with the initial plan, the process set out in paragraph 2.3, above, will apply in relation to all Gaelic language plans that are produced as part of this review, and will be subject to the same approval process.[[48]](#footnote-48) As noted in section 1.3, above, under the heading ‘Revising Gaelic language plans’, Gaelic language plans are expected to be dynamic documents, and the Bòrd expects that the commitments made by public authorities in Gaelic language plans will be expected to be strengthened over time, with each review of an existing Gaelic language plan.

1. Preamble. [↑](#footnote-ref-1)
2. Section 1. [↑](#footnote-ref-2)
3. Section 2. [↑](#footnote-ref-3)
4. Section 3(1). [↑](#footnote-ref-4)
5. Section 5. [↑](#footnote-ref-5)
6. Section 3(5)(e). [↑](#footnote-ref-6)
7. Prepared under section 8. [↑](#footnote-ref-7)
8. Explanatory report, The European Charter for Regional or Minority Languages (the ‘European Charter’), para. 10, available here: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800cb5e5>. The Charter itself is available here: <https://rm.coe.int/1680695175>. [↑](#footnote-ref-8)
9. Section 3(4)(a). [↑](#footnote-ref-9)
10. Section 3(3)(b)(i). [↑](#footnote-ref-10)
11. Section 3(5)(b). [↑](#footnote-ref-11)
12. Sections 3(3)(b)(ii) and 3(5)(c). [↑](#footnote-ref-12)
13. This principle is not only implicit in the Gaelic Act, but in binding international legal commitments of relevance. In the European Charter, the level of public services offered in a minority language will be determined “according to the situation of each language”. In relation to this, the explanatory report to the European Charter states (para. 46): “Broadly speaking, and in the absence of other relevant factors, this would imply, for instance, that the larger the number of speakers of a regional or minority language and the more homogeneous the regional population, the “stronger” the option which should be adopted . . ..” [↑](#footnote-ref-13)
14. Section 1(2)(a). [↑](#footnote-ref-14)
15. Sections 1(3)(a) and (b). [↑](#footnote-ref-15)
16. Section 3(3)(a). [↑](#footnote-ref-16)
17. Section 3(5)(a). [↑](#footnote-ref-17)
18. Section 7(2). [↑](#footnote-ref-18)
19. Section 8(9). [↑](#footnote-ref-19)
20. Section 3(1). [↑](#footnote-ref-20)
21. Section 3(2). [↑](#footnote-ref-21)
22. Sections 4(1) and (2). [↑](#footnote-ref-22)
23. Sections 4(3) and (4). [↑](#footnote-ref-23)
24. Section 4(5). [↑](#footnote-ref-24)
25. Section 4(6) and (7). [↑](#footnote-ref-25)
26. Section 4(8). [↑](#footnote-ref-26)
27. Section 4(9). [↑](#footnote-ref-27)
28. Section 4(10). [↑](#footnote-ref-28)
29. Section 3(4). [↑](#footnote-ref-29)
30. Section 3(6). [↑](#footnote-ref-30)
31. Section 9(1). [↑](#footnote-ref-31)
32. Should a public authority not have the capacity to provide simultaneous interpretation, the Bòrd will be available to advise on sourcing such capacity. [↑](#footnote-ref-32)
33. Section 5(1). [↑](#footnote-ref-33)
34. Section 5(3). [↑](#footnote-ref-34)
35. Section 5(5). [↑](#footnote-ref-35)
36. Section 5(7)(a). [↑](#footnote-ref-36)
37. Sections 5(7)(b) and (c). [↑](#footnote-ref-37)
38. Section 5(6). [↑](#footnote-ref-38)
39. Section 5(8). [↑](#footnote-ref-39)
40. Section 5(9). [↑](#footnote-ref-40)
41. Section 7(4). [↑](#footnote-ref-41)
42. Sections 6(1) and (2). [↑](#footnote-ref-42)
43. Section 6(3). [↑](#footnote-ref-43)
44. Section 6(4). [↑](#footnote-ref-44)
45. Section 6(5). [↑](#footnote-ref-45)
46. Section 6(6). [↑](#footnote-ref-46)
47. Section 7(2). [↑](#footnote-ref-47)
48. Section 7(3). [↑](#footnote-ref-48)