

# Schools (Residential Outdoor Education) (Scotland) Bill

[AS INTRODUCED]

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## CONTENTS

### Section

- 1 Provision of residential outdoor education
- 2 Education authorities' arrangements with independent schools
- 3 Ancillary provision
- 4 Commencement
- 5 Short title



**THE FOLLOWING ACCOMPANYING DOCUMENTS ARE ALSO PUBLISHED:  
Explanatory Notes (SP Bill 50-EN), a Financial Memorandum (SP Bill 50-FM), a Policy  
Memorandum (SP Bill 50-PM), a Delegated Powers Memorandum (SP Bill 50-DPM) and  
statements on legislative competence (SP Bill 50-LC).**

# Schools (Residential Outdoor Education) (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to make provision about the making available of residential outdoor education to school pupils.

## **1 Provision of residential outdoor education**

After section 6 of the Education (Scotland) Act 1980 insert—

### **“6A Provision of residential outdoor education**

- (1) An education authority must provide or secure the provision of one course of residential outdoor education to each pupil attending a public school under the education authority’s management.
- (2) The managers of a grant-aided school must provide or secure the provision of one course of residential outdoor education to each pupil attending the grant-aided school.
- (3) For the purposes of this section, “one course of residential outdoor education” means a course of education that—
  - (a) has outdoor learning as its main focus,
  - (b) includes at least 4 overnight stays and 5 days, which may be non-consecutive, in facilities such as (without limitation) outdoor centres, youth hostels, camps or sailing boats, and
  - (c) is suitable to the relevant pupil’s age, ability, aptitude and any additional support needs.

### **6B Guidance on residential outdoor education**

- (1) The Scottish Ministers must prepare and publish guidance to education authorities and the managers of grant-aided schools about their duties under section 6A of this Act.
- (2) Education authorities and the managers of grant-aided schools must, in carrying out their duties under section 6A of this Act, have regard to the guidance issued under subsection (1).

- (3) The Scottish Ministers must issue the guidance required by subsection (1) within 3 months of this section coming into force.
- (4) Guidance issued under subsection (1) must in particular include provision about—
- 5 (a) the nature and content of residential outdoor education,
  - (b) the standard to which residential outdoor education must be provided,
  - (c) how education authorities and the managers of grant-aided schools should assess whether residential outdoor education is suitable to a pupil's age, ability, aptitude and any additional support needs,
  - 10 (d) the costs that it would be reasonable for education authorities and the managers of grant-aided schools to incur in providing or securing the provision of residential outdoor education,
  - (e) the voluntary nature of participation by pupils in residential outdoor education,
  - 15 (f) the year groups of pupils within primary and secondary education to whom the residential outdoor education is to be provided,
  - (g) the manner in which education authorities and the managers of grant-aided schools should engage with any inspections under section 66 of this Act in relation to their duties under section 6A of this Act, and
  - 20 (h) the extent to which educational authorities and the managers of grant-aided schools should consider providing or securing the provision of residential outdoor education in Gaelic.
- (5) The Scottish Ministers may from time to time revise guidance published by them under subsection (1) and must publish the revised guidance.
- (6) Subsections (2) and (4) apply to any revised guidance published under subsection (5).
- (7) Before preparing any guidance or revised guidance under this section, the Scottish Ministers must consult the following persons—
- 30 (a) each education authority,
  - (b) the managers of each grant-aided school,
  - (c) such parents of pupils in respect of whom the duties under section 6A of this Act apply as the Scottish Ministers think appropriate,
  - (d) such persons involved in the operation of premises or other facilities used to provide residential outdoor education, or organisations representing such persons, as the Scottish Ministers think appropriate,
  - 35 (e) such other voluntary organisations as the Scottish Ministers think appropriate, and
  - (f) any other persons that the Scottish Ministers think appropriate.

## 40 **6C Funding for residential outdoor education**

- (1) The Scottish Ministers must pay education authorities and the managers of grant-aided schools such amounts as are sufficient to enable them to carry out their duties under section 6A of this Act.

- (2) This section is without prejudice to Part III of this Act (Administration and Finance).”.

## 2 Education authorities’ arrangements with independent schools

- (1) The Education (Scotland) Act 1980 is amended as follows.

- (2) After section 49(2ZA) insert—

“(2ZB) Before exercising the power conferred by subsection (2)(b) in respect of a person attending an independent school, an education authority must have regard to the matter mentioned in section 50B.”.

- (3) After section 50(1ZA) insert—

“(1ZB) In deciding whether school education suitable to the age, ability and aptitude of a person is best provided at a particular independent school, an education authority must have regard to the matter mentioned in section 50B.”.

- (4) After section 50A insert—

### “50B Sections 49 and 50: provision of residential outdoor education

The matter referred to in sections 49(2ZB) and 50(1ZB) is the extent to which a course of residential outdoor education would be provided to pupils in attendance at the independent school in a manner that would comply with the duty under section 6A(1), if the duties of education authorities under sections 6A(1) and 6B(2) applied in relation to the independent school.”.

## 3 Ancillary provision

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act.

- (2) Regulations under subsection (1) may—

- (a) modify any enactment (including this Act),  
(b) make different provision for different purposes.

- (3) Regulations under subsection (1)—

- (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act,  
(b) otherwise are subject to the negative procedure.

## 4 Commencement

- (1) This section and sections 3 and 5 come into force on the day after Royal Assent.

- (2) Sections 1 and 2 of this Act come into force on 7 July following the date of Royal Assent.

## 5 Short title

The short title of this Act is the Schools (Residential Outdoor Education) (Scotland) Act 2024.

# **Schools (Residential Outdoor Education) (Scotland) Bill**

[AS INTRODUCED]

An Act of the Scottish Parliament to make provision about the making available of residential outdoor education to school pupils.

Introduced by: Liz Smith  
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