

ABERDEEN CITY COUNCIL

COMMITTEE	Education Operational Delivery Committee
DATE	8 November 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Update of Gaelic Medium Education
REPORT NUMBER	OCE/22/241
DIRECTOR	Angela Scott (Chief Executive)
CHIEF OFFICER	Eleanor Sheppard
REPORT AUTHOR	Shona Milne
TERMS OF REFERENCE	1.1.1 and 1.1.2

1. PURPOSE OF REPORT

- 1.1 In January 2022 Committee instructed an evaluation of the current approach to the delivery of Gaelic Medium Education in order to understand the relatively low demand for provision in Aberdeen City with a view to taking action to increase uptake. This report aims to satisfy that instruction.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 note the outcome of an on-line survey conducted contained in Appendix A and high level evaluation undertaken by the Education Service contained in Appendix B;
- 2.2 instruct the Chief Education Officer to review and enhance how Gaelic Medium Provision is promoted across the city;
- 2.3 instruct the Chief Education Officer to continue to work with partners to fill the vacant posts in Gaelic Medium provision; and
- 2.4 instruct the Chief Officer, Corporate Landlord to undertake a statutory public consultation commencing 16 January 2023 on the proposal to change the catchment area for Gaelic Medium Education provision at Hazlehead Academy and Gilcomstoun School, to align with the boundaries of Aberdeen City (i.e. to propose a city wide catchment area for GME provision); and
- 2.5 instruct the Chief Officer, Corporate Landlord to report back to the Committee on the outcomes of the consultation at its next available meeting following conclusion of the consultation process.

3. CURRENT SITUATION

- 3.1 Gaelic Medium Early Learning and Childcare and Gaelic Medium primary provision are made available at Gilcomstoun Primary School. Secondary Gaelic Medium provision is made available at Hazlehead Academy.
- 3.2 Nationally, only 11 Local Authorities offer Gaelic Medium Early Learning and Childcare, 15 offer Gaelic Medium Primary provision and 13 offer secondary provision. The provision in Aberdeen City can be accessed by families in Aberdeenshire.
- 3.3 Although the uptake of Gaelic Medium provision in Aberdeen City is at the lower end compared to other Local Authorities (43% of primary pupils in the Western Isles access GME compared to 0.3% of primary pupils in both Aberdeen and South Lanarkshire), registrations for provisions are relatively stable. Aberdeen City Council continues to have regard to the Statutory Guidance on the provision of Gaelic Medium Education and promote and support the availability of Gaelic Medium Education and learning. However, the current approaches are not realising an increase in applications or registrations for the provision.
- 3.4 An online survey was undertaken to try to understand the local demand for Gaelic Medium Education. The survey was promoted on Local Authority social media channels, through schools and through the Education Service Newsletter. The survey ran from mid-July to the end of September and gained a total of 141 responses. Although this may seem a fairly low response rate, of Bòrd na Gàidhlig and Comann nam Pàrant advise us that national surveys generally attract around 200 responses so the number of responses are thought to be sufficient to draw conclusions.
- 3.5 Bòrd na Gàidhlig and Comann nam Pàrant expressed some reservations about the survey and shared concerns that our reporting of survey outcomes may not align with the Local Authority duty to promote Gaelic Medium Education. Appendix A has been shared with Bòrd na Gàidhlig and Comann nam Pàrant in advance of publication in an attempt to alleviate these concerns. Both Bòrd na Gàidhlig and Comann nam Pàrant are comfortable with the content of the report and welcome the opportunity to work with central officers to try and address the staffing issues the service is experiencing.
- 3.6 It is clear from the responses that there is a need to raise the profile of all three provisions. We will continue to work closely with Bòrd na Gàidhlig, University of Highlands and Islands and Comann nam Pàrant to promote the provisions through their social media channels as well as using our own information sharing platforms. There is also a need to reach out to the Gaelic community with the aim of helping others feel more connected to it.
- 3.7 The survey did not provide conclusive evidence of the reasons for the relatively low local demand for the provision of Gaelic Medium Education. As a result, a survey was issued to parents and carers to explore potential barriers more fully. This evaluation activity has helped inform the evaluation contained in Appendix B.

- 3.8 As a result of both the public survey and the evaluation activity, it can be concluded that there is a need to further promote the availability of provision, to continue to work to address the challenges faced around staffing to ensure high quality provision and progress work to establish a catchment area in keeping with the statutory guidance. Parents and carers advise that they would welcome a city wide catchment area.
- 3.9 Further to the instruction from Committee in September, as a result of the online survey and feedback from parents, it is now proposed to consult on the creation of a city wide catchment area for GME provision.

4. FINANCIAL IMPLICATIONS

- 4.1 The provision of a city wide catchment area for Gaelic Medium Education would result in a rise in school transport costs. The potential impact is hard to quantify given that costs will depend on where interested families reside.
- 4.2 Any future recommendation to instate a city wide catchment area would require to be referred to the Council budget setting process to ensure that sufficient funds are available.

5. LEGAL IMPLICATIONS

Statutory Consultation Requirements in regard to Catchment Areas

- 5.1 The Schools (Consultation) (Scotland) Act 2010 as amended requires local authorities to carry out a public consultation on proposals to make permanent changes to school zones, and for the outcomes of that consultation to be considered, before making a final decision on whether to implement the proposals. The proposed consultation (recommendation 2.4) on establishing a new catchment area for GME provision will be carried out in full compliance with the legislation. The 2010 Act prescribes the procedural steps the Education Authority must take. This includes:
- preparation of a proposal paper;
 - giving notice of the proposal;
 - ingathering oral and written representations;
 - holding a public meeting;
 - providing Education Scotland with all relevant documentation;
 - reviewing the proposal having regard to the representations received and Education Scotland's report; and
 - thereafter publishing a consultation report containing an explanation of how it has reviewed the proposal and responding to the points raised during the consultation.
- 5.2 As the proposal does not refer to the proposed closure of any school, any decision to implement it by this Committee cannot be called in by Scottish Ministers. A complaint may be made to Scottish Ministers under section 70 of the Education (Scotland) Act 1980 where it is alleged that an Education Authority has failed to comply with obligations placed upon it by the 2010 Act. In such instances, if satisfied the Authority is in default the Scottish Ministers may make an order requiring that the statutory duty be carried out.

- 5.3 Statutory guidance on Gaelic Education states that “Education authorities should establish catchment areas for GME provision and may wish to consider demand for GME when setting guidelines for placing pupils in GME provision”. The Guidance further states that “*the Education (Scotland) Act 1980 places a duty on education authorities to set out catchment areas for their schools and guidelines to be followed when placing pupils in schools. As such, education authority areas will be divided up into a number of school catchment areas, with placing guidelines based on local factors such as distance to the school and the number of pupils living in the area. A catchment area for GME provision should be an area in which the education authority thinks it is reasonable for pupils wishing to receive GME provision to travel to school, and should have the potential to attract parents to choose GME provision for their children. Catchment areas for GME provision will normally overlay a number of school catchment areas*”.

Duty to Promote Gaelic Medium Education

- 5.4 The Authority has a duty under section 15 of the Education (Scotland) Act 2016 to promote Gaelic Medium Education in its area so far as is reasonably practicable. In carrying out its duty of promotion an Education Authority must take reasonable steps to ensure it publicises, in such manner as it thinks appropriate, the provision in its area of Gaelic Medium Education. In carrying out its duty of support an Education Authority must:
- take reasonable steps to ensure that teachers in any class where the education is provided have such resources, training and opportunities as are reasonably necessary to adequately and effectively provide the education;
 - take reasonable steps to ensure that pupils in any such class have such resources as are reasonably necessary to adequately and effectively receive and benefit from the education; and
 - have regard to any guidance under section 9 of the Gaelic Language (Scotland) Act 2005.
- 5.5 Section 1 of the Education (Scotland) Act 1980 provides that it shall be the duty of every education authority to secure that there is made for their area adequate and efficient provision of school education and further education. Section 28 of the 1980 Act provides that in the exercise and performance of their powers and duties under the Act, education authorities shall have regard to the general principle that, so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.

Duty to Provide Transport

- 5.6 Section 51 of the Education (Scotland) Act 1980 states that an Education Authority shall make such arrangements as they consider necessary for:-
- the provision of free school transport for the whole or part of the journey
 - making bicycles or other suitable means of transport available to the pupils
 - paying some or all of pupils reasonable travelling costs
 - or any combination of the above.
- 5.7 In considering whether to make any arrangements, section 51 (2C) states that

an education authority shall have regard to the safety of such pupils.

- 5.8 Statutory walking distances to school are set out in Section 42(4) of the Act, and are defined as three miles for children aged eight years and over, and two miles for children aged under eight.
- 5.9 Although the Act sets no "trigger" distance beyond which specific transport should be provided, the effect of combining the requirements of Sections 42(4) (walking distances) and 51 is commonly viewed as obliging an education authority to provide school transport (free for children who live beyond the statutory distances) whenever it would be unreasonable, dangerous or (in some cases) impossible for a child to walk to their zoned school (even if accompanied).
- 5.10 There is no duty to provide transport where the Education Authority has proposed a placement for a child in their zoned school, and if necessary, offered suitable arrangements for transport to avoid the pupil having to walk more than the statutory walking distance, but where the pupil attends another school as the result of a placing request. (Section 51(2A) of the 1980 Act). Presently, pupils who live out with the catchment areas of Hazlehead Academy and Gilcounstoun School must make a placing request to attend the GME provision there. Accordingly, there is no duty to provide transport. If the catchment area for GME provision changes to city wide, there would be an obligation to provide free transport for any pupils attending the GME provision who lived beyond the statutory distances (three miles for children aged eight years and over, and two miles for children aged under eight.)

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 No negative environmental impacts have been identified from this report.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	N/A	N/A	N/A	N/A
Compliance	Risk of non-compliance with legislation relating to school zoning / school placings procedures and required consultation	All aspects of the Schools (Consultation) (Scotland) Act 2010 as amended will be complied with.	L	Yes

Operational	Risk of not being able to fill vacant posts	Contacts made with all partners to ensure all adverts are circulated throughout the Gaelic community and using all social media platforms	M	Yes
Financial	N/A	N/A	N/A	N/A
Reputational	Risk that poor quality of provision will present a reputational risk to the Council	Mitigated through the establishment of a set of measures to routinely track impact over a school year.	L	Yes
Environment / Climate	N/A	N/A	N/A	N/A

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
Aberdeen City Council Policy Statement	<p>The proposals within this report support the delivery of the following policy statements:-</p> <p>We will actively work with partners to review and enhance how Gaelic provision is promoted across the city.</p> <p>Work with UHI and other partners to fill teacher vacancies in GME.</p> <p>Work with corporate landlord to support consultation on catchment areas.</p>
<p>Regional and City Strategies</p> <p>Regional Cultural Strategy</p> <p>Prevention Strategy</p> <p>Children's Services Plan</p> <p>National Improvement Framework Plan</p>	<p>The proposals in this report support report our city Cultural Strategy - through promoting our culture and heritage.</p> <p>The proposals align with the NIF plan through supporting the delivery of quality learning experiences in GME and developing transition between provisions.</p>

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Assessment Impact	Not required
Data Protection Assessment Impact	Not required
Other	None

10. BACKGROUND PAPERS

None.

11. APPENDICES

Appendix A GME Survey

Appendix B Evaluation of Gaelic Medium Education

12. REPORT AUTHOR CONTACT DETAILS

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