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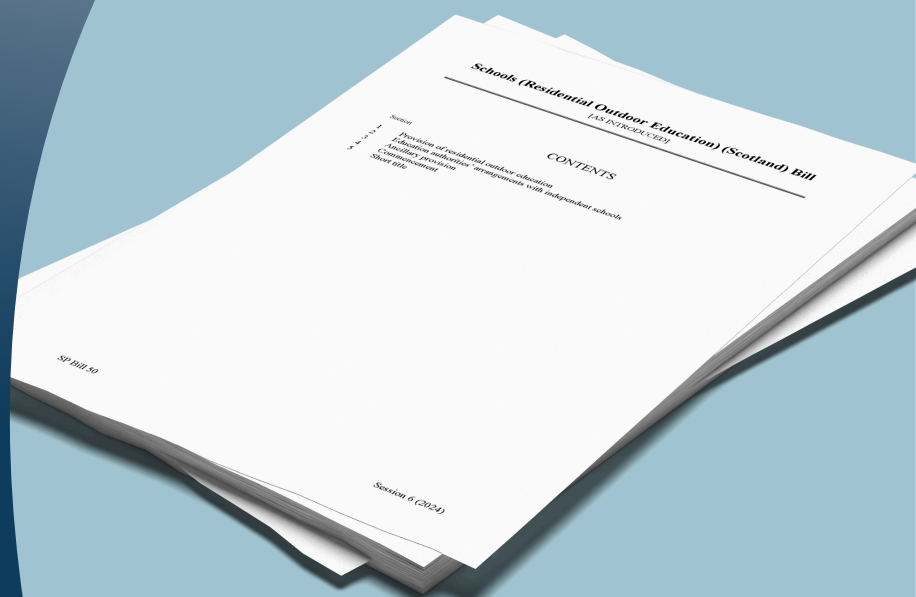
SPICe Briefing

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# Schools (Residential Outdoor Education) (Scotland) Bill

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This briefing explores the provisions of the Schools (Residential Outdoor Education) (Scotland) Bill and the current policy framework.



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# Provisions of the Bill

The [Schools \(Residential Outdoor Education\) \(Scotland\) Bill](#) ("the Bill") is a [Member's Bill](#) that was introduced by Liz Smith MSP on 20 June 2024. The Member consulted on a proposal for the Bill between April and July 2022.

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

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

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

# Definition of residential outdoor education and outdoor learning

The Bill is proposing that a particular type of outdoor education or learning become mandatory in Scotland. The Bill defines a "course of residential outdoor education" as:

“ a course of education that— (a) has outdoor learning as its main focus, (b) includes at least 4 overnight stays and 5 days, which may be non-consecutive, in facilities such as (without limitation) outdoor centres, youth hostels, camps or sailing boats, and (c) is suitable to the relevant pupil’s age, ability, aptitude and any additional support needs.”

Section 1 of the Bill

Section 1 also provides that Ministers must prepare and publish guidance on residential outdoor education, including "the nature and content of residential outdoor education". The [Policy Memorandum](#) includes two quotes that suggest that the Member intends outdoor education covered by the Bill to be "experiences in which students participate in a variety of adventurous, memorable challenges." (Para 21).

The Bill does not specify at what stage of school education residential outdoor education should take place. The Member considers that it would be appropriate for residential outdoor education to be made available between Primary 6 and Secondary 4. (Policy Memorandum Para 98)

The literature and policy documents in this field take a variable approach to how outdoor learning or education is defined. Outdoor learning is not necessarily a residential trip - it could take place in a school's grounds, the local community or a short journey away.

A 2022 Education Scotland report following a thematic review of outdoor learning reflects the wide concept of outdoor learning within Scottish policy:

“ The term ‘outdoor learning’ encompasses the entire range of learning experiences undertaken outside; whether it is reading a book outside or participating in an overseas expedition.”

Education Scotland, 2022<sup>1</sup>

Residential outdoor education may be adventure-related education, but could also be related to a subject, such as a history or geography field trip. Furthermore, educational residential trips are not only for outdoor learning or adventure education. Residential trips could be, for example, an orchestra tour.

## Current provision

There are no statistics published nationally on the provision of residential outdoor education. The Policy Memorandum references research into trends in the provision of outdoor education published in 2018. This found:

- Between 1982 and 2018, the number of residential outdoor education centres in Scotland reduced from 123 to 64.
- In the same period, the number of beds fell from around 6,000 in 1982 to 5,086 in 2018. The research noted that the fall in numbers of beds in that period was lower than the fall in the population of children aged 4-16 in Scotland.
- Between academic years 2011/12 and 2016/17, the data show an increase in the percentage of schools recorded as accessing residential outdoor education in 7 out of 9 local authorities where there was data presented.
- Across 15 local authorities, an average 69% of outdoor education residential stays occur in the summer months (April – September). In part, the researcher suggested that this may be because Duke of Edinburgh excursions take place in this time frame.<sup>2</sup>

In 2022, the then Minister for Children and Young People, Clare Haughey MSP) said that following discussions with the sector, in 2023 there was expected to be a "a capacity of 4,400 operational beds in around 50 centres across Scotland" but that this did not "cover the full capacity of the sector, and the bed capacity figure does not take into account seasonal availability."<sup>3</sup>

[Education Scotland published a list of contact details](#) for residential outdoor education centres in 2020. This lists 43 centres and indicates that only four are owned by local authorities. The local authorities that were listed as owning their own residential outdoor education centres were: North Ayrshire, Glasgow City Council and the City of Edinburgh Council. The remainder were run by the third sector or privately owned. The Policy Memorandum also notes that Aberdeenshire Council and South Ayrshire Council operate their own centres. (Para 31) SPICe understands that the published contact list is currently being updated.

School staff that accompany pupils to residential outdoor education trips largely do so on a voluntary basis.

## Current policy

The Education (Scotland) Act 1980 (the 1980 Act) provides that local authorities<sup>i</sup> have a duty to secure "adequate and efficient provision of school education" in their area. As part of this duty, they must secure "adequate facilities for social, cultural and recreative activities and for physical education and training" for pupils attending schools in their area. ([Section 1](#))

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<sup>i</sup> Legislation relating to school education in Scotland refers to 'education authorities'. Currently, education authorities are the 32 Scottish local authorities.

[Section 6 of the 1980 Act](#) provides that local authorities may "establish, maintain and manage" camps and outdoor centres.

What school education entails is largely a matter for schools and local authorities. Very little about the content of the curriculum is set out explicitly in legislation. The 1980 Act specifies that school education includes "the teaching of Gaelic in Gaelic-speaking areas" (Education (Scotland) Act 1980, section 1(5))<sup>ii</sup>. [Section 8](#) of the 1980 Act sets out that the provision of religious instruction and observance is essentially mandatory for the local authority; although [Section 9](#) provides that it is not mandatory for the child or young person to participate.

Local authorities have wide discretion in how they fulfil the duties to secure the provision of school education. The philosophy of the curriculum for excellence (CfE) is to put more control on the content of the curriculum into the hands of individual schools and teachers, within broad parameters.

CfE is organised into eight curriculum areas. Within these areas and for every level up to CfE level 4 (roughly to the end of S3), [Experiences and Outcomes](#) are "a set of clear and concise statements about children's learning and progression in each curriculum area", and teachers may refer to these to support the planning of learning. Within CfE, teachers and schools have space to develop local curricula and curricula models. The intention is that teachers use their professional knowledge, support from colleagues, and understanding of their learners to develop teaching and learning in their school or classroom.

The extent to which a school participates in outdoor learning, including residential outdoor learning, is a decision that is taken locally.

As part of the suite of guidance produced to support the early development of Curriculum for Excellence, Learning and Teaching Scotland published [Curriculum for excellence through outdoor learning](#) in 2010. The Ministerial foreword stated:

" The Scottish Government is keen to see all our children and young people having positive learning experiences in a variety of settings. This is why we are investing in the production and promotion of guidance to support opportunities presented by the new school curriculum for learning in the outdoors. The guidance makes it clear that the outdoor environment offers motivating, exciting, different, relevant and easily accessible activities from pre-school years through to college. Progressive outdoor learning experiences are best delivered through a combination of school-based outdoor learning and residential programmes"

Learning and Teaching Scotland, 2010<sup>4</sup>

The 2010 guidance includes a section on residential outdoor education which stated:

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ii The Scottish Languages Bill, which is currently being considered by Parliament, would (as currently drafted) remove the reference to "Gaelic-speaking areas" in the 1980 Act.

“ During residential experiences there will be many opportunities to deliver experiences and outcomes of Curriculum for Excellence, particularly those which cannot easily be achieved in the local community. For example, comparing and contrasting local communities with communities within or close to the residential setting as outlined in the experiences and outcomes for social studies. In self-catering contexts, planning and preparation which involves buying and cooking food clearly resonates with promoting healthy eating habits for health promotion and nutrition.”

Learning and Teaching Scotland, 2010<sup>4</sup>

In 2011, [Education Scotland published further guidance](#) for practitioners to support them to engage children and young people with learning outdoors. One part of this guidance is focused on residential trips. A 2022 Education Scotland thematic review on outdoor learning found:

“ Practitioners are continuing to maximise the potential of the outdoors to enhance children’s and young people’s learning experiences. Outdoor learning is increasingly becoming an embedded feature of our learners’ everyday experience. ”

Education Scotland, 2022<sup>1</sup>

As noted above, the Education Scotland thematic review used a broad definition of outdoor learning.

## Learning for Sustainability

Outdoor learning can be placed within the policy and curriculum framework of Learning for Sustainability (LfS). [Scotland’s Regional Centre of Expertise on Education for Sustainable Development](#) describes LfS as “the umbrella term for sustainable development education, outdoor learning, global citizenship and social welfare.”

LfS sits alongside and is intended to be complementary to Curriculum for Excellence. The 2023 LfS Action Plan, [Target 2030](#), says LfS is a “cross-curricular approach which enables learners, educators, learning settings and their wider community to build a socially-just, sustainable and equitable society; and as an effective whole-setting approach which weaves together global citizenship, sustainable development and outdoor learning to create coherent, rewarding and transformative learning experiences. ”

While the LfS Action Plan does mention outdoor learning, it does not explicitly discuss residential outdoor learning. Under Action 16, titled “outdoor learning”, the LfS Action Plan states:

“ In support of “Target 2030” Sustainable Learning Settings: 16 a) The Scottish Government will create a new policy workstream on Outdoor Learning. This work will be supported by a national working group which will report to Scottish Ministers. The Group will be challenged to pursue a range of actions to ensure that all children receive entitlements to outdoor learning in all its forms. 16 b) NatureScot will collaborate with relevant partners to: promote the use of the Nature Discovery Map Scotland, and; pilot the use of the Nature Discovery Map Scotland and other resources in linking education settings to nature networks and growing the use of local greenspace.”

Scottish Government , 2013<sup>5</sup>

# Why has the Bill been introduced?

The Member in charge argues that residential outdoor education "can be life-changing". (Policy Memorandum Para 4). The rationale for moving away from the current model is also set out in the Policy Memorandum.

“ While recognising the benefits and success of the present residential outdoor education system in Scotland, the Member considers that simply maintaining the provision as it currently exists would not address the three core issues that underpin the policy underlying this Bill, namely that:”

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

Policy Memorandum, Para 97



# Benefits of residential outdoor education

The Policy Memorandum states "the case for the benefits of residential outdoor education for young people is based on a wide and strong evidence base" and highlights a number of studies and evaluations. (Policy Memorandum, paras 35-50)

The Education Endowment Foundation (EEF) seeks to support "schools, colleges, and early years settings to improve teaching and learning through better use of evidence". The EEF recently undertook a study on the efficacy of different types of adventure education. This included discussion on the academic literature. It said:

“ In our analysis of the literature, we noted evidence of effects of outdoor adventure learning on attainment. We also noted evidence of effects on various non-cognitive factors that may in turn lead to improvements in attainment in school.”

Education Endowment Foundation, 2023<sup>6</sup>

The EEF also set out a theory of change on how outdoor adventure learning supports better outcomes. It said:

“ The causal theory for the interventions is based on evidence that suggests that taking part in outdoor adventure learning (OAL) leads to improvements in self-regulation in the short and long term, which then leads to an increase in attainment. Activities that take place during OAL are challenging to students, often placing them outside their comfort zones. As such, OAL helps to develop skills such as resilience, confidence, and self-esteem. Improvements in these non-cognitive skills, particularly resilience, can be viewed as protective factors that support students in their future learning journey (Ewert and Yoshino, 2011). Rickinson et al. (2004) identified several programme attributes that were related to success, such as integrated pre- and post-intervention activities, longer, more sustained activities, and linking learning to the curriculum. Therefore, school actions to build on the five-day [Outward Bound Trust] residential before and after the experience are proposed to be essential for both enhancing effects on self-regulation and therefore leading to higher levels of student engagement.”

Education Endowment Foundation, 2023<sup>6</sup>

There is good evidence that residential outdoor learning can support better outcomes. However, decision-makers both locally and nationally will consider any programme within a wider context, including other possible programmes, costs etc.

# Financial Memorandum

The Member in charge, Liz Smith MSP, has prepared a [Financial Memorandum \(FM\)](#) to accompany the Bill. She modelled three areas of additional spend that would arise from the Bill:

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

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

The Member chose not to include additional staffing costs in its calculations but this was discussed in the FM. The FM stated:

“ For the schools that currently undertake residential outdoor education, there will be no additional staff costs as a result of this Bill. Staff costs for the implementation of this policy at schools where there are currently no opportunities for residential outdoor education, or the offering is below the threshold of four nights and five days set out in the Bill, there will be cost implications.”

FM Para 38

The FM argued that calculating staffing costs includes a significant amount of uncertainty. It suggested that it had erred on the side of overestimation in other areas of its analysis of costs and, therefore, there would be "funding available that would contribute to cover the staff costs required of schools that are not currently providing residential outdoor education experiences." (FM para 45)

The FM does not consider whether school staff covering the residential trips would receive any additional remuneration. Teachers' terms and conditions in Scotland are determined through national bargaining through the [SNCT](#). Any change to the terms and conditions of teachers will apply to all teachers, whether they had previously volunteered to support residential outdoor education or not.

# What is the process?

The Education, Children and Young People Committee has been designated as the lead committee at Stage 1 for the Bill. The Committee is expecting to undertake its Stage 1 consideration of the Bill in late 2024.

The Committee issued a call for views on the Bill which was open between 3 July and 4 September 2024. [It has published 269 responses.](#)

The Finance and Public Administration (FPA) Committee will also undertake scrutiny of the Financial Memorandum accompanying the Bill. The FPA Committee also issued a call for views over the summer and [it received 8 submissions.](#)

The Presiding Officer has decided that a Financial Resolution is required for this Bill. Unless Parliament agrees a Financial Resolution, the Bill will not be able to proceed to Stage 2 and the Bill would fall. Under the Standing Orders of the Scottish Parliament, "only a member of the Scottish Government or a junior Scottish Minister may give notice of a motion for a Financial Resolution"<sup>7</sup>.

## Scottish Government memorandum

Given that the Scottish Government has a key role in determining whether the Bill progresses, it is worth considering the Government's position on the Bill.

The [Scottish Government wrote to the lead committee, the Education, Children and Young People Committee, setting out its views on the Bill.](#)

The Government said that that it currently holds a "neutral" position on the Bill. The Government is broadly supportive of the intention of the Bill to improve access to residential outdoor education. However, the Government expressed reservations around:

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

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

“ The further introduction of statutory provisions relating to the curriculum risks setting an unhelpful precedent which contradicts Scotland’s existing approach to education and the respective roles and responsibilities, and agency, of education authorities/ schools/teachers to shape the curriculum to suit their learners.”

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

The Government argued that the costs modelled in the FM are an underestimate because "staff costs in secondary schools are not modelled, inflation has not been accounted for

and there is no modelling of additional costs to accommodate ASN pupils." The Government continued:

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

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