



## **BÒRD NA GÀIDHLIG**

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

**Approved by Scottish Ministers April 2024**

#### **1. Introduction**

This guidance sets out the statutory Gaelic language plan process that was established by the Gaelic Language (Scotland) Act 2005. It also provides support to public authorities in relation to the creation of their plans by way of setting out the key areas that an organisation should cover in each edition of their plans.

##### **1.1 The Gaelic Language (Scotland) Act 2005**

1.1.1. The Gaelic Language (Scotland) Act 2005 (the '2005 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 2005 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.

1.1.2. The 2005 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.

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.

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.

1.1.5. The Bòrd also has a role in the approval of Gaelic language plans prepared by public authorities (outlined further, below, in section 2 of this guidance, 'The Gaelic Language Plan

Process’).<sup>1</sup> 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.<sup>2</sup> This document constitutes that guidance.<sup>3</sup>

## 1.2 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.<sup>4</sup>

1.2.2. Prior to the passage of the 2005 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 2005 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.<sup>5</sup>

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 2005 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 in many instances 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.

Ultimately a Gaelic language plan provides an opportunity for a public authority to set out in a structured way how it will support the Gaelic language through its functions and key operational activities.

A Gaelic language plan’s key audiences are the public and the employees of the public authority. A Gaelic Language plan should therefore be:

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<sup>1</sup> Section 5.

<sup>2</sup> Section 3(5)(e).

<sup>3</sup> Prepared under section 8.

<sup>4</sup> 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>.

<sup>5</sup> Section 3(4)(a).

- User-friendly: clear, easy to understand and navigate
- Focussed on a set of clear commitments.
- Transparent – all targets should be specific, measurable, achievable, realistic and timely.
- Prepared with input from across all departments of the public authority.

### 1.3 Gaelic Language Plans: Key Principles

1.3.1. The 2005 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 2005 Act aims to secure the status of Gaelic as an official language of Scotland<sup>6</sup>, and requires the Bòrd to carry out its functions with a view to doing so. One such function is to require public authorities to prepare Gaelic language plans and then to approve them. 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. Gaelic Language plans serve as a mechanism for securing the status of Gaelic as an official language of Scotland for the language over time.

#### Equal Respect

1.3.3. The 2005 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 commitments that will support the aim of securing equal respect for Gaelic.

1.3.4. Equal respect in some cases 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 and opportunities to increase its use over time.

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 can be 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; however, it is important to consider the iterative process of Gaelic language plans and it is expected that equal respect will be reached over time.
- The public authority should 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

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<sup>6</sup> Section 1(3)

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 expects that every Gaelic language plan will give expression to the principle of active offer.

- More generally, the public authority should 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 requires 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.

The Bòrd requests that public authorities will, throughout the development of each edition of their Gaelic Language plans, increase the normalisation of Gaelic within their corporate functions. This will be achieved by increasing the use of Gaelic within all of the public authority's corporate functions, along with implementing aims that relate to the key priorities set out in the National Gaelic Language plan through their strategic commitments, referenced at section 11.2.

### **Reasonable and Proportionate**

1.3.7. Both the Bòrd, in deciding whether to require a public authority to prepare a Gaelic language plan,<sup>7</sup> and the public authority, in preparing its Gaelic language plan,<sup>8</sup> 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.<sup>9</sup> Thus, the 2005 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.<sup>10</sup> Also, by virtue of the nature of their functions, some public authorities will interact

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<sup>7</sup> Section 3(3)(b)(i)

<sup>8</sup> Section 3(5)(b)

<sup>9</sup> Sections 3(3)(b)(ii) and 3(5)(c)

<sup>10</sup> This principle is not only implicit in the 2005 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 . . ."

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. The intention of the iterative process of the development and implementation of Gaelic Language Plans is that all public authorities will, over time, increase the services that are available in Gaelic. The level of the service availability in Gaelic within public authorities will vary dependent upon the level of use of the language in communities.
2. For public authorities which serve areas in which there is a significant number of people with Gaelic language skills, the level of services available for the public in Gaelic should be equitable to those available in English. Areas in which there are a significant number of people with Gaelic language skills would include those in which at least 20% of the area's population has Gaelic language skills.
3. For public authorities who are based in areas where there is a lower level of Gaelic usage, but progress has been made with the following: Gaelic medium education, Gaelic learner education, community usage and engagement, there is a requirement to offer an increased level of services through the medium of Gaelic.
4. For public authorities who have low levels of Gaelic usage, the principle for the potential in the increase in Gaelic usage and learning should be applied in the preparation of Gaelic language plans. These public authorities should in time take steps to increase service availability in Gaelic and this is especially true for community engagement, education, events, and corporate identity.
5. 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.
6. All public authorities should 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. All public authorities should, over time, have a bilingual corporate logo, and aim to ensure that external signage at principal public authority buildings such as head offices will be bilingual. This should be carried out on a renewal basis.

1.3.10. The Bòrd encourages public authorities to co-operate with each other in the preparation and implementation 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, that might be shared, resulting in economies in the implementation of Gaelic language plans. Co-operation will 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. This will be undertaken by way of networks that will include public authorities that have a similar remit or similar level of current provision.

## **2. The Gaelic Language Plan Process**

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

### **2.1 Issuing Statutory notices by the Bòrd**

2.1.1. Under the 2005 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.<sup>11</sup> 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 2005 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.<sup>12</sup>

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.

### **2.2 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.

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<sup>11</sup> Section 3(1).

<sup>12</sup> Section 3(2).

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.<sup>13</sup> 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. 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.

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. The Scottish Ministers must make a decision on the appeal within 6 months of receiving it. 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.<sup>14</sup>

### **2.3 Preparing a Gaelic Language Plan**

2.3.1. The 2005 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 its 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.<sup>15</sup>

2.3.2. The 2005 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.

2.3.3. 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. This information should be collated as part of information gathering as a first step in creating the draft plan.

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<sup>13</sup> Sections 4(1),4(2),4(3) and 4(4)

<sup>14</sup> Sections 4(6), 4(7), 4(8), 4(9) and 4(10)

<sup>15</sup> Section 3(4).

2.3.4. With regard to the potential of a public authority to develop its use of Gaelic, the public authority should 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. The audit should be carried out as a first step in the creation of the draft Gaelic Language plan.

2.3.5. It is vital that public authorities identify a lead officer at an early stage of the plan preparation process who will liaise with the Bòrd's language plans 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.

2.3.6. From experience to date, it is seen as best practice that a Gaelic language plan working group be formed and maintained throughout the preparation and implementation of each edition of a public authority's Gaelic language plan. Where a Gaelic language plan working group is not formed, the plan should detail in full how it will be resourced.

2.3.7. From experience to date, the Bòrd recommends the recruitment of a Gaelic Development Officer role within the Public Authority to further enhance progress with the preparation and implementation of their Gaelic language plans.

2.3.8. Further detail on the content of Gaelic language plans can be found at section 11.

### **3. Informal assessment**

3.1. Bòrd na Gàidhlig have included an extra step within the statutory process to aid public authorities with the preparation of their Gaelic language plans. The officer that Bòrd na Gàidhlig has assigned the public authority will be available to carry out an informal assessment of the draft plan prior to any formal consultation being carried out by the public authority.

3.2 The aims of this are to support the public authority in ensuring that the content of the plan adheres to all of the criteria set out in this document prior to formal consultation or internal approval. This is also a helpful tool in ensuring that a draft Gaelic language plan reaches the formal approval stage in a timely manner.

3.3 This extra step in the process is entirely voluntary and is not a requirement within the statutory process, however public authorities are encouraged to utilise this opportunity.

### **4. Consultation**

4.1. With regard to representations made to the public authority in relation to the use of Gaelic in connection with the exercise of its functions referenced at 2.3.2 above, the 2005 Act requires that the public authority must consult persons appearing to it to have an interest in the plan.<sup>16</sup> Each public authority will have its own procedures for the conduct of public consultations. However, the Bòrd would expect the following in relation to the required consultation on a Gaelic language plan:

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<sup>16</sup> Section 3(6).



- 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. It is recommended that this be carried out for a minimum of 6 weeks.
- The public authority should publicise the consultation and how the draft plan may be obtained on its website, and circulate a bilingual press release at the beginning of the consultation period, issued to all relevant media outlets and to the Bòrd.

4.2. The public authority will be required to provide a report to the Bòrd on the consultation exercise, which should describe how the consultation was carried out, and provide 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. This report should also be published to ensure transparency and to highlight the changes made as a result of the consultation process.

## 5. Submission and formal approval of a Gaelic language plan

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 new edition of the plan within five years of the date of approval of the earlier edition.

5.2. The Bòrd must either approve the plan as submitted or propose modifications to it.<sup>17</sup> 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 notification within one month of receiving the Bòrd's proposed modifications.<sup>18</sup> 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.<sup>19</sup>

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.<sup>20</sup>

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

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<sup>17</sup> Section 5(1).

<sup>18</sup> Section 5(3).

<sup>19</sup> Section 5(4)

<sup>20</sup> Section 5(5).

- 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.<sup>21</sup>

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.<sup>22</sup>

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,<sup>23</sup> and such approval must be given no later than 6 months after the date on which the matter was referred to them.<sup>24</sup> The Act makes clear that modifications Scottish Ministers impose can include those that BnG has suggested at an earlier stage, or other modifications.

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.<sup>25</sup> The approved Gaelic Language plan should be published within 3 months of approval.

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 must not alter the plan substantially.<sup>26</sup>

## **6. Monitoring a Gaelic language plan**

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.<sup>27</sup> In practice, the Bòrd exercises this power with respect to every Gaelic language plan it has approved. The Bòrd has prepared a template which may be used by public authorities in the preparation of their report, and it is available on the Bòrd's website.

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.<sup>28</sup>

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<sup>21</sup> Section 5(7)(a).

<sup>22</sup> Sections 5(7)(b) and (c).

<sup>23</sup> Section 5(6).

<sup>24</sup> Section 5(8).

<sup>25</sup> Section 5(9).

<sup>26</sup> Section 7(4).

<sup>27</sup> Sections 6(1) and (2).

<sup>28</sup> Section 6(3).

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.<sup>29</sup> 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.

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.<sup>30</sup> 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.<sup>31</sup>

## **7. Support with implementation**

7.1. Bòrd na Gàidhlig has set up the Gaelic language plans fund, formerly the Gaelic Language Act Implementation Fund (GLAIF) to support with the preparation and implementation of Gaelic language plans, and in support of the National Gaelic Language Plan.

7.2. This fund is open annually to all public authorities involved in the Gaelic language plans process.

7.3. This funding scheme priorities will be reviewed and published annually.

7.4. All public authorities are encouraged to apply for this funding during the Gaelic language plan process.

## **8. Bòrd na Gaidhlig Officer support**

8.1 The Bòrd, from the point of statutory notice and the renewal process will provide each public authority with a designated Language Plans Officer. This Officer is available to provide advice and support both with the preparation of the draft plan and with its implementation post formal approval.

## **9. Review of Gaelic language plans**

9.1. The 2005 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.<sup>32</sup>

9.2. As with the first edition of the 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.<sup>33</sup> As noted in section 1.3.9, above, under the heading 'Gaelic Language Plans: Key Principles, due to the process being iterative, 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

## **10. The Use of Gaelic in Gaelic language plans**

10.1. All public authority Gaelic language plans will be bilingual in English and Gaelic. The publication of a Gaelic language plan simultaneously in Gaelic as well as English is, in itself, a

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<sup>29</sup> Section 6(4).

<sup>30</sup> Section 6(5).

<sup>31</sup> Section 6(6).

<sup>32</sup> Section 7(2).

<sup>33</sup> Section 7(3).

contribution to the promotion of the use of Gaelic, a key principle in the 2005 Act. It also gives expression to the principle that Gaelic is an official language of Scotland commanding equal respect to the English language.

10.2. 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.

10.3. In practical terms, public authorities are required to adhere to the current Gaelic Orthographic Conventions (available here: [https://www.sqa.org.uk/sqa/files\\_ccc/SQA-Gaelic\\_Orthographic\\_Conventions-En-e.pdf](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/>).

10.4. As stipulated in section 2.3 of this guidance, the 2005 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 its 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.<sup>34</sup>

10.5. The 2005 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.

## **11 Content of Gaelic Language Plans**

11.1 This section of the guidance will provide Public Authorities with further detailed information on what should be included in their Gaelic Language Plans. It will provide authorities with further

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<sup>34</sup> Section 3(4).

guidance on establishing commitments within the plan once the audit has been completed and information on Gaelic within the area of operation has been collated.

## **11.2 National Gaelic Language Plan**

11.2.1. With regard to supporting the implementation of the most recent National Gaelic Language Plan referenced above, the Bòrd will work with the public authority throughout the preparation of the plan to support the creation of commitments that align with both the functions of the public authority, and the overall aims of the National Gaelic Language Plan.

11.2.2. These will take the form of aims that are ultimately agreed by each public authority and will then be assessed by the Bòrd upon formal submission of the draft.

11.2.3 The topics that these aims will cover will vary dependent upon the nature and functions of each public authority, however they include but are not limited to the following:

- Community development
- Economic development
- Gaelic-medium Education
- Gaelic learner Education
- Gaelic community Education
- Tertiary education

## **11.3 Education**

11.3.1. Under the 2005 Act, one of the general functions of the Bòrd is to promote and to facilitate the promotion of Gaelic education,<sup>35</sup> 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.<sup>36</sup>

11.3.2. 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. Education commitments should be included as follows:

### **11.3.3. School Education**

Authority with GME Provision:

- Promotion of GME provision
- Development of GME provision at all levels

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<sup>35</sup> Section 1(2)(a).

<sup>36</sup> Sections 1(3)(a) and (b).

- Increase of subject availability in secondary provision
- GME improvement planning
- School improvement planning
- Standards and Qualities reporting
- Promotion of Gaelic Learner education at all levels
- Development of Gaelic learner education at all levels

Authority without GME provision

- Promotion of the potential for the establishment of GME
- Establishment of Gaelic Learner Education

#### **11.4 Community education**

11.4.1. Authorities who provide community learning and development or authorities who have an agreement with arms-length external organisations to carry out functions in relation to community development should include, but are not limited to, commitments relating to the following themes:

- Adult Gaelic learning and usage opportunities
- Gaelic community events
- Extra-curricular opportunities out with the school setting

#### **11.5 Universities**

11.5.1. Universities who are in receipt of a statutory notice to prepare a Gaelic language plan, should provide commitments that include, but are not limited to the following themes when preparing a Gaelic Language Plan:

- Increasing the availability of Gaelic courses available to students
- Expanding current research to support the development of the Gaelic language.
- Increasing intake into Gaelic Language Courses through promotion

#### **11.6 Arms-length external organisations**

11.6.1 As referenced above, some public authorities have agreements with arms-length external organisations (ALEOs) to undertake activities that fall under some of the topics referenced in this guidance. Where this is the case, commitments should be included within a public authorities Gaelic Language Plan on these activities and how they will be implemented and monitored by the public authority.

#### **11.7 Policy functions**

11.7.1 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 have regard to the potential impact of policies on the acquisition and use of Gaelic.

11.7.2 Where a public authority identifies policy that 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 public authority identifies 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.

### **11.8 Corporate commitments**

11.8.1 The 2005 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 public authorities are required 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)

To ensure that public authorities are adhering to the most recent Gaelic Orthographic Conventions (GOC) and correct terminology of any signage, services and support should be sought from Ainmean-Àite na h-Alba/ Gaelic Place names of Scotland as is referenced in section 10.3 of this guidance, for the erection of any place-name signage and ensure that any translators used for the implementation of any of the corporate commitments are adhering to the most recent GOC guidelines.

#### **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
- Correspondence (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)
- Social media (incremental increase of the use of Gaelic or bilingual content on all corporate social media platforms)
- Public engagement (increase in the use of Gaelic within public meetings)

#### **Publications:**

- Public relations and media (incremental increase in the use of Gaelic within press releases; designation of Gaelic-speaking staff who can interact with the public and the press)
- Incremental increase in the use of Gaelic within corporate publications
- Websites (working towards a fully bilingual website with an initial approach of increasing content in Gaelic over each edition of the plan)
- 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 and/or support to undertake external training)
- 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)

11.8.2 The precise content in relation to each of these areas should be guided by the principles set out in section 1.3.7, above, under the heading 'Reasonable and Proportionate'. The principle of 'Active Offer', also set out in section 1.3.6, above, should be expressed in the Gaelic language plan.