



OFFICIAL REPORT
AITHISG OIFIGEIL

Education, Children and Young People Committee

Wednesday 27 November 2024

Session 6



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EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE
31st Meeting 2024, Session 6

CONVENER

*Douglas Ross (Highlands and Islands) (Con)

DEPUTY CONVENER

*Jackie Dunbar (Aberdeen Donside) (SNP)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)
*Miles Briggs (Lothian) (Con)
*Pam Duncan-Glancy (Glasgow) (Lab)
*Ross Greer (West Scotland) (Green)
*Bill Kidd (Glasgow Anniesland) (SNP)
*John Mason (Glasgow Shettleston) (Ind)
*Willie Rennie (North East Fife) (LD)
*Evelyn Tweed (Stirling) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Natalie Don-Innes (Minister for Children, Young People and The Promise)
Saskia Kearns (Scottish Government)
Nico McKenzie-Juetten (Scottish Government)
Gareth Wilks (Disclosure Scotland)

CLERK TO THE COMMITTEE

Pauline McIntyre

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Education, Children and Young People Committee

Wednesday 27 November 2024

[The Convener opened the meeting at 09:00]

Subordinate Legislation

Regulated Roles (Prohibitions and Requirements) (Scotland) Regulations 2024 [Draft]

The Convener (Douglas Ross): Good morning, and welcome to the 31st meeting in 2024 of the Education, Children and Young People Committee. Under the first item on our agenda, we will take evidence from the Minister for Children, Young People and The Promise, Natalie Don-Innes, and her officials, on the draft Regulated Roles (Prohibitions and Requirements) (Scotland) Regulations 2024. I welcome the minister and Gareth Wilks, the director of policy and customer engagement at Disclosure Scotland, and Magdalene Boyd, a solicitor in the Scottish Government's legal directorate. I ask the minister to speak to the draft instrument for up to three minutes.

The Minister for Children, Young People and The Promise (Natalie Don-Innes): Good morning. I thank the committee for inviting me to give evidence on the draft Scottish statutory instrument. I hope that what I will say will be helpful to committee members.

The SSI has been made under powers in the Protection of Vulnerable Groups (Scotland) Act 2007. As you will be aware, the PVG scheme was the Scottish Government's response to the Bichard inquiry, which was a public inquiry into how best to reduce the risks of harm to children after the horrific murder of two young girls in Soham. Recommendation 19 of the report set out the need for the registration of those working with children. That is fully embodied in the principles of the PVG scheme in Scotland, which has the unique quality of every PVG member being checked every day to ensure that they have not become unsuitable for work with children or protected adults.

The SSI sets out prohibitions and requirements that apply to organisations that employ individuals to undertake regulated roles either as paid work or in a voluntary capacity. The Disclosure (Scotland) Act 2020, which will come into force on 1 April 2025, repeals part V of the Police Act 1997 as it

applies in Scotland and amends the 2007 act. The reforms require changes to the administration of the PVG scheme to enhance safeguarding in Scotland.

The 2007 act made it an offence for a barred individual to undertake or attempt to undertake regulated work, and it made it an offence for an organisation to knowingly employ a barred individual in regulated work. However, currently, an individual does not need to be a member of the PVG scheme to carry out regulated work.

One of the safeguarding reforms in the 2020 act is the introduction of mandatory PVG scheme membership for anyone who undertakes a regulated role. The mandatory PVG scheme will provide assurance that anyone who undertakes a regulated role with children or adults is suitable for that role. The mandatory scheme means that it will be an offence for an individual to carry out a regulated role while not being a member of the PVG scheme for that type of regulated role.

The SSI supports the mandatory scheme policy by prohibiting organisations from employing an individual to carry out a regulated role where the individual is not a member of the PVG scheme relating to that type of regulated role.

The SSI continues an existing prohibition to ensure that organisations continue to be prohibited from permitting individuals who are barred from regulated roles with children or adults to carry out such roles, and it requires organisations to remove an individual from a regulated role when they have been notified that that person is barred. Failure by an organisation to comply with the SSI will constitute an offence.

The offences created under the mandatory scheme will commence three months later than the majority of the provisions in the 2020 act. The short delay, which was welcomed by the committee at stage 1 of the bill, will provide a grace period for individuals who are not currently members of the scheme but who will need to become members when they are given the opportunity to apply to join from 1 April 2025.

The short grace period will also apply to the prohibition requirement in regulation 3 of the SSI to enable organisations to ensure that all relevant employees and volunteers who already carry out regulated roles for them are members of the PVG scheme and to encourage those who are not members to join, so as to avoid committing an offence.

Disclosure Scotland has already undertaken targeted engagement with relevant sectors and individual organisations that might not currently use the PVG scheme but will be required to do so, to raise their awareness of the mandatory PVG

scheme and the date on which it will come into effect.

In addition, a wider public information campaign is under way to raise awareness of the impact of the implementation of the 2020 act more generally, and includes reference to the new mandatory scheme requirements and associated offences. Disclosure Scotland will continue to engage with and support the relevant sectors and organisations throughout the implementation period for the 2020 act.

I am happy to take any questions that members have on the SSI.

The Convener: The act was passed in 2020, so why are we only now, at the end of 2024, looking to put this into legislation and make it mandatory?

Natalie Don-Innes: Disclosure Scotland had always proposed to deliver the act in stages. That was discussed throughout the scrutiny of the bill. It was agreed as the best approach to ensure that we could work with and equally co-deliver the changes with stakeholders. It was also agreed at the time that there was a need for a fully digitised system that would support the statutory framework, ensuring that disclosure information flows safely, securely and in a timely manner.

With that in mind, Disclosure Scotland has implemented the legislative sections iteratively. Sections 63 and 89 of the 2020 act commenced on royal assent. From the point of royal assent until now, Disclosure Scotland has been managing several large and complex projects to successfully implement the rest of the 2020 act. I will bring in officials to talk through them, but they include the replacement of the previous system and platform.

Implementation was always planned to be incremental, due to the digitisation and to ensure that people are familiar with the different changes in the stages.

The Convener: Given that, why do you still need the grace period? I find it quite strange and, frankly, unbelievable that we are four years in before getting to this point. Your Government published its response to the consultation in June 2019, when the need for a mandatory scheme received overwhelming stakeholder support. You knew from the very beginning—once the consultation had been launched and you had looked at those responses—that that element of it had received overwhelming support. Yet, five years on from that consultation, we are just getting around to putting that into the legislation. That seems to be a very long period of time to have elapsed.

Natalie Don-Innes: I have given you some of the reasons why that has been on-going. It was agreed that the act would be implemented—

The Convener: Sorry, minister. We have it on the record that it was agreed that it would be implemented incrementally. However, were there issues with the software and information technology over the period?

Natalie Don-Innes: I will bring in officials to speak to that.

Gareth Wilks (Disclosure Scotland): It is important to think about the scale of the changes that were required to underpin the requirements for implementing the Disclosure (Scotland) Act 2020 from a digital point of view. When the act gained royal assent, the system was paper based. We are now at the point of having moved to an online PVG scheme application system, which was brought in in 2020-21. In the course of the past year or so, an online account has been available, so that, for the first time, organisations and individuals can apply for and receive results digitally.

It is also important for the committee to be aware of the impact of the Covid pandemic on Disclosure Scotland services. Those services were introduced in a period in which Disclosure Scotland needed to pivot to respond to the pandemic, because front-line health and social care workers, in particular, needed to be able to get into work and be subject to the same rigorous checks as they are in normal times.

The Convener: So, there were no issues at all with the IT system. Is it acceptable and the norm for the Government to take more than four years to set up an IT system? Is that what you are saying?

Gareth Wilks: No, that is not what I am saying. The impact of responding to the global—

The Convener: Covid would not have prevented a digital system from being set up and programmed.

Gareth Wilks: When the Covid pandemic hit, the digital programme had to change in order to accelerate the introduction of those services. They have been introduced and there were no delays during the period of bringing them in. They are complex services to digitise, but we have done that, and they have been received well by those who use them. The digitised services have created efficiencies and a stable service for everyone who uses them and, ultimately, that is to the benefit of the children and protected adults that the PVG scheme is there to serve.

The Convener: Minister, what is the Government's assessment of how many people should be registered but currently are not?

Natalie Don-Innes: At the moment, the figures that I have show that 12,741 individuals are barred

from regulated work with children and/or protected adults.

The Convener: Just for clarity, when you say barred, have those people gone through the scheme and been found to be unsuitable?

Natalie Don-Innes: Yes.

The Convener: However, because the instrument is making something mandatory, my question was whether the Government has any projections of how many people should have gone through the PVG scheme and been registered, but have not done so because it is not a mandatory scheme.

Natalie Don-Innes: I do not have those numbers to hand, but I know that some sectors, such as sports agents and talent scouts, will be able to use the PVG scheme only from 1 April 2025, so some areas are targeted specifically. In answer to your question about how many people are working with children, young people or adults, but should not be doing so, I do not have those figures to hand, but I have an awareness of the areas that will be targeted.

The Convener: What is the reason for those areas not being able to use the previous system?

Gareth Wilks: The roles that the minister mentioned are being targeted because, currently, within the schedules of the PVG act, they do not qualify for the PVG scheme because they do not qualify as regulated work. One of the changes that the 2020 act brings is a move to regulated roles, and what roles should be in the scheme was looked at in the course of developing the act. The minister gave the example of sports agents and talent scouts; in 2017, the Health and Sport Committee remarked that those roles should qualify for PVG membership. The changes that are before us today require that.

It is also important to keep it in mind that the PVG act brings in a number of offences, including the provisions in regulation 2 of the instrument that is before us today. That means that there has been an incentive to use the PVG scheme. The overwhelming majority of those who can use the scheme do use it. Indeed, many sectors already treat it as mandatory. The areas that are coming into scope are the main focus of the engagement that the minister mentioned.

The Convener: Has Disclosure Scotland done projections on how many additional people that could involve? If the Government does not have those figures, do you have those figures?

Gareth Wilks: We do not have those figures to hand.

The Convener: Over the past four years, you must have been looking to see what the increase of the workload would be.

Gareth Wilks: That is part of the engagement that we have been carrying out at this time. We are confident that the changes will not have a significant impact on those volumes.

The Convener: Do you not have the figures today, or you do not have them at all? Is it not something that you have looked at?

Gareth Wilks: We do not have those figures at the moment, but we anticipate that we will gather them from those with whom we are engaging. We will be happy to provide updates as and when we can.

The Convener: Why would you not have done that before now? What is your reason for not wanting to know what the increased workload would be, or how many people in Scotland should be PVG checked, but are currently not?

Gareth Wilks: We have been working on an on-going basis to identify the sectors that will come into scope, and that has very much been part of the conversation.

The Convener: Since when have you been doing that on an on-going basis?

Gareth Wilks: We have been doing that since about July 2023.

The Convener: You have been doing that for 18 months or so, but you still cannot provide any numbers.

Gareth Wilks: We are engaging with areas that have not been required to use the PVG scheme up till now. Through the public information campaign that the minister mentioned and other communications channels, we are working to make them aware, first of all, that the changes will affect them.

The Convener: Right now, sitting here in front of the committee, do you not know whether there will be an extra 10 people, 100 people, 1,000 people or tens of thousands of people?

Gareth Wilks: From the estimates and engagement that we have had up to this point, we do not think that there will be a dramatic difference in volumes.

The Convener: But you are making that assumption while not knowing what the numbers are. That is quite a brave assumption to make. Mr Wilks—

Gareth Wilks: Sorry, I think that the minister wants to come back in.

09:15

Natalie Don-Innes: As Mr Wilks has advised, there is on-going engagement and work in relation to gaining that data. We are happy to provide the committee with that when it is calculated or determined.

The Convener: We are being asked to determine something today on behalf of the Parliament, and then the matter will go to the full Parliament. I would have hoped that that information might have been available to members.

I will bring in Jackie Dunbar.

Jackie Dunbar (Aberdeen Donside) (SNP): Good morning, minister. First, I declare an interest as a former local councillor, as I am about to ask a question in that regard.

When I became a local councillor for Aberdeen City Council, I was PVG checked. Will the elected member role be classed as a mandatory role in the new scheme?

Natalie Don-Innes: No, that will not be classed as a mandatory role in the new scheme. There has been a lot of work on that, and I know that the Education and Skills Committee scrutinised the issue during the passage of the 2020 act. The member will understand that that predates my time in the Parliament slightly, so I will bring in officials to speak about some of the work and why elected members will not be included in that mandatory scheme.

Jackie Dunbar: It predates my time here, too.

Gareth Wilks: Could I clarify the question?

Jackie Dunbar: I just want to find out whether local authority elected members will be part of the mandatory scheme, given that they undertake duties that involve vulnerable adults and young children. When I was at Aberdeen City Council, I was under the presumption that being in the scheme was mandatory, so I just wonder whether it is mandatory in the new scheme.

Gareth Wilks: Thank you for clarifying that. As part of the move to regulated roles, elected members at local authority level will qualify—that is really restating the requirement. So, to answer your question, if you were required to be in the PVG scheme as an elected member at local authority level, you absolutely will be required to be in it under the mandatory scheme.

The Convener: We have had different evidence on that, then. The minister said that it is not mandatory for local authority elected members to be PVG checked as part of the scheme, but you are saying that it is. Can we get clarity on that?

Gareth Wilks: Just to clarify, the important point there was clarifying the question. Ms Don-Innes is perfectly correct about the previous discussions around MSPs and other elected members at that level—that was discussed during the passage of the Disclosure (Scotland) Act 2020. There was an important clarification about the level of elected member that the question was about. That will be a regulated role—that is the position.

The Convener: Ms Dunbar, are you clearer?

Jackie Dunbar: No, I am not.

The Convener: It has been rather confusing. Minister, you were quite categorical. You did not mishear the question from Jackie Dunbar, and you are certain that those elected members are not included, but your official believes that they are. Can we get some certainty?

Jackie Dunbar: I am just trying to find out whether being in the scheme will be mandatory moving forward. I was under the impression that it was mandatory. I am just trying to find out whether it actually is—that is all.

Natalie Don-Innes: Apologies—I misheard the question. I was referring to the discussion on elected members relating to MSPs in the previous committee scrutiny and discussion.

John Mason (Glasgow Shettleston) (Ind): Some of my questions have been covered, so I have just one left. I note that consultation has not been carried out specifically on the regulations. Is that because there was enough consultation previously around the 2020 act?

Natalie Don-Innes: Yes. That is a simple answer.

John Mason: So, even though that was a few years ago, you do not think that there is any reason to have a consultation.

Natalie Don-Innes: I do not believe so. The regulations received strong support during the scrutiny of and discussions on the 2020 act, so it was felt that consultation was not required and would perhaps cause further delays.

Miles Briggs (Lothian) (Con): Good morning, minister, and good morning to your officials. I want to go back to work that the Health and Sport Committee did in 2017, when I was a member of that committee. Specific concerns were raised in relation to the Scottish Youth Football Association. A BBC Scotland inquiry found that 2,500 youth football coaches did not have full disclosure background checks but were working with children. Can you update us on that? I take it that, since the regulations were passed, that has not been the case. Can you give the committee your assurance on that today?

Natalie Don-Innes: I am sorry, but I do not understand the question.

Miles Briggs: Regarding the 45 sports governing bodies, BBC Scotland undertook an inquiry into how many youth football coaches were working with children before they had received a PVG check. Is the Scottish Government confident that that has been rectified since 2017, and that no one will have been working with young people without having gone through a check?

Natalie Don-Innes: Yes. That is the case.

Gareth Wilks: To reaffirm what the minister has said, since the issue arose in 2017, Disclosure Scotland has worked very closely with all sports governing bodies, including the Scottish Youth Football Association, to ensure that those checks are carried out. Indeed, most, if not all, sports governing bodies require PVG membership as part of any role that involves working with children or protected adults.

The Convener: Minister, is there anything that you wish to add in response to the issues raised by members?

Natalie Don-Innes: No. I do not believe so.

The Convener: Oh, I am sorry, Pam. You have a question.

Pam Duncan-Glancy (Glasgow) (Lab): That is okay, convener. I have a couple of questions. Thank you for answering our questions so far, minister.

I want to go back to the numbers of people who are in regulated roles but not in the scheme. In particular, what financial impact has there been for organisations in helping them to comply? How can there be any understanding of the financial impacts if we do not understand how many people who should be on the scheme are not yet on it?

Natalie Don-Innes: As I have already said, there will be a period of strong engagement with the organisations concerned over the three months between 1 April and 1 July 2025 and I fully expect such conversations to come up. If that is proving a barrier for organisations, I fully expect that to be flagged up during the engagement period.

Pam Duncan-Glancy: In the information that we got in advance of today's meeting, we heard that Disclosure Scotland had used a range of communications channels to provide information about the new requirements. We have heard about the timescale that has already passed. What has that communication and engagement been doing?

Natalie Don-Innes: Do you mean the communication and engagement to date?

Pam Duncan-Glancy: Yes.

Natalie Don-Innes: I can bring in Gareth Wilks to speak more about how Disclosure Scotland has been engaging with organisations to date but, as I have highlighted and emphasised, the three-month period is when engagement will take place with a much higher sense of urgency, and I would expect any last-minute barriers or issues that organisations are facing to come to the forefront.

I invite Gareth to speak about the engagement to date.

Gareth Wilks: We have been doing this throughout the period of implementation. To answer your question in short, Ms Duncan-Glancy, the aim is to raise awareness of the changes that are ahead. For many of the sectors that are affected by the mandatory scheme, it is only when the move to regulated roles happens from 1 April 2025 that organisations will be able to use the scheme and take the action that we are requiring them to take.

We have been getting the information out, and the base of that entails issuing a regular quarterly update. That involves using all the channels that are available to us, including social media and the Disclosure Scotland website, and working with other stakeholders such as trade bodies, professional regulators and stakeholder networks to cascade information. Disclosure Scotland formed a stakeholder engagement group in 2021, which includes a cross-section of stakeholders affected by the changes in the Disclosure (Scotland) Act 2020. That helps us to input into implementation activity and to cascade the information. We will continue to do that throughout the implementation period. At the core of that is the move to a mandatory PVG scheme and the offences associated with that.

Pam Duncan-Glancy: Moving on to a final point about delays, the data that I have from March shows that the PVG scheme record update in 2016 took just over two days. That was up at nearly nine days in 2023. Do the minister and Disclosure Scotland think that the changes will resolve some of the delays and make the updates quicker, or do they expect the time required to continue on that trajectory?

Natalie Don-Innes: No. I think that the measures will help to resolve delays. Gareth Wilks has already alluded to an on-going process of digitisation in Disclosure Scotland that is helping to drive efficiencies and improve timescales.

I might need officials to correct me, but I believe that four days is the average time for the year to date. I am getting a nod, so I think that that is correct. I would expect those efficiencies and the timescales to continue to improve as a result of the many on-going improvements.

The Convener: Our committee has to report by 13 December, so we do not have an awful lot of time. Will there be any projections by then, or will it take longer for you to get the numbers?

Gareth Wilks: I will need to consider that further, but I can update the committee on what we will be able to do by that date.

The Convener: Given that our report must be drafted and agreed by then, I ask that we get either a yes or a no on that by the end of today. I do not want the numbers by the end of today—I would like to have them by then, but I cannot get them—but I ask that you give us information about what could be forthcoming. However, it seems likely that that will not be ready in time for our report, and we will reflect that. Confirmation one way or the other on that would be helpful.

We move to agenda item 2, and I invite the minister to move motion S6M-15259.

Motion moved,

That the Education, Children and Young People Committee recommends that the Regulated Roles (Prohibitions and Requirements) (Scotland) Regulations 2024 [draft] be approved.—[*Natalie Don-Innes.*]

Motion agreed to.

The Convener: The committee must now produce a report on the draft instrument. Is the committee content to delegate responsibility to me as convener to agree the report on behalf of the committee?

John Mason: Convener, you have made quite a deal of the numbers and some of the other issues. Those aspects are worth raising, but I am not convinced that they are major issues. My experience of Disclosure Scotland's PVG scheme, and of other schemes, is that a bit of paperwork is involved, but it is not a huge thing. If you are planning the report to be very critical, I would have problems with that and I would like to see it before it is approved.

The Convener: I am not planning the report at all; it will be drafted by the clerking team. All that I said in response to Mr Wilks was that we will reflect the conversation that we have had. I think that I am correct in saying that my questions were replicated by others, such as by Pam Duncan-Glancy.

Pam Duncan-Glancy: It is important that we reflect that back. If we do not have a full understanding of the numbers, I cannot see how, for example, the role could be regulated, as we do not know how many people we would be regulating. That aspect is fundamental and it is important that we reflect that in the report.

The Convener: That is all that it will be: a reflection on the discussion that we have had.

John Mason: I would like to see the report before it goes.

The Convener: I am happy to take that to the next committee meeting, bearing in mind that we must have the report agreed by 13 December.

Protection of Vulnerable Groups (Referrals by Chief Constable) (Prescribed Information) (Scotland) Regulations 2024 (SSI 2024/313)

Protection of Vulnerable Groups (Information for Listing and Vetting) (Scotland) Regulations 2024 (SSI 2024/314)

Level 1 and Level 2 Disclosure Information (Scotland) Regulations 2024 (SSI 2024/315)

Consideration of Suitability for Regulated Roles (Prescribed Purposes) (Scotland) Regulations 2024 (SSI 2024/316)

Disclosure and Use of Level 2 Disclosures (Prescribed Purpose and Circumstances) (Scotland) Regulations 2024 (SSI 2024/317)

The Convener: Our next item of business is consideration of five instruments that are subject to the negative procedure. Are members content to consider the instruments together?

Members indicated agreement.

The Convener: Minister, there are some questions on the Protection of Vulnerable Groups (Information for Listing and Vetting) (Scotland) Regulations 2024. In its report following its meeting on 19 November, the Delegated Powers and Law Reform Committee raised some concerns about the regulations. It queried the term “details” and whether that was sufficiently clear to identify what information must be passed to ministers under paragraph 6 of the schedule to the regulations. Will you outline the Government's response to that concern?

09:30

Natalie Don-Innes: Absolutely. The Government considers the term “details” in the context of paragraph 6 of the schedule to the regulations to be sufficiently clear as meaning the details about the person for whom the individual is carrying out a regulated role, as that would enable Disclosure Scotland to establish whether a regulated role is or was being carried out and to have the contact details to make further inquiries.

The regulations would only require the chief constable to provide information that is held by

them. It would also apply only to referrals made by the chief constable.

The Scottish ministers are required, under section 84A of the Protection of Vulnerable Groups (Scotland) Act 2007, to issue guidance to the chief constable about the exercise of our functions under parts 1 and 2 of the act. This guidance will include guidance on the operation of referrals under part 1 of the act.

Essentially, the Scottish Government considers the term “details” to be sufficiently clear.

The Convener: In paragraph 12 of its report, the DPLR Committee noted that

“during the passage of the Bill, it was suggested that this information would be similar to that already required for scheme members, which is limited to the gender and National Insurance number of the individual.”

What was the change from the passage of the bill until now?

Natalie Don-Innes: The prescribed information that the chief constable must refer is the individual's name or any other names by which they are known; the individual's most recent address and any other addresses at which the individual has been resident; the individual's date and place of birth; the type of regulated role that the individual is considered to have been doing; the relevant period in which the role was being done; the responsibilities that were undertaken; and for whom that role was being done in that period.

The information that is prescribed in the regulations is similar to other information that must be referred to the Scottish ministers under other types of referral.

The Convener: Sorry, minister, but my question was about that not being articulated to members during the passage of the bill. Members were presumably told that similar information to what was already required would be prescribed. What changed during that period? Did the Government receive information that that was insufficient? I am just wondering why that change has been made, as highlighted by the DPLR Committee in its report.

Natalie Don-Innes: Apologies, convener, for misunderstanding your question.

The Convener: That is fine.

Natalie Don-Innes: I will bring in officials to speak to that.

Gareth Wilks: That might be something that I will take away with me and write to the committee about. Perhaps I need to reflect on the record of the passage of the bill. I do not recollect that point, but I was not involved with the bill team. I will report on that in time for the committee's report.

The Convener: Thank you. As no other member wishes to comment, does the committee agree that it does not wish to make any recommendations in relation to the five instruments?

Members indicated agreement.

The Convener: Before we move to the next item, we will briefly suspend to allow for a changeover of officials.

09:32

Meeting suspended.

09:35

On resuming—

Schools (Residential Outdoor Education) (Scotland) Bill

The Convener: The next item on our agenda is an evidence session on the Schools (Residential, Outdoor Education) (Scotland) Bill. The bill, which was introduced by Liz Smith, is at stage 1. The committee will hear from Natalie Don-Innes, the Minister for Children, Young People and The Promise; Saskia Kearns, team leader, curriculum development, for the Scottish Government; and Nico McKenzie-Juetten, lawyer, from the Scottish Government legal directorate. Minister, I understand that you wish to make a brief opening statement.

Natalie Don-Innes: Thank you for inviting me to provide evidence. The Scottish Government's vision is that all children and young people should have the opportunity to engage in progressive and creative outdoor learning in all its forms, regularly, as part of the curriculum. The Government values the important work that residential outdoor centres do to support our young people's mental and physical health, confidence, team-working skills, resilience, communication skills and personal development. As members might be aware, we gave the sector considerable support during the Covid pandemic, providing £4 million in funding to ensure that it could emerge from the pandemic.

In our future vision for the school curriculum, the Government sees a key role for the residential experience as part of a broad range of outdoor learning experiences, and we see a key role for outdoor learning in the three-to-18 journey for our young people. However, as we noted in the memorandum that we submitted to the committee, although we recognise the good intentions behind the bill, we have reservations about key elements of the provisions, which will require careful scrutiny. Some of those reservations have been touched on during the committee's earlier evidence sessions and in other respondents' feedback to the call for views.

First, the bill has a narrow focus on only one type of outdoor learning. Although the Government values the place of the residential experience, that is as part of a range of experiences. A legislative requirement on only one aspect of that range of experiences carries the risk of imposing an assumption on the way that practitioners go about determining the best approach to suit their learners' needs. By legislating within the curriculum, the bill risks setting a precedent that contradicts our existing approach of flexibility and

autonomy for school leaders and teachers, as envisioned in the curriculum for excellence.

A further area of concern relates to affordability and the financial estimates that are associated with the provisions as they are drafted. The Scottish Government's view is that the bill's financial memorandum significantly underestimates the potential overall cost of delivery to the public purse. On the basis of our initial analysis, we estimate that the potential cost range for year 1 roll-out in 2025-26 is between £24.3 million and £40.6 million. The difference between our higher estimate and what is presented in the financial memorandum is that we have attempted to model staff costs in secondary schools and inflation.

There are further costs that have not been fully articulated in the financial memorandum, such as the additional costs that are associated with provision for learners with additional support needs and special schools, which I know that the committee has a strong interest in. That suggests that the real delivery costs could be even higher.

As the committee will be aware, the Government is taking a neutral position on the bill, reflecting the fact that, although we note the good intentions behind it, it is essential that the Parliament tests and explores its potential implications in some depth. I am happy to take members' questions.

The Convener: Thank you, minister. Have you followed the committee's evidence sessions?

Natalie Don-Innes: Yes.

The Convener: What are your views and impression of the evidence that the committee has received?

Natalie Don-Innes: The evidence has painted a relatively mixed picture. I heard a lot of the same concerns that the Government has about affordability and capacity. However, equally, I heard a lot of commentary on the positives of outdoor learning, specifically in relation to outdoor residential visits. I am a big supporter of outdoor learning in all its forms, and support for that has come across strongly.

The Convener: In our evidence session with the activity centres, we could see that they have an infectious enthusiasm for what they do, and the testimonials that they have provided to us show that it has a huge impact not just on the students themselves, but on the teachers who accompany them. Do you agree that it has not just a benefit for the period in which the young people are in the outdoor education setting, but a positive impact on their school career, too?

Natalie Don-Innes: I do believe that there is a benefit, and I am happy to speak up in that

respect. When I visited the Loch Eil outdoor learning centre in Fort William, I spoke to staff and some of the children who were benefiting from the experience there, and I heard about some of the really good impacts on behaviour, the different skills being learned, the experiences that the children and young people have, and relationships with teachers. However, those kinds of positive impacts can be found across a number of outdoor learning experiences; I would not say that they are necessarily exclusive to the outdoor learning centres.

That brings us back to one of the Government's concerns about the scope of the bill and the fact that it is quite narrow in relation to outdoor learning centres. A lot of these positive impacts can be found in wider outdoor learning experiences.

The Convener: In its submission, the Outward Bound Trust talked about the "social return on investment", saying that

"for every £1 invested in Outward Bound programmes, there is a return of between £5 and £15".

Would you agree with and support that figure?

Natalie Don-Innes: I do not have the detail of how that figure has been worked out in front of me. It is certainly something that I can look at, but I am probably not able to comment specifically on that matter right now.

The Convener: In your Government's memorandum on the bill, you say in paragraph 11 that

"the Bill risks undermining other types of outdoor learning".

Can you explain how it would do that?

Natalie Don-Innes: I think that it would put a very narrow scope on outdoor learning, as it might lead schools or local authorities to feel that this is the sort of outdoor learning that children and young people have to receive. However, we want outdoor learning to be a day-to-day thing that children and young people experience in the classroom as well as in different environments. I have concerns that the bill's narrow scope on outdoor learning centres pigeonholes everything into one form of outdoor learning, whereas we must ensure that we give children and young people a vast array of outdoor learning experiences on a day-to-day basis.

The Convener: Do you have any evidence to suggest that, where local authorities use outdoor education centres, it undermines the other types of outdoor learning that they are doing? Can you back that up with evidence from local authorities or anywhere else?

Natalie Don-Innes: I will ask officials to speak to the evidence on that. We have already talked about capacity and staffing, but I worry about

confining things to just one week. Again, there could be flexibility in that, and I have discussed the matter at length with the member, but I will ask my officials whether there is evidence that proves that the bill would take away from other outdoor learning experiences.

Saskia Kearns (Scottish Government): So—*[Interruption.]* Sorry.

The Convener: You are fine—the microphone comes on automatically.

Saskia Kearns: Okay—this is my first time here.

The Convener: Welcome.

Saskia Kearns: Thank you.

I have to say that we do not have any specific evidence, but we could look into it further. We are aware from Education Scotland colleagues that diversity of delivery of outdoor learning is important, and we feel that there is a potential risk that practitioners might feel the need to prioritise this form of outdoor learning over others.

The Convener: Even if they did, that would not stop schools or others over a wider local authority area continuing to do some of the other outdoor learning that already exists. Would you accept that point?

Natalie Don-Innes: Yes, I would. However, as Saskia Kearns has outlined, the issue is more about the risk that the bill carries. Again, we want consistency across our local authority areas and our schools with regard to experiences of outdoor learning and their frequency on a day-to-day basis, and I would just highlight that the bill poses a risk in that respect.

The Convener: The bill would provide exactly that consistency, would it not? At the moment, some local authorities use outdoor education and others do not. The member's bill would provide the consistency that you are looking for.

09:45

Natalie Don-Innes: It would provide consistency in the outdoor learning centre experience; it would not provide consistency in the wider, day-to-day outdoor education experiences that we would like to see.

Pam Duncan-Glancy: In the Government's response, it has said—and you have repeated on the record this morning—that it

"is committed to improving outdoor learning provision ... ensuring that all learners are experiencing regular, enjoyable, and challenging outdoor learning experiences".

As far back as the 2021-22 programme for government, 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".

In our evidence sessions on the bill, Tara Lillis from the NASUWT, and others, have told us that there are "significant barriers" to participation under current provision, including costs to schools, particular barriers for specialist settings to access appropriate facilities and other

"systemic barriers to participation that align with ... equality duties".—[*Official Report, Education, Children and Young People Committee*, 13 November 2024; c 5.]

What is the Government's assessment of the proportion of pupils who have the opportunity to undertake residential outdoor education?

Natalie Don-Innes: That is really important. I want all children and young people to benefit from outdoor learning. There is evidence that children from a lower socioeconomic background can benefit from outdoor learning experiences, so we should continue to drive that forward where possible.

As the member is aware, statutory responsibility for the delivery of school education, including school trips, rests with local authorities and individual schools. They can utilise a range of funding sources for that delivery and they are best placed to determine what their children and young people require.

I can see the member making a face.

Pam Duncan-Glancy: Sorry. I get the point but, ultimately, the Government made a commitment to such provision, so what has it done to take into account the pupils who have not been able to access that provision? What is the Government's assessment of who is missing out? What will the Government do about it?

Natalie Don-Innes: The Scottish Government has invested up to £1 billion in the Scottish attainment challenge this parliamentary term to tackle the poverty-related attainment gap. We have also invested £520 million in the pupil equity fund, which, as the committee will be aware, goes directly to schools to support children and young people from lower-income families. I know that schools have utilised that funding to provide children and young people with outdoor experiences, if they felt that that was the best place for that funding. I trust our local authorities and school leaders to decide what is best for their learners.

I also touch on the work of the new strategic working group that was set up this year. The group is taking forward a number of different workstreams in relation to outdoor learning. One of the issues that it will be looking at is inclusivity and providing equity for all pupils to access outdoor

experiences. There has been work to date, but we can go further. I know that because I go out on many visits and see how nurseries and schools are embedding outdoor learning—I have witnessed some fantastic examples of it. However, we need to drive that consistency further.

Pam Duncan-Glancy: That is appreciated, but the minister will know that most of the income that she has just described that can be used for those purposes is being stretched in different directions and that local authorities are really struggling. If this is not the bill to provide improvements for the pupils who we have heard are missing out, what is the Government's alternative?

Natalie Don-Innes: As I have said, the pupil equity fund and the Scottish attainment fund are important. There is also something to be said about the investment that the Government has put into our school estate and the different environments that are being created specifically for outdoor learning in a number of schools across Scotland. I would again touch on some of the visits that I have been on and some of the fantastic things that I have seen that are widening access to outdoor learning for all pupils.

However, I hear the member's point about whether the bill might not be the way forward. I have already touched on the work of the outdoor learning strategic working group. It will be reporting to me by summer 2025. As I said, it is working on a range of different areas in relation to outdoor learning and how we can improve that and drive it forward.

Inspection is also an important driver for change. HM Inspectorate of Education is undertaking a review of the inspection frameworks, and work is being done to consider the learning for sustainability programme, of which outdoor learning is a key part. We are also working closely with educators in schools and other partners to improve the resources and guidance that are available to schools. That includes the development of new online training materials for outdoor education instructors.

The newly launched curriculum improvement cycle also provides an opportunity to ensure that the three-to-18 curriculum is designed and delivered to offer greater consistency in outdoor learning experiences across Scotland—

Pam Duncan-Glancy: I appreciate that, minister, but I want to understand what is happening.

We know that work is continuing—the minister and the Government regularly describe the on-going work. The fact remains, however, that a high number of pupils are still struggling to access outdoor learning because of the lack of support

and the barriers that the NASUWT highlighted to the committee.

Should the bill be passed, has the Government made any plans to implement it in order to see some of the changes that are required?

Natalie Don-Innes: Sorry—has the Government made any plans?

Pam Duncan-Glancy: Has it made any plans for implementation, if the bill is passed, as part of the solution to the problems that we are discussing?

If the bill is passed to make change happen, rather than just having the existing strategies and systems that the Government is speaking about, it could drive the change that is required. Has the Government made any plans for how it would be implemented?

Natalie Don-Innes: The Government is doing as Government does, and is taking the legislation bit by bit. I have met Liz Smith on several occasions, and officials have been liaising with her and other organisations and stakeholders who are involved in this work. The Government will plan accordingly, as it needs to.

I have already spoken about a number of the areas in which we are taking action to improve consistency in outdoor learning. However, as I have already said, I do not necessarily feel that the bill is the be-all and end-all for all children and young people, given its narrow scope with regard to the specific experience that it provides for, and whether it is right for all children. I believe that that was brought up in the evidence sessions and the committee will have to consider it in its scrutiny of the bill.

Pam Duncan-Glancy: Finally, do you think that the on-going work that you have highlighted is the be-all and end-all in this regard?

Natalie Don-Innes: No, I do not think that it is the be-all and end-all. I have been clear in my discussions with Liz Smith that I am open—in fact, I am very keen—to explore non-legislative routes, for example around the professional learning that is available to education practitioners.

I have spoken about the public trust model that Ms Smith has proposed, and members might have a question on that. Although I do not necessarily believe that such a model would be the best idea for putting something in statute, there are options, for example, to gain capital funding to improve the estate.

There are a number of non-legislative options that we could take, so I do not believe that the bill is necessarily the be-all and end-all. I have laid out a number of things that we are doing or that we

could do, depending on the outcome of the bill process.

The Convener: George Adam has a brief supplementary.

George Adam (Paisley) (SNP): We know from evidence to the committee that local authorities carry out a lot of good work in this area, which they do in different ways and not necessarily along the lines of what is proposed in the bill. You have already said that the approach that is taken is very limiting, given that the bill is only about outdoor education centres. I would go further. In the committee's first evidence session on the bill, Professor Mannion noted that many residential centres focus too narrowly on traditional outdoor education activities such as kayaking, zip-lining and other outdoor pursuits, rather than on offering a broader curriculum with

"maths, music, drama and history".

He also suggested that we should look at

"conservation activity, pro-environmental behaviour or learning about sustainability"—[*Official Report, Education, Children and Young People Committee*, 6 November 2024; c 19.]

and he believes that we should not necessarily be doing outdoor education for a whole week but probably daily.

You have said that the bill is quite limiting. A great deal of work is being done elsewhere and by different local authorities, so is it not the case that the bill might hinder what is being done locally and that we might end up focusing on the one issue? As Professor Mannion said, the bill is too narrowly focused.

Natalie Don-Innes: I think so, and it goes back to what I said earlier about the risk of narrowing people's scope and vision of outdoor learning to that one specific experience. I saw some of the evidence on that in the committee when Dr Scrutton indicated that the nature of the residential outdoor experience is evolving and that it could include activities to promote more academic work in an outdoor setting.

The member is spot on. As I have said, I want to see outdoor learning on a day-to-day basis across a number of different environments. There is evidence that people from lower income backgrounds could benefit more from that kind of experience, but the same could be said of a number of different outdoor experiences. Some children and young people might prefer a historical learning experience, for example. I am concerned about the narrow scope of the bill.

Of course, while understanding the benefits that such an experience can give, it must be remembered that that risks taking away from the wider number of outdoor experiences that children

and young people could have and from the on-going work to improve that and to improve consistency across Scotland.

John Mason: On the same theme, everybody whom we have heard from, including you, has said that they are enthusiastic about the idea of outdoor education. However, there were some differences within that. For example, the Association of Headteachers and Deputies in Scotland said in its consultation response that

“if £34m became available to school education, AHDS would argue for every penny to be spent on better supporting pupils with additional support needs.”

Other members will ask you about the details of the costs. On the question of priority, some people argue that outdoor learning is a good thing but that it is not the priority and that you might put the money into additional teachers for schools, expanding childcare, free school meals, free music tuition or a lot of other things. How would you respond to them? Do you see it as the priority? If you have £34 million spare—I do not know whether you have it; maybe you can tell us—would it be the priority?

Natalie Don-Innes: Outdoor learning is a priority because it has massive benefits. However, as I have outlined, the scope of the bill covers that one week of outdoor residential experience and that is not necessarily the priority. The benefits of that are clear to see, but that is for members to decide and it will form part of your scrutiny.

I have been clear about the financial implications of the bill and the difficult position that the Government is in. That money could be directed to other areas while still driving improvement to widen access to outdoor learning across Scotland. As I said, a number of on-going workstreams will continue and I am open to trying to push that even further or seeing what we can do to open up that learning further. I have been quite clear about the Government's position on the financial implications of the bill and the cost of implementing it.

John Mason: Could the same benefit be achieved at a lower cost, perhaps by doing things more locally, rather than specifically having the five-day residential?

Natalie Don-Innes: I think that it could. Again, I will refer to some of the visits that I have been on, whether to nursery settings that are utilising outdoor learning, to fully outdoor nurseries or to schools that are utilising outdoor learning, because that is the best evidence to draw on.

On those visits, I heard about impacts that were much the same as those that are associated with five-day residential. I heard about the children's increased confidence, improvements in the mental health and wellbeing of children and staff and

improvements in the relationships between children and staff. I base my view on the many discussions that I have had on outdoor learning. I absolutely agree that the kind of experiences that you mention can bring similar benefits.

10:00

John Mason: It has been argued that a residential trip adds something more—seeing the teacher in their pyjamas adds something, compared with just everyone being in the forest for a couple of hours.

Natalie Don-Innes: As I said earlier, I am positive about that residential experience. I can see the benefits of it. When I spoke with the people who were involved in those settings, they said that the trips improved their relationships. I am absolutely not talking that down in any way. However, as you suggested in your first question, the proposal has serious financial implications, and, when you see similar benefits being received by children and young people in more cost-effective ways, the committee and the Government have to consider that.

John Mason: We heard evidence that some children do not want to do a lot of outdoor stuff and would rather visit a first world war battlefield with their history teacher or something like that. We also heard that children from some of the islands, who probably have a huge outdoor experience already, would rather come to Glasgow and visit museums or football grounds. Do you think that that would all fit into the bill as it stands—obviously, it could be amended—or would the bill exclude that?

Natalie Don-Innes: Mr Mason raises an important point about providing children and young people with choice and flexibility with regard to the experience that they want to have, and I acknowledge Mr Mason's point that children from rural areas might have had more outdoor experiences than those from more urban areas.

The issue of how that would be addressed by the bill is something that has come up in my discussions with Ms Smith. I know that she recognised in her evidence that residential is not necessarily for everyone. If there were ways to work with Ms Smith on that or, depending on the outcome of the current stage, amend the bill in those ways, it would be important to do so.

The Convener: In response to Mr Mason, when you spoke about the undoubtedly positive examples of outdoor nurseries and getting children out of the classroom for half a day or a day and compared that approach with residential, you were not really comparing like with like. Do you accept that the evidence that we have received shows that there is a significant uplift in the benefit

for students with regard to trips of up to four nights and five days?

Natalie Don-Innes: I accept the evidence around the positive impacts of the residential experience. I do not know whether that evidence can be directly compared with, for example, outdoor nurseries. From my experience, I think that a child's experience of being outside, planting plants and flowers, digging holes and all the rest of it, can have real benefits over a sustained period, even if it is one hour a day for two months. That is what I have heard from those with first-hand evidence, and that is what I am speaking to today. I am not comparing the two approaches; I am saying that there are clear benefits from both.

The Convener: The bill would not stop both happening in tandem.

Natalie Don-Innes: It would not stop that happening.

Jackie Dunbar: We have been hearing evidence about how the bill will work in practice, and I heard what you said about children being given choice and flexibility.

We heard in evidence that pupils could opt out of the residential altogether, or would not have to do it all at once. A question was also raised about what would happen if a pupil changed schools. In that regard, is there a national system in place just now that could be adapted to ensure that, if a child opts out of a residential trip but decides later that they want to opt back in, that could be tracked? That would ensure that every pupil gets the same chance and experience.

Natalie Don-Innes: That poses a difficulty. I will bring in officials to speak to how pupils might be tracked. That is a risk. We do not want any children or young people to lose out on that experience. Some young people might not be ready for it at one age but might want to come back to it later. There is difficulty in ensuring that every pupil gets the access that they would be entitled to.

I will bring in Saskia Kearns to speak to how that would be monitored, if it could be monitored.

Saskia Kearns: In Scotland, we do not currently have a national system for recording and tracking provision of outdoor residential. However, we have had some early discussions with local authority representatives in Scotland who use systems such as the EVOLVEvisits platform, which has been mentioned in previous evidence sessions. That system is also used in Wales.

In addition, the working group that the minister mentioned was set up this year has recently been invited to consider data and how we improve the collection of data on outdoor learning and

education in Scotland as part of its priority project work, so there are opportunities there.

Jackie Dunbar: Are you saying that we would have to get our own data system? Am I right in thinking that there would be additional costs involved in that?

Saskia Kearns: Potentially. There are also existing systems in place, such as SEEMiS, but they would probably need to be adapted. We could write to the committee on that.

Jackie Dunbar: If we are going to get it right for every child, we must ensure that our pupils with additional support needs can access residential outdoor education as well. How can we ensure that they get the same benefits? We want every child to get the same benefits, irrespective of whether they are neurodivergent or whether they have additional support needs.

Natalie Don-Innes: That is an important point. The Scottish Government's vision is to ensure that all children and young people can have equal access to positive and creative outdoor learning experiences.

Again, one problem with the financial memorandum is that costs for children with additional support needs are not factored in. At the moment, we do not necessarily know how well outdoor centres are equipped to support children with additional support needs, and we do not know the full extent of what would be required. That is a key consideration in relation to Ms Dunbar's point about ensuring that all children have access to residential outdoor education. I would invite the new strategic working group to take those considerations into account. That will be important in its work.

On the member's point, I would emphasise that there is a risk in that regard. It is important that all children and young people could benefit from this provision, if the measures were implemented.

As we spoke about earlier, outdoor learning centres might not be what is best for all children and young people with additional support needs. It is about having choice and it is about equity.

Again, I highlight the concerns that I have about the financial memorandum not factoring in children with additional support needs. As I said, in previous evidence sessions, issues around capacity have been raised, as has the need for adaptations. Those are very important issues going forward.

Jackie Dunbar: If the bill proceeds, do you know if there is capacity in the system to meet the increase in demand?

Natalie Don-Innes: We know that that is a problem. As the committee heard during its

scrutiny of the bill, and as Saskia Kearns alluded to, there is a lack of data on the number of pupils who are able to access such residential trips. When it comes to the bill, it is a real concern that we do not know the number of children who cannot access a trip. Equally, we do not necessarily know what would need to be built or renovated and what sort of capital works would be required to ensure access for all.

Pam Duncan-Glancy: On the point that the Government does not know how many people and, in particular, how many people with additional support needs, are accessing such residential trips, does the Government accept that, in order to deliver on its existing commitments in that area, it really should know that?

Natalie Don-Innes: I accept that I would like to see improvements in the data. To a certain extent, that falls to local authorities, because it is their responsibility to collect data on the number of children who are experiencing this.

With regard to my work on the bill to date, it would be extremely useful to be able to see more figures. However, Saskia Kearns has alluded to moves that have already been made to gather more data and the improvements that could be made or the programmes that could be utilised to gather that data more efficiently.

The Convener: Have you asked the Welsh Government, at ministerial level or official level, how it is able to provide universal coverage when only 15 of the 32 of our local authorities are signed up to the EVOLVEvisits system?

Natalie Don-Innes: I will bring officials in to speak to the detail of the data in relation to the Welsh Government, because I know that discussions have taken place.

Saskia Kearns: We have had brief discussions with the Welsh Government to understand how the EVOLVEvisits platform works. As I said, we have also talked with representatives of a local authority in Scotland that uses the system. Our understanding is that there are pros and cons to systems such as EVOLVEvisits.

However, with regard to data more generally and understanding the levels of provision, we have been working with organisations such as the Scottish Advisory Panel for Outdoor Education and the Association of Heads of Outdoor Education Centres. Those Government analysts have brought together initial figures and estimates on provision. However, the figures come with a heavy caveat, given the lack of a national data picture. As a result of that work, we understand that, with regard to the provision of outdoor residential trips, around 42,000 residential centre visits were undertaken by P5 to P7 pupils in 2022-23, and we estimate that outdoor residential trips

are provided to around 11,700 secondary school pupils. Therefore, we have been doing some preliminary work on that, but we do not have a national data picture.

The Convener: You said that there are pros and cons to being signed up to the EVOLVEvisits system. Almost half of Scottish local authorities and all Welsh local authorities have signed up to it, so what are the cons of doing so?

Saskia Kearns: By “cons” I mean practical considerations. The system would need to be adapted to incorporate some of the specific information requirements that we might look to include. However, we can perhaps write to the committee on that.

The Convener: Yes. Thank you.

Pam Duncan-Glancy: With regard to some of the gaps in the data, how did the Government come to the alternative financial memorandum that it has proposed?

Natalie Don-Innes: This is a member's bill. Are you referring to the Government's projections?

Pam Duncan-Glancy: Yes.

Natalie Don-Innes: Those projections are a result of on-going discussions between officials and local authorities or stakeholders. We have tried to gather as much data as possible to inform the Government's view of the bill, because that is a very important consideration. I believe that it came up during an evidence session that the committee has written to local authorities on data requirements, and I will be very interested to see what comes back to the committee on that. Saskia Kearns has also alluded to the further work that can be done to gather data.

Pam Duncan-Glancy: Would the minister accept that more needs to be done for pupils with additional support needs, regardless of whether the bill is passed?

10:15

Natalie Don-Innes: Are you asking whether more needs to be done regarding outdoor learning, or in connection with the specific data required for the bill?

Pam Duncan-Glancy: Forgive me. I was asking about outdoor learning in general.

Natalie Don-Innes: I agree that more should be done for outdoor learning for all children and young people in Scotland. As I said, great things are happening but there are inconsistencies. I am very aware of that and am continuing work to drive that outdoor learning agenda as much as possible for all children and young people and, of course, for those with additional support needs.

I go back to some of the visits I have been on and especially to a visit to an outdoor nursery. I could not believe how enthusiastically and positively staff spoke about the impact that the outdoor setting had had on some children with additional support needs and about the difference made by getting out of the classroom and into the woods. That really was marvellous and I very much support trying to increase that as far as possible.

Willie Rennie (North East Fife) (LD): Why was the Scottish outdoor learning strategic working group set up this year?

Natalie Don-Innes: It was set up to drive, as much as is possible, my agenda for outdoor learning that I have already spoken about.

Willie Rennie: Why was it not set up in 2010, when the vision was set out?

Natalie Don-Innes: I believe that it has been set up in relation to the updated learning for sustainability action plan. That came out in 2023 and the strategic working group follows on from that.

Willie Rennie: Was there no equivalent group before then?

Natalie Don-Innes: I am sorry, Mr Rennie, but I will have to ask my officials to clarify that for me.

Saskia Kearns: Previous working groups relating to the LFS action plan have given some consideration to outdoor learning, but that is our first strategic working group of that nature.

Willie Rennie: Do we know what impact that strategy has had since 2010? Do we have a timeline of progress?

Natalie Don-Innes: Are you asking about learning for sustainability?

Willie Rennie: I am asking about the vision for outdoor learning, which was a 27-page document that came out in 2010. What has been the impact of that document?

Natalie Don-Innes: I might have to come back to the committee with a full breakdown relating to that timeline, which covers quite a lengthy period of time. I can say, based on my time in this role, that the number of outdoor learning opportunities for children and young people is increasing. I do not know if my officials have anything to add.

Willie Rennie: I am not asking for a bullet-by-bullet breakdown of what has happened, but I would quite like the headline figures about any impact that has been made. I know that you have not been the minister for long, but you represent a Government that has been in power since 2007, so I would expect you to have an understanding of

what that impact has been. Can you give us the headlines?

Natalie Don-Innes: Not at the moment, but we are developing a new evaluation framework for learning for sustainability and, as I said, I would be happy to provide that to the committee to show the movement on outdoor learning.

Willie Rennie: It is a sign of the frustration that we all feel that it takes a member's bill on outdoor residential to trigger the Government into taking actions that it should have taken years ago. If the Government does not understand the impact of a strategy, what is the point of producing those strategies?

Natalie Don-Innes: I have seen progress.

Willie Rennie: That is your personal answer. It is what you say you have seen, but that is not objective evidence; it is anecdotal.

Natalie Don-Innes: I can provide the committee with subjective evidence once that evaluation has taken place.

Willie Rennie: Why has that not been done before now?

Natalie Don-Innes: I am sorry, Mr Rennie; I am not directly linked to the evaluation framework for the learning for sustainability plan, but I am, of course, happy to provide the committee with that information at a later date.

Willie Rennie: I hope that you understand my frustration that the only reason we are debating this here today is because of a member's bill. Where is the Government action? Where is the Government measurement during that 14-year period? Perhaps we have reached this crisis point because the Government has not really focused on that. Is that not a fair accusation?

Natalie Don-Innes: I do not think that that is a fair accusation.

Willie Rennie: You do not know the figures, do you?

Natalie Don-Innes: I know that this is an objective view, but I would say that it is very clear that we have made strides with outdoor education and outdoor learning.

Willie Rennie: However, you do not have evidence for that.

Natalie Don-Innes: I do not have it to hand, Mr Rennie.

Willie Rennie: This is an evidence session about outdoor learning and residential, and you do not have the key facts about the progress that the Government has made. Everything that you have provided this morning is valid, but it is all anecdotal about what you have seen. I want to

know what the Government has seen over those 14 years, and you do not have that this morning.

We are not making any progress, so let us move on. If the bill is rejected, we would not go back to the position that we were in before. The message that could be sent to local authorities is that outdoor residentials do not matter and are not valued by the Parliament and the Government. How will you respond to that? We are not taking a neutral position because, if the Parliament and the Government reject the bill, there could be ramifications. Some people have said that that could trigger the closure of many more outdoor centres. How would you respond to that?

Natalie Don-Innes: In the evidence that I have given today, I have been very clear that rejecting the bill is not a move against outdoor centres. I have spoken very positively about the impact that outdoor centres can have on children and young people and the benefits of that. In fact, in discussions with Ms Smith, I alluded to potential non-legislative options such as securing private investment to aid with reinvestment and capital building works, in order to bring some of the centres back into a better state.

Regardless of whether the bill is accepted or it falls, I have already made a clear commitment to continuing to work with outdoor centres. As I have said, I can absolutely see the benefits, and they are a key part of the outdoor education and learning experiences. As I said, I have been very clear on that this morning.

Bill Kidd (Glasgow Anniesland) (SNP): Two weeks ago, Andrew Bradshaw, from City of Edinburgh Council and SAPOE, was one of our witnesses, and we covered areas around legislating in the curriculum. [*Interruption.*]

Sorry for coughing; I will have a wee drink of water—I do not usually get this excited asking questions, but there you go.

Mr Bradshaw 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.”—[*Official Report, Education, Children and Young People Committee, 13 November 2024; c 4.*]

On that basis, how might the Government amend the bill, should it come forward, to ensure that schools and local authorities have autonomy over the content of their curriculums but, at the same time, encourage higher levels of access to residential outdoor facilities, and make that access more equitable?

Natalie Don-Innes: That comes back to a lot of what we have spoken about already this morning. There is a clear concern from the Government that

legislating on the curriculum sets a precedent that contradicts the approach around flexibility and autonomy for school leaders and teachers that Mr Kidd alluded to. I have been very clear that I would be willing to work with Liz Smith. There could be flexibility around the length of the trip and, as I have already suggested, the content, because we do not necessarily know that that outdoor residential experience is what every child or young person requires, and other experiences could be equally beneficial. Moving forward and ensuring flexibility and choice for the children and young people is key.

Bill Kidd: We took evidence, which you alluded to, that showed that those who run facilities such as residential centres sometimes have problems in ensuring a regular and consistent flow of clients from the local authorities. There is that element to it, but there is also the insistence from local authorities and schools that they must ensure that the quality of education for the children is maintained at all times. Will you be dealing with local authorities to ensure that that is maintained?

Natalie Don-Innes: Mr Kidd raises an important point about evidence that shows that some centres are not busy enough—and I know that members feel that the bill would help with that—but we also know that some centres are too busy. I believe that one centre is booked up for a considerable amount of time—indeed, a number of years. It brings me back to some of my concerns about the bill’s financial implications and the unknown factor of what centres would be required—and where, which I think is a really important point.

As for working with local authorities, that would absolutely be a given when it came to making progress on the bill. Equally, with regard to our focus on outdoor learning, I alluded in my opening statement to the Government’s support for centres during Covid. I would expect discussions with local authorities to continue; the Convention of Scottish Local Authorities sits on the working group that I have mentioned, and it plays a key role in feeding in local authority views.

Bill Kidd: That is great. Thank you very much.

The Convener: I call Evelyn Tweed.

Evelyn Tweed (Stirling) (SNP): The Scottish Government is clearly sympathetic to the bill’s aims, but it has expressed the view that the bill, as drafted, is unaffordable. Can the minister expand on her opening remarks in that respect?

Natalie Don-Innes: Absolutely. I have probably touched on some of this already this morning, so you will forgive me if I repeat myself.

Perhaps the first point to make relates to the requirement in the bill for the Scottish Government to

“pay education authorities and ... grant-aided schools”

sufficient amounts to fund the new duties imposed on them. What those sufficient amounts actually equate to is unknown—in that regard, I would also just point to some of the discussion that we have already had this morning.

The bill’s financial memorandum significantly underestimates the overall potential cost. As I have said, the Scottish Government has estimated that it could cost anywhere from £24.3 million to £40.6 million, but there is still a certain degree of unknown around that in terms of the number of—

The Convener: Can I just check something, now that this point has been made a couple of times? Your estimates and the estimates of the member in charge are not identical, but they are not far apart, are they? You are about £5 million apart when it comes to the average figure.

Natalie Don-Innes: We are not far apart, but that £5 million could be spent very well in a lot of areas. I certainly would not want to displace £5 million.

The Convener: We are talking about £5 million across the whole of Scotland, out of a Scottish Government budget of, I think, over £40 billion.

Natalie Don-Innes: It could still benefit a lot of children and young people.

The Convener: But you are not so far apart from each other that you are saying that “These figures are definitely wrong and ours are right”, or vice versa. You are in the same ballpark.

Natalie Don-Innes: Absolutely, convener, we are. We are not miles apart. Again, though—and I know this from taking other legislation through this Parliament—Parliament likes to know how much things cost down to the pound, sometimes. I do not think that saying “It is just £5 million here or there” really stands up.

Perhaps I can highlight some of the reasons for the differences in costs. There are staff costs in secondary schools, inflation, capital costs and the issue of children with additional support needs that I have spoken about. Thinking about it, I would say that some of those costs could take the figure higher, but that is our estimate just now. Moreover, on the capital costs, I come back to the need to understand the sector’s current capacity and, indeed, what I said in response to Mr Kidd’s question about capacity in the specific centres. I have a wide range of concerns about some of the finances, and it is an issue that the committee should consider carefully.

Evelyn Tweed: Just for clarification, you are saying that, at the present time, the costs in the bill as set out are underestimated, and there are costs that are not included but which probably should have been. That is why the Government is saying that the bill is unaffordable at the present time.

Natalie Don-Innes: That is not why the Government is saying that it is unaffordable. The Government is concerned about the financial implications, because, as the member knows, it is in a very difficult financial position at the moment. I cannot even say whether, at the lower estimate, the bill would still be affordable. However, the real concern is our not having more exact figures and there not being more of an understanding of certain things. As you have said, some things have not even been considered, and they really need to be considered as we move forward.

Evelyn Tweed: That is me, convener.

10:30

The Convener: I have some questions about finance, but, following your answer to Evelyn Tweed, I note that, in the conclusion of your memorandum on the bill, you say in paragraph 13 that

“The Scottish Government is committed to improving outdoor learning provision in Scotland”.

What price tag have you put on your improvements to outdoor education or learning in Scotland?

Natalie Don-Innes: I have already talked about a lot of the on-going work. Outdoor learning does not necessarily have to cost anything; you can take the classroom outdoors to a number of settings. As I have said, there are nurseries that have built themselves up as fully outdoor nurseries. I do not have the exact cost details to show whether their costs are any higher than those of a traditional indoor nursery, and I do not have a price tag for what we are spending on outdoor learning at the moment.

However, as I said earlier, there are ways of driving efficiency with regard to expanding access to outdoor learning. There are a number of competing pressures that I know that members will consider when they think of specific numbers in relation to the bill.

The Convener: But in your response to the bill, you make it very clear at the top of your conclusion that you as a Government are

“committed to improving outdoor learning provision in Scotland”.

Are you saying that that will be cost neutral, or are you saying that there will be a cost, but you do not have it in front of you? What is the range of costs?

Is it similar to what the member in charge has talked about? Are the costs a lot less, or are they potentially more?

Natalie Don-Innes: I do not expect this to be cost neutral, and there could be investment in different areas. I do not have the figure in front of me. Indeed, what I have said is that I would be willing to work with Ms Smith on other options for the bill or, if the bill proceeds, any amendments to it. I do not have a figure to hand at the moment for our approach to outdoor learning—I am just highlighting that it can come at a very low cost.

The Convener: However, it might be higher. You have not provided anything to the committee to suggest that the cost will be very low. To make such improvements, you as a Government might have to take on board some—or, indeed, the whole—of Ms Smith's bill. That might be part of it, but there will be a cost. If you, as a Government, want to improve things, money will have to be attached to that in what we all accept are tight financial circumstances—just to follow on again from your response to Evelyn Tweed. Money will be spent in this area by the Government; whether it be on Liz Smith's bill, your proposals or otherwise, you are committed to spending more on this matter.

Natalie Don-Innes: I have already alluded to capital costs. I do not think that the Government would be totally excused from bringing in private investment or professional learning. There will be costs attached, but I do not know whether they reach the numbers that we are talking about in relation to the bill.

The Convener: When the member in charge was before the Finance and Public Administration Committee last week for its consideration of the bill's financial memorandum, there was a discussion about third sector funding and potential private investment. In response to earlier questions, you alluded to a discussion that you had had with the member on that. What is your response to her proposals? Moreover, how much of this has been discussed wider within Government? Obviously, you will be the minister in charge if the bill goes any further, but that form of additional funding, which does not rely solely on the Government, will be of interest to the finance secretary, the economy secretary and a number of other cabinet secretaries. How much discussion has there been in Government of that?

Natalie Don-Innes: I know that there has been discussion in Government about it in relation to other aspects of the portfolio, such as the Promise—which, obviously, I am not here to talk about. It is something that I believe the Government is interested in. If we can secure funds to improve the lives of people in Scotland, we are absolutely committed to doing so.

I was keen to learn more about the public trust model but, with regard to this specific bill, I do not believe that it is suitable to include that model in a statutory duty. With a statutory duty, funding has to be guaranteed year on year via the budget process. With a public trust model, there could be years when private investment was not forthcoming, which would mean that the Government would be responsible for paying a higher share, however the proportions were originally worked out. Public trust funding is not reliable. Although it works in other areas and could be used to improve the estate, it is not viable to include it in the statutory duties that would be introduced by the bill.

The Convener: Are you saying that there are no examples across the whole of the Scottish Government of statutory duties being part funded from outwith Government funding?

Natalie Don-Innes: For statutory duties, I do not believe so, but I will bring in Nico McKenzie-Juetten to speak to that.

Nico McKenzie-Juetten (Scottish Government): I am not aware of any examples of that, and it would feel like a potentially risky approach, for the reasons that the minister outlined.

The Convener: If the concern is about the significant cost of the bill—although I do not believe that it is significant, given what it would do—and that the top-line figure is too high, the capital funding, which Mr Mason has raised with witnesses, could be a big chunk that is taken away. The Government could fund the statutory obligations in the bill and allow the capital to be funded by other means, through the private sector, the third sector and so on. The two approaches could work in tandem.

Natalie Don-Innes: I do not know whether Nico McKenzie-Juetten wants to come back in but, for me, that still poses a risk. Capital funding to improve the estate is not necessarily just required in year 1. There would be requirements for funding year on year, and I am not referring only to the improvements that are needed in the estate. The public trust model poses a risk. As I say, we are not aware of any instances where that approach is taken, and I am not sure that the Parliament would be on board with that.

That is my opinion, but I do not know whether you have anything to add, Nico.

Nico McKenzie-Juetten: No, I do not. That covers it.

John Mason: The parents who can afford it already spend quite a lot of money on children going on residential courses. Plus, schools do fundraising, which is seen as beneficial in some

schools. If Liz Smith's bill went ahead, those people would not have to give that money. Might a compromise be that the Government could create a pot to top up what is already being raised? A lot of money is raised by parents and schools. That would not need the bill, so I realise that it is a little bit off the subject, but is that a possible compromise?

Natalie Don-Innes: The Government could certainly consider that, if it was a recommendation from the committee.

The Convener: Is the Government minded to lodge a motion for a financial resolution on the bill?

Natalie Don-Innes: As I said, I am interested in the scrutiny of the bill. The Cabinet Secretary for Finance and Local Government and I look forward to seeing the outcome of that scrutiny and the associated financial memorandum, which will inform our considerations in that regard.

The Convener: If the Government is neutral, surely the answer should be yes?

Natalie Don-Innes: I will update the committee accordingly, as is the process with legislation.

The Convener: I am sorry, but can you explain to me how a Government that remains neutral on a bill could not or would not submit a financial resolution?

Natalie Don-Innes: Our position is neutral on the bill. We are looking to the committee's scrutiny to direct where we go following that.

The Convener: But the committee has to determine whether to take the bill to stage 2, and it cannot go to stage 2 without a financial resolution.

Natalie Don-Innes: I will bring in Nico on that.

Nico McKenzie-Juetten: To my knowledge, financial resolutions are lodged after the stage 1 debate and the vote on the general principles, so that would be a matter for after stage 1 has occurred.

The Convener: I could understand that if the Government was against the bill. If the Government was in favour of it, there would be no requirement to even ask the question. If you are genuinely neutral, why would you not submit the financial resolution? Why would you not have had discussions about that?

Nico McKenzie-Juetten: I think that the financial resolution is lodged after the stage 1 report is produced, so I do not understand the question.

The Convener: I am not saying that you have to put the papers in today. I am asking whether the minister with responsibility for the bill is minded to

submit a financial resolution, given that she tells us—and we are supposed to believe that she is being truthful—that she is neutral on the bill.

Natalie Don-Innes: I am neutral on the bill at the moment. I look forward to seeing the committee's scrutiny and the outcome of the committee's report. If I am in favour of the bill, a financial memorandum will absolutely accompany that.

The Convener: What discussions have you had with other ministerial or Cabinet colleagues on a financial resolution?

Natalie Don-Innes: I have not had any yet, because we are looking at the evidence sessions for the committee's scrutiny of the bill. I have been interested to hear the evidence. As I said, I have been discussing the bill with the member in charge for more than a year. I have had the concerns that I have raised at this meeting and it has been important to me to hear what the evidence sessions brought out—what the stakeholders said and what their concerns were. I will be interested to see what the committee feels about the concerns and issues that we have discussed. Ultimately, that will help to direct the Government's position, as is the case with any other piece of legislation that committees scrutinise.

Miles Briggs: I will return briefly to the public trust question. The delivery of hospices across Scotland provides a model of charitable funding being used by the Government to deliver vital services that are additional to the national health service. Do the minister and her officials recognise that as a different model of funding services?

Natalie Don-Innes: Yes, I absolutely recognise that. I looked into various other forms of public trust models, such as the one that is used for NatureScot. There are models but they do not relate to specific statutory duties.

I will bring in Nico MacKenzie-Juetten, who might be able to expand on the finances of hospices a little further.

Nico McKenzie-Juetten: I am not familiar with the exact position on hospices to which you refer, Mr Briggs. The main point is that, if a statutory obligation is placed on an organisation, that needs to be delivered and there are legal and other consequences to not delivering it. A public trust model that will not guarantee the funding for the delivery of that statutory duty would expose the person on whom that duty was imposed to all kinds of risks, which seems unacceptable.

Miles Briggs: My point was just in relation to you saying that there was no other example of such a model.

Nico McKenzie-Juetten: I am sorry, but I do not know whether it is a comparable model because I do not know the background.

Miles Briggs: It is agreed service delivery through integration joint boards.

Nico McKenzie-Juetten: Is that a statutory, required service?

Miles Briggs: Yes.

Does the minister think that pupils and teachers experience a better educational experience by having access to outdoor education in the five councils that have such services? Obviously, the bulk of the young people and children accessing outdoor education that we are aware of are in those areas.

Natalie Don-Innes: No. I have laid out that they get a beneficial and, perhaps, different experience but, although I have the evidence to say that it is positive and impactful, I do not have the evidence to say that that is at the hand of other forms of outdoor learning. There might be children and young people who do not currently access such learning. That brings us back to the problems with data. We do not necessarily know what forms of outdoor learning all children and young people currently receive, but I know that all forms of outdoor learning are beneficial.

Miles Briggs: In, I think, the first evidence session, we heard about the additional benefits that young people experience from three days of residential outdoor education. You said that you had looked at the evidence, so do you recognise that?

Natalie Don-Innes: Absolutely. I do not know how the evidence was gathered or what children and young people feel. I am always about hearing from children and young people about what the impact has been and their overall view on outdoor education. I know that there is a wealth of evidence in relation to the benefits that outdoor residential centres can have. As I have tried to highlight during the meeting, I am not downplaying that at all.

10:45

Miles Briggs: I have a couple of questions on staffing. Specifically, what is the Government's view on the effect on teachers' contracts of placing a duty on local authorities to provide residential outdoor education? You referred to the letter that the committee sent to the five councils that are already delivering the policy in their own facilities.

Natalie Don-Innes: The information that is received in response to that will be very helpful. The terms and conditions, and the wider contractual duties, of the profession absolutely

represent another significant concern for the Government. I know that one trade union does not support any further obligations being placed on teachers—for example, to undertake overnight stays—in relation to the bill.

I am glad to have been able to highlight that issue, and I think that the committee needs to consider it. If that issue has been covered in the correspondence to those local authorities, it will be useful to see what comes back in that respect.

Miles Briggs: Since 2010, what assessment has the Government made of the councils that are delivering that provision? There clearly has not been a negative impact in any negotiations in the five councils where teachers are directly involved in delivering such provision.

Natalie Don-Innes: The terms and conditions would be for the Scottish Negotiating Committee for Teachers to consider. I might have to bring in officials on the analysis of such provision over that time period.

Saskia Kearns: We would have to write back to the committee on that.

Miles Briggs: Okay—thank you for that.

Finally, has the Government explored the potential feasibility of local authorities having central teams to support the universal provision of outdoor education? Would the Government propose or support staffing around that if the bill is passed?

Natalie Don-Innes: The Government would consider that in respect of how best to deal with some of those concerns, depending on whether the bill is passed.

Ross Greer (West Scotland) (Green): I want to follow up on the line of questioning from Miles Briggs around teachers. Minister, I presume that the trade union to which you referred is the NASUWT. In its evidence to the committee, the NASUWT was clear that it felt that if the bill was passed and outdoor education provision was moved on to a statutory footing, that would require the renegotiation of teachers' terms and conditions at the SNCT.

What is the Government's position on that? Do you agree with the union that passage of the bill would require the issue of terms and conditions to be raised at the SNCT, with a view to potential renegotiation?

Natalie Don-Innes: I highlight what I have already said on that. I think that it is considered a risk; I do not know that it is necessarily my place to say whether I agree or disagree with that view. As I said, I am interested in seeing the feedback that the committee gets from the five local authority areas on staffing, and how those challenges are

already considered, and how they play out, in the areas where such provision is already happening.

Ross Greer: I understand that the SNCT is within the purview of the Cabinet Secretary for Education and Skills, but it is a tripartite body. A lot of the workforce issues that we discuss in this committee in relation to schools are for local authorities, as the employer, to address, and the SNCT directly involves the Scottish Government as the third partner.

I understand that you cannot clarify the situation this morning, but will the Scottish Government give a clear position on that ahead of the stage 1 debate, perhaps in response to the committee's report? It is really quite important for members, before we vote at stage 1, to understand the Government's position on the terms and conditions aspect.

Natalie Don-Innes: I can discuss that with the committee further.

Ross Greer: Thank you.

On the wider point, do you acknowledge that the bill has, among other things, raised the profile of the fact that we currently rely on a huge amount of good will and volunteering from classroom teachers to take their classes away on such trips? Regardless of the outcome of the bill, however enthusiastic I am about it, there is a need to address the fact that we expect a huge amount from teachers, over and above what is currently in their contracts.

Natalie Don-Innes: Absolutely—and I give thanks to the teachers who have been doing that, on the basis that Mr Greer lays out. That brings me back to my concerns about capacity and deliverability, especially regarding timescales—and I have discussed that with the member in charge of the bill. It is a matter of enabling or having staffing readiness. Mr Greer alludes to the good will of teachers, but the proposed activities would be on a much larger scale, and that should be part of the committee's consideration.

Ross Greer: Moving on to a not entirely unrelated issue, how do you view the impact of the bill on the relationship between the Scottish Government and local government, particularly in the context of the Verity house agreement? Has the Government given any consideration as to how the bill would fit in with the new agenda that is being attempted and the reset of the relationship?

Natalie Don-Innes: That perhaps came up in previous evidence sessions. I am speaking about school level, but the proposal is to put things in statute while taking away the flexibility for local authorities and schools to decide what is best, either for their areas or for their pupils. That is probably another concern for me, and the matter

was raised during a previous evidence session. Proposals were also made to ring fence funding—and that relates to Mr Greer's points about Verity house.

Ross Greer: I agree with that: there is obviously a tension, because we are trying to reset relationships and give local government more flexibility. You can understand the scepticism when the Scottish Government raises such issues, given the many other areas of spending in which the Government prescribes to local government. Councils do not have a choice about the 1,140 hours of early years and childcare, for example: Parliament agreed to that. There is an on-going debate about how the £145 million for teachers is spent, with the spectre of a clawback of that money.

Will you elaborate on why the proposals in the bill are potentially overreach, in terms of national Government directing local government, while all the other areas that I have mentioned, even just within the education, children and young people portfolio, are not?

Natalie Don-Innes: I guess that it comes down to opinion. The Government is spending nearly £1 billion on access to the 1,140 hours every year. That is a considerable amount of money, and that provision is very important to families. It is important that that provision receives associated direction from Government.

I believe that Government tries to give as much autonomy and independence as it can to local authorities and schools. Ring fencing is perhaps more appropriate for those bigger issues than it is for a wider range of issues. I have spoken before about the inconsistencies that I see in relation to a number of things. Much of the discussion that we have had today centres on that, in that some children and young people are seeing the benefits of the kind of experience that we are discussing, or outdoor learning in general, while others are not, and I would like to drive consistency on that.

George Adam: I am trying to be really positive about the bill and to see the life-changing benefits that everyone claims that the bill would provide and that outdoor education centres provide.

One of the biggest issues relates to a matter that you have mentioned and on which we have received evidence: the capital costs involved with the buildings themselves. Jamie Miller of Scottish Outdoor Education Centres reported that many of its buildings date back to 1939, are not designed for long-term use and are not energy efficient. Phil Thompson mentioned that the Ardroy Outdoor Education Centre's buildings date from 1969 and need major capital investment, with some of the dormitories becoming run down. He said that, without significant investment, some facilities may

become unsuitable or unaffordable for schools. Is that a concern, should the bill go through? We would have all these young people and children rocking up to outdoor education centres, but they are falling to bits.

Natalie Don-Innes: That is a concern. That takes me back to the issues that I mentioned around capacity and the implementation timeline. We are definitely not ready to make such provision available to all children and young people who would be eligible for it.

As Mr Adam alluded to, there are huge challenges in the sector regarding the standard of the existing infrastructure. Maintenance and retrofit are key challenges that would need to be addressed if legislation to create a statutory entitlement was in place. We would have to focus on quality assurance to ensure the safety of our children and young people. I know that SAPOE representatives have highlighted to the committee the importance of high-quality capacity and that it would be complex to ensure that good infrastructure is in place across Scotland. Again, that brings us back to some of the issues around data.

I come back to my point about the potential for further discussions with the sector and members if legislation was not an option. We could explore how targeted capital funding, modelled around Ms Smith's public trust model, could be used to support improvements to and the maintenance of the existing capacity. I am thinking about the timeline around that.

George Adam: That was one of the things that I was going to say. We heard from people who work in the sector and think that it is providing life-changing choices, but even they say that their buildings are falling to bits.

Nick March mentioned that the cost per person per centre was £420, but some centres have had an increase due to the capital expenses related to the building. That brings me to the question of who pays for that if the kids are coming automatically to the centres as a statutory duty. I do not think that the financial memorandum takes the capital spend into account at all.

We have been told by the groups, "Don't worry about it. We'll sort it." I think that that was the trust idea that you were talking about—nudge, nudge, wink, wink, it will be all right on the night. However, I have serious concerns. Who ends up footing the bill? Who ends up being asked to pay for it when we have a statutory duty for kids to turn up at the centres?

Natalie Don-Innes: That is exactly the point that I have been highlighting. If that funding was not forthcoming or there were no other funding opportunities, the Scottish Government would be

liable for that, because the provision would be set in statute. That is a large concern and one that we have heard echoed in the evidence that the committee has taken. It is definitely something that the committee needs to consider, especially in relation to commencement.

Nico McKenzie-Juetten: The commencement provision in the bill is to the effect that the substantive statutory duty to provide or secure outdoor education, under the bill's provisions, would come into force on 7 July, following royal assent of the bill. It could be next year. Will the estate be ready?

George Adam: The buildings have not been touched since 1939 or 1969, so that could be interesting.

Nico McKenzie-Juetten: The interaction between the readiness of the estate and the coming into force of the statutory duty is something that will need to be considered.

The Convener: For absolute clarity, the buildings have not not been touched since that time—they have had upgrades. They maybe need more, but I do not think that we can say on the record that they have not been touched since 1939.

George Adam: Some facilities may become unsustainable and unaffordable to upgrade.

The Convener: That does not mean that they have not been touched since 1939. There is quite a difference there.

George Adam: Some dormitories are becoming run down.

The Convener: That still does not match your evidence, Mr Adam.

George Adam: That is a matter of opinion.

The Convener: Are you finished, Mr Adam?

George Adam: Yes.

The Convener: Thank you.

In the Scottish Government's memorandum to the bill, in paragraph 7, you say:

"Pupils should experience outdoor learning in a variety of place contexts, for example: playgrounds".

How is your Government working towards your manifesto commitment to renew all playgrounds in Scotland?

Natalie Don-Innes: I have already spoken about the significant investment in the capital estate that has transformed school environments and playgrounds to allow for a wide variety of outdoor learning experiences. I will perhaps bring in Saskia Kearns to speak to some of those points.

The Convener: Before we bring in Ms Kearns, how do you think that your Government is doing? You made a manifesto commitment to renew all play parks in Scotland in this session of Parliament. How are you doing?

Natalie Don-Innes: Considerably well. A huge number of play parks have been invested in, and I believe that the last tranche of funding will come out in March or April. I have heard extremely positive remarks about the upgrade.

Sorry. To begin with, I thought that you were asking about school grounds.

The Convener: No—it is playgrounds.

Natalie Don-Innes: I now understand that it is about play parks. I count playgrounds as school grounds.

The Convener: My deputy convener is asking what my question has to do with the bill. I asked it only because you put the commitment in your evidence in relation to the bill, which is why I think that it is legitimate to ask about it.

11:00

Natalie Don-Innes: I think that it is legitimate to say that we have made a huge investment into play parks and they have been massively transformed. Speaking from personal experience, I see how busy our play parks are on a daily basis. They create new and better environments for our children and young people to experience outdoor learning, from the age of babies and toddlers, right through to teens.

The Convener: We could compare personal reflections on that. Will you meet your manifesto commitment of renewing every play park across Scotland in this parliamentary session?

Natalie Don-Innes: I believe so.

The Convener: Aberdeenshire Council's spend on play parks reduced by 86 per cent from 2018-19 to 2022-23, and Glasgow City Council reduced its spend by 68 per cent over the same period. Is that the way that you renew all play parks?

Natalie Don-Innes: I would need to see the detail around those specific local authorities.

The Convener: Those are public figures that were obtained through a freedom of information request.

Natalie Don-Innes: I would need to understand some of the context around that.

The Convener: Do you think that it will be difficult to meet your manifesto commitment with that type of reduction in spending?

Natalie Don-Innes: Again, I would have to see the figures and the context around them—

The Convener: Based on those figures.

Natalie Don-Innes: —and see how many play parks in Glasgow have been improved and how many have not. I cannot necessarily comment on something that I have not seen the context behind.

The Convener: As I said, I asked you that question because you mentioned the commitment in your evidence, so I thought that it was useful.

Finally, are you and the Scottish Government genuinely neutral on this bill? That is a genuine question.

Natalie Don-Innes: Yes, and I hope that I have made clear to the committee today how positive I am about some aspects of the bill. I certainly have done so in my discussions with Ms Smith to date. I have made it very clear that we are supportive of the aims of the bill, but that drastic considerations need to be taken into account, on issues such as capacity.

I am clear that the Government is very thoroughly scrutinised on finances, so we need to consider the gaps in the projected costs and estimates for the final cost of the bill. I am neutral at the moment but, with regard to where we go from here, I am interested in seeing the evidence and how the discussion takes place.

The Convener: You were unable to answer a number of points from various members today and you agreed to write to the committee with those details. The member in charge of the bill is back with us on 18 December. You might not be able to answer some of Ross Greer's questions by then, but he was looking for answers before the stage 1 debate. On the other points that you and your officials have agreed to write back on, it would be beneficial for the committee if you could do so sooner rather than later, and before Ms Smith comes in front of the committee.

Natalie Don-Innes: Of course—I always try to be as quick as possible with my correspondence to the committee.

The Convener: That is great.

I thank you and your officials for your generosity with your time and for your evidence, on this item and the earlier item.

11:03

Meeting continued in private until 12:07.

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