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Convener
Education, Children and Young People
Committee Scottish Parliament
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26 March 2025

Dear Convenor

Schools (Residential Outdoor Education) (Scotland) Bill - Stage 1 - SG Response to ECYP Stage 1 Report

I am writing to provide the Scottish Government response to the Education, Children & Young People's Committee Stage 1 Report on the Schools (Residential Outdoor Education) (Scotland) Bill. I would firstly like to thank you and members of the Committee for your thorough consideration of the Member's Bill as introduced by Liz Smith MSP in June 2024, and for the comprehensive Stage 1 report.

I would also like to commend Liz Smith MSP for her work in bringing this Bill forwards, and to thank her for the focus that the proposed legislation has brought to outdoor learning provision and access for all children and young people in Scotland. I would like to reiterate the Scottish Government's commitment to improving provision and access to regular, creative and progressive quality outdoor learning experiences, in all its forms, including residential outdoor education, across the 3-18 curriculum. As such, the **Scottish Government recognises the positive intent and ambitions of Liz Smith MSP in bringing forward her proposals.**

However, we share a number of the concerns that you have identified in your Stage 1 report regarding affordability and deliverability of the Bill in practice, and welcome your conclusion that the Bill should only progress if these concerns can be effectively addressed.

On this basis, the **Scottish Government will not stand in the way of the Bill but will not be lodging a Financial Resolution to accompany it ahead of the Stage 1 vote.** In exercising our responsibility and demonstrating accountability for the appropriate and diligent management of the Scottish budget, **Scottish Ministers can and will only lodge a Financial Resolution if and when affordability of the provisions – and other practical**

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implementation challenges – can be addressed, up to 6 months following the conclusion of Stage 1.

Ministerial Letter to ECYP Committee, 13 December 2024

<https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-education-children-and-young-people-committee/correspondence/2024/schools-residential-outdoor-education-scotland-bill-minister-13-december>

The Committee recognises that residential outdoor education can bring life-changing benefits to both pupils and teachers, building pupils' confidence and believes there is significant positive value to residential outdoor education in developing the teacher-pupil relationship and improvement in attainment. Given these benefits, the Committee believes that all pupils should have the opportunity to experience residential outdoor education at some point in their school career.

As I stated in my letter to you on 13 December 2024, “the Scottish Government recognises and values the very specific and very powerful benefits that residential outdoor education can deliver for children and young people, as one form of outdoor learning”. Without wanting to repeat all the points made in my correspondence at that time regarding the evidence base that clearly demonstrates the benefits that residential outdoor education can provide young people, I do wish to reiterate the action that the Scottish Government took during the pandemic to ensure that Scotland’s existing outdoor education centres could continue to operate despite the acute challenges that this unique period posed for the sector. I hope that the Committee and wider stakeholders alike can agree that by providing £4 million in emergency Covid funding support to third and private sector residential centres at that time, the Scottish Government tangibly demonstrated its commitment to the sector and the respect we have for the important and unique role that outdoor education can play in ensuring our children and young people grow up as well rounded, confident and successful individuals.

Our policy remains that all children and young people should be provided with, and have access to, a diverse range of innovative and progressive outdoor learning experiences throughout the curriculum, on a regular basis, and that residential outdoor education is one example of the valuable mix of experiences that can be provided. We discussed during my session with the Committee in November 2024 my concerns that legislating for only one form of outdoor learning could risk some practitioners or schools focusing resources on meeting that entitlement, to the detriment of other forms of outdoor learning within the curriculum.

Should the Bill pass Stage 1, careful consideration will need to be given to how practitioners can continue to be supported to design the curriculum in ways that best meet the needs of their pupils with respect of outdoor learning experiences. As you recognise in your Stage 1 report, COSLA “confirmed [in its evidence to you] that there were a range of practices across local authorities in Scotland in relation to the current provision of outdoor residential education with some involving residential stays and others engaging outdoor learning as part of day-to-day teaching. [COSLA] made the point that the Curriculum for Excellence allows for local authorities, and schools to be able to structure their curriculums to meet the needs of pupils therefore there is autonomy for schools to make decisions about provision.” I believe that there is a real risk that any new statutory duty for provision of residential outdoor education will inevitably lead to a diverting of staff resources (time, effort) and wider local authority finance (to be covered by Scottish Ministers, as per the provisions set out in the Bill). The extent to which practitioners may then be able – and willing – to engage in

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provision of other forms of outdoor learning, in light of the additional commitment required to meet the statutory obligation, seems limited in my view.

However, I appreciate that the principles of the Bill do not seek to make participation by the pupil in residential outdoor education mandatory. And I stand ready to work further with the Member in Charge – and wider stakeholders – to consider where and how best to ensure clear guidance to schools and practitioners on the approach to implementation of any new duty in a balanced way so as not to overlook or undermine other forms of outdoor learning available to their pupils.

Should the Bill proceed to Stage 2, the Committee believes that further thought will be required as to how the provisions of the Bill can best be aligned with the existing curriculum. This includes, but is not limited to, learning outcomes for topics such as sustainability and global citizenship.

The Committee acknowledges the recent establishment of the Scottish Outdoor Learning Strategic Working Group. The Committee requests further information from the Scottish Government or COSLA on the working group, including membership details, current workstreams and a timetable for actions.

Consideration of how outdoor learning – in particular, in this instance, residential outdoor education – ties in with design and delivery of the curriculum is critical if the Bill, should it become law, is to maximise learning and educational outcomes for children and young people. In this context, you have also asked for additional information on the work of the new [Scottish Outdoor Learning Strategic Working Group](#) (SOLSWG) that was established in May 2024 in response to a commitment made in our Learning for Sustainability (LfS) Action Plan 2023-2030. I have included this as an Annex to this response, but importantly would like to draw your attention specifically to the contributions that this group is already making in this respect, as part of the wider [Curriculum Improvement Cycle](#) (CIC) programme currently underway as led by Education Scotland.

A key workstream of the SOLSWG is to re-evaluate Scotland's vision for outdoor learning and approach to implementation as originally set out in the 2010 document, "Curriculum for Excellence Through Outdoor Learning". As part of these developments, members have been engaging with Education Scotland to support the CIC programme to deliver planned and systematic change within the curriculum, and embed outdoor learning as a context for learning within that wider approach. Currently, members are partnering with Education Scotland to develop information on how outdoor learning and place-based learning can be incorporated into curriculum subject areas. Education Scotland are also working with a range of practitioners to develop a shared vision for an effective whole-setting approach to Learning for Sustainability, which will inevitably involve setting out the place of outdoor learning as part of such an approach, including how it is situated as part of curriculum design.

Should the Bill pass Stage 1, I would welcome a discussion between the Member in Charge and Education Scotland regarding potential implications of the Bill, if it became law, on these on-going pieces of work.

Whilst the Committee welcomes the inclusive approach taken by the Bill, it also recognises that there are some challenges in relation to its universality, including in relation to how any statutory requirement to provide residential outdoor education

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should be funded. The Committee also recognises that young people with disabilities should get the support they need to enjoy the right equally and that this has additional resource implications.

The Committee also heard that provision for pupils with ASN was limited [...]. The Committee notes the evidence in relation to capacity and the ability for existing outdoor centres to provide residential opportunities for all pupils across Scotland. The Committee agrees that more work needs to be done in assessing capacity across the whole of Scotland, including to accommodate and meet the needs of pupils with ASN, to provide clarity on this issue. The Committee invites the Scottish Government and the Member in Charge to consider how best this may be done and provides an update to the Committee in advance of any Stage 2 proceedings.

The Committee believes it is important all pupils, including pupils with ASN, have the opportunity to experience residential outdoor learning opportunities. The Committee also shares the concerns regarding the current capacity of outdoor centres to offer fully inclusive accommodation and activities for all pupils with ASN. The Committee recommends that the Scottish Government undertake work to establish whether the capacity and facilities of outdoor centres available to Scottish schools matches the needs of all pupils, and how any gaps can be addressed.

The Scottish Government recognises the underpinning principle of universality in provision and access to residential outdoor education that forms the basis of the Bill, and commends the Member in Charge for bringing the question of equity in relation to outdoor education provision in Scotland to the fore.

In recognition of the importance of this issue – and responding to concerns raised both by ourselves and other stakeholders during Stage 1 evidence regarding practical implications of this approach – we have undertaken work in close partnership with AHOEC to conduct a more detailed survey of current outdoor education centres to better understand a number of factors, including existing capacity and provision and accessibility for pupils with ASN. As part of this data gathering, we are particularly interested in understanding if centres (across public, third and private sector ownership) can meet the needs of pupils who attend specialist settings or have more complex needs within mainstream settings, and what the unit cost to centres is to ensure the required adaptations are available.

I would like to thank AHOEC and its members for their support and participation in this work – I believe this is a strong example of how the Scottish Government and the outdoor education sector can, and must, continue to work collaboratively irrespective of the outcome of this Bill. If the Bill passes Stage 1, the Scottish Government would work with AHOEC to consider how best data collected could be shared with the Member in Charge to inform further considerations around deliverability of the provisions.

Additionally, we are also working with Education Scotland to explore some of the potential challenges of implementation for ASN in more detail. However, I must caution at this stage that the extent to which any additional data collected through the survey and wider engagement will enable robust revised cost estimates for overall delivery of the Bill is not clear. We welcome the Committee's recognition that costs to ensure equitable provision and access of residential outdoor education for pupils with more complex needs will be higher than for other pupils. Indeed, this cohort of pupil may in some cases, need intimate, co-regulation or medical care, which could require multiple members of staff per pupil, in

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addition to requiring specialist transportation and facilities. But there are many variables that will determine the actual delivery cost in each circumstance, and the degree to which these can all be modelled for is complex.

The Committee notes the evidence in relation to the decline in the number of residential outdoor education centres. The Committee also notes the evidence that many schools are not currently providing residential outdoor education for school pupils. The Committee believes that this must be addressed. The Committee recommends the Scottish Government sets out how it plans to address the variation in provision if this Bill were not to pass.

The Committee heard evidence that suggested residential outdoor education opportunities were offered less frequently to pupils living in urban and/or lower SIMD areas.

The absence of Scotland-wide and/or local data collection and analysis mechanisms for residential outdoor education means that it is currently not possible to form a clear picture of current provision and uptake of residential outdoor education. The Committee recommends that the Scottish Government must work with COSLA and local authorities on ensuring data is collected in relation to residential outdoor education provision across Scotland, in order to identify and address any inequalities arising from current practice.

As I recognised in my letter to Committee on 13 December, there is “evidence which confirms that we need to make more progress, particularly in upper primary and secondary, and that we need to see greater consistency in access to outdoor learning across the school sector. The research report “Teaching, learning and play in the outdoors: a survey of provision in Scotland in 2022” published by NatureScot and partners in 2023 confirmed an increase in access to outdoor learning in early years but “in the school sector, teachers reported lower confidence levels and reported fewer professional learning opportunities for outdoor learning and Learning for Sustainability than early years staff”. In that letter I further set out some of the current work already underway with partners to help improve the educational value and quality of residential outdoor education experiences. This includes work that Education Scotland is supporting “the Scottish Advisory Panel for Outdoor Education (SAPOE) and the Association of Heads of Outdoor Education Centres (AHOEC) [on] to develop new online training materials for outdoor education instructors; as well as “work being led by SAPOE and AHOEC to develop a quality improvement framework for outdoor residential education”.

In terms of setting out a wider strategic approach to address variation in levels of provision of residential outdoor education for young people across Scotland, I agree that this is important and it would be my hope that irrespective of the outcome of this Bill, the Scottish Government could work closely with the sector and wider partners to explore how best we can support outdoor education centres to maintain capacity. The survey work that I have mentioned, which we have partnered with AHOEC to undertake, will be really important in helping to inform these discussions moving forward including with the Scottish Outdoor Learning Strategic Working Group (SOLSWG) as it works to finalise its advice and recommendations to Ministers this summer. I do not want to pre-empt the conclusions of this group, but note that two of the priority areas of consideration that its members are currently looking at include the role of data and sustainable financing of outdoor learning. COSLA is an active member of the working group.

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In terms of data gathering on levels of provisions, I have considered in more detail some of the practicalities involved in local authorities operating an outdoor education data system, such as EVOLVE, in my letter to Committee on 13 December. The new data survey work that we have undertaken with AHOEC is an important step towards building a more coherent and comprehensive picture of existing capacity and implications for provision across outdoor education centres in Scotland. But should the Bill become law, careful consideration will need to be made in partnership with COSLA and ADES regarding monitoring of provision of the new statutory entitlement. Any new national, regional or local approach to data gathering for this purpose will need to be fully scoped and costed, and clarity sought on how any new approach was to be funded. This would be another example of associated implementation costs that have not been captured by the Financial Memorandum.

The Committee also understands that other funding options have been suggested by the Member in Charge, which would supplement the central government funding which will be required to implement the Bill. This includes a public trust model.

The Committee agrees with the Finance and Public Administration Committee, and with the Member in Charge, that there is merit in exploring such alternative funding models and recommends that the Scottish Government continues to liaise with the Member in Charge to explore these options in a meaningful way.

The Committee welcomes Scottish Government's commitment to explore targeted capital funding for residential outdoor education centres. The Committee would welcome an update from the Scottish Government in relation to this work, including costs associated with access requirements.

I want to be clear that, as stated to Committee in my letter dated 13 December, the Scottish Government does not view “public trust funding” as a viable mechanism in the context of statutory obligations. I have laid out my clear and detailed reasoning for this in my previous correspondence but in summary, a reliance on private financial contributions to raise sufficient funding for equitable access to what would be viewed as extra-curricular entitlements across all local authorities is unprecedented; and would create uncertainty as to the funding that would be required from the Scottish Government in any given year.

However, as I indicated during my appearance at Committee in November 2024, the Scottish Government is open to exploring what potential alternative capital funding options could look like to support outdoor education centres, where this is needed, in a *non-legislative context*. And that an approach similar to “public trust funding”, as proposed by Liz Smith MSP, could be suitable for this purpose where decoupled from the Bill.

As part of exploring alternative funding models for outdoor learning, I recently met with Celia Tennant (Chief Executive of Inspiring Scotland) on 27 February. Liz Smith MSP previously recommended this engagement to me, as Inspiring Scotland is one of the organisational examples that Liz Smith MSP has referred to in informing her thinking on funding options. I also met with Nick March (Head of AHOEC) on 25 February. These discussions have helped in bringing to the fore for me the complexities involved in understanding the needs of the outdoor education sector, and challenges in aligning alternative funding sources with legislative duties; but also some of the opportunities that exist to effectively leverage wider public, private and third sector funding to support targeted interventions in a *non-legislative context*.

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Should the Bill pass Stage 1, it will be necessary to undertake more detailed research and cost modelling of the potential total financial investment requirements of outdoor education centres. While these would fall out with the direct scope of the funding duties placed on Ministers under the existing provisions, they would form a key part of considering the wider overall delivery needs and resultant costs to the system to ensure the sector could effectively respond to the Bill. This work would need to be done in partnership with a third-party organisation with expertise in developing financial investment programmes.

Informed by ongoing considerations and my most recent engagements, I believe that should the Bill progress there are two key considerations that would need to be made regarding support to outdoor education centres to ensure they could respond to the Bill.

One relates to modelling the potential overall capital requirements of centres to improve the condition of their estate in immediate response to the Bill to meet both changes in demand for residential provision and any key expectations regarding quality of that provision. The second consideration relates to better understanding the existing business models of outdoor education centres, and how these might drive the actual costs of provision versus what centres may charge per pupil.

I remain committed to working with the Member in Charge to further explore these considerations, should the Bill pass Stage 1 – indeed these types of considerations will be essential to informing any future decisions by the Scottish Government on whether to lodge the Financial Resolution, as they relate to questions of affordability of the Bill and deliverability.

Many teachers who spoke to the Committee spoke highly of the value of this experience, both to pupils and to them personally. However, representatives of education trade unions have cautioned that placing such trips on a statutory footing, as is proposed by this Bill, would change the nature of these arrangements. Some teachers made similar representations. This would potentially require teachers to renegotiate their terms and conditions via the tripartite Scottish Negotiating Committee for Teachers (SNCT). The Committee recognises that Trade Unions and other also noted that the situation of teacher workload and the environment in classrooms means it would be difficult to require teachers to do more unpaid work.

The Committee notes the concerns raised regarding teachers' terms and conditions and that, should the Bill be passed, this would potentially need to be considered by the Scottish Negotiating Committee for Teachers (SNCT). The Committee recommends that the Scottish Government provides its view as to whether this would be required and an estimate of any resulting costs.

On workforce implications of the Bill, I note the concerns raised by trade unions and again I refer the Committee to my letter dated 13 December where I set out some of the key considerations on this issue. I would like to reiterate that if the Bill were passed then it would be for the SNCT to decide on a collective basis whether or not any changes would be required to teachers' terms and conditions. It would, therefore, not be appropriate at this stage for the Scottish Government to take a position on this consideration.

The Committee notes the mix of views it heard in relation to the ideal length of residential stay to in order to achieve maximum benefits.

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The Committee heard that pupils generally benefited from longer stays, as this allowed for relationships of trust to be built. However, the Committee also recognises the need for flexibility, to allow local authorities and schools to decide the ideal length of residential stay for the purposes of each visit and to best meet the needs of the individual pupils involved.

With this in mind, the Committee welcomes the Bill's approach towards this, i.e. that the required the four nights and five days of residential outdoor education do not have to be taken as one continuous block to allow for this flexibility.

In my various meetings with stakeholders around the Bill, I have heard from both The Outward Bound Trust and AHOEC about the importance of flexibility in the length of a residential to ensure the needs of different learners, including pupils with ASN, can be effectively met. For example, while there may be a default expectation for the residential to be delivered consecutively across the full entitlement period of 4 nights / 5 days, remaining flexible enables schools and practitioners to accommodate individual circumstances of each pupil. I therefore welcome the Committee's similar recognition of this in your Stage 1 report.

Should the Bill become law, I believe that guidance would need to be provided to education authorities and managers of grant funded schools on how best to design the residential outdoor education experience to achieve this in practice.

The Committee agrees with the need for flexibility to allow local authorities and schools to respond to local needs, including the stage at which pupils should be entitled to residential outdoor learning. This should be set out in the guidance required under section 1 of the Bill.

The Committee also notes that having a range of approaches may present challenges to local authorities in determining whether they have met the duties under the Bill when a pupil moves schools. The Committee recommends that the Scottish Government considers how local authorities would be able to overcome this issue.

It will be important to be clear on how provision of the statutory entitlement would be monitored, should the Bill become law. This relates closely with considerations around data gathering, which I have commented on elsewhere in this response.

Should the Bill pass at Stage 1, the Scottish Government will look to undertake more detailed discussions with both COSLA and ADES regarding implementation.

The Committee believes that a framework should be established to ensure that the quality of residential outdoor education centre provision is consistent across Scotland.

Quality assuring provision of residential outdoor education across Scotland for all learners will be essential to ensuring the principles of universality and equity in provision that underpin the Bill are delivered in practice, should it become law.

In this circumstance, I believe that the work Education Scotland is already supporting both SAPOE and AHOEC to take forwards around development of a new quality improvement framework for residential outdoor education (to be published this year) offers a useful

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starting point for considering how best to achieve this. And I commend these partners for their proactive efforts in this regard.

However, any new quality assurance process to accompany a statutory duty for provision and access to residential outdoor education would have additional resource implications that are not considered in the Financial Memorandum and would need to be robustly costed should the Bill pass Stage 1. As you note in your Stage 1 report, “development and operation to the standard provided for in the guidance under the Bill should be a matter for Education Scotland in partnership with others, such as local authorities and representatives of outdoor centres”. A further part to this would be considering how evaluation against any new standard was to be undertaken, by who and in what way; and what implications this approach could have on outdoor education centres, schools and practitioners, and national agencies, and how these may be mitigated.

As you are aware, under the Education (Scotland) Bill (currently at Stage 2 in parliament) it is proposed that a new standalone HM Inspectorate of Education is created, by removing the inspectorate function from Education Scotland. In its own right, Education Scotland is also transitioning to adopt revised functions and responsibilities focused on curriculum development and professional learning. In this context, it will be necessary to fully consider how “operation to the standard” would fit within the reformed Education Scotland’s remit and/or implications for the new HMIE.

I hope that this response to your Stage 1 report provides further assurance of the Scottish Government’s commitment to improving provision and access to outdoor learning – including residential outdoor education – and our willingness to continue to work with parliament and the Member in Charge to consider the implications, and deliverability of this Bill, should it pass Stage 1.

Yours sincerely,

Natalie Don-Innes MSP

Minister for Children, Young People and The Promise

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