

EDUCATION (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Gaelic Medium Education

Promotion, support and guidance

Section 15: Duty to promote and support Gaelic medium education and learning

56. Subsection (1) provides that, irrespective of whether GME and GLE are in fact provided in an education authority area, an education authority must promote the potential provision of school education in its area by means of GME by publicising the right to make a request under section 7(1) and promote the potential provision of school education in its area by means of GLE in such manner as it thinks appropriate.
57. Subsections (2) to (4) provide that, where an education authority secures the provision of GME or GLE in pursuance of its duty under the 1980 Act to secure the provision of school education, including mandatory early learning and childcare, it must promote and support that provision so far as reasonably practicable.
58. Subsection (5) provides that the duty of promotion under subsection (2) includes a duty to take reasonable steps to publicise the existing provision of GME and GLE in its area, in such manner as it thinks appropriate.
59. Subsection (6) provides that the duty of support under subsection (2) requires an education authority to take reasonable steps to ensure that teachers in any class providing GME or GLE have such resources, training and opportunities as are reasonably necessary to adequately and effectively provide that education, and that pupils in any such class have such resources as are reasonably necessary to adequately and effectively receive and benefit from that education. An education authority must also have regard to any guidance on Gaelic education published by Bòrd na Gàidhlig under section 9 of the Gaelic Language (Scotland) Act 2005 (“the 2005 Act”) when carrying out its duty of support.

Section 16: Guidance

60. This section amends section 9 of the 2005 Act (guidance on Gaelic education) to convert the existing power of Bòrd na Gàidhlig to issue guidance on Gaelic education into a duty. Subsection (3) clarifies that this guidance may, in particular, cover the provision of Gaelic education in schools. Subsection (4) ensures that any relevant public authority having functions relating to Gaelic education must have regard to the guidance in carrying out its functions. A “relevant public authority” is defined in section 10(2) of the 2005 Act to mean a Scottish public authority, the Scottish Parliamentary Corporate Body or a cross-border public authority in relation to functions exercisable in Scotland that do not relate to a reserved matter. The meaning of “Scottish public authority” is given by section 126 of the Scotland Act 1998 to be “any public body, public office or holder of such an office whose functions are exercisable only in or as regards Scotland”.