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Education, Children & Young People Committee
The Scottish Parliament
Edinburgh
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Our ref: “Schools (Residential Outdoor Education) (Scotland) Bill: ECYP Committee: Stage 1 Call for Views: Scottish Government Memorandum”

03 September 2024

Dear Convenor,

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

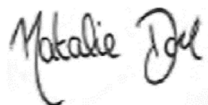
The Scottish Government recognises the good intentions underpinning this Member’s Bill. The Scottish Government is committed to improving outdoor learning provision in Scotland, ensuring that all learners are experiencing regular, enjoyable, and challenging outdoor learning experiences that are embedded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

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

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

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

Yours sincerely,



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

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SCHOOLS (RESIDENTIAL OUTDOOR EDUCATION) (SCOTLAND) BILL

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

Introduction

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

Background

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

Financial Impact

3. The Financial Memorandum produces a central estimate of £27.2m, and a cost range of £20.4m - £33.9m for the cost of the bill provisions in the first year (Table 5, paragraph 52 of the Financial Memorandum).
4. The Scottish Government believes that the above cost range underestimates the cost of the Bill provision. This is because staff costs in secondary schools are not modelled, inflation has not been accounted for and there is no modelling of additional costs to accommodate ASN pupils. The Scottish Government also has concerns around the unit costs chosen for primary pupil centre costs as higher costs can be found by providers than the range included in the Financial Memorandum. Finally, there is potential that the transport and guidance costs are an underestimate.
5. Because of the uncertainty around the Financial Memorandum figures, SG economists produced a revised estimate of the cost of the Bill provision. This estimate accounts for staff costs in secondary schools and inflation. This produces a central

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estimate of £32.2m, and a potential cost range of £24.3m – £40.6m for rollout in 2025/26. This estimate is caveated as it is based on the Financial Memorandum methodology for centre and transport costs, this is a potential underestimate as stated above. It also does not account for additional costs associated with ASN pupils.

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

Scottish Government’s Position

7. The Scottish Government acknowledges the benefits and value of outdoor learning for children and young people in Scotland. Curriculum for Excellence already empowers schools to design and deliver the curriculum in ways which best suit their learners – this includes the use of outdoor learning, in all its forms. The Scottish Government’s vision is that all children and young people have the opportunity to participate in a range of progressive and creative outdoor learning experiences in schools which are, of course, not limited to outdoor residential trips. Pupils should experience outdoor learning in a variety of place contexts, for example: playgrounds, local green space, local communities and the wider world. This offers pupils a deeper understanding of the world and their place in it. There is no “one size fits all” approach to delivery of impactful outdoor learning experiences, and many education settings already provide a mix of activities, which may or may not include outdoor residential.
8. However, the Scottish Government shares the intentions of Ms Smith MSP to improve the provision of outdoor learning in Scotland and acknowledges that provision for our primary and secondary learners needs to improve. The Scottish Government has taken forward several actions that evidence its commitment to supporting and strengthening outdoor learning provision in Scotland:
 - We value the positive impact of residential outdoor education as part of outdoor learning. That is why we provided £4 million in emergency Covid funding support to third and private sector outdoor education residential centres, as well as an additional £500,000 in education recovery funding for broader outdoor learning projects.
 - The Scottish Government has convened a new Scottish Outdoor Learning Strategic Working Group to support the delivery of inclusive and impactful outdoor learning in all its forms, which met for the first time in May 2024. The Group is tasked with examining how best we can ensure all children and young people experience high quality outdoor learning. Members of the group reflect a number of organisations with significant insight, experience, and expertise in outdoor learning. This includes, for example: the Association of Heads of Outdoor Education Centres, the Scottish Advisory Panel for Outdoor Education, Education Scotland and Association of Directors of Education in Scotland, and the Convention of Scottish Local Authorities amongst others. The Group will report its final advice and recommendations to Ministers in spring 2025.

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- Education Scotland worked with national partners to develop and disseminate the 'Going Out There' guidance, which has been key to supporting delivery of safe and legally competent outdoor learning experiences at a local level.
 - A new, online 'one-stop-shop' on Learning for Sustainability (LfS) will launch later this year, to share examples of LfS in action and signpost to resources and professional learning opportunities.
 - The new LfS portal will accompany a Learning for Sustainability Mentor Network for educators that was recently established to provide collaborative leadership and peer support for teachers and practitioners in delivery of LfS, including outdoor learning.
 - Education Scotland continues to work closely with educators to improve the resources and guidance available to schools.
9. The Scottish Government has reservations about the approach Ms Smith MSP proposes through her Member's Bill to deliver increased outdoor learning provision in Scotland, which we suggest to the Committee require careful and full consideration and assurance. These elements of the Bill are discussed below.
10. **Legislating in the curriculum:** It is for local authorities and schools to decide how best to deliver outdoor learning. The only aspect of curriculum delivery that is currently set out in legislation is religious and moral education (RME). The requirement on all local authorities to provide RME goes back over 100 years and has been continued through to the Education (Scotland) Act 1980. The further introduction of statutory provisions relating to the curriculum risks setting an unhelpful precedent which contradicts Scotland's existing approach to education and the respective roles and responsibilities, and agency, of education authorities/schools/teachers to shape the curriculum to suit their learners.
11. **Narrow focus on one type of outdoor learning:** By legislating for the provision of one particular form of outdoor learning (i.e. residential outdoor education trips), the Bill risks undermining other types of outdoor learning and does not align with Scottish Government's policy aim for outdoor learning to be regular, day-to-day, and experienced across the whole 3-18 curriculum.
12. **Resource implications:** The financial implications of the Bill on public finances are significant and unaffordable, as currently drafted, and put into question whether the intentions of the Bill are realistically deliverable. A legal funding obligation on the Scottish Ministers to pay sufficient amounts for universal provision needs to be considered in light of the financial impact section of this memorandum. This is in addition to further clarity being needed on the capacity of outdoor residential providers to accommodate the demands of the Bill, particularly on the readiness of Scottish providers to accommodate ASN learners.

Conclusion

13. The Scottish Government is committed to improving outdoor learning provision in Scotland, ensuring that all learners are experiencing regular, enjoyable, and challenging outdoor learning experiences that are embedded across the 3-18 curriculum. Naturally, this includes support for outdoor residential experiences and ensuring equity of access to such opportunities. These considerations will form part of

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the work of our Scottish Outdoor Learning Strategic Working Group. As such, the Scottish Government is sympathetic to the intentions of the Bill.

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

Scottish Government
September 2024

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