



OFFICIAL REPORT
AITHISG OIFIGEIL

Education, Children and Young People Committee

Wednesday 19 November 2025

Session 6



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EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE
33rd Meeting 2025, 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)

*Paul McLennan (East Lothian) (SNP)

*Willie Rennie (North East Fife) (LD)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jeremy Balfour (Lothian) (Ind)

Maggie Chapman (North East Scotland) (Green) (Committee Substitute)

Natalie Don-Innes (Minister for Children, Young People and The Promise)

Liz Smith (Mid Scotland and Fife) (Con)

CLERK TO THE COMMITTEE

Pauline McIntyre

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament
Education, Children and Young
People Committee

Wednesday 19 November 2025

[The Convener opened the meeting at 09:30]

Interests

The Convener (Douglas Ross): Good morning, and welcome to the 33rd meeting in 2025 of the Education, Children and Young People Committee. We have apologies from Ross Greer, and Maggie Chapman is attending as a committee substitute. I welcome Ms Chapman and invite her to declare any relevant interests.

Maggie Chapman (North East Scotland) (Green): Thank you, convener. I am rector of the University of Dundee—colleagues should be aware of that. I have no other relevant interests to declare.

Schools (Residential Outdoor
Education) (Scotland) Bill: Stage
2

09:30

The Convener: Our next item is consideration of the Schools (Residential Outdoor Education) (Scotland) Bill at stage 2. I welcome Liz Smith MSP, the member in charge of the bill, and her supporting officials. I also welcome Jeremy Balfour MSP, who has amendments, and the Minister for Children, Young People and the Promise, along with her supporting officials. The officials seated at the table are here to support the member in charge and the minister, but are not able to speak in the debate on amendments. Members should therefore direct their comments or questions to Ms Smith or to the minister.

Before I begin, I will briefly explain the procedure that we will be following this morning. The amendments to the bill that have been lodged have been grouped together, and there will be one debate on each group of amendments. I will call the member who lodged the first amendment in a group to speak to and move that amendment and to speak to all other amendments in the group. I will then call any other members who have lodged amendments in that group. Members who have not lodged amendments in the group but who wish to speak should catch my attention. If the member in charge of the bill has not already spoken on the group, I will then invite her to contribute to the debate. The debate on each group will be concluded by me inviting the member who moved the first amendment in the group to wind up.

Following debate on each group, I will check whether the member who moved the first amendment in the group wishes to press it to a vote or to withdraw it. If they wish to press ahead, I will put the question on that amendment. If a member wishes to withdraw their amendment after it has been moved, they must seek agreement of other members to do so. If any member present objects, the committee immediately moves to the vote on the amendment. If any member does not want to move their amendment when called, they should say “not moved”. Please note that any other member present may move such an amendment. If no one moves an amendment, I will immediately call the next amendment on the marshalled list.

Only committee members are allowed to vote. Voting in any division is by a show of hands, and it is important that members keep their hands clearly raised until the clerks have recorded their vote. The committee is also required to indicate formally that it has considered and agreed each section of

the bill, so I will put the question on each section at the appropriate time.

Section 1—Provision of residential outdoor education

The Convener: Now that we have covered the process, we can move to the substantive business. Amendment 1, in the name of Pam Duncan-Glancy, is grouped with amendments 2, 28 to 30, 6 and 7.

Pam Duncan-Glancy (Glasgow) (Lab): Good morning to the committee and to Liz Smith. I set out at the start my thanks to the member in charge for the way in which she has engaged on the bill and with members across the chamber. It has been really helpful to have that on-going dialogue and the advice support, as that has helped me to understand the bill's purpose and how we can make sure that it meets the needs of all learners in Scotland. As members will know, that has been one of the focuses in my and my party's approach to the bill. We are supportive of the right to residential outdoor education and the bill, and we are pleased to see it progressing to this stage. Thank you, Liz, for the engagement to date.

If it is okay with the convener, I will start with amendment 28 and then talk to the other amendments in the group. Amendments 1 and 2 are consequential to amendment 28, which seeks to insert a provision in the bill to make it clear that engagement of teachers and associated professionals in courses of residential outdoor learning will continue to take place on a voluntary basis. The introduction of the statutory obligation on education authorities under the new section 6A of the Education (Scotland) Act 1980 would not affect the terms and conditions of employment of Scottish teachers and associated professionals, which are collectively bargained through the arrangements that are set out in the constitution of the Scottish Negotiating Committee for Teachers. We know that currently teachers and staff in schools play a key role in the organisation and planning of activities outwith school, including residential trips, and play a lead role in such activities in partnership with other school staff and parents. That role is often performed on a voluntary basis and it is pivotal to the experience of outdoor education for a number of young people.

John Mason (Glasgow Shettleston) (Ind): It seems to me be a bit of a challenge to tie these two things together: if a school is required to send all its children away on a trip and, in an extreme case, no teachers are willing to volunteer for the trip, how will that work? Would the amendment not lead to destroying the purpose of the bill?

Pam Duncan-Glancy: I do not think that my amendment 28 would destroy the purpose of the

bill; it is certainly not my intention for that to be the case. The principle of voluntarism is inherent in the bill, which is about the ability to access outdoor education. Evidence that the committee took suggests that despite concerns about growing workloads in the classroom and despite how difficult it can be to be a teacher or a member of staff in a school right now, teachers and staff have still been really positive about the experience that outdoor education could create for young people. I was encouraged to hear that they were still prepared to engage in it on that basis.

My amendment 28 is not intended to do what Mr Mason suggests it might; what it does do, and what other amendments in my name in this group seek to do, is monitor the situation. In recent weeks we have seen some concerns about teacher workload, so it is important that we at least consider what the impact of the bill could be. Teachers, staff in schools, parents, pupils and members across the Parliament have been clear that giving young people a right to access outdoor education is crucial, and there is a willingness to make it work. Amendment 28 seeks to recognise the on-going commitment of the teaching and education workforce and—coupled with the other amendments in the group—to address any potential impact that the bill could have on staff, so that it can be considered in the long term whether or not their engagement in outdoor education was having an impact on their terms and conditions. That is the intention behind amendment 28. I do not think that introducing a legislative duty on education authorities to provide for delivery of a course of residential outdoor education interferes with that principle. That is what teachers have told us. They were rightly raising issues of workload, however, and I have therefore lodged my amendments to draw that to the attention of Parliament, so that we are alive to those issues as the bill progresses.

We know that teachers are struggling with workload. My proposals would protect established collective bargaining structures and would ensure that the principle of voluntarism, which has long governed the participation of teachers and associated professionals in such trips, is protected and will continue.

Amendment 6, in my name, seeks to ensure that data on the impact on staff is collected so that it can be monitored. That speaks to my colleague John Mason's intervention about the scenario of residential outdoor education being a statutory requirement but nobody deciding to volunteer for it any more. What would that mean? We would effectively come to a question of how to continue to keep the activity going. Amendment 6 and the other amendments in the group seek to monitor that while making it clear that there is a long-established process for considering the terms and

conditions of teachers and staff in schools, and that the bill would not overwrite or undermine that in any way.

Amendment 6 leaves the matter of data and how often to collect it to regulations, which I think is important, but it is important to collect it nonetheless, so that we can monitor the experience in classrooms. The amendment requires a report every three years, which is also important, so that we can continue to understand the experience of learners and those working in the learning environment.

Amendments 1, 2 and 7 are consequential to amendment 6.

Amendment 29 provides that, before preparing or revising guidance under proposed new section 6B of the Education (Scotland) Act 1980, which the bill inserts, Scottish ministers must consult trade unions of school staff. The process of drafting and revising guidance must be genuinely and democratically representative of the voices of the teaching profession and of staff in schools. Professional associations have a long-standing approach to that, and amendment 29 seeks to ensure that consultation on the guidance will take place with the relevant trade unions.

Amendment 30 defines “trade union” in the bill and, one could argue, it is consequential to amendment 29.

Taken together, the suite of amendments in this group consider the important impact that any change in schools can have on staff, while recognising the will that is there and the benefit of outdoor education for all. Together, this suite of amendments will create an environment in which staff can be protected and pupils have the right to access outdoor education.

I move amendment 1.

The Convener: I call John Mason.

John Mason: I did not realise that we were proceeding quite so quickly, convener.

Following my intervention on Pam Duncan-Glancy, I continue to struggle to see how the proposals would work in practice. As the member said, teachers are under a lot of pressure, and concerns have been raised by the unions that, if the proposals move on to a statutory footing and if there is a large increase in the number of young people going on residential trips, that will change the whole nature of them.

I totally support the idea of teachers volunteering, which works at the moment. With a bit of extra money, we could build on that.

However, if we bring the proposals into legislation, it would be very difficult to maintain the idea of voluntarism.

Pam Duncan-Glancy: I ask John Mason to forgive me for not looking in his direction, as I want to read the exact wording in the amendment.

I should say, first of all, that the amendment on voluntarism that I have lodged is supported by the Educational Institute of Scotland. Amendment 28 states that the bill:

“must not alter or have any impact on the terms and conditions of employment of Teachers and Associated Professionals”.

It also highlights the Scottish Negotiating Committee for Teachers as the right and proper place for those issues to be considered. It does not necessarily exclude the sorts of conversations or circumstances that the member highlighted; it simply states that the right and proper place for those to be considered is in the SNCT.

John Mason: I am interested to hear what the member in charge of the bill has to say on that area, especially in relation to her amendments 13 and 14, which are in the next group. It is about making it as far as reasonably practicable. One of the reasons that it might not be practicable for a school to send kids on a residential trip is that no teachers, or not enough teachers, are volunteering. I raise that as a question, and I am interested to hear what the member has to say.

The Minister for Children, Young People and The Promise (Natalie Don-Innes): I welcome the amendments in this group and thank Pam Duncan-Glancy for lodging them and explaining their intent. The amendments, which concern the impacts of the bill on staffing, look to address some important and tangible considerations.

Before considering the detail of amendment 28, which seeks to protect the voluntary nature of teacher participation in residential outdoor education provision, I put on record the Scottish Government’s recognition of and appreciation for the amazing efforts of so many teachers and other education professionals and staff, who currently give freely of their time to provide residential outdoor education for their pupils, enriching their educational experience.

I also appreciate that there are teachers and education professionals and staff who, due to their personal circumstances, may not be able or wish to attend or support a course of residential outdoor education. It is important that the bill does not interfere with teachers’ ability to make such decisions for themselves.

Liz Smith and I have met teaching unions throughout the bill process to better understand their concerns, including those related to teacher contracts. For assurance, the Government will continue to consult with teaching unions throughout the legislative process and, should the bill become law, the implementation phase. I hope

that the member in charge of the bill will also be keen to make such a commitment.

Although I appreciate what Pam Duncan-Glancy is trying to achieve with amendment 28, careful consideration must be given to the approach that it presents.

I absolutely support the position that the involvement of teachers and associated education professionals, in giving their time and energy to support residential outdoor education, should remain voluntary. However, it would not be appropriate to provide for that in the bill.

As we have already alluded to, the terms and conditions of teachers and associated education professionals are governed by the Scottish Negotiating Committee for Teachers, which is a non-statutory tripartite negotiating arrangement that is entrusted with agreeing the terms and conditions of employment for our teachers and certain other education professionals. The national terms and conditions are set out in the SNCT handbook of conditions of service. I suggest that the best way to change those terms and conditions is by negotiation and agreement via the SNCT, and not by the imposition of legislation in relation to one area of those conditions alone. I therefore cannot, and do not, support amendments that cut across that long-standing arrangement between the teaching unions, local government and the Scottish Government.

Pam Duncan-Glancy: I understand the points that the minister is making. However, in actual fact, the intention of the amendment is to not cut across that arrangement. That is why my amendment 28 states that the right and proper place for those negotiations is the Scottish Negotiating Committee for Teachers.

Does the minister think that any version of such an amendment could be considered at stage 3, so that we can protect the principle of voluntarism while also understanding that any changes to terms and conditions must be made through the right and proper mechanisms, including through collective bargaining?

Natalie Don-Innes: At the moment, I do not believe so. Further engagement with the unions to understand some of the complexities that we have been over in the committee previously will be key.

Miles Briggs (Lothian) (Con): Will the minister give way?

09:45

Natalie Don-Innes: I want to finish responding to Ms Duncan-Glancy first. The view that I have received from the teaching unions is that legislating in the way that the bill does pre-empts the SNCT. Amendment 28 would take that a step

further, which is why further consultation with the unions is the key to moving forward.

Miles Briggs: I agree with what the minister says. When we look at where we are delivering in Scotland—in my local authority here in Edinburgh but also in Aberdeenshire and Glasgow—it is important that we see that flexibility around negotiation for teachers has actually delivered that capacity. It is really important that teachers are actively buying into and wanting to see this experience for their young people. I do not support the amendments in this group, because I think that they would complicate that picture even further.

Natalie Don-Innes: That is the impression that I got from unions—that teachers really buy into these experiences—and putting that provision in the bill could jeopardise that.

There are also technical issues in relation to amendment 28. I mentioned that the SNCT is a non-statutory arrangement, so we should not try to make law that relies on definitions and processes that, rightly, continue to evolve through engagement and agreement. I am very conscious that there has been no formal consultation with the SNCT on the desirability or otherwise of that amendment. However, there will, of course, be an opportunity for the SNCT to consider the intent behind the amendment and to agree to make an appropriate change to the SNCT handbook, which is why the engagement is very important. I want to reassure Ms Duncan-Glancy that, should the bill be passed at stage 3, it is the Scottish Government's intention to engage positively with the SNCT on any implications for teachers' terms and conditions. Therefore, I hope that she will not press amendment 28. If she does, I could not support it, and I would urge members to vote against it.

On amendment 29, I have met with Scotland's teaching unions on multiple occasions to discuss the bill, and I fully value their input and feedback on understanding the practicalities of how the bill might affect teachers. I am clear that, should the bill become law, the Government would absolutely look to continue to engage with the teaching unions to help to inform implementation. Given how critical the teaching workforce is to implementing the bill's measures, it is only right and appropriate to acknowledge that in the bill itself, to make it clear that they will be consulted. I encourage the committee to support amendment 29.

I support amendment 30, which directly follows on from amendment 29 by defining what is meant by the term "recognised trade unions". The definition is in line with existing legislation. However, I also acknowledge that not every teacher will necessarily be a member of a trade union, and that, in line with our fair work principles,

we should ensure that their voices can also be heard, so I will further consider whether an amendment at stage 3 might be appropriate to make that clear.

On amendment 6, I want to be clear that, as with any new piece of legislation, it will be important to establish robust monitoring and evaluation mechanisms, should the bill become law. Therefore, I acknowledge that the intention of amendment 6 is valid and valuable. It is important that there are procedures in place to monitor the impact of legislation in order that local government, the Scottish Government and providers can adjust and evolve their approaches as necessary. However, under provisions of the Education (Scotland) Act 1980, ministers have the power to require education authorities to provide information, and grant conditions enable that for grant-aided schools, too. These provisions are sufficient to establish appropriate monitoring and reporting, so I do not consider that such a detailed approach to monitoring and evaluation in the bill itself is necessary.

However, I have asked officials to consider for stage 3 how we might incorporate a general duty on reporting, so I hope that that reassures Pam Duncan-Glancy that we have a shared acceptance of, and commitment to, the importance of the matter and that she will not press amendment 6. If she does, I encourage members to vote against it.

Amendment 7 is a consequential amendment that makes provision for the parliamentary procedure that would apply to regulations that ministers would be empowered to make if amendment 6 were passed. Amendments 1 and 2 are technical amendments to enable amendment 7 to be made. I cannot support amendment 6, and so it follows that I do not support consequential amendments 7, 1 and 2.

Liz Smith (Mid Scotland and Fife) (Con): Convener, I begin by thanking you, the committee and all those who lodged amendments to the bill, and the minister and her officials and my officials for the extraordinary amount of work that has gone into it. It is a relatively small bill in the grand scheme of things at Holyrood, but I appreciate the work that has gone into it, particularly the scrutiny. It has been immensely helpful to me as I engage with members.

I thank Pam Duncan-Glancy for lodging the amendments, for the same reasons that the minister gave. They cover important issues, and it is good to hear that the minister has made a commitment regarding stage 3. I also thank Pam Duncan-Glancy for her opening remarks. She has been diligent in her assistance with some of the troubling issues that we have had to negotiate.

Amendments 1, 2, 6 and 7 are all linked, but I will focus on amendment 6, which is the main amendment, as Pam Duncan-Glancy set out. There is no question that the impact of the bill on staffing has been a major issue that has come up throughout the passage of the bill. Having met the unions and the Convention of Scottish Local Authorities, alongside the minister, I am very aware of their on-going concerns about some aspects of that. That said, I am also aware of the evidence that points to the fact that the majority of teachers want to be involved, if at all possible, in residential outdoor education. Some of the surveys show upwards of 90 per cent in support, which is a pretty convincing figure, but as the minister has rightly said, there are issues about contracts.

One thing that has been brought home to us throughout the three years that we have been discussing the bill is that there has been a lack of data. Some local authorities have very good data, but others do not. There has been a big question mark—and Pam Duncan-Glancy is right to raise it—about the quality of the data that we have, but also about the quantity of data that we need to address some of the questions that are still out there.

If, in addition to the requirement to provide residential outdoor education, further obligations are placed on staff as they participate in it, we have to be careful that they do not become too many or too onerous. I agree with Pam Duncan-Glancy about the need to oversee the data from time to time, but we have to be careful that what staff have to do in terms of collecting and submitting that data does not become too onerous. That is a bit of a concern that I have.

In summary, I fully accept the principles behind amendments 1, 2, 6 and 7 and I encourage the minister and Pam Duncan-Glancy to discuss matters further. It would be helpful if that discussion could take place ahead of stage 3, so that we can come to a common agreement.

Turning to amendments 28, 29 and 30, I agree with Pam Duncan-Glancy about the need to ensure that we do not force people into residential outdoor education. That is not the intention of the bill and it never has been. It would be totally wrong for anybody to suggest that all teachers should participate. I listened carefully to what trade unions were saying about the fact that, because of the pressures on the teaching workforce, perhaps more teachers are not participating. Some of the evidence contradicts that slightly, but it is a concern. We need to be mindful of that.

John Mason: The member expresses some doubt in her remarks, but does she think that there are enough teachers willing to volunteer to get all the kids who should be going on courses to go?

Liz Smith: Yes, I do, and I think that the evidence shows that. Mr Briggs referred earlier to his local authority, where it is quite clear that substantial numbers of teachers want to participate. I am also aware that teachers in our schools are facing increasing pressures for lots of different reasons, which we will probably debate in the chamber this afternoon.

We have to be mindful that there may be a time when we have to look at the situation again. However, as things stand, I am convinced, through the evidence, that not only are lots of teachers participating now, but they are seeing the great value of residential outdoor education in addressing some of the problems that are affecting schools at this moment. Therefore, yes, I am comfortable about that.

On amendments 29 and 30, I think that Pam Duncan-Glancy is absolutely right that it is essential—as the minister has also said—to continue to consult the trade unions. The minister asked whether I would make a commitment on that. Yes, I will, because I think that it is essential. I am very happy with those two amendments.

Pam Duncan-Glancy: On the principle of voluntarism, it is clear from the conversation that we have had that the evidence suggests that there will be teachers and staff in schools who are prepared to continue to support young people to access residential outdoor education. What is also clear, though—and I welcome some of the commitments that I have heard from the minister and from the member in charge of the bill around this issue—is that, if that were no longer to be the case, the right place for negotiations to take place would be the SNCT. With that assurance, I would be prepared not to move amendment 28.

It would be helpful if there were ways, between now and stage 3, that we could discuss even just a shorter but clear statement that, if that situation were no longer the case, the SNCT would be the place where negotiations should take place. However, there is now a commitment on the record on that, and there has been recognition from the Government and other members that the SNCT is absolutely the place to address such concerns.

I welcome the support for amendments 29 and 30, which seek to place in the bill recognition of trade unions and their importance in relation to consultation. I take the minister's point that there are others who should be consulted, but it is important that we recognise the long-established structures that trade unions bring. That is why I lodged those amendments, and I am pleased to move them today.

On the points about data reporting and sharing, and understanding the impact on staff, again, they

speak to the point about voluntarism and concerns about what we would do if pupils had a right to outdoor education in statute but, suddenly, nobody wanted to volunteer to help out. We are addressing that around the table just now—again, the place to look at that is in the SNCT. Nonetheless, it will be important to collect data in the same way that we have to gather other data in education to look at the experience of staff in schools. I welcome the minister's offer to work on that between now and stage 3, and I would welcome tripartite engagement—if I can call it that—between me, the minister, and the member in charge to look at how we could create a workable amendment at stage 3, because it is important that we monitor that.

On that basis—let me consult the numbers so that I get them right—I will not move amendments 1, 2, 6, 7 or 28. I will move amendments 29 and 30.

Amendment 1, by agreement, withdrawn.

Amendment 2 not moved.

The Convener: Amendment 13, in the name of Liz Smith, is grouped with amendment 14.

Liz Smith: Amendments 13 and 14 qualify the duties on education authorities and managers of grant-aided schools to provide or secure the provision of one course of residential outdoor education. To be technical for a minute, I will explain that they do so by inserting the words

“so far as reasonably practicable”

into proposed new section 6A(1) and (2) of the Education (Scotland) Act 1980, as inserted by section 1 of the bill.

Following extensive discussions with the Scottish Government, I have lodged the amendments to ensure that, in situations where it is simply not possible for the duty to be met, education authorities or managers of grant-aided schools would not automatically find themselves in breach of the bill's provisions. For example, if a trip had to be cancelled because of a fire—which, tragically, we had at a centre not long ago—a flood, a storm or whatever affecting a centre, and that resulted in an individual not receiving their entitlement, it would be quite wrong for that authority or the manager to be liable for that.

Because that would not be right, I have lodged these amendments. When I first discussed the issue with the minister, I had a slight concern that the amendments could be used to dilute the duty of the bill. However, as I indicated in my letter to the committee last week, I have been reassured that the inclusion of the wording

“so far as reasonably practicable”

will not result in the bill being watered down.

10:00

John Mason: I do not wish to labour the point, but would not having enough volunteer teachers in a school for a trip be one of those reasonable reasons?

Liz Smith: I do not think so, given the context of how other legislation is written. The same phrase comes up in other legislation, which is one of the reasons for lodging the amendment.

My answer, therefore, is no—I do not think that it is the same concern. These amendments address issues that are beyond anybody's control. I am quite satisfied that the insertion of those words will address what needs to be addressed in this particular part of the bill.

I move amendment 13.

Natalie Don-Innes: I start by saying that this is the first opportunity that I have had since stage 1 to acknowledge and welcome the extremely constructive approach of the member in charge of the bill in working with me and my officials to identify ways in which we can improve the bill's provisions. Group 2 provides an important example of the outcome of that work. The two amendments in the group—amendments 13 and 14—seek to strengthen the deliverability of the bill, and I very much welcome Liz Smith's agreement to lodge them.

The amendments recognise the real-world challenges and circumstances outwith the control of an education authority or grant-aided school that might mean that they are unable to ensure provision of residential outdoor education for some pupils, despite their best efforts. We have heard examples in relation to centres, but some challenges or circumstances might relate to pupils, too. For example, a pupil might move school in year, and their new school might have determined that the most reasonable approach to residential provision was to offer it to their year cohort on an annual basis. In that circumstance, it might not be reasonable for the law to require the school to arrange an additional residential trip solely for the individual pupil if it has already provided the opportunity to its wider class cohort earlier in the term.

Jeremy Balfour (Lothian) (Ind): For absolute clarity on this issue, will you confirm that a local authority being under financial pressure would not be a reason to stop a school or a group of schools from providing outdoor activity?

Natalie Don-Innes: I do not believe that it would be. I am glad that Mr Balfour has brought up that point, because it relates to Mr Mason's point, too. I hope that, through the amendments that we will be seeing and speaking to this morning, many such issues, including those to do with financing and

teaching, will have been resolved in advance of the bill's commencement. Only external factors that are outwith a school's control should then fall under the amendment.

Another example is where a pupil is unwell and cannot attend the residential at the time that the school has arranged it. It seems important that we build in that degree of protection and flexibility for education authorities in those cases where external factors make it impractical for the duty to be met. I ask members to support the amendments.

I acknowledge Ms Smith's earlier concerns, which she has put on the record. I want to be clear that, in supporting the amendments, the Government absolutely does not intend to water down the overall duty or to weaken the expectation that every effort will be made to offer residential opportunities that meet the bill's intent. That is in line with my response to Mr Balfour's comments.

The Convener: I call Liz Smith to wind up and press or withdraw amendment 13.

Liz Smith: I have nothing further to say, other than that I very much welcome those assurances and will press amendment 13.

Amendment 13 agreed to.

Amendment 14 moved—[Liz Smith]—and agreed to.

The Convener: Amendment 15, in the name of Liz Smith, is grouped with amendments 3, 11, 4, 17, 5, 12 and 22 to 25. I point out that, if amendment 17 is agreed to, I cannot call amendments 5, 12 and 22 to 24, due to pre-emption.

Liz Smith: I crave your indulgence, convener, because this is the area where we have had the most constructive, but also, perhaps, the lengthiest, engagement, so I have quite a lot to say, given the importance of the subject.

Amendments 15 and 17 relate to the funding of residential outdoor education. I lodged them following constructive recent engagement with the minister, and I did so in good faith, given the commitment that she made in those meetings.

Amendment 15 would insert new subsection (2A) into new section 6A that the bill seeks to insert into the 1980 act and would enable education authorities and managers of grant-aided schools to require parents to make a financial contribution to the cost of their child's residential outdoor education. I have always taken the view that there should be no barrier to parents contributing to their child's residential outdoor education, because that is what happens at

present and we must not do anything to undermine that.

New subsection (2A), as provided for by amendment 15, enables that to remain the case for the residential outdoor education provided under this bill. I believe that that also addresses some important concerns raised at stage 1, and since, by Mr Mason, who made what I thought were strong points about ensuring that we do not undermine the payments that are currently made towards outdoor education. It is important that we do not do that.

Amendment 17 would remove the duty on Scottish ministers to fund education authorities and managers of grant-aided schools by such amounts as are sufficient to enable them to carry out their duties under the bill. This amendment has involved probably the most discussion and negotiation, but I accept the minister's argument that a blanket duty to fund might constrain how the Government accesses different sources of funding to pay for residential outdoor education. That is an important consideration, and I am grateful for the time that the minister has spent on that subject.

I had some residual concerns that removing such a duty from the bill would simply shift the focus on to local authorities and managers of grant-aided schools. However, in her letter of assurance, the minister gave me a commitment about the funding package that will be negotiated by the Scottish Government and local authorities under the Verity house agreement. Before I formally press this amendment, I would like the minister to put that further assurance on the record. It is important that committee members feel that such an assurance is there because it is, in turn, important to everyone in the sector—to all schools and everyone who participates in residential outdoor education.

Parents who cannot afford to pay—namely those who are in receipt of universal credit or income support—and parents of pupils with an additional support need should not have to pay an extra amount for residential outdoor education. I think that that should cover concerns that have been expressed by several members around this table. I have had that commitment from the Scottish Government and am sure that the minister will speak to it in her remarks. On the assumption that we will have that assurance from the minister, I will be pressing amendment 17 at the appropriate time.

Turning to other amendments in the group, I want to address, first of all, amendments 3 to 5 in the name of Pam Duncan-Glancy. If amendment 17 is agreed to, amendment 5 cannot be moved. I have spoken to Pam Duncan-Glancy about amendments 3 and 4, because I do understand the principles behind what she is trying to do and

look forward to hearing what the minister has to say about those amendments. In any case, providing that the minister can give me the assurance that I seek on amendment 17, I will be pressing it.

On John Mason's amendments 11 and 12, it is a matter of public record that he and I have different views on the bill, but I thank him for his constructive engagement during its passage and for his approach to stage 2. The issue of pupil equity funding, how it is used and how much of it is used for residential outdoor education, came up a lot during stage 1, has come up since and remains very much a live issue. I am wary of the bill's being too explicit about funding, particularly in respect of something as specific as PEF, which is a discrete fund that the Scottish Government—rightly, in my opinion—set up. In time, there might be other funds that could be used for pupils' participation. I therefore encourage Mr Mason not to move amendment 11, because I think that we can cover the issue with other amendments in the group.

I also thank John Mason for lodging amendment 12. If amendment 17 in my name is agreed to, amendment 12, together with amendment 5 from Pam Duncan-Glancy and amendments 22 to 24 from Jeremy Balfour, will fall, due to pre-emption. Nevertheless, as with other amendments, there is significant merit in the underpinning policy of ensuring that pupils in socioeconomic disadvantage are not required to pay.

We now come, I think, to amendments 22 to 25, in the name of Jeremy Balfour. I thank the member for his engagement and want to compliment him on how he goes about having very constructive discussions in respect of those with additional support needs. Jeremy, you do the Parliament proud in the way that you represent those people, and I am very grateful to you for that.

On amendment 22, the principle behind it accords with my position that parents of children with additional support needs should not face the additional costs.

Mr Balfour has highlighted the issues covered by amendment 23, and I agree with the principle that young carers should not face those additional costs. I say to the minister that I would be very happy to meet Mr Balfour to discuss these matters a bit more before we get to stage 3.

I have a few concerns about amendment 24. I understand the principle behind it, but I am concerned that it would constrain managers of grant-aided schools in seeking alternative sources of funding to support their provision of residential outdoor education. I would like them to have the flexibility to seek such alternative sources where

appropriate—we know of some providers that are willing to make that provision. Indeed, I have lodged amendments 15 and 17 to ensure that education authorities and managers of grant-aided schools have that flexibility.

On amendment 25, I recognise Mr Balfour's role in scrutinising and shaping the Social Security (Scotland) Act 2018. Again, I am supportive of the principle behind the amendment, because it chimes with my position that the families of pupils with additional support needs who might be in receipt of the child disability payment should not have to pay extra. That said, I am not persuaded that some of that needs to be in the bill. I will listen to the arguments made by Mr Balfour, and particularly the comments of the minister, on the matter, but, as far as Mr Balfour is concerned, there is scope for further discussion before we get to stage 3. I thank him for lodging those amendments.

I move amendment 15.

Pam Duncan-Glancy: Amendment 3, in my name, seeks to ensure that self-directed support can be considered a source of support or funding for pupils with additional support needs. There is not always a widespread understanding of what that funding can be used for. For some pupils with additional support needs, those needs include social care, and I believe—as do members across the Parliament, I think—that the costs involved should not prohibit young people with additional support needs who need access to social care from accessing residential outdoor education.

In amendment 3, I have tried to be imaginative in using all the sources of support that are available to young people with additional support needs and disabled people. That will ensure that schools have a wide range of options to get the best chance of being able to meet the requirement, and that young people who have additional support needs will be able to have residential outdoor education.

Self-directed support has been a mechanism for accessing social care for a number of years now, but I do not know whether it is fully understood or fully utilised when it comes to young people, particularly with regard to access to education. This is an opportunity to create a provision in the bill that will allow self-directed support to be used as a source of support. In some cases, it could be the difference between a young person having, or not having, residential outdoor education. It is therefore really important.

10:15

Some of the costs that come from schools can be quite difficult, and amendments have been lodged by other members in recognition of the fact

that those costs should not prohibit people from accessing outdoor residential education. It is an important principle that the additional costs associated with disability or additional needs should not be borne by families and should not prevent people from taking part, and there is a suite of amendments that look to address that issue. Self-directed support is one mechanism that could be used imaginatively and accessed by schools, young people and families to support them here.

Amendment 4 defines “self-directed support” as per the Social Care (Self-directed Support) (Scotland) Act 2013, while amendment 5 provides that additional support needs must be considered and that

“no pupil is required to pay ... additional”

costs related to their additional support needs. I do acknowledge Liz Smith's point about pre-emption; the principle that pupils with additional support needs should not have to bear the brunt of their additional costs is important, and I look forward to hearing the minister's comments on that, but I am minded not to move amendment 5, given that it will be pre-empted by an amendment that will probably carry the support of other members, for the reasons that Liz Smith has set out.

Nonetheless, I would like once again to put on the record, for clarity, that all young people should be able to access residential outdoor education equally. That is my aspiration, and it is shared by many other members, including Jeremy Balfour, Liz Smith and, I think, the minister. It is incumbent on us all to be as supportive of that as possible. Amendment 3, which is the substantive amendment in my name in this group, would provide a source of support to assist young people in accessing such an essential part of their education.

John Mason: I fully support the bill's aims. I hope that I have made that clear in the past, and I certainly want to do so again. The idea of young people going on an outdoor residential course is absolutely tremendous; indeed, most of us will have benefited from doing so at some time.

My primary concerns about the bill were the costs. Perhaps unusually, I was the one who thought that the money should be targeted, and it was a Conservative member—Liz Smith—who felt that it should be a universal benefit. However, I think that we have reached a better place now.

I lodged my amendments in this group to get the ball rolling on the finance side of things before I had seen any of the others. In particular, I am happy with amendment 15, as it would continue the present arrangement whereby parents who can afford it pay for their children's experiences. That is absolutely right; with money being tight, we

cannot afford to have the Government paying for absolutely everyone when some people can afford it.

Therefore, I am more than happy to go along with amendment 15, which I think largely supersedes what I was trying to do. I was looking to use PEF money to top up what is already happening. I still wonder whether that could have happened without the bill, but the fact is that we are going ahead with the bill, and I know that the minister has reservations about specifically mentioning the PEF.

I am still a bit uncertain as to how much money the Government will end up paying for all of this, and I do wonder whether we will get a revised financial memorandum. Liz Smith and I are both on the Finance and Public Administration Committee. It seems that, if all the amendments—or at least some of them—go through, it will make quite a difference to the original costs relating to the bill. My understanding is that there can be, or should be, a revised financial memorandum after stage 2, and I will be interested to see whether that happens.

Jeremy Balfour: I will take a couple of moments to outline some general principles. I thank Liz Smith and the minister for the constructive dialogue that we have had so far, which I hope will continue.

I absolutely support the bill. If you asked my daughters what their two favourite weeks have been at school so far, they would say that they were the weeks when they had their primary 7 and secondary 1 visits—they wish that every week in school could be like those weeks. I absolutely see the benefit of the bill, and I am pleased that that benefit will be rolled out to every child in Scotland. That is the key principle in the bill for me. We need to make sure that every child has the opportunity, if they want it, to access outdoor education. It may look different in different circumstances, but that overriding principle is key.

I often say that we do not pass legislation that is in force only for a few months or a few years, so we have to make sure that we future proof legislation for future Governments, although we do not know what those Governments will look like.

I know from having spoken to the minister and Liz Smith that they are absolutely committed to the bill. Sadly, the Parliament is losing both members in six months' time. We do not know what will come next, but I want to make sure that the bill is good not just for the next year or two but for the next decade and beyond.

I turn briefly to my amendments. Amendment 22 is about carers attending residential outdoor education. One of my concerns is that although we say that every child can have outdoor education,

not every child can have that outdoor education unless they have care support with them. For some individuals, that support may be provided by the outdoor centre itself or by the teachers and others who go with the children. However, some children will require their carers to be with them to provide personal care and reassurance, and to deal with medication and other issues. That will mean that accommodation will need to be found for them and their costs will need to be met.

We all know that local authorities are already under financial pressure, and that that may continue in future years. Amendment 22 seeks to remove any barrier to ensuring that a child can attend with the appropriate care in place. I worry that, if we do not remove such barriers, we will be saying that although every child can go, those who need care will have to go by themselves or with the support of the teacher, which may not be appropriate in every case.

Amendment 23 seeks to safeguard some of the most vulnerable children in our society. Many of us go to the annual carers outing in the summer, where we meet young carers, and we often have debates in which we say very positive things about young carers. There are at least 30,000 young carers under the age of 18 in Scotland who provide care for somebody in their family, whether that is a sibling, a parent or a grandparent. The person's care needs may be such that, if they are not met, the person cannot survive. I am thinking of assistance with medication, toileting, food provision and so on. In such a case, the young carer will not be able to participate in outdoor education, because who would provide the care? Again, we can sign up to the principle that every child should go, but clearly a young carer cannot go unless the local authority can put in place the appropriate care for the person they care for on the days when they are away. I will be interested to hear what the minister has to say about that in a few moments.

I welcome Liz Smith's openness to discussing the issue further at stage 3. It would be helpful to discuss whether there should be provision for such situations in regulations or elsewhere.

Like Pam Duncan-Glancy, I think that amendment 17 will be agreed to, but, if it falls, I will not move amendments 22 or 23. I look forward to having discussions with both Pam Duncan-Glancy and Liz Smith.

We can perhaps look at the proposal in amendment 24 again at stage 3. The intention is simply to ensure that the Scottish Government does not treat the funding for schools that the amendment refers to as part of what would be included in the standard grant. The money that is allocated for outdoor residential education should be extra money, and it must be new money. I am

open to discussions with the minister and Ms Smith about that.

I turn finally to amendment 25. In 2024, 33,815 children between the ages of five and 15, or approximately 5 per cent of those enrolled in school, received child disability payment. I accept that the number is going up, but it is still fairly small. Inevitably, parents who have a child with a disability will have extra financial responsibilities. Amendment 25 seeks to absolutely ensure that those parents do not have to pay for their child to visit an outdoor education setting. I am sure that other members have received correspondence about that, but I have also spoken to a number of parents who are right on the margins. They may not be on universal credit and both parents may be working, but the extra cost of sending their child away for a week as a result of the child's disability would prevent them from being able to attend. That would be a disappointment. Again, I welcome Liz Smith's comments on that and I hope that we can have productive conversations between now and stage 3.

Natalie Don-Innes: It is reassuring that there is a shared commitment and intent across the Parliament to ensure that residential outdoor education becomes more inclusive. That includes the need to ensure that the ability or otherwise of a parent to pay for their child to participate in residential outdoor education, particularly when the child and their family might face additional costs in that participation, is not a factor that leads to the child's exclusion from the experience.

I apologise for the length of my speaking notes for this group. Please bear with me.

I welcome this group of amendments, which are concerned with funding the provision of residential outdoor education. The bill's affordability has been an important point of debate for the committee and for the Parliament more widely, and between me and the member in charge of the bill. Affordability is fundamentally related to the deliverability of the legislation, and the Government is clear that the bill must be fit for purpose.

That is why I welcome the first amendment in this group. Amendment 15, which was lodged by Liz Smith, seeks to ensure that current approaches to funding residential trips through mixed sources, which includes parental contributions, can continue to operate. I have spoken with the member in charge about the importance of ensuring that the bill does not detract from existing good practice approaches to provision. That means recognising that, currently, parental contributions towards the cost of residential trips often form an important component of the overall funding package that a school or education authority draws together to enable delivery. That may be alongside funding

that is raised by the parent council, central funding from the education authority, or specific funding initiatives to target measures aimed at reducing the poverty-related attainment gap, such as pupil equity funding.

John Mason: If amendment 15 is agreed to, the cost to the public purse would reduce, because parents would pay part of the cost. Is it the minister's understanding that we would need a revised financial memorandum?

10:30

Natalie Don-Innes: I would be happy to discuss that with the member in charge of the bill.

Liz Smith and I have established a shared understanding that enabling financial contributions to be sought from parents of pupils who wish to participate in the residential experience is a practical way of strengthening the bill's deliverability and affordability.

It is important to say that, with amendment 15, I do not believe that it is the member's intention—nor would this be the Government's position—that financial contributions should be applied on a blanket basis, or as standard, to all pupils who participate in residential outdoor education from a particular school or in an education authority area. That would fail to achieve the equity of provision that I believe that Liz Smith is seeking to introduce through the bill, which I fully support. Indeed, I believe that it is reasonable to expect that careful and sensitive consideration would—and should—be given by the education authority, or by managers of a grant-aided school, to determining the appropriateness of seeking a financial contribution in each instance.

For those reasons, I ask members to vote for amendment 15.

The Scottish Government considers Liz Smith's amendment 17 to be essential in ensuring that the bill is deliverable and affordable. In my discussions to date with the member in charge, I have made it clear that the Scottish Government will consider funding for residential outdoor education as part of budget negotiations, in partnership with COSLA. That will ensure that all financial pressures, including new statutory duties with financial implications, are considered through COSLA's formal financial governance process. I hope that the commitments that I have made to date and my work with the member in charge signal my intention to follow through on that.

In addition, it is my view that it is unnecessary to include in the bill an express statutory duty on the Scottish ministers to fund such provision. There are many examples of pieces of legislation that place duties on education authorities or result in

education authorities incurring costs without imposing on ministers a specific duty to provide funding. Examples include the Period Products (Free Provision) (Scotland) Act 2021, which originated as a member's bill, and the legislation that put a statutory duty on education authorities to deliver 1,140 hours of funded early learning and childcare. Implementation of that duty was funded by the Government, and the sums involved were determined in negotiation with COSLA and local authorities. We might reasonably expect a similar process to be undertaken here.

I assure members that, if the bill is passed, the Government will work at pace with delivery partners to gather additional data to inform improved and robust costings, which can then be used to inform discussions with COSLA. It is worth noting that our ability to do so in an appropriate timeframe will be subject to amendments 18 and 19 in group 7, on commencement, also being agreed to. We will come to those later.

I therefore support amendment 17, and I ask members to vote for it.

Turning to Pam Duncan-Glancy's amendments 3, 4 and 5, I am supportive of amendment 3, which will make clear to local authorities and to families of disabled children and young people to whom self-directed support is available that such funding can be used to support participation in residential outdoor education. It is reasonable to require the guidance that will be issued under the bill to cover that matter, so I hope that members will vote for amendment 3.

I also have no issue with endorsing amendment 4, which provides a definition of "self-directed support" and accompanies amendment 3.

I understand the intention of amendment 5. It is, of course, essential that pupils with additional support needs are appropriately supported to take part in residential outdoor education. However, I believe that we will achieve that aim through the mixed funding arrangements and the existing approach, as well as through the consideration process with COSLA as part of budget negotiations on the local government settlement, which I mentioned in relation to amendment 17. On that basis, I ask Pam Duncan-Glancy not to move amendment 5. If amendment 5 is moved, I encourage members to vote against it, should it not be pre-empted.

Pam Duncan-Glancy: I welcome the minister's support for amendments 3 and 4, and, as I said earlier, I am sympathetic to her approach to amendment 5. Does the minister agree that it is important to reiterate that pupils with additional support needs and their families should not have to bear the costs of additional support when those pupils attend residential outdoor education?

Natalie Don-Innes: Yes, I agree. The issue is one that we can look to address further in the guidance. I am more than happy to continue to have conversations on the issue. However, as I have said, amendment 5 is not appropriate, given the way in which it is laid out.

I understand why John Mason lodged amendment 11 and his intention in doing so, which is to make clear to schools, through the statutory guidance, that they can make use of pupil equity funding to enable pupils to attend residential visits. That is in line with the mixed model of funding that is used at present by schools. We all agree wholeheartedly that that approach should continue under the bill. That is why, as I have stated, I support Pam Duncan-Glancy's amendment 3, which would ensure that guidance must cover the funding sources that are available to support visits. I view PEF as one such funding source.

However, we must consider that PEF is not underpinned by legislation. Should a future Scottish Government change what PEF is called or how it works in practice, any reference to it in the bill would potentially become unworkable. I commit to ensuring that the guidance references that appropriate additional funding sources provided by the Scottish Government be listed as part of giving effect to amendment 3. I hope that that reassures Mr Mason and that he will now not move his amendment 11. If he does, I encourage members to vote against it.

On Mr Mason's amendment 12, the first part of the amendment relates to the duty to fund, which Liz Smith's amendment 17 seeks to remove. Should that amendment be agreed to, amendment 12 cannot be called, due to pre-emption. The latter parts of the amendment would allow headteachers to allocate a portion of the school's PEF to support residential outdoor education, with the intention of reducing the cost for all pupils or subsidising the cost of the visit for those from lower-income families. However, for the reasons that I gave in relation to Mr Mason's amendment 11, I do not see that that requires to be set out in the bill. Should amendment 12 be moved, I ask members to vote against it.

Mr Balfour's amendments 22, 23, 24 and 25 allow us to debate a very important set of issues, and I put on record my thanks to him for lodging them and allowing us to have that debate.

Amendment 22 concerns the participation of pupils who have a carer. I absolutely agree with the principle that, where a pupil requires a carer or carers to support their participation in residential outdoor education, they should face no barriers to having a carer or carers attend. However, I believe that the most suitable approach to achieving that aim is to address those matters within the guidance that ministers will be required to

produce. The bill already makes provision for that approach and requires that residential outdoor education be suitable for any additional support need that a pupil might have.

Jeremy Balfour: I appreciate that, but does the minister recognise that guidance does not have any legal authority behind it, and that, if, for whatever reason, a local authority went against that guidance, the parent would have no legal right to challenge that?

Natalie Don-Innes: As I have said, I think that the bill already makes provision for the issue. Addressing the point in the guidance would allow time for the Government to consult outdoor education providers, young people with additional support needs, parents, carers and other relevant stakeholders. However, I appreciate what Mr Balfour says about guidance and its enforcement, and I would be more than happy to have further discussions on that in advance of stage 3. At the moment, I ask Mr Balfour not to move amendment 22, and, if he does, I encourage members to vote against it.

Through amendment 23, Mr Balfour rightly raises the issue of young carers and the specific barriers that they may face in accessing residential outdoor education. I am slightly concerned about the potential for overreach into the ambit of health and social care, as that could create some unhelpful ambiguity around responsibility for delivery as well as budgetary responsibility. I also think that the needs and interests of young carers, as well as those of pupils with additional support needs, would already be covered by the provisions on guidance. Moreover, I return to our position on Liz Smith's amendments 17 and 18 and the Government's preference to remove the general duty to fund from the bill. It would be inconsistent to replace that with specific duties in relation to children and young people with specific needs and interests. Nevertheless, I am willing to give that more consideration ahead of stage 3. I therefore ask Mr Balfour not to move amendment 23. If he does, I encourage members to vote against it.

Pam Duncan-Glancy: As I have said, I am sympathetic to the approach in Liz Smith's amendments to the funding of the provisions in the bill overall. I also understand the minister's point that the issue reaches into the ambit of health and social care as well as that of education. However, it is probably worth putting on the record that the experience of young carers, disabled people or people with additional support needs often falls between the cracks. I welcome the commitment to work on the issue at stage 3, and perhaps that point can be included in that consideration.

At the very least, a significant chunk of guidance is probably needed to address the issue, given that members of staff in schools cannot be

expected to understand the realms of health and social care without some guidance, and health and social care teams cannot be expected to understand responsibilities in education under a particular piece of legislation. In an ideal world, I am sure that everybody would understand all those issues, but the reality is that the issues are all quite complex. It is worth noting that they will need to be addressed in the bill through negotiations between now and stage 3, or at the very least in guidance. Will the minister comment on whether she thinks that that will be possible?

Natalie Don-Innes: I agree with much of what Ms Duncan-Glancy has said. As I have committed to, I am more than happy to discuss those issues further. I do not have an answer at the moment as to how we tackle some of the problems that she brings to me, but I am happy to make a commitment to work further to ensure that those young people do not lose out. Again, I ask Mr Balfour not to move amendment 23. If he does, I encourage members to vote against it. I have put on record my commitment to discuss the issues further.

Jeremy Balfour's amendment 24 seeks to ensure that the amount that is provided to grant-aided schools for the purposes of the bill must be in addition to their core grant funding. It would also bar the managers of grant-aided schools from using any other funding to meet the duties in the bill. I appreciate his intention to ensure additionality in funding and to ensure that day-to-day education provision in grant-aided schools is not impacted, but it would directly prevent mixed-funding approaches from being used by a grant-aided school to support provision under the bill. That is particularly important, given that education authorities also provide funding for individual pupil places at grant-aided schools, and schools that are run by a charity often create specific fundraising initiatives to augment their provision. I return to the case that was made in favour of Liz Smith's amendment 17, which is also relevant. For all those reasons, I ask Jeremy Balfour not to move amendment 24. If he does, and it is not pre-empted, I encourage members to vote against it.

I am sure that the committee will be happy to hear that I now turn to the last amendment in the group, which is Jeremy Balfour's amendment 25.

I recognise and share Jeremy Balfour's desire to ensure that the bill expands access to residential outdoor education to all those who face barriers to participation. I am aware that disabled children can face additional barriers and that the needs and circumstances of disabled young people can be multiple, complex and highly individual. However, not all disabled children and young people are entitled to or claim child disability payment and might be in receipt of other relevant

benefits, some of which are not necessarily devolved. I feel that it is slightly counterintuitive to seek to remove the duty to fund in general and to replace it with specific duties to fund. However, I am again happy to assure Jeremy Balfour that the needs and interests of disabled children and their families, and their ability to participate in residential outdoor education, will feature in the discussions with COSLA as part of the nuanced considerations that are needed to implement the bill. I therefore ask him not to move amendment 25. If he does, I encourage members to vote against it.

The Convener: I call Liz Smith to wind up and to press or withdraw amendment 15.

Liz Smith: I thank all members for their contributions. This is an important group, not least because of the content of amendments 15 and 17, which I think have addressed some of the most significant concerns that members have had throughout the passage of the bill.

I am grateful for the commitments that the minister has made on the record, because we have had quite a lot of back-and-forth about what those commitments should be and the importance of not having any dilution of the bill.

I think that members are very aware that over the course of the summer, I spent a lot of my time visiting several of our outdoor education centres. The one thing that has stuck in my mind very forcibly is the importance of what we provide for those with additional support needs. I am very grateful to Pam Duncan-Glancy and Jeremy Balfour for the work that they have done on that.

10:45

I believe very strongly that there is a determination in the sector and among teachers to be as inclusive as possible when it comes to the provision of residential outdoor education. I was very struck by the huge amount of work that several centres have done regarding their capital development, the facilities that they provide and the equipment that is necessary to provide for pupils with additional support needs. That aspect has been very much at the heart of the bill for me.

It must be an inclusive bill and it must provide opportunities for all young people, no matter who they are. I entirely accept some of Jeremy Balfour's points in that respect.

I look forward to further engagement in the lead-up to stage 3, and I am very grateful to the minister for her commitment.

I press amendment 15.

Amendment 15 agreed to.

Amendment 28 not moved.

Amendment 3 moved—[Pam Duncan-Glancy]—and agreed to.

Amendment 11 not moved.

The Convener: Amendment 20, in the name of Jeremy Balfour, is grouped with amendments 16 and 21.

Jeremy Balfour: Amendment 21 seeks to establish specific guidance for special schools regarding the age groups and year groups that they can consider suitable for outdoor education within their own framework. Amendment 20 would simply add a line to confirm that guidance

“must be adapted as appropriate to reflect the specific needs of pupils enrolled in a special school”.

I put on the record my thanks to the Harmeny school in Edinburgh and to Donaldson's school, which some members of the committee visited last week. Both schools have met me and have helped to draft amendments 20 and 21, as they have concerns about how the bill could work in their specific context.

Special schools are a distinct category of school, as defined in the Education (Additional Support for Learning) (Scotland) Act 2004. I will not read the definition out, because I am sure that members are aware of it.

According to Scottish Government data, 8,002 pupils are enrolled in special schools across Scotland at the moment. I make it clear that the amendments are aimed only at those schools—they would not apply to mainstream schools. The amendments recognise that children with additional needs might not be able to fit into the framework of age groups or year groups that children at mainstream schools fit into. For example, the Donaldson Trust outlined that it would be totally inappropriate for some of its children to go away to take part in outdoor learning—certainly at the ages that other children would do so—and that outdoor learning could instead be provided within the school, but differently from how it is provided for others.

I recognise everybody's commitment to ensuring that every child can access outdoor learning, but we must look at how and at what age that happens, particularly for those with special needs. I hope that the committee will accept that point and see that my amendments would strengthen children's rights.

I move amendment 20.

Liz Smith: First, I thank Jeremy Balfour for those amendments because I entirely agree with the principles behind them. I have also spoken to the Donaldson Trust and was very impressed by what I heard. He is absolutely right to identify specific issues that do not necessarily apply to

other schools and it is also right to point out that there are youngsters who, for one reason or another, are simply unable to take up the opportunity to go on residential activities.

It is important that managers of special schools are able to deliver the discrete education that is required, so we must ensure that, however the bill ends up, it is appropriate to all schools, whatever their designation.

The new section 6B(7) that would be inserted into the Education (Scotland) Act 1980, which Jeremy Balfour referred to, would require Scottish ministers to consult the managers of each grant-aided school before preparing the revised guidance, so there is already an opportunity for them to feed into that guidance. I am therefore not entirely persuaded that we need to have that in the bill, although, as I already indicated, I have no objection to the intention behind the amendments and I look forward to hearing the minister's remarks in that regard.

My amendment 16 came about because of some of the evidence that we heard at stage 1 regarding education in the Gaelic community. New section 6B(4)(h), which the bill would insert into the 1980 act, would provide that the guidance that Scottish ministers must issue to education authorities and to the managers of grant-aided schools must include provision for the extent to which those authorities and managers

"should consider providing or securing the provision of residential outdoor education in Gaelic".

I lodged amendment 16 following representations to me and to the minister by the Gaelic community; it would tailor the provision to cover pupils who receive education in the Gaelic medium, rather than pupils in all schools.

Jeremy Balfour: I apologise for not having spoken to Liz Smith about this, but it came to my attention only last night, so I have not had the opportunity to do so.

A number of people from the deaf community have approached me regarding amendment 16. They are supportive of the Gaelic language but wonder whether provision should also be made at stage 3 for those who use British Sign Language. If we are recognising Gaelic, would the member be open, in principle, to looking also at BSL, which is recognised as a language?

Liz Smith: The member makes a good point. My understanding of other business in Holyrood is that there are policies in place to look at the whole issue of ensuring parity of esteem between different languages, so I think we can discuss that further before stage 3.

Natalie Don-Innes: I thank Jeremy Balfour for lodging his amendments 20 and 21 and very much

appreciate and value his concern to ensure that residential outdoor education meets the needs of pupils who attend special schools. The statutory guidance will be important in supporting implementation, so I understand the desire to specify matters that that guidance must cover.

It seems to me that amendments 20 and 21 seek to ensure that provision included in statutory guidance about the year group of pupils for whom a course of residential outdoor education should be provided should reflect the arrangement of classes and year groups in special schools, which might, understandably, be different from such arrangements in mainstream schools. The amendments would also require regard to be had to the specific needs of pupils attending special schools.

I contend that new section 6B(4)(c) of the 1980 act would already allow for that to happen as the guidance would have to provide for education authorities to

"assess whether outdoor education is suitable to a pupil's age, ability, aptitude and any additional support needs".

That implies inclusion of the needs of children and young people attending special schools, so I do not consider amendments 20 and 21 to be necessary.

However, again, I would be happy to discuss the intention behind the amendments with Mr Balfour ahead of stage 3, to determine whether something useful could be added to the provisions on the guidance, perhaps in relation to consultation or engagement including pupils who attend special schools, to understand those specific needs. I hope that Mr Balfour will not press amendment 20 or move amendment 21; if he does, I encourage members to vote against them.

I welcome Liz Smith's amendment 16, which would provide greater clarity on what the statutory guidance must include on Gaelic-medium education. That follows discussions with Liz Smith on how we might strengthen that provision.

From 30 November, when the relevant provisions come into force, the Scottish Languages Act 2025 will amend the Education (Scotland) Act 2016, to require education authorities to

"promote, facilitate and support ... Gaelic medium education"

and

"have regard to the needs and interests of all pupils"

who receive such education. It will also amend the definition of

"school education"

in the Education (Scotland) Act 1980 to clarify that it includes

“Gaelic learner education and Gaelic medium education”.

As such, I believe that there is little room for ambiguity that residential outdoor education should be provided in Gaelic for those pupils who receive Gaelic-medium education. Liz Smith’s amendment would therefore strengthen and clarify how the statutory guidance that stems from the bill would align with existing statutory duties in relation to the Gaelic language and Gaelic-medium education. For those reasons, I ask members to support amendment 16.

The Convener: I call Jeremy Balfour to wind up and press or withdraw amendment 20.

Jeremy Balfour: It will come as no surprise to the committee that I am not a great fan of guidance. It has its place, but I worry that, too often, we put things into guidance then forget about it, which leaves parents and others without a statutory authority to enforce something. I will not labour the point, but we are future proofing the bill for when we might have Governments or local authorities that are not supportive of it in principle, and there needs to be some kind of backstop for parents and young folk to have it enforced. Having said that, I will not press amendments 20 or 21 today but will take up the offer of both Liz Smith and the minister to engage with them.

As I have said, I welcome amendment 16 in the name of Liz Smith. Maybe we can look at whether we can strengthen it slightly more. I would also be interested to know how the provision would work in practice for a school such as James Gillespie’s high school in Edinburgh, which has a number of pupils who are doing Gaelic-medium education although the main school is doing English. Would delivery be done bilingually? Again, no doubt, that will all be set out in guidance in due course.

With that, I seek the committee’s leave to withdraw amendment 20.

Amendment 20, by agreement, withdrawn.

Amendment 16 moved—[Liz Smith]—and agreed to.

Amendment 4 moved—[Pam Duncan-Glancy]—and agreed to.

Amendment 21 not moved.

Amendments 29 and 30 moved—[Pam Duncan-Glancy]—and agreed to.

The Convener: I remind members that, if amendment 17 is agreed to, I cannot call amendments 5, 12, 22, 23 or 24, due to a pre-emption.

Amendment 17 moved—[Liz Smith]—and agreed to.

Amendments 25, 6 and 7 not moved.

Section 1, as amended, agreed to.

After section 1

The Convener: Amendment 8, in the name of Pam Duncan-Glancy, is grouped with amendments 9 and 10.

11:00

Pam Duncan-Glancy: Amendment 8 seeks to require ministers to report on the bill’s operation in relation to pupils with additional support needs. It says that ministers should consider the numbers of pupils participating, the type of provision, access, the level of support needed, the associated costs and how those costs were met.

Having that information would enable us to monitor the delivery of outdoor residential education provision. It is clearly the Parliament’s intention that all young people will be able to access it, so gathering data on those aspects would help us to achieve that aim. Reporting on such provision, including the sorts of funds that are used and the costs involved, would be really helpful for schools and for the successful implementation of the legislation should the bill pass at stage 3, which I hope it will. It will be important for us to monitor how delivery happens. Such reporting mechanisms would be helpful because they would allow schools to see how others were supporting young people with additional support needs. Therefore, in addition to monitoring purposes, the reports could provide useful information for schools to learn from and implement themselves.

Amendment 9 seeks to require a report on protected characteristics—that is a slightly broader area than ASN—including socioeconomic status. That would also be vital, given the comments that we have heard today on the importance of socioeconomic status not being a barrier to young people’s ability to access residential outdoor education.

John Mason: Can the member indicate how much detail the reports required by these amendments would go into? For example, subsection (2)(d) of the new section that amendment 8 would introduce refers to the report including information on

“the support provided to pupils”.

Would it set out the details of exactly what had happened for every single pupil? Similarly, how much detail would be provided under subsection (2)(c) of the new section that amendment 9 would introduce? I ask because what was provided to every individual could be different.

Pam Duncan-Glancy: The member is right. I do not intend that the report would contain granular information to the extent that, for example, we could identify anyone—it would be important for that not to be the case. My intention is for the report to get a flavour of how the bill was working, who was accessing the rights that the bill sets out, and how they were doing so.

I appreciate that the amendments as they are currently drafted are quite detailed, because they highlight all the factors on which it would be important for us to gather information. If members think that the intention behind the amendments on the reporting and reviewing aspects is important but that the level of detail could be prohibitive, I am prepared to consider whether they could be revised for stage 3.

Nonetheless, it is important for us to understand: who would be participating; the models that education authorities were using to encourage and support participation; the numbers of pupils in general—we have heard that data is lacking in certain areas, so it would be important to get that; and the costs and the ways in which schools and education authorities were meeting them. There could be particularly imaginative routes to meeting those costs, which I am not against, and it is important that we understand them all. That is why my amendments are drafted in that way.

However, I certainly would not want granular-level detail to be collected that could identify even particular schools, because I do not want there to be league tables on provision. The aim is more about knowing how we were doing, where examples of good practice were, and how we could improve things if necessary.

Amendment 10 seeks to require ministers to consider those reports and review the operation of the legislation to ensure that all children and young people in Scotland have equal access to positive and creative outdoor learning experiences. As we saw throughout stage 1, and as today's stage 2 proceedings have shown, that is the intention of all members.

I move amendment 8.

Natalie Don-Innes: The amendments in this group relate to undertaking reviews and reporting on the provision of residential outdoor education, including equity. As introduced, the bill does not include provisions on monitoring or evaluation of delivery. As such, I recognise Pam Duncan-Glancy's positive intent in lodging her amendments and the importance of monitoring. However, in their current form, the amendments present some challenges.

Amendment 8 seeks to impose a requirement on Scottish ministers to report on equal access to

residential outdoor education that is provided under the bill, in particular for pupils with additional support needs.

I agree that it will be important to monitor, with a particular lens on equity, the uptake of visits to residential outdoor education centres. However, the way in which amendment 8 is framed—by stipulating that the report should be produced within 12 months of the date of royal assent—is not workable. If commencement were to occur in July following royal assent, as was envisaged at the bill's introduction, that would probably mean that the report required by amendment 8 would have to be produced within just a few months of the substantive provisions coming into force. It is quite unlikely that, by that point, the system would be in a position to make good on the new statutory duty to provide to an extent that would yield any useful data for a report.

Amendment 9 seeks to ensure that ministers produce a report on uptake of provision of residential outdoor education by pupils who might otherwise face barriers

“as soon as reasonably practicable”

after commencement. The lack of clarity on timescales of reporting would create challenges.

Amendment 10 seeks to ensure that ministers undertake a review within five years after royal assent to determine the legislation's overall impacts, particularly in relation to improving equity in provision and access to residential experiences, as reported on under amendments 8 and 9.

As was the case on amendments 8 and 9, I have difficulties with the time periods that are set for the reporting requirements. The Government's preference is for the legislation to be commenced via regulations, as per Liz Smith's amendments 18 and 19. Those regulations, which would be required by September 2027, would appoint a suitable commencement date. The timescales that are set out in amendment 10 would mean that a review would have to be carried out a short time of, or a few years after, commencement, which would present some challenges. Although I agree with the intent behind amendment 10, a more constructive review period would be five years after commencement of the act, which would allow us to gather better data.

I recommend that members do not vote for the amendments in this group at stage 2, but I support the ultimate purpose behind them. I am happy to commit to lodging suitable amendments on reporting at stage 3. I hope that Pam Duncan-Glancy will not press amendment 8 or move amendments 9 and 10. If she does, I encourage members to vote against them.

Liz Smith: I very much support the intention behind Pam Duncan-Glancy's amendments, which broadly chime with the bill's intent. However, I agree with the minister that there are some timing issues.

There is a technical timing issue as to how amendment 8 sits alongside my amendment 18 to change the arrangements for commencement. Amendment 8 provides for a report to be published within 12 months of royal assent, as the minister set out. If my bill were to pass at stage 3 in December or January, royal assent would probably happen in February or March of next year. That would mean that the report provided for in amendment 8 would need to be published before February or March 2027, which would be technically difficult. However, the minister said that that could be a debating point for stage 3, and I am happy to go along with that.

It is very difficult to place a requirement to report on children with protected characteristics, because you can get into too much detail. You have to be careful about the provisions of the Equality Act 2010, which are complex. In fact, it is distinctly possible that the school or the education authority might not hold such information anyway, so I am slightly concerned about the level of data that amendment 8 asks for.

When the Parliament debated the recent schools legislation, I suggested that His Majesty's Inspectorate of Education should inspect residential and outdoor education as part of that process. It would be an important extra check on what happens in residential and outdoor education, which is another reason that we should probably tighten up in this area. I ask Pam Duncan-Glancy not to move her amendments until we iron out some of the timing details.

I thank Pam Duncan-Glancy for her amendment 10, with which I agree in principle. Introducing a review provision to consider the operation of the act five years after it is delivered would be sensible and prudent, but there is perhaps a question whether such a review could be directly aligned with two sets of reporting requirements, particularly given the different timeframes that are set out. However, I understand where the member is coming from, and I think that the minister will have further discussions about the issue before stage 3.

The Convener: I call Pam Duncan-Glancy to wind up and to press or withdraw amendment 8.

Pam Duncan-Glancy: I fully take on board the points about the timescales, particularly in terms of royal assent versus the bill's commencement date, which are issues with amendments 8 and 10. Therefore, I will be happy not to press or move my amendments at this stage and instead to work with

the Government and the member in charge of the bill on tighter amendments with the same intention, which is to review the operation of the bill to ensure that it delivers for pupils and young people as we all expect it to.

I will also be happy not to move amendment 9, given the timescales that are involved. I take on board Liz Smith's point about the Equality Act 2010 and on whether schools hold relevant data. That is worth exploring between now and stage 3. It is important that we understand the impact of any legislation on protected characteristics, and equality impact assessments are intended to do that. Therefore, it is probably worth our having a conversation on the technicalities in that space to see what we can do at stage 3.

On that basis, I am prepared not to press or move any of my amendments in the group.

Amendment 8, by agreement, withdrawn.

Amendments 9 and 10 not moved.

The Convener: Amendment 26, in the name of Jeremy Balfour, is grouped with amendment 27.

Jeremy Balfour: Amendment 26 seeks to ensure that review of all outdoor residential facilities is carried out within one year of the bill receiving royal assent. Over the past few years, I have had the privilege of visiting various outdoor education centres, for different reasons, and they all do an excellent job. However, I have concerns that the current standard of the facilities does not meet the diverse needs of the pupils who would attend residential camps. For example, there might be a lack of equipment and facilities such as hoists to get children in and out of the water, off-road wheelchairs, suitable changing facilities and adapted beds.

The common theme throughout this morning's meeting is that we all want every child to access residential outdoor education, but if the appropriate equipment is not there it could prevent that from happening.

I have lodged amendment 26 to require assessment of facilities in relation to complex care and disability needs. Such a review would allow the Scottish ministers to get a clear picture of the residential outdoor facility estate across Scotland and to ensure that all children are able to take part safely, equally and without barriers to inclusion. It would then give the Scottish ministers an opportunity to have discussions with outdoor centres, local authorities and others to see what needs to be done to ensure that appropriate equipment is there for the children who go to such places.

Amendment 27 follows on from amendment 26. It is about changing places toilets. If members do not know what a changing places toilet is, they can

see one if they go to reception here in the Parliament. They would see how different it is from an accessible toilet. There is still confusion in society generally whereby people believe that every accessible toilet is a changing places toilet, but that is not the case.

Pam Duncan-Glancy: It is important to point out the differences in those toilets. It is also important to say that most people assume that toilets are always available to disabled people, but that is not the case so it is worth reiterating that point. I am very sympathetic to Jeremy Balfour's amendment in this area. However, does he think that the period of two years stated in amendment 27 would be enough time?

11:15

Jeremy Balfour: I thank the member for her positive comments. As with everything in my amendments, I am open to persuasion on whether the period needs to be longer than two years. I look forward to hearing what Liz Smith and the minister have to say on the matter. If we could get the principle agreed today, I would be happy to come back at stage 3 with a slightly different timescale if the majority of members feel that that should be the way forward.

For those who do not know, a changing places toilet includes a hoist, room for a carer to be in attendance, suitable doorways and a shower. I have long campaigned for such toilets to be more readily available, and I am pleased that in the previous session we got an amendment on planning agreed to so that changing places toilets now have to be part of certain new developments.

I am very grateful that the Scottish Government has made a £10 million fund available to organisations to help fund the installation of changing places toilets, as I recognise that they come at extra cost.

If no changing places toilet is provided at an outdoor centre that would undoubtedly prevent some young people from going there. Whether the specified period were to be two years, five years or somewhere in between—I hope that it would be for no longer than five years—we should be encouraging outdoor centres to go ahead and get such facilities in place as soon as possible, and we should set a deadline for that.

If I could make a bid for Government money, I would ask for it to be ensured that the changing places scheme remains open, and not just for this year: I hope that new money can be allocated in future years.

I move amendment 26.

Natalie Don-Innes: I thank Jeremy Balfour for lodging amendments 26 and 27 and for facilitating

debate on these matters at this stage. Both the amendments relate to assessing and improving residential outdoor education facilities to meet the needs of pupils with additional support needs, in particular those with complex care needs and disabilities. As Mr Balfour will be aware from scrutiny of the bill so far, this matter has regularly been highlighted by me and by other members. Again, I thank Mr Balfour for facilitating this debate at this stage.

I welcome and understand the principle behind the amendments, although I do not necessarily believe that legislation is the appropriate way to address the issues. With respect to amendment 26, Mr Balfour is seeking to require ministers to undertake a review of residential outdoor education facilities that are used to make provision under proposed new section 6A of the 1980 act, with specific focus given to understanding the capacity of existing facilities to meet the needs of pupils with complex care needs or a disability. I fully appreciate Mr Balfour's concern.

However, there are important challenges with how amendment 26 is framed. It does not provide a clear definition of what is meant by "complex care needs", and it relies on an approach of diagnosis, which might exclude pupils in the process of seeking such a diagnosis, or for whom a diagnosis is not straightforward. A further technical issue is that, assuming that amendments relating to commencement succeed, the timings will not necessarily work. Facilities would not necessarily be used to provide residential outdoor education under new section 6A of the 1980 act within 12 months of the bill getting royal assent, and it would be unclear what facilities would fall within the scope of the review. The timescale for the review to have taken place is therefore not realistic. As with the points that I raised on amendment 8 concerning reporting, I do not think that it is pragmatic to undertake a review that is tied to provisions under the eventual act at such an early stage.

As we are about to discuss in relation to group 7, my view is that a more appropriate approach would be to amend the bill to bring its provisions into force through commencement regulations, as has been detailed in amendments lodged by Liz Smith. In that scenario, the Government would give careful consideration to how best system readiness could be established in a timely manner in response to the demands of the eventual act and with regard to ensuring access for pupils with additional support needs. That has already been a topic of conversation between me and the member in charge, following discussions with representatives of some centres.

We would work collaboratively with the sector to seek input from education professionals working in

special schools, from parents and carers of young people with additional support needs, from third sector organisations working with disabled young people and, vitally, from children and young people with additional support needs themselves. That engagement would be essential to gaining an understanding of what it means for a residential outdoor education facility to be suitable for their needs. I hope that that reassures Mr Balfour and that he will therefore not press his amendment. If he does, I encourage members to vote against it.

Amendment 27 would place a statutory duty on owners of a residential outdoor education facility to ensure that their facility provides at least one changing places toilet facility within two years of royal assent. Again, although I understand the reasoning behind the amendment, there are inherent difficulties with it. Standards for which buildings require a changing places toilet are set out in planning regulations. Many—possibly most—residential outdoor education facilities do not fall under the regulatory criteria that are set for requiring changing places toilets. Nonetheless, as Mr Balfour mentioned, the Government has championed and supported the roll-out of changing places toilets in appropriate public settings, including through the £10 million changing places toilets fund.

Miles Briggs: One of the interesting points that the committee noted when we visited the centres was that they were built in the 1940s—following the Education Act 1944 in England and Wales and the Education (Scotland) Act 1945—which was the last time that there was a focus on and significant investment in that area of education. The bill gives us an opportunity for us to have a reset in that regard, but in very different circumstances in terms of the sorts of facilities that we would expect. What work will be done with the centres, which are often run by private or charitable organisations, on what that investment might look like over that period? I hope that the bill will result in additional funds being given to the centres, but I also hope that, as part of the centres' business models, other groups will come in and use them, which would create more cash flow for them to invest in their facilities.

Natalie Don-Innes: I give a commitment that that will be part of the discussions around assessing system readiness and capacity. I have repeatedly said that a key part of the deliverability of the bill is ensuring that centres are properly equipped for all pupils, especially those with disabilities or complex needs. To an extent, that touches on the next grouping of amendments, which deals with commencement, and the need for us to understand where we currently are and where we need to get to in ensuring equity for all pupils in Scotland.

I fully support the intention behind Mr Balfour's amendment, and I would be happy to undertake to explore how we provide for that in the statutory guidance. I also take Mr Briggs's point about the need to assess the centres' capacity in our future discussions with them. I hope that that reassures Mr Balfour and that he will not move amendment 27. If he does, I encourage members to vote against it.

Liz Smith: This has been an interesting debate. I absolutely support the intention behind the amendments. It is important that we make the provision available wherever it is necessary. The issue is not just about centres; it is about youth hostels, sailing boats and a variety of other areas.

Mr Briggs makes the valid point that a lot of our centres were built quite a long time ago. One of the really good things that has been happening in the outdoor sector is that an audit is taking place of what the centres have, what they do not have and what they should have. Some fantastic centres have been completely refurbished, with full access for young people with ASN and disabilities and their carers. I visited a couple of those refurbished centres in the summer, and I saw a huge improvement in the equipment that is available to help people, such as hoists. That is good to see. A lot of work is being undertaken in the outdoor sector through the national improvement framework to try to ensure that people understand that there has to be much better provision, due to the fact that some of the facilities are old. We know of sources of additional money that have already been put in to help with the provision of some of that facility and kit. I know that the minister has a forthcoming meeting with a group that is interested in providing a little extra money, and that comes back to the earlier debate that we had about not just having one source of funding. I absolutely understand where Mr Balfour is coming from on that.

Miles Briggs: I congratulate Liz Smith on the work that she has done on the bill and for being the first MSP to congratulate Steve Clarke and the national team—we are receiving email after email about it—although I thought that the convener would be the first to do so.

The Convener: I have a relevant registered interest, so I was not allowed.

Miles Briggs: The issue that we are discussing is important, because, over the past 10 years, we have seen the loss of a lot of those facilities, and many others are telling us that they are under threat. Local authorities have ownership of some of those properties, and I am interested in future capital assessments that might take place. The minister has outlined some of what that would look like, but how does Liz Smith envision that that will

be captured in terms of the future investment that is needed?

Liz Smith: I give credit to the Scottish Government, because, as a result of the Covid pandemic, we would have had even fewer centres if the Government had not stepped up with £3 million in additional funds to ensure that we were able to keep some of our centres going. However, Miles Briggs is right to say that we have lost a lot of centres, and there are concerns about the fact that some of the remaining ones are of an older generation.

One of the benefits of the bill will be that demand will increase, which means that there is scope for further development. There has been a considerable increase in demand for some of the new outdoor centres because of the nature of the excellent facilities that they provide. There is a lot of interesting data to be collected on exactly what is available in various centres and on the kinds of schools and the age groups that are using them. We need to take that forward, whether the bill passes or not, because it is important data that we need to gather to ensure that the outdoor sector has that appeal in terms of quality.

The Convener: I call Jeremy Balfour to wind up and to press or withdraw amendment 26.

Jeremy Balfour: I confess that I did not fully understand the first point that the minister made on amendment 26. The centres would not be looking at children's needs in particular; they would be undertaking a full review in relation to the issue. I also think that we have to recognise that the equipment that I mentioned earlier does not come cheaply, and a major financial investment will be required if it is to be provided. It is unrealistic to expect some of the smaller education facilities to be able to make that investment quickly. That is why I think that it would be helpful to have an overall review and then see where funding will be required.

Natalie Don-Innes: That is why what is done in the coming months on the review and the data that needs to be gathered will be important. I have previously discussed with the member in charge the potential for leveraging private funding in relation to improving the estate. I am not saying that that will be the proposed approach; I am saying only that there are options, because I appreciate what Mr Balfour says about the hefty investment that would be required. I am just trying to emphasise the importance of the work that will take place in the coming months to establish a route forward.

Jeremy Balfour: I absolutely agree with that. What I am trying to say is that, once we have done all the work and the bill is up and running, it would be good to go back and look again to see whether

the needs that we have identified are being addressed.

I do not like to be too sceptical, but it feels as if this issue is a bit like my golf, in that it is going into the long grass. What we are looking at will be very difficult to deliver, possibly even in my lifetime.

Liz Smith: Mr Balfour is, quite rightly, raising concerns. However, there is strong support for joint approaches between the public and private sectors in that respect. The Scottish Government has already made such a commitment in areas such as infrastructure development. To my mind, private sector facilities can unquestionably offer some of the things that you are rightly asking for. I think that there is scope to develop collaboration between the two sectors. Do you accept that?

11:30

Jeremy Balfour: Yes, I do. I also acknowledge that there are issues with timing in relation to other amendments, so I do not intend to press amendment 26. However, I think it would be helpful to have further conversations on the matter before stage 3.

With regard to amendment 27, we need to find a way to ensure that changing places toilets are provided. I accept Pam Duncan-Glancy's point that two years might be a bit tight, so I will not move amendment 27. However, I will seek to lodge an amendment at stage 3 to ensure that such facilities are provided.

Amendments 26 and 27 are my final two amendments. I will be leaving the meeting shortly. I am not going off in a huff—I have another meeting to go to. Please accept my apologies for that.

I seek the committee's permission to withdraw amendment 26.

Amendment 26, by agreement, withdrawn.

Amendment 27 not moved.

Sections 2 and 3 agreed to.

Section 4—Commencement

The Convener: Amendment 18, in the name of Liz Smith, is grouped with amendment 19.

Liz Smith: Although section 4 is an important section, I will be relatively brief. Amendment 18 concerns the commencement of the bill. As members are well aware, originally, I would have liked the bill, had it been passed, to have come into effect next summer, but I recognise, given the issues that have arisen during the bill's consideration so far, that that was impractical. Following discussions with the minister and other delivery partners, I have accepted that that was

too soon. It is vitally important that, if the bill is passed, it is implemented effectively and thoroughly and that all participants—the Government, education authorities, managers of grant-aided schools and managers of all the outdoor facilities—are ready and prepared to deliver on the duty effectively.

Therefore, amendment 18 seeks to remove the date of 7 July from the bill and to replace it with a commencement date that will be set by the Scottish ministers in regulations. However, to ensure that there is no slippage, that the bill could not simply disappear and that there will be no delay in implementation, amendment 19 will require regulations to be made no later than 30 September 2027. As I stated in my letter to the minister last week, I would welcome her committing to the bill being commenced as soon as is reasonably practicable after royal assent. I know that the minister and officials are working on the checkpoints for delivery in the lead-up to commencement, and I very much welcome that.

It is my view that the bill ought to be able to be fully in force no later than July 2028, in time for the start of the 2028-29 school year. That represents two full years after the date that is currently included in the bill. I recognise that the minister does not want to specify a date now, but I welcome her assurance that the Scottish Government is working at pace towards the earliest possible implementation.

I welcome the engagement that I have had on amendment 18, and on all the amendments that we have debated today, with the minister and her officials, the outdoor sector, representatives of local authorities and trade unions, representatives of local authority and grant-aided schools, and members. I greatly appreciate their scrutiny and engagement in the process, and the huge amount of help that we have had from officials.

I move amendment 18.

Natalie Don-Innes: Commencement, which is the focus of group 7, is a key point that I and the member in charge have discussed in great detail in recent weeks, as we have worked to consider an appropriate approach to amendments. I am very clear that the timing of commencement must be informed by clear and robust evidence and demonstration that the system is ready to meet the demands of the bill. Without such an assurance being in place, commencement risks undermining deliverability and the impact of the legislation.

Early feedback from key delivery partners, including COSLA and representatives of the residential outdoor education sector, highlights that it is currently challenging to robustly estimate a realistic timeframe for commencement, as that will depend on a number of factors, which we will

need to work to clarify with stakeholders as part of the implementation planning process. We have discussed some of those challenges this morning.

Fixing a date for commencement in the bill would lead to increased risks for education authorities and managers of grant-aided schools if they are unable to meet the statutory duty to provide residential outdoor education under the bill.

The Scottish Government's general position on commencement of legislation is that it should be done through regulations. The Scottish ministers must have control over how and when commencement takes place to ensure that implementation of legislation is meaningful. Amendment 18 will achieve that aim, although its doing so is subject to amendment 19, which I will come to in a moment, being agreed to.

Liz Smith and I have discussed the importance of the Government producing a tangible delivery plan that seeks to drive progress against key checkpoints to ensure that the system's readiness for commencement is established in a timely and transparent way.

I can confirm that, if amendment 18 is agreed to, the Government will commit to producing and publishing a delivery plan to ensure that commencement takes effect as soon as reasonably practicable after royal assent. I anticipate that that plan will cover a range of outstanding issues that must be appropriately and fully explored, and, where possible, addressed. The committee has touched on some of those this morning. For example, it will be necessary to establish a baseline of current provision and the capacity of the outdoor education sector to meet new demand; to consider teacher workforce implications; to look at funding requirements and potential sources of funding; and to put in place appropriate monitoring arrangements to ensure delivery over time.

For those reasons, the Government supports amendment 18, and I encourage members to vote for it.

Liz Smith and I have also discussed what other approaches might help to drive progress towards commencement, in the absence of a firm commencement date. Amendment 19 will require that commencement regulations be made by 30 September 2027. I suggest that that is a meaningful and constructive mechanism in that respect.

Amendment 19 will mean that, within the academic year following royal assent, the Government will set out a date for commencement. That will provide a strong signal, not only for national Government but for local

government and other key delivery partners, on the pace of transition that is required.

Amendment 19 also seeks to introduce the ability to factor into the regulations consideration of whether and how commencement may be phased over time.

For those reasons, I support amendment 19, and I encourage members to vote for it.

The Convener: I invite Liz Smith to wind up and to press or withdraw amendment 18.

Liz Smith: I have nothing further to add. I press amendment 18.

Amendment 18 agreed to.

Amendment 19 moved—[Liz Smith]—and agreed to.

Section 4, as amended, agreed to.

Section 5 agreed to.

Long title agreed to.

The Convener: That ends stage 2 consideration of the bill. I thank Liz Smith and the parliamentary officials with her, and the minister and her officials, for their attendance. As Miles Briggs said, it has been a very busy morning for Ms Smith. In addition to helping to get the bill through stage 2, she is the first MSP, not only in this session but ever—given the 27-year wait for it to happen; the last time it happened predates the re-establishment of the Parliament in 1999—to lodge a motion congratulating the men's national team on qualifying for the world cup. Congratulations on that, too.

That concludes our business in public. The committee will move into private to consider its final agenda item.

11:38

Meeting continued in private until 12:03.

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