

## Education, Children and Young People Committee

Wednesday 27 November 2024

31st Meeting, 2024 (Session 6)

# Schools (Residential Outdoor Education) (Scotland) Bill

## Introduction

1. Liz Smith MSP introduced the [Schools \(Residential Outdoor Education\) \(Scotland\) Bill](#) on 20 June 2024. The Education, Children and Young People's Committee has been designated as the lead committee for this Members' Bill at Stage 1.
2. The Bill establishes that all pupils in state and grant-aided schools will have the chance to experience at least four nights and five days of residential outdoor education during their school career.
3. This is the third evidence session on the Bill and the Committee will take evidence from the following panels of witnesses—
  - Natalie Don-Innes MSP, Minister for Children, Young People and The Promise
  - Saskia Kearns, Team Leader, Curriculum Development, Scottish Government
  - Nico McKenzie-Juetten Lawyer, Scottish Government Legal Directorate

## Background

4. SPICe has produced a background briefing on the Bill which is [published on the website](#). SPICe has also produced a briefing paper for this session which is attached at **Annexe A**.

## Evidence

### Oral evidence

5. At its meeting on 6 November, the Committee took evidence from the following witnesses—
  - Emeritus Professor Chris Loynes, Professor in Human Nature Relations, Institute of Science and Environment, Centre for National Parks and Protected Areas (CNPPA) & Outdoor Studies, University of Cumbria
  - Professor Greg Mannion, senior lecturer in education, University of Stirling, Scotland
  - Dr Roger Scrutton (FRSE, FHEA) Honorary Research Fellow in Outdoor Education, University of Edinburgh

6. At its meeting on 13 November, the Committee then heard from the following witnesses—

**Panel 1**

- Andrew Bradshaw, Wider Achievement Manager (Outdoor Learning and Adventure Education), City of Edinburgh Council and Secretary of the Scottish Advisory Panel for Outdoor Education
- Matthew Sweeney, Policy Manager, Children and Young People, COSLA
- Tara Lillis, Policy Official, Scotland NASUWT
- Brenda Leask, Executive Manager, Schools Shetland Islands Council

**Panel 2**

- Phil Thomson Development Manager, Ardroy Outdoor Education Centre
- Nick March, National Chair, Association of Heads of Outdoor Education Centres Scotland
- Freda Fallon, Development Manager Scotland, Outward Bound Trust
- Jamie Miller, Chief Executive, Scottish Outdoor Education Centres

7. Meeting papers and transcripts from those meetings, including written evidence provided by witnesses, are published on the [website](#).

**Call for views**

8. The Committee issued a call for views on the provisions of the Bill which ran from 3 July until 4 September 2024 and 271 responses were received.
9. The [responses to the call for views have now been published](#). A [SPICe summary of the responses](#) received has also been published on the website.

**Scottish Government position**

10. The Scottish Government [wrote to the Committee on 3 September 2024 attaching its memorandum on the Bill](#). It states—

“The Scottish Government is committed to improving outdoor learning provision in Scotland, ensuring that all learners are experiencing regular, enjoyable, and challenging outdoor learning experiences that are embedded across the 3-18 curriculum. However, we do have reservations concerning certain elements of the proposed approach set out in the Bill that require further and full consideration and assurance, in order that all of the potential implications of the Bill are fully understood. These relate to:

- Legislating in the curriculum;
- A narrow focus on only one type of outdoor learning; and
- Resource implications (feasibility and affordability).

Taking these considerations into account, and given the positive intents of the Bill, the Scottish Government remains neutral at this time concerning passage of the Bill.”

11. The letter from the Scottish Government is reproduced at **Annexe B**.

## **Other Committee consideration**

### **Delegated Powers**

12. The Delegated Powers and Law Reform Committee considered the delegated powers in the Bill at its meeting on 29 October 2024 and [reported to the lead Committee](#) on 1 November 2024 under Rule 9.6.2 of Standing Orders.

### **Financial Memorandum**

13. The Finance and Public Administration (FPA) Committee issued a call for views on the Financial Memorandum (FM) and received 8 responses which have been [published on the website](#). The FPA Committee took evidence on the FM at its [meeting on 19 November 2024](#), it is expected that the FPA Committee will report to the lead Committee in due course.

## **Next steps**

14. The Committee will hold its final evidence session on the Bill at its meeting on 18 December 2024.

**Committee Clerks  
November 2024**

## Annexe A

**SPICe**

**The Information Centre**  
An t-Ionad Fiosrachaidh

# Education, Children and Young People Committee

**27 November 2024**

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

### **Introduction**

This paper is to support the Committee at its third evidence session on the Schools (Residential Outdoor Education) (Scotland) Bill.

On [6 November 2024](#), the Committee took evidence from a panel of academics on the Bill. On [13 November 2024](#), the Committee took evidence from a panel including representatives from local authorities and a trade union, and then a panel of outdoor education centres.

This week the Committee will take evidence from the Minister for Children, Young People and The Promise.

### **Scottish Government's memorandum on the Bill**

The [Scottish Government wrote to the committee setting out its views on the Bill](#). The Government is broadly supportive of the intention of the Bill to improve access to residential outdoor education. However, the Government expressed reservations around:

- legislating in the curriculum
- a narrow focus on only one type of outdoor learning
- resource implications.

In relation to legislating in the curriculum, the Scottish Government said:

“The further introduction of statutory provisions relating to the curriculum risks setting an unhelpful precedent which contradicts Scotland’s existing approach to education and the respective roles and responsibilities, and agency, of

education authorities/schools/teachers to shape the curriculum to suit their learners.”

Residential outdoor education is only one form of outdoor learning within the Scottish policy landscape. The Government said that there is a risk that the Bill's focus on this one aspect risks "undermining other types of outdoor learning and does not align with Scottish Government's policy aim for outdoor learning to be regular, day-to-day, and experienced across the whole 3-18 curriculum."

The Government argued that the costs modelled in the FM are an underestimate because "staff costs in secondary schools are not modelled, inflation has not been accounted for and there is no modelling of additional costs to accommodate ASN pupils." The Government continued:

“If the Bill is passed, costs would likely be incurred from financial year 2025/26. This would present an additional significant financial risk to public finances that are already under intense pressure to meet existing Ministerial priorities and commitments. No central funding exists to fund the financial impact of the Bill and its statutory funding obligation on Scottish Ministers – the Bill's provisions, as currently drafted, are unaffordable.”

The Government's Memo concluded—

“Ministers also remain willing to work with Ms Smith MSP to improve outdoor learning provision through non-legislative routes (including through the government's Scottish Outdoor Learning Strategic Working Group and Learning for Sustainability Action Plan), to ensure all forms of outdoor learning can be supported and value for money can be achieved.”

Despite the concerns that the Government raised, and the reference to being willing to work on non-legislative routes, the Government said that that it held a "neutral" position on the Bill.

## Current provision

In the policy memorandum, the Member in charge of the Bill set out why she considers that the current provision needs to be improved. She said—

- many young children do not get the same opportunities as their peers for financial reasons
  - as the provision of residential outdoor education is not mandatory for schools to undertake, it can be a postcode lottery as to whether a child is offered it during their school career or not
  - in the absence of legislative provision for these experiences, it is likely that the level of provision will continue to decline, threatening the existence of such experiences for future generations.
- (PM Para 97)

There are around 40-50 residential outdoor education centres in Scotland. The number of number of pupils undertaking residential outdoor education is not collected centrally. It has therefore been difficult to ascertain the volume of current provision, either in terms of the number of schools and pupils accessing residential outdoor education, or how these experiences are delivered, funded and their outcomes.

Andrew Bradshaw speaking about work undertaken by SAPOE said that around 60% of primary schools in Scotland undertake residential. In relation the provision in Edinburgh where P7 residential are common, Mr Bradshaw said that around 85-90% of pupils attend residential. (13 November 2024, Cols 14-15)

Some local authorities that responded to the Committee's call for views described how schools in their organisation arrange and provide outdoor learning including residential outdoor education. ADES' submission said—

“Schools in local authorities already offer a wide range of outdoor education and residential experiences for young people. This is decided at school level as part of the rationale for its curriculum and its approach to learning outdoors.

“Residential experiences are not always linked to outdoor education and can be linked to other subjects such as History, the arts and geography. Schools currently identify the types of experience offered, how this will be staffed and how it will be funded.”

Tara Lillis from NASUWT set out some of the barriers to participation under the current provision, including: costs to both schools and families; particular barriers for specialist settings to access appropriate facilities; and other “systemic barriers to participation that align with equality duties” in relation to sex, disabilities and race. (13 November 2024, col 5)

## **Benefits of residential outdoor education**

A theme of the Committee's work, both through its evidence sessions to date and the written submissions it received has been that residential outdoor education is beneficial to children and young people.

Professor Chris Loynes said that the benefits of residential outdoor educational experience accrue because the experience changes the relationships between pupils and between pupils and teachers. He said—

“[Outdoor education residential] change the relationships between students, and between students and their teachers. They change their confidence, agency and willingness to engage with one another. That then changes the relationships when they are back in the classroom. When a class that has been on a residential together transfers back to the classroom, there is a difference in the social relations between the students and in their relationship with their teacher. ...

“Another important element is the fact that teachers go on residential with the young people. We call it the “I saw Miss in pyjamas” effect. It humanises the teacher. The impact, in the form of personal and social development benefits, on the teaching group is as good as the impact on the young people. It impacts on teachers' self-esteem and their ability to exercise agency and try out new things in the classroom. The result is shifts in attainment, because of better attention and better engagement.”

Dr Roger Scrutton agreed and said that these relationships, which lead to greater collaboration underpin the cognitive benefits of residential outdoor education. Freda Fallon from the Outwrd Bound Trust said that the role of the teacher in residential is “essential” in the development of the pupils attending. She continued, “the teachers are there to support the development of young people and transfer that development

back to school for the benefit of the wider community". (13 November 2024, col 37)  
This reflected the findings of the 2015 [Learning Away evaluation](#)., which also found—

“The development of resilience, confidence and wellbeing through residential experiences transformed into optimism and constructive attitudes to learning in the classroom. Students often reported increased persistence when they found tasks difficult and more belief in their ability to cope. On occasions groups of students independently planned approaches to support each other’s progress.”

Professor Loynes, again reflecting the findings in Learning Away, noted that there was evidence that the involvement of students in the co-design of residential programmes improved outcomes. He also said residential can support transitions between primary and secondary education.

## How the Bill would work in practice

The Bill seeks to improve the opportunities for pupils to participate in residential outdoor education. It has three substantial provisions:

- placing a duty on education authorities and managers of grant-aided schools to secure the provision of at least one period of residential outdoor education for each pupil
- placing a duty on Scottish Ministers to prepare and publish guidance on the duty to secure the provision of residential outdoor education
- providing that the Scottish Government provide funding to local authorities and the managers of grant-aided schools to carry out the duty to secure the provision of residential outdoor education.

Pupils would be able to opt-out of residential outdoor education.

The drafting of the duty on local authorities is:

“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.”

The framing of the Bill appears to place the duty on each local authority individually, not all local authorities collectively, and the duty is to secure or provide residential outdoor education to “each pupil”, ie every individual pupil. A number of responses questioned how this duty would apply where a pupil moved school or local authority, or if a pupil was unable to attend a scheduled trip perhaps due to ill health. The duty in the Bill is not qualified by considerations of practicability nor whether the pupil had previously received or been offered ‘one course of residential outdoor education’ by another local authority. The drafting of the Bill could be read that the local authority must provide a course of residential outdoor education for every pupil regardless of how long that individual is a pupil at one of their schools, which could pose considerable challenges in some circumstances.

While these issues would be relatively easily clarified by amendment, there would need to be some way to track individual pupils and determine whether they had had the opportunity to attend residential outdoor education. SEEMiS is the management information system used by all local authorities and it is possible that this may be adapted to support sharing such information and tracking whether the individual child had had the opportunity to experience the full residential outdoor education

entitlement. The Committee heard that some local authorities use a different system [EVOLVEvisits](#) to support arranging trips.

Section 1 of the Bill sets out that residential outdoor education would be:

“a course of education that:

has outdoor learning as its main focus,

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

is suitable to the relevant pupil’s age, ability, aptitude and any additional support needs.”

Outdoor learning is not defined in the Bill. The Bill provides that the Government would prepare guidance on the provision of residential outdoor education.

Universal provision would need to ensure that pupils with complex additional support needs or disabilities can be catered for. Glasgow City Council said the Bill needs to “take into account children with ASN, who have complex needs and would require significant support, adaptations to centres, specialist equipment and adapted beds, as well as the additional costs associated with both the health and safety requirements and risk assessments required for each visit.” On 13 November the Committee heard that there is limited capacity in outdoor education centres in Scotland to support disabled pupils with significant support needs.

The capacity of centres more broadly has been raised as a possible barrier to implementation of the Bill. Matthew Sweeney from COSLA told the Committee---

“If we have the capacity in general, do we have the capacity available at the right times of year? Obviously, going to an outdoor centre in May, August or September will be quite different from going in January or February. If we do not address some of those capacity points, how will decisions be made about which people get to go when?” (13 November 2024, Col 12)

Nick March drew a distinction between outdoor education and outdoor recreation. He said that as an outdoor education centre is a learning environment it can be utilised all year round. (13 November 2024, Col 39) Phil Thompson from Ardroy said that his centre offers visits more cheaply in winter. (Col 52) Mr March also said that private providers are in a position to invest in more beds if there was going to be an increase in demand. (Col 52)

Dr Scrutton suggested that there is a mixed picture in terms of current demand for places. He said—

“I think that the residential centres can cope with the current uptake, although some of them have been closing, because they have not had the business, so they have not had the money to support maintenance and so on. On the other hand, Aberdeenshire Council has just opened a new residential centre, which I think has 40 places, and it has immediately been filled for about a year. City of Edinburgh Council’s two remote outdoor centres, Lagganlia and Benmore, are booked for three years in advance.” (6 November 2024, cols 9-10)

Matthew Sweeney from COSLA said that COSLA supports the principle of outdoor learning and that local authorities have invested in schools and ELC settings to support greater use of the outdoors. However, he said COSLA has concerns about how the Bill could be implemented:



“At the moment, we have a number of concerns about the new duties that are to be placed on local authorities and whether they will be able, practically, to meet them in the short term. In particular, there are questions around staffing, capacity and how we create the right offers for children and young people. ... We are very concerned about funding being available. With a lot of this, there is a quite significant financial cost for staffing, transport and the centres themselves.” (13 November 2024, Col 3)

Nick March said that there would need to be an implementation plan should the Bill be passed. He said—

“We would need a staged approach to implementation of the bill, to allow us to build capacity. The biggest capacity that we would need to build is in qualified staff.” (13 November 2024, col 53)

## Current policy

Professor Mannion placed a residential outdoor education within the wider concepts of Outdoor Learning and Learning for Sustainability. Outdoor Learning can be considered as any learning that takes place outside. A number of submissions reference a 2010 publication, [Curriculum for Excellence Through Outdoor Learning](#). This stated—

“Outdoor learning experiences are often remembered for a lifetime. Integrating learning and outdoor experiences, whether through play in the immediate grounds or adventures further afield, provides relevance and depth to the curriculum in ways that are difficult to achieve indoors.”

Outdoor Learning policy does include the kind of adventurous activities that the Bill is concerned with. It also includes learning in the school grounds or short trips to local outdoor sites – in short outdoor learning is learning undertaken outside. The CfE Through Outdoor Learning document set out the “vision” for outdoor learning:

- all children and young people are participating in a range of progressive and creative outdoor learning experiences which are clearly part of the curriculum
- schools and centres are providing regular, frequent, enjoyable and challenging opportunities for all children and young people to learn outdoors throughout their school career and beyond
- teachers and educators embed outdoor learning in the curriculum so that learning in the outdoor environment becomes a reality for all children and young people.

Professor Mannion said that the large majority of outdoor learning that takes place in the local contexts or school grounds. He also said that the key to expanding outdoor learning in the broader sense is to support the continuing professional development of teachers in this practice. Scottish Advisory Panel for Outdoor Education’s submission said, “the residential outdoor education experience occupies a unique and profound space within the outdoor learning journey as described in Curriculum for Excellence through Outdoor Learning.”

Sitting alongside CfE, is Learning for Sustainability (LfS). This [is described as bringing together](#) “sustainable development, outdoor learning and global citizenship.” Last year the Government published [Scotland’s learning for sustainability action plan 2023 to](#)

[2030 “Target 2030”](#). This “aims to build an inspiring movement for change so every 3 to 18 place of education becomes a sustainable learning setting by 2030.”

The action plan says that “all learners should have an entitlement to learning for sustainability”, albeit it is not clear what this “entitlement” means in practical terms, given there is no legislative underpinning. [GTCS says that](#) Learning for Sustainability is “embedded within the suite of Professional Standards”. The professional standards “describe teacher professionalism in Scotland”. In [a guide for teachers](#), the GTCS says—

“We live in a turbulent, interdependent and rapidly changing world, with a complex range of social, cultural, political, ecological and economic challenges shaping our future – locally, nationally and globally. Learning for Sustainability is about knowing and understanding the world as it is, and equipping educators and learners with the confidence, values, knowledge, attitudes, capabilities and skills that will enable us to contribute effectively to making a better world.”

Tara Lillis from NASUWT said that “although policy around learning for sustainability and outdoor learning has embedded to an extent, it is not as embedded as we might like” and that teachers require access to professional learning and time to develop approaches. (13 November 2024, Col 13) Nick March from AHOEC said that “the key part to a residential is about access to the environment enabling the Learning for Sustainability policy”. (13 November 2024, Col 35)

As noted earlier in this paper, the Scottish Government expressed concern that the Bill creates a narrow focus on one type of outdoor learning. Professor Mannion told the Committee on 6 November—

“In the current context of the nature emergency and at a time of climate crisis, it seems to me to be strange to go outdoors in nature if we do not acknowledge the policy context of outdoor learning, its place within learning for sustainability and our concern for environmental outcomes. The relationships that are built between pupils and teachers, and between pupils and pupils, need to be set inside another context, which is that of our human relationship with nature. I do not see that coming through in the bill. We need to consider what we want to achieve through what I expect will be an expensive provision, if the Government is to warrant that every pupil gets one of these experiences.”

The Scottish Government’s memorandum said that it shares the aim to “improve the provision of outdoor learning in Scotland and acknowledges that provision for our primary and secondary learners needs to improve”. The memo set out a number of recent policy developments, including—

- The Scottish Government has convened a new Scottish Outdoor Learning Strategic Working Group to support the delivery of inclusive and impactful outdoor learning in all its forms, which met for the first time in May 2024 and is expected to report in May 2025. SPICe has been unable to find any details of this work outwith the Government’s memorandum, eg details of the meetings.
- The Memo highlighted the [Going Out There](#) framework. The introduction to the framework says that it provides “user-friendly processes compliant with health and safety legislation, aims to increase opportunities for all Scotland’s children and young people to access their learning through off-site visits and the outdoors, improving learning outcomes for all.” An [Education Scotland resource](#) introducing this framework was published in 2017, but updated earlier this year.

- The Memo said that it would launch an “online ‘one-stop-shop’ on Learning for Sustainability” this year and a Learning for Sustainability Mentor Network for educators was recently established. It is not clear whether the online ‘one-stop-shop’ has been launched at this time.

The sequencing of the Scottish Outdoor Learning Strategic Working Group and its report is noteworthy. It is not clear what the relationship will be between the publication of the report in May 2025 and the Government’s position on the Bill, or its response to the Committee’s Stage 1 report.

## *Legislating in the curriculum*

Gaelic and religious instruction and observance are specifically set out in legislation, but generally very little of the curriculum is the subject of a specific statutory duty. Local authorities must make provision for adequate and efficient education in their area (s1 of the [Education \(Scotland\) Act 1980](#)) and in doing so must “secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.” (s2 of the Standards in Scotland’s Schools etc. Act 2000).

Curriculum for Excellence is intended to provide schools and individual teachers with the autonomy to develop the teaching and learning in their classrooms. The school education system is intended to empower local leaders.

The Government’s memo states—

“It is for local authorities and schools to decide how best to deliver outdoor learning. The only aspect of curriculum delivery that is currently set out in legislation is religious and moral education (RME). The requirement on all local authorities to provide RME goes back over 100 years and has been continued through to the Education (Scotland) Act 1980. The further introduction of statutory provisions relating to the curriculum risks setting an unhelpful precedent which contradicts Scotland’s existing approach to education and the respective roles and responsibilities, and agency, of education authorities/schools/teachers to shape the curriculum to suit their learners.”

While supporting the Bill, Andrew Bradshaw from the City of Edinburgh Council and SAPOE said—

“I want to stress the importance of flexibility and autonomy for local authorities and schools. The City of Edinburgh Council and SAPOE believe that that approach will allow different local authorities, and schools within local authorities, to consider context and needs.” (13 November 2024, Col 4)

Later Mr Bradshaw elaborated on the need for flexibility. He said, that for some of the membership of SAPOE, “particularly those in the Hebrides, Shetland and other remote places, a contrasting residential needs to focus on other things [than visits to outdoor education centres].” (13 November 2024, 2024)

The Bill would provide for a reasonable amount of flexibility. The proposed 4 nights of residential outdoor education would not necessarily have to be consecutive – indeed one way of fulfilling the proposed duty could be to offer all three levels of the Duke of Edinburgh Award which total 6 nights. The duty is that the local authority must provide the opportunity for a total of 4 nights away where outdoor learning is the focus but ‘Outdoor Learning’ is not defined. The Government’s power to issue have-regard

statutory guidance, which is proposed in the Bill, would provide it with the opportunity to shape what this duty would entail in practice.

## Costs in FM

The Financial Memorandum modelled three areas of additional spend that would arise from the Bill:

- cost of pupils attending residential outdoor education
- transport costs
- costs on the Scottish Government of producing guidance.

The Member estimates that the costs of the Bill after two years of operation would be between £20.4 million and £33.9 million in 2024-25 prices (i.e. not accounting for inflation).

The Outward Bound Trust said that there was a return in terms of “social return on investment”. It said, “for every £1 invested in Outward Bound programmes, there is a return of between £5 and £15 in societal value”.

The Financial Memorandum does not consider the costs of any additional remuneration of teachers to support residential outdoor education. It does consider the costs of providing supply to those schools that do not currently undertake residential outdoor education, but does not model these costs. The FM stated—

“Given this significant level of uncertainty and variation, this Memorandum does not therefore explicitly project figures or costings for overall staff provision.”  
(Para 43)

The Scottish Government modelled the costs in the FM taking account of staff costs in secondary schools and inflation. This produced a “central estimate of £32.2m, and a potential cost range of £24.3m – £40.6m for rollout in 2025/26” although the Government continued that this estimate was “based on the Financial Memorandum methodology for centre and transport costs, this is a potential underestimate as stated above. It also does not account for additional costs associated with ASN pupils.” As noted above, the Government said “the Bill’s provisions, as currently drafted, are unaffordable.”

The Association of Headteachers and Deputies in Scotland said that while it considers “the opportunity to attend such course is of huge benefit to a great many pupils” it does not support the Bill. It said—

“In a time of significant financial constraint, when schools are losing staff and school leadership time, there are priorities which are far higher up the list than this proposal. Currently, if £34m became available to school education, AHDS would argue for every penny to be spent on better supporting pupils with additional support needs.”

The Bill would create a duty on the Scottish Government to “pay education authorities and the managers of grant-aided schools such amounts as are sufficient to enable them to carry out their duties [to provide residential outdoor education]”.

A key argument of the Member in charge is that some children are prevented from experiencing residential outdoor education because of financial constraints. NASUWT’s submission said—

“The proposals contained in Schools (Residential Outdoor Education) (Scotland) Bill shine a welcome light on the inequality which currently exists in accessing this provision for all pupils in Scotland. There is no dispute that a disparity of access to outdoor education residential experiences currently exists and, further, that our most vulnerable children and young people are often unlikely to be able to participate.”

The [2021-22 Programme for Government](#) said—

“We will make sure that pupils from lower-income families can take part in school trips, providing support for children to go on curriculum-related trips and activities, and Primary 6/7 residential, and giving secondary school pupils the right to go on at least one optional trip during their time at school.” (p38)

CPAG’s submission argued, “when parents are required to pay all or some of the cost of a trip, it is children and young people on lower incomes who are most likely to miss out on these opportunities.” EIS’ submission noted that the costs of attending a residential outdoor education trip can include accessing equipment; it stated, “EIS members who have led residential outdoor learning activities, such as Duke of Edinburgh awards trips, report that commonly, children and young people – even those not experiencing acute disadvantage – lack the specialist footwear and waterproof clothing that are essential to participate in such trips.” The Committee explored what kit is required for attendance at outdoor education centres with representatives from that sector on 13 November. Freda Fallon from the Outward Bound Trust said—

“As an educational charity, we have to provide for the needs of all young people. When they arrive, they get £2,000-worth of kit in a kit cage, including boots, waterproofs, camping kit and everything else that they will need. If they are going to jump in the loch, we will give them a second old pair of trainers. They need to bring nothing apart from the clothes that they stand up in; we support them with the rest.” (13 November 2024, Col 45)

Nick March later said that not all centres provide kit. (Col 48)

The Presiding Officer has decided that a Financial Resolution is required for this Bill. Unless Parliament agrees a Financial Resolution, the Bill will not be able to proceed to Stage 2 and the Bill would fall. Under the Standing Orders of the Scottish Parliament, “only a member of the Scottish Government or a junior Scottish Minister may give notice of a motion for a Financial Resolution”.

The Member in charge appeared at the Finance and Public Administration Committee on 19 November 2024. She said that one of her main concerns was that pupils who, due to financial constraints, were not able to access residential outdoor education. She said that she was open to ideas of alternative models of funding to support the Bill. Ms Smith highlighted schemes where Government is partnering with philanthropy and the third sector, she specifically mentioned [Inspiring Scotland](#) and [Rethink Ireland](#) which takes a “venture philanthropy” model. Generally, the third sector will work with Government to fund outcomes or projects to create additionality above what the state must provide; it is not clear how such a model would be used to fund a statutory duty to provide residential outdoor education. The Member in charge said that she has been exploring these issues with the Scottish Government.

## Staffing

The support for school trips, from the perspective of the school, is largely supported by teachers, other staff and parents/carers. Staff will accompany pupils on a voluntary basis.

The Committee's call for views included responses from individual teachers who had experience of supporting residential outdoor education, many of whom were very positive about the experiences offered to pupils. A headteacher told the Committee that it is "increasingly difficult to enlist the huge amount of goodwill and sacrifice needed from staff to accompany these visits [due to] family commitments or huge responsibilities being placed on them to manage increasingly challenging behaviour or pupil support needs." He continued, "if staff are unable to support then it falls on already overstretched school leadership to make the sacrifices required". Another teacher said—

"Annually in my school a growing % of learners opt out of the residential trip. Although heavily encouraged, funding sources identified, parents consulted with etc, this number is growing. We are now ending up providing a dual service so that those not going don't feel 'left out'. We appreciate that this is a construct of our own making. In some cases, it would not bother the families if we were not providing day trips, however, in other cases, there is a growing expectation that we do. Again, staffing this is an issue. And there are costs and administration involved."

Some respondents to the Committee's call for views said that the current reliance on volunteers to support trips may not be sustainable if residential outdoor education became a duty on local authorities. It has been argued that requiring teachers to attend would require a change in teachers' terms and conditions, which would need to be agreed nationally through the [SNCT](#). COSLA's submission said—

"At the moment teaching staff support residential trips on a voluntary basis, this approach would not be sustainable should the Bill be passed and duties are placed on local authorities to support trips for all children and young people.

"This would require work through the Scottish Negotiating Committee for Teachers (SNCT) to discuss teachers' terms and conditions, which could be a challenging process to agree."

Employees have a duty to follow lawful and reasonable instructions from their employers. Employment contracts often contain a clause stating they must follow all reasonable requests from their employers or words with similar effect. However, even if the duty does not appear as a term in a contract of employment, it will be implied by the courts (in other words, the contract will be read as if it contained such a term). What constitutes a reasonable instruction is very dependent on the specific circumstances of the case. Relevant considerations include:

- lawfulness – an instruction must be lawful for an employee to have a duty to follow it (including working time – breaks etc.)
- risks – an employer should have adequately considered any risks (such as safety risks) to the employee
- whether the instruction is consistent with the nature of the contract – this will usually be less about the specific terms and more about the overall

nature of the contract (for example, it may be unreasonable to ask a joiner to do the work of a plasterer).

EIS' submission said—

[The Financial Memorandum] states that 'for the schools that currently undertake residential outdoor education, there will be no additional staff costs as a result of this Bill.' This assertion overlooks the rather obvious point that mandated trips would involve near-universal uptake which in all likelihood would incur additional staffing costs (which would include, for example, ensuring that pupil:teacher and child:adult ratios are of the required standards in all contexts; and that cover be provided for any children and young people not attending) and that legislative compulsion would transform the contractual position of the class teacher. The EIS would stress that any such change to the contractual position of teachers requires to be negotiated through the Scottish Negotiating Committee for Teachers (SNCT), a tripartite negotiating body involving teaching unions, COSLA and the Scottish Government, which has been the cornerstone of constructive industrial relations in Scottish education for nearly a quarter of a century. All conditions of service for public sector teachers across Scotland are agreed through the SNCT structure and as such the lack of reference to this within the draft bill is deeply concerning. Any effort to impose such changes through legislation rather than via the established negotiating forum would certainly be damaging to those industrial relations and the principles of fair work. Moreover, it is difficult to see how such a change could be achieved without appropriate remuneration."

Teachers' terms and conditions are agreed nationally. If a change to terms and conditions were required, or a financial inducement for teachers to volunteer to go on trips, this is likely to apply nationwide, including for those who are currently undertaking this work for no additional reward. Tara Lillis from NASUWT said that "having an additional contractual requirement for overnight stays is unlikely to garner support from the trade unions" (13 November 2024, Col 10). The Scottish Government is a party to the SNCT and, as such, may be able to assist the Committee in how and whether the teaching profession would be able to support the provisions of the Bill.

The Committee explored whether central teams could support the types of residential outdoor education. Dr Scrutton said—

"Just as we have specialist music teachers and PE teachers who are peripatetic, we could have teachers who are trained as specialists in outdoor learning. They could go away with one school at one time and another school at another time. Certainly, the personnel who would be involved in this is an issue that will have to be sorted out." (6 November 2024, Col 17)

Andrew Bradshaw from SAPOE said—

"We are seeing schools thinking creatively about the use of not only volunteers and partners but people like trainee teachers who find going on a residential to be a beneficial experience for them. That is an important aspect. Going on a residential can provide high-quality, career-long professional learning not only for them but for other teachers in the school. I absolutely acknowledge the challenge of volunteering and contracts, but mixed solutions are evident across Scotland, where schools are being creative while maintaining safety and quality all the time. Often, that is enhanced." (13 November 2024, Col 18)

As noted above one of the key benefits of residential outdoor experiences is the improved relationships between staff and pupils.

## Capital support for centres

Association of Heads of Outdoor Education Centres highlighted issues in relation to capital funding for outdoor education centres. It said that current market prices for school residential do not include contribution to capital costs for the centres. Nick March said—

“As soon as a centre is presented with a significant challenge— such as needing a fire escape or whatever—that centre unfortunately becomes unsustainable. At the heart of it is the building. The decline of the centre comes back to affordability and how the third sector can fund it. In a recent meeting of the AHOECS members, we discussed how they are funding their capital costs. Those costs all have to come through a separate funding mechanism in order to supply and look after their buildings.” (13 November 2024, col 38)

Phil Thompson said—

“Capital is our nemesis. We can service the need and we can have children coming through. However, for example, the main building in the Ardroy centre was built in 1880. We had to get a loan to put a new roof on it. One of our blocks—heron block—is 55 years old now, which was referenced in the email that I read out [about the facilities being dated]. Capital is the biggest problem that we face.” (13 November 2024, Cols 58-59)

## Quality Assurance

A number of responses argued that the Bill should be accompanied by a quality framework for residential outdoor education. The Outward Bound Trust argued for the inclusion of “a robust quality framework to ensure that all residential outdoor education experiences deliver high standards and meaningful outcomes for all participants.”

The Committee has heard that work has started on a national residential quality framework and that Education Scotland is collaborating on this work. (Nick March, 13 November 2024, Col 39)

Phil Thompson from Ardroy outdoor education centre said—

“We would welcome any form of inspection. If nothing else, it would help to weed out the people who are not doing the job properly. We would love that. Bring it on. We invite people to come and see and talk to us.” (13 November 2024, Col 61)

**Ned Sharratt, Senior Researcher (Education, Culture), SPICe Research  
21 November 2024**

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## Annexe B

Letter from the Minister for Children, Young People and The Promise – 3 September 2024

Our ref: “Schools (Residential Outdoor Education) (Scotland) Bill: ECYP Committee: Stage 1 Call for Views: Scottish Government Memorandum”

Dear Convenor,

As Minister with portfolio lead for outdoor learning, I am pleased to submit to the Education, Children & Young People Committee the Scottish Government’s Memorandum on the Schools (Residential Outdoor Education) (Scotland) Bill, in response to your Stage 1 Call for Views. The full memorandum is presented at **Annex A**.

The Scottish Government recognises the good intentions underpinning this Member’s Bill. The Scottish Government is committed to improving outdoor learning provision in Scotland, ensuring that all learners are experiencing regular, enjoyable, and challenging outdoor learning experiences that are embedded across the 3-18 curriculum.

However, we do have reservations concerning certain elements of the proposed approach set out in the Bill that require further and full consideration and assurance, in order that all of the potential implications of the Bill are fully understood. These relate to:

- Legislating in the curriculum;
- A narrow focus on only one type of outdoor learning; and
- Resource implications (feasibility and affordability).

Taking these considerations into account, and given the positive intents of the Bill, the Scottish Government remains **neutral** at this time concerning passage of the Bill.

Yours sincerely,

**MS DON-INNES MSP**  
**Minister for Children, Young People & The Promise**

## Annex A

### **SCHOOLS (RESIDENTIAL OUTDOOR EDUCATION) (SCOTLAND) BILL**

#### **SCOTTISH GOVERNMENT MEMORANDUM TO THE EDUCATION, CHILDREN & YOUNG PEOPLE COMMITTEE (STAGE 1, CALL FOR VIEWS)**

## Introduction

1. This memorandum has been prepared by the Scottish Government to assist consideration by the Education, Children and Young People Committee of the Schools (Residential Outdoor Education) (Scotland) Bill (“the Bill), which was introduced by Liz Smith MSP on 20 June 2024.

## Background

2. Ms Smith’s MSP Bill, as introduced, aims “to protect the continuation of this valuable opportunity [residential outdoor education] for young people” (Policy Memorandum, para. 6), through legislating an entitlement into the curriculum that requires:
  - Education authorities, in relation to management of public schools, and managers of grant-aided schools to provide or secure at least four nights and five days of residential outdoor education to their pupils once during their school career;
  - Scottish Ministers to prepare and publish guidance to Education authorities and Managers of grant-aided schools about their duties under Act 6A, which Education authorities and Managers of grant-aided schools must have regard to in exercising those duties;
  - Scottish Ministers to pay a sufficient amount to Education authorities and Managers of grant-aided schools to carry out their duties to be imposed on them by the Bill. Effectively, the course of residential outdoor education should be free of charge to learners and fully funded by Scottish Ministers.

## Financial Impact

3. The Financial Memorandum produces a central estimate of £27.2m, and a cost range of £20.4m - £33.9m for the cost of the bill provisions in the first year (Table 5, paragraph 52 of the Financial Memorandum).
4. The Scottish Government believes that the above cost range underestimates the cost of the Bill provision. This is because staff costs in secondary schools are not modelled, inflation has not been accounted for and there is no modelling of additional costs to accommodate ASN pupils.

The Scottish Government also has concerns around the unit costs chosen for primary pupil centre costs as higher costs can be found by providers than the range included in the Financial Memorandum. Finally, there is potential that the transport and guidance costs are an underestimate.

5. Because of the uncertainty around the Financial Memorandum figures, SG economists produced a revised estimate of the cost of the Bill provision. This estimate accounts for staff costs in secondary schools and inflation. This produces a central estimate of £32.2m, and a potential cost range of £24.3m – £40.6m for rollout in 2025/26. This estimate is caveated as it is based on the Financial Memorandum methodology for centre and transport costs, this is a potential underestimate as stated above. It also does not account for additional costs associated with ASN pupils.
6. If the Bill is passed, costs would likely be incurred from financial year 2025/26. This would present an additional significant financial risk to public finances that are already under intense pressure to meet existing Ministerial priorities and commitments. No central funding exists to fund the financial impact of the Bill and its statutory funding obligation on Scottish Ministers – the Bill’s provisions, as currently drafted, are unaffordable.

## **Scottish Government’s Position**

7. The Scottish Government acknowledges the benefits and value of outdoor learning for children and young people in Scotland. Curriculum for Excellence already empowers schools to design and deliver the curriculum in ways which best suit their learners – this includes the use of outdoor learning, in all its forms. The Scottish Government’s vision is that all children and young people have the opportunity to participate in a range of progressive and creative outdoor learning experiences in schools which are, of course, not limited to outdoor residential trips. Pupils should experience outdoor learning in a variety of place contexts, for example: playgrounds, local green space, local communities and the wider world. This offers pupils a deeper understanding of the world and their place in it. There is no “one size fits all” approach to delivery of impactful outdoor learning experiences, and many education settings already provide a mix of activities, which may or may not include outdoor residential.
8. However, the Scottish Government shares the intentions of Ms Smith MSP to improve the provision of outdoor learning in Scotland and acknowledges that provision for our primary and secondary learners needs to improve. The Scottish Government has taken forward several actions that evidence its commitment to supporting and strengthening outdoor learning provision in Scotland:
  - We value the positive impact of residential outdoor education as part of outdoor learning. That is why we provided £4 million in emergency Covid funding support to third and private sector outdoor education residential centres, as well as an additional £500,000 in education recovery funding for broader outdoor learning projects.

- The Scottish Government has convened a new Scottish Outdoor Learning Strategic Working Group to support the delivery of inclusive and impactful outdoor learning in all its forms, which met for the first time in May 2024. The Group is tasked with examining how best we can ensure all children and young people experience high quality outdoor learning. Members of the group reflect a number of organisations with significant insight, experience, and expertise in outdoor learning. This includes, for example: the Association of Heads of Outdoor Education Centres, the Scottish Advisory Panel for Outdoor Education, Education Scotland and Association of Directors of Education in Scotland, and the Convention of Scottish Local Authorities amongst others. The Group will report its final advice and recommendations to Ministers in spring 2025.
  - Education Scotland worked with national partners to develop and disseminate the 'Going Out There' guidance, which has been key to supporting delivery of safe and legally competent outdoor learning experiences at a local level.
  - A new, online 'one-stop-shop' on Learning for Sustainability (LfS) will launch later this year, to share examples of LfS in action and signpost to resources and professional learning opportunities.
  - The new LfS portal will accompany a Learning for Sustainability Mentor Network for educators that was recently established to provide collaborative leadership and peer support for teachers and practitioners in delivery of LfS, including outdoor learning.
  - Education Scotland continues to work closely with educators to improve the resources and guidance available to schools.
9. The Scottish Government has reservations about the approach Ms Smith MSP proposes through her Member's Bill to deliver increased outdoor learning provision in Scotland, which we suggest to the Committee require careful and full consideration and assurance. These elements of the Bill are discussed below.
10. **Legislating in the curriculum:** It is for local authorities and schools to decide how best to deliver outdoor learning. The only aspect of curriculum delivery that is currently set out in legislation is religious and moral education (RME). The requirement on all local authorities to provide RME goes back over 100 years and has been continued through to the Education (Scotland) Act 1980. The further introduction of statutory provisions relating to the curriculum risks setting an unhelpful precedent which contradicts Scotland's existing approach to education and the respective roles and responsibilities, and agency, of education authorities/schools/teachers to shape the curriculum to suit their learners.
11. **Narrow focus on one type of outdoor learning:** By legislating for the provision of one particular form of outdoor learning (i.e. residential outdoor education trips), the Bill risks undermining other types of outdoor learning

and does not align with Scottish Government's policy aim for outdoor learning to be regular, day-to-day, and experienced across the whole 3-18 curriculum.

12. **Resource implications:** The financial implications of the Bill on public finances are significant and unaffordable, as currently drafted, and put into question whether the intentions of the Bill are realistically deliverable. A legal funding obligation on the Scottish Ministers to pay sufficient amounts for universal provision needs to be considered in light of the financial impact section of this memorandum. This is in addition to further clarity being needed on the capacity of outdoor residential providers to accommodate the demands of the Bill, particularly on the readiness of Scottish providers to accommodate ASN learners.

## Conclusion

13. The Scottish Government is committed to improving outdoor learning provision in Scotland, ensuring that all learners are experiencing regular, enjoyable, and challenging outdoor learning experiences that are embedded across the 3-18 curriculum. Naturally, this includes support for outdoor residential experiences and ensuring equity of access to such opportunities. These considerations will form part of the work of our Scottish Outdoor Learning Strategic Working Group. As such, the Scottish Government is sympathetic to the intentions of the Bill.
14. However, at this stage we do have reservations concerning certain elements of the proposed approach that require further consideration and assurance. These relate to the following: the appropriateness of taking a legislative approach to curriculum design and delivery, which risks setting an undesirable and challenging precedent, undermining the agency of local authorities, schools and education practitioners to design the curriculum to meet the needs of their learners; policy alignment between the narrow focus of the Bill and the Scottish Government's broader intent to support an "every day" approach to outdoor learning delivery; and, most significantly, feasibility and affordability of the provisions. These issues need to be explored and considered further, in order that all of the implications of the Bill are better understood.
15. As such, and given the positive intents of the Bill, **the Scottish Government remains neutral at this time** concerning passage of the Bill.
16. As has been conveyed to the Member already, Ministers also remain willing to work with Ms Smith MSP to improve outdoor learning provision through non-legislative routes (including through the government's Scottish Outdoor Learning Strategic Working Group and Learning for Sustainability Action Plan), to ensure all forms of outdoor learning can be supported and value for money can be achieved.