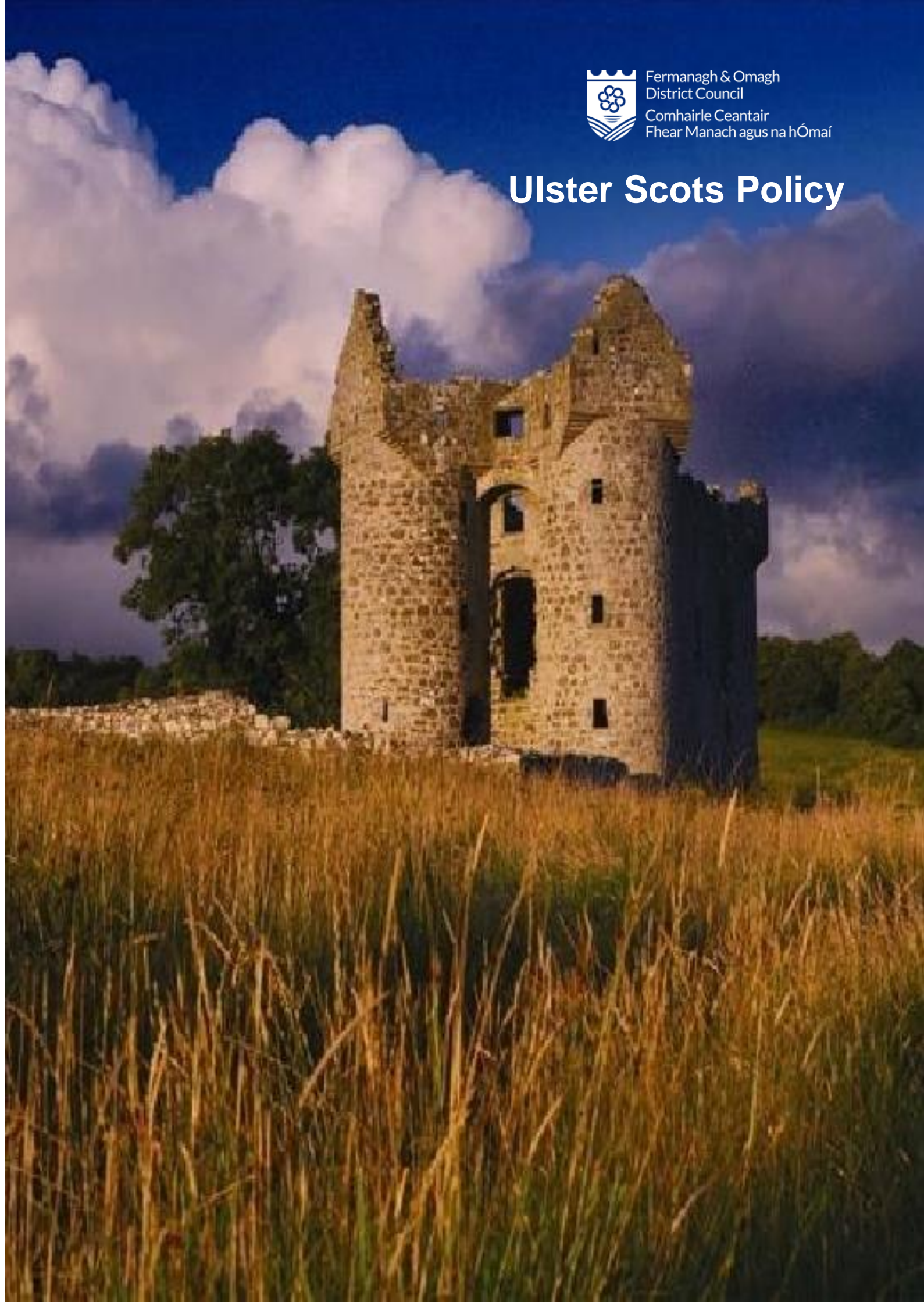




Fermanagh & Omagh  
District Council  
Comhairle Ceantair  
Fhear Manach agus na hÓmaí

# Ulster Scots Policy



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## **1. Introduction**

Fermanagh and Omagh District Council recognises and celebrates the rich diversity of traditions that helped to shape the history of the district, and that continue to be reflected in the culture of the district. This Policy aspires to protect, promote and enhance Ulster Scots culture and heritage, including its language, arts and literature.

For the purpose of this policy, Ulster Scots includes but is not limited to:

- Dance (to include Highland and Scottish Country dancing)
- Heritage (including Plantation & Border Reivers history and legacy)
- Language
- Literature (through Ulster Scots language); and
- Music\*

This Policy is a local response to various regional, national and international initiatives and programmes along with the statutory obligations falling on the Council. It also aspires to help promote respect, understanding and good relations within the Council and the District.

This Policy will function within the broader context of the Council's Corporate and Community Plans, Good Relations Strategy, Corporate Brand Identity and Linguistic Diversity Policy.

According to the 2011 Census figures, within the Fermanagh and Omagh District 4.4% of the local population had some knowledge of the Ulster Scots language. This figure may not be reflective of the number of residents of the district who participate in Ulster Scots activities or define an aspect of their cultural identity as Ulster Scots.

## **2. Legislation and Guidance**

The Policy draws heavily on the following documents:

New Decade, New Approach (2020)

European Charter for Regional or Minority Languages (2001)

## **2.1 New Decade New Approach (2020)**

‘New Decade, New Approach’ is intended to create a new climate in which the devolved administration can function once more and sets out important commitments, including in the area of identity and culture and specifically to Ulster Scots language, arts and literature.

Fermanagh and Omagh District Council recognises the importance of the spirit of this agreement, reached at a regional level, is reflected in local Government.

The agreement also sets out responsibilities upon Public Authorities to have due regard to the ‘guiding principals’ of the new Office of Identity and Cultural Expression. These guiding principles include:

- The need to respect the freedom of all persons in Northern Ireland to choose, affirm, maintain and develop their national and cultural identity and to celebrate and express that identity in a manner which takes into account the sensitivities of those with different national or cultural identities and respects the rule of law;
- The need to encourage and promote reconciliation, tolerance and meaningful dialogue between those of different national and cultural identities in Northern Ireland with a view to promoting parity of esteem, mutual respect, understanding and cooperation.

New Decade New Approach gives the commitment to recognise Ulster Scots as a national minority under the Framework Convention for the Protection of National Minorities.

Fermanagh and Omagh District Council has considered this in terms of how this policy is formulated and reviewed within the spirit of New Decade New Approach and in anticipation of new legislation relevant to Ulster Scots being enacted.

## **2.2. European Charter for Regional and Minority Languages**

There have been a number of initiatives designed to help promote, protect and enhance linguistic diversity. Most significantly, in 2001 the UK Government ratified the European Charter for Regional or Minority Languages.

Part II of the Charter commits the UK Government to recognising Ulster Scots as a language to which the general principle of non-discrimination applies in Northern Ireland.

### **2.3 Other Legislation and Guidance**

In combination, the Policy has taken account of the following (see Appendix I for further details):

- New Decade, New Approach (2020)
- European Charter for Regional and Minority Languages 1992
- Framework Convention for the Protection National Minorities (1998)
- Local Government (Miscellaneous Provisions) (NI) Order 1995
- Disability Discrimination Act 1995
- Race Relations (NI) Order 1997
- Fair Employment and Treatment (NI) Order 1998
- Section 75 and Schedule 9 NI Act 1998
- Belfast / Good Friday Agreement 1998
- Human Rights Act 1998
- NI (St Andrews Agreement) Act 2006
- ECNI Guidance on Promoting a Good and Harmonious Working Environment 2009
- Department of Culture, Arts and Leisure (DCAL) 2015, 'Draft Strategy for Ulster Scots: Language Heritage and Culture'.
- OFMDFM 'Together: Building a United Community' 2013
- UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage

### **3. Aim**

The policy aims to set out guiding principles that will demonstrate Fermanagh and Omagh District Council's commitment to facilitate and encourage the promotion, protections and enhancement Ulster Scots culture and heritage including its language, arts and literature.

This policy builds on Council's commitments to enhancing the cultural heritage of the district. It also sets out Fermanagh and Omagh District Council's legislative obligations.

### **4. Objectives**

By working in accordance with this Policy, Fermanagh and Omagh District Council will:

- Respect understanding, awareness, visibility, community capacity
- Embrace Ulster Scots in all its forms including encouragement understanding and enhancement of its culture and heritage, including language, arts and literature.
- Enhance positive attitudes towards and a positive profile for Ulster Scots within the District through promotion of its culture and heritage
- Afford Elected Members and staff the opportunity to use Ulster Scots whenever appropriate, while respecting other's identities and being mindful of the Council's corporate responsibilities.

### **5. Guiding Principles**

Fermanagh and Omagh District Council's Ulster Scots policy is informed by a number of key documents, legislation and guidance. Informed by these and the local and place specifics of Ulster Scots in the district, the policy presents a three guiding principles from which the Council will implement a range of positive actions to promote, enhance and protect Ulster Scots heritage and culture including language.

#### **Principle One: Supporting Ulster Scots**

Fermanagh and Omagh District Council is committed to the protection and promotion of Ulster Scots. The Council recognises that Ulster Scots represents a cultural asset and there is a need for the Council to support it in order to help protect and strengthen it. To ensure this the

Council will;

- Prepare a Fermanagh and Omagh District Council Ulster Scots Action Plan to support and encourage the development and promotion of Ulster Scots.
- Through delivery of the Action Plan, the Council will encourage better understanding of the culture and heritage of Ulster Scots. It will also recognise the contribution that Ulster Scots can make to the vibrant society within the District.
- The Action Plan will identify opportunities to promote and develop Ulster Scots by encouraging grant aid applications for Ulster Scots initiatives from the Ulster Scots community,
- Support and assist Ulster Scots communities with capacity building

### **Principle Two: Visibility and Communicating**

Fermanagh and Omagh District Council will create and maintain opportunities to communicate with the Ulster Scots community and individuals who define as Ulster Scots.

This will include:

- Convening regular focus groups and roundtable meetings with the Ulster Scots Community.
- Organising regularly meetings with the development agencies.
- Supporting and encouraging participation in key cultural events including Burns Night, European Heritage Open Day, Culture Night, Ulster Scots Language Week
- Respecting the choice of employees to use the Ulster Scots language within the workplace.
- Where appropriate, Council literature and forms should be available to the public in English and Ulster Scots format where appropriate, according to need and as resources permit.
- Ensuring that users of Ulster Scots may submit oral or written communications in Ulster Scots. Fermanagh and Omagh District Council will correspond in the chosen language of the recipient, where this choice is known.
- Ensuring that in planning presentations, events and festivals where appropriate allowance is made for incorporating the use of the Ulster Scots language.
- Enhancing the visibility of Ulster Scots culture and fostering different means of

increasing its visibility.

- Continuing a settlement signage programme and maintaining dual language street signage programme.

### **Principle Three: Staff and Administration**

Fermanagh and Omagh District Council will support its staff and elected members to deliver this policy and ensure appropriate administrative processes are in place through:

- Identifying a Senior Officer with adequate time and resources to act as an internal Champion for Ulster Scots with a clearly defined role to promote, support and strengthen Ulster Scots across the Council and the District.
- Offering training for Council Officers and Elected Members in the awareness Ulster Scots and the detail of this policy.

## **6. Roles and Responsibilities**

The Chief Executive has overall responsibility for the implementation of the Policy.

All employees are expected to follow the Policy and to take appropriate action to meet its aims and objectives.

The Ulster Scots Champion to lead on the delivery of actions arising out of this policy and co-ordinating delivery across the Council. This will include

- Provide guidance and support in relation to the Policy.
- Devising and delivering an Ulster Scots Action Plan which will ensure the effective implementation of the Policy.
- Reviewing programmes resulting from the Policy and the Ulster Scots Action Plan and make recommendations which reflect the evolving needs of Ulster Scots in the district.
- Reviewing any changes in legislation and revising the policy accordingly

Directors and Heads of Service will:

- Be responsible for the implementation of the Policy within their respective Departments.



- Monitor the delivery and implementation of the Policy within their Departments.

The Director of Community, Health and Leisure will have responsibility for the policy and to manage Requests for the use of bi-lingual street signage.

Elected Representatives will be responsible for the overall monitoring of the Policy, as well as suggesting possible improvements and amendments.

## **7. Monitoring**

The Council will monitor the implementation of the Policy at regular intervals and will respond to both regional and local changes in circumstance or new initiatives.

## **8. Linkages**

This Policy provides the framework to guide the Council's practice in relation to Ulster Scots. The Policy operates in accord with the Council's Corporate and Community Plans which links it with all other plans and strategies carried out by the Council. It also links into the Corporate Customer Services Policy and Procedures, and the Council's Equality Scheme.

## **9. Review**

The Ulster Scots Policy, under normal circumstances, will be formally reviewed every three years. The Policy will also be subject to annual scrutiny and, from time to time, updates and re-issues will be circulated.

The Policy will be reviewed sooner in the event of any one or more of the following:

- A failure or weakness in the policy is highlighted.
- Changes in legislative requirements.
- Changes in Government/Council or other directives and requirements.

## Appendix One

### Relevant Statutes and Guidance

#### 1.1 New Decade, New Approach (2020)

New Decade, New Approach gives a number of commitments to Ulster Scots including to a regional Ulster Scots Language, Heritage and Culture Strategy. This will include programmes and schemes which assist in the development of Ulster Scots language, culture and heritage. It is underpinned with the need to *'respect the freedoms of all persons in NI to choose, affirm, maintain and develop their national and cultural identity and to celebrate and express that identity in a manner which takes into account the sensitivities of those with different national or cultural identities'*.

Published alongside this was draft Assembly legislation related to the language and cultural aspects of the deal. The legislation comprises three separate (draft) bills to establish:

1. The Office of Identity and Cultural Expression (OICE);
2. Irish Language Commissioner;
3. Commissioner focusing on Ulster Scots and Ulster British language, arts and literature.

If enacted, all three bills would amend the Northern Ireland Act (1998) through the addition of new provisions.

The new Office of Identity and Cultural Expression is important in the context of this policy. This new Office would place a statutory duty on public authorities in Northern Ireland. Public Sector 'due regard' duties mean a public authority must pay proper consideration to the 'guiding principals' when a policy of practice is being formulated or reviewed.

The guiding principles include;

- The need to respect the freedom of all persons in Northern Ireland to choose, affirm, maintain and develop their national and cultural identity and to celebrate and express that identity in a manner which takes into account the sensitivities of those with different national or cultural identities and respects the rule of law;
- The need to encourage and promote reconciliation, tolerance and meaningful dialogue between

those of different national and cultural identities in Northern Ireland with a view to promoting parity of esteem, mutual respect, understanding and cooperation.

Noncompliance with a 'due regard' can be actionable through judicial review.

The Office of Identity and Cultural Expression provides the central point for giving effect to these principles and promoting this framework. A number of functions for this new Office are outlined.

Four of these relate to the guiding principles themselves. In summary they are to;

- Provide guidance to public authorities on the guiding principles;
- Monitor public authority compliance with the guiding principles;
- Report to the Assembly on compliance with the guiding principles; and
- Promote best practice in relation to compliance with the guiding principles.

With specific reference to Ulster Scots language, the First and Deputy First Minister, supported by Junior Ministers in The Executive Office, vow to sponsor and oversee a new framework both *'recognising and celebrating Northern Ireland's diversity of identities and culture and accommodating cultural difference'*. The framework, with specific regard to Ulster Scots will comprise:

- Legislation to create a Commissioner to enhance and develop the language, arts and literature associated with the Ulster Scots/Ulster British tradition and to provide official recognition of the status of the Ulster Scots language in NI. This legislation will also place a legal duty on the Department of Education to encourage and facilitate the use of Ulster Scots in the education system. The Commissioner will enhance and develop the language, arts and literature associated with the Ulster Scots tradition in NI.
- Establishment of a Central Translation Hub within the Department of Finance in order to provide language translation services for the 9 Executive Departments, Arm's-Length Bodies, Local Government and Public Bodies.
- See amendment of the Assembly's Standing Orders to allow any person to conduct their business before the Assembly or Assembly Committee through Irish or Ulster Scots.
- Recognise Ulster Scots as a national minority under the Framework Convention for the Protection of National Minorities.

Overall, the relevant strategic aims of the Office of Identity and Cultural Expression will be:

- To promote cultural pluralism and respect for diversity including NI's ethnic, national, linguistic and faith communities;
- Build social cohesion and reconciliation so that everyone has a sense of belonging;
- Build capacity and resilience on how we address our unresolved cultural identity issues;
- Celebrate and support all aspects of NI's rich cultural and linguistic heritage, recognising the equal validity and importance of all identities and traditions;
- Commission and publish research and reports in respect of cultural traditions and identities;
- Promote public awareness and education programmes including guidance on the rights of a child to learn about their identity and heritage, as well as those of other traditions will be incorporated into the education sector

Specifically, the Ulster Scots Commissioner's role will entail:

- Increasing awareness and visibility of relevant services which are provided by public authorities in NI;
- Providing advice and guidance to public authorities, including where relevant on the effect and implementation, so far as affecting Ulster Scots, of commitments under the European Charter for Regional and Minority Languages, the European Framework Convention for the Protection of National Minorities and the United Nations Convention on the Rights of the Child; and
- Investigating complaints where a public authority fails to have due regard to such advice provided by the Commissioner in respect of facilitating the use of Ulster Scots;
- Working closely with the Board of Ulster-Scots with a view to ensuring complementarity.

## **1.2 European Charter for Regional and Minority Languages 1992**

In 2001 the UK Government ratified the European Charter for Regional or Minority Languages, with Irish and Ulster Scots both designated as minority languages in the context of Northern Ireland.

Part II of the Charter commits the UK Government to recognising Irish and Ulster-Scots as languages to which the general principles of non-discrimination should apply.

The overriding purpose of the Charter is to promote cultural diversity through the use of a regional minority language in the life of its speakers. The aim of the Charter is to ensure, as far as reasonably possible, the use of regional or minority languages in education and the media and to permit their use in judicial and administrative settings, economic and social life and cultural activities.

Where the numbers of users of regional or minority languages is such as to justify the measures, the Charter outlines steps that a public authority can take to promote that language.

## **1.3 Framework Convention for the Protection of National Minorities**

The Council of Europe's most comprehensive text for protecting the rights of persons belonging to national minorities is the Framework Convention for the Protection of National Minorities (FCNM). It is the first legally binding multilateral instrument devoted to the protection of national minorities worldwide. It was adopted on 10 November 1994 by the Committee of Ministers and it entered into force on 1 February 1998. It has 39 member states to date.

The Framework Convention for the Protection of National Minorities (FCNM) does not contain a definition of "national minority" as there is no general definition agreed upon by all Council of Europe member states. Each party of the Framework Convention is therefore left with a margin of appreciation to assess which groups are to be covered by the Convention within their territory. This decision must be made in good faith and in accordance with general principles of international law, including the principle of free self-identification, set out in Article 3 of the Framework Convention. Individuals may decide themselves whether they wish to be treated as belonging to a national minority. However, their decision must be based on objective criteria connected with their identity, such as their religion, language, traditions and cultural heritage.

## **1.4 Other Relevant Legislation**

### **Local Government (Miscellaneous Provisions) (NI) Order 1995**

Article 11 of the 1995 Order enables local councils to display street names in languages other than English.

### **Disability Discrimination Act 1995**

The Act recognises that various barriers exist within society which may present practical difficulties for disabled people who are seeking employment, who are currently in employment or when accessing goods, facilities, services or premises. In order to address some of the practical difficulties that these barriers present, the disability legislation creates a positive duty on employers and service providers to make ‘reasonable adjustment’ to their policies and premises where reasonable and appropriate. This would extend to access to and use of means of communication

### **Race Relations (NI) Order 1997**

The Order 1997 follows closely the provisions of the 1976 Race Relations Act in GB, outlawing discrimination on grounds of colour, race, nationality or ethnic or national origin. The Order makes racial discrimination unlawful in employment; the provision of goods, facilities and services; education; and housing management and disposal of premises.

### **Fair Employment and Treatment (NI) Order 1998**

**Article 19** places a requirement on employers in Northern Ireland to maintain a good and harmonious working environment. The Fair Employment Code of Practice provides guidance for employers on the promotion of such an environment. At Section 5.2 it states that, ‘To promote equality of opportunity you should....promote a good and harmonious working environment and atmosphere in which no worker feels under threat or intimidated because of his or her religious belief or political opinion.’

### **Section 75 Northern Ireland Act 1998**

Section 75 of the Northern Ireland Act 1998 requires all designated public authorities in Northern Ireland, and including Fermanagh and Omagh District Council, to have due regard to the need to promote equality of opportunity on nine specified grounds, namely:

between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;

between men and women generally;

between persons with a disability and persons without; and

between persons with dependants and persons without

A designated public authority must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Fermanagh and Omagh District Council are consulting on a new Equality Scheme that affirms its commitment to promote equality of opportunity and good relations. The scheme makes a commitment to remove barriers to communication and includes the following statement, ‘Information will be made available on request, in alternative formats – such as Braille, disc and audio cassette’.

### **Belfast / Good Friday Agreement 1998**

The Agreement commits Government to exercising power in Northern Ireland, ‘with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and [with] parity of esteem and... equal treatment for the identity, ethos, and aspirations of both communities’.

In the section entitled ‘Rights, Safeguards and Equality of Opportunity: Economic, Social and Cultural Issues’ the agreement recommends that, ‘All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland.

### **Human Rights Act 1998**

Article 10 (Freedom of Expression) of the Human Rights Act 1998 is a qualified right which states that everyone has the right to freedom of expression, including freedom to hold opinions and to receive and impart information and ideas without interference by a public authority and regardless of frontiers.

This guarantees the right to pass information to other people and to receive information that other people want to give to you. It also guarantees the right to hold and express opinions and ideas.

### **Equality Commission (NI) Guidance on Promoting a Good and Harmonious Working Environment 2010**

Following earlier advice made available by the Fair Employment Commission, in 2010 the Equality Commission issued revised guidance on promoting a good and harmonious environment, setting out responsibilities of both employers and employees. The guide acknowledges that while certain emblems and symbols will, by their history, nature and associations, have the potential to disrupt a good and harmonious working environment, others are unlikely to cause disharmony, ‘This of course does not mean that working environments must always be devoid of anything that happens to be more closely associated with only one community in Northern Ireland. Some employers prefer to promote the workplace environment as a ‘neutral’ space given the organisation’s specific context and including its history, culture and/or workforce composition. On the other hand, many employers find ways to facilitate diverse expressions of identity in a sensitive way which does not disrupt a good and harmonious working environment. Neither approach is inherently right or wrong, but each should be founded on choices based on what is reasonable, fair and appropriate at that time and in that place. It is for employers to consider where such boundaries should be set.’

### **OFMDFM Together: Building a Shared Community 2013**

In May 2013, the Office of the First Minister and Deputy First Minister (OFMDFM) produced a good relations / shared future strategy document which contains a number of commitments to help improve community relations and build a united and shared society in Northern Ireland.

Of particular note, the strategy contains a shared aim to, ‘Create a community which promotes mutual respect and understanding, is strengthened by its diversity and where cultural expression is celebrated and embraced’.

To further this aim, the strategy requires each district council to put in place a District Council Good Relations Programme and an associated Action Plan.



## **New Decade, New Approach 2020**

This agreement marks a new approach to government in Northern Ireland. It enables the restoration to full operation of all the institutions of the Belfast (Good Friday) Agreement, including the Executive, the Assembly, the North South Ministerial Council, the British-Irish Council and the British-Irish Intergovernmental Conference. It contains a range of proposals to make government better.