

SPICe Briefing

Pàipear-ullachaidh SPICe

Schools (Residential Outdoor Education) (Scotland) Bill - Briefing Prior to Stage 3

Ned Sharratt

This briefing supports Members in their consideration of the Schools (Residential Outdoor Education) (Scotland) Bill at Stage 3. The briefing summarises the provisions of the Bill as introduced, some of the main debates at Stage 1, how the Bill was amended at Stage 2, and some of the wider process-related debates around the Bill.

Contents

Summary	3
Main provisions of the Bill as introduced	4
Stage 1	5
Financial Resolution	7
What is a Financial Resolution?	8
Stage 2 amendments	10
Financial Memorandums	13
The Financial Memorandum at introduction and Scrutiny at Stage 1	13
Revised Financial Memorandum	15
Stage 3	16
Bibliography	17

Summary

The Schools (Residential Outdoor Education) (Scotland) Bill ("the Bill") is a Member's Bill and was introduced by Liz Smith MSP on 20 June 2024.

The Bill aims to ensure that all pupils have the opportunity to experience residential outdoor education. It seeks to create new duties on local authorities and managers of a grant-aided schools to this effect.

The lead Committee at Stage 1 was the Education, Children and Young People Committee which published its report on 4 February 2025. The Education, Children and Young People Committee agreed with the general principles of the Bill. However, the paragraph of the report which stated this was agreed to on the Convener's casting vote, after a division in the Committee. The Bill passed Stage 1 on 27 March 2025.

The Bill required a Financial Resolution. A Financial Resolution may be agreed by Parliament only after a Government Minister has lodged a relevant motion. Following Stage 1, there was uncertainty over whether the Scottish Government would lodge such a motion. Liz Smith MSP and the Government held discussions particularly around concerns of the costs of the measures in the Bill. The Government lodged a motion for a Financial Resolution on 24 September 2025 and it was agreed by Parliament the following day.

The Education, Children and Young People Committee considered the Bill at Stage 2 on 19 November 2025.

Main provisions of the Bill as introduced

The Bill 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.

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

The Bill does not specify at what stage of school education residential outdoor education should take place. Under the Bill, pupils would be able to opt-out of residential outdoor education.

Stage 1

The Education, Children and Young People Committee was the lead committee at Stage 1. Its report was published on 4 February 2025.

The Committee "[recognised] that residential outdoor education can bring life-changing benefits to both pupils and teachers, building pupils' confidence and believes there is significant positive value to residential outdoor education in developing the teacher-pupil relationship and improvement in attainment." The Committee highlighted a number of issues that may need to be addressed. These included:

- ensuring alignment to the curriculum
- the capacity and the ability for existing outdoor centres to provide residential opportunities for all pupils across Scotland, particularly those with complex additional needs
- how the Bill might affect teachers' terms and conditions
- the cost of the provision and the place for parental contributions
- a recommendation for a quality framework for residential outdoor education centre provision.

The Committee agreed with the general principles of the Bill after a division and on the casting vote of the Convener. The Committee sounded a note of caution, however. It said:

"The Committee has outlined concerns in relation a number of areas including the financial aspects of this Bill and its potential impact on teachers' terms and conditions and concerns on ensuring pupils with ASN can enjoy the provisions associated with the Bill. To be clear, the Committee believes that this Bill should only proceed providing these concerns can be addressed. Moreover, should this Bill be passed, the Committee recommends that sufficient time must be allowed to put the necessary arrangements in place prior to its implementation."

Education, Children and Young People Committee, 2025¹

During Stage 1, the Scottish Government said that that it held a "neutral" position on the Bill. The Government was 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.

The Government responded to the Committee's Stage 1 report on 26 March 2025. This set out the Government's overall approach to the Bill at Stage 1:

"We share a number of the concerns that you have identified in your Stage 1 report regarding affordability and deliverability of the Bill in practice, and welcome your conclusion that the Bill should only progress if these concerns can be effectively addressed. ... The Scottish Government will not stand in the way of the Bill but will not be lodging a Financial Resolution to accompany it ahead of the Stage 1 vote. In exercising our responsibility and demonstrating accountability for the appropriate and diligent management of the Scottish budget, Scottish Ministers can and will only lodge a Financial Resolution if and when affordability of the provisions – and other practical implementation challenges – can be addressed, up to 6 months following the conclusion of Stage 1."

Scottish Government, 2025²

The Scottish Parliament debated general principles of the Bill at Stage 1 on 27 March 2025. Members broadly agreed on the value of residential outdoor education and that the provision should be available across the country.

The Minister for Children, Young People and The Promise, Natalie Don-Innes MSP said that "all children and young people should have the opportunity to engage in progressive and creative outdoor learning experiences". However she said that the Scottish Government's "initial significant reservations, which we set out to the committee last year, remain unresolved, as yet." The Minister highlighted three "significant challenges" in the debate:

- the Minister described the Bill as introduced as "unaffordable"
- the "limited capacity across centres in Scotland to host young people with complex additional support needs"
- how the bill might impact on teachers' contracts.

The Minister committed to work with Liz Smith MSP "to find a constructive and affordable way forward that delivers for all our children and young people".

The Bill passed Stage 1 with 64 MSPs voting for the Bill, one against and 53 abstentions. The abstentions were all SNP MSPs.

Financial Resolution

After the Bill passed Stage 1, if the Scottish Parliament had not agreed a Financial Resolution within six months, the Bill would have fallen. In the Stage 1 debate, the Minister for Children, Young People and The Promise, Natalie Don-Innes MSP said:

"The Scottish Government values and supports the role of centres in supporting young people to develop their resilience, self-confidence, wellbeing and engagement with learning—many of the benefits that members have spoken about. However, it is clear that we still have some way to go before the Scottish Government could confidently lodge a motion for a financial resolution to enable the bill to proceed, should it pass stage 1 today. ... I remain open to working constructively with the member in charge to address the concerns. Having listened to the debate today, I would also be interested in working with members from across the chamber."

This was an unusual situation and there is no formal process for Parliament to be kept informed on any developments. Following the debate, the Education, Children and Young People Committee wrote to the Minister asking for clarification on how the Scottish Government would approach this process and information on what would be required for the Government to agree to lodge a Financial Resolution. The Government responded on 5 May 2025. In addition, between the Stage 1 debate and Stage 2, the Member in Charge, Liz Smith MSP, copied the Committee into several letters to the Minister in relation to their engagement and agreement on certain matters. These are published on the Scottish Parliament's website.

On 9 September 2025, Parliament held a Member's Business debate on a motion lodged by Liz Smith MSP on the "contribution of Scotland's residential outdoor education centres, including PGL Dalguise in the Mid Scotland and Fife region" and the process of lodging a Financial Resolution on the Bill. The following day, on 10 September 2025, the Minister appeared at the Education, Children and Young People Committee and was questioned on the process and progress being made with the Member in Charge.

The matter was raised in First Minister's Questions on 11 September 2025 and again during Education and Skills Portfolio Questions on 18 September 2025.

It was not clear whether the Scottish Government would lodge a Financial Resolution until late September and very close to the six month deadline. A Financial Resolution was lodged on 24 September 2025 and the Minister gave a statement to Parliament that day. In her statement the Minister said:

"Although the Government accepts it as the Parliament's will that the bill proceeds to stage 2 and is therefore lodging the necessary financial resolution, the Parliament has a responsibility to ensure that the bill, should it become law, is fit for purpose, meaning that it is affordable and, of course, deliverable. ... The onus is now on the Parliament to work with the member in charge of the bill—and, indeed, the Government—to address the challenges that have been raised in relation to funding. I assure members that the Government will play its part. The Cabinet Secretary for Education and Skills and I have discussed with Liz Smith how she, as the member in charge, and the Government may look to continue to work constructively together as the bill progresses. ... Specifically, we have agreed that, as the member in charge of the bill, Liz Smith will work with the Government on stage 2 amendments to address the challenges of affordability and deliverability, which relate to the duty to fund, the targeting of those children who might benefit the most and a change in commencement."

Parliament agreed the Financial Resolution on 25 September 2025.

What is a Financial Resolution?

The Presiding Officer decided that a Financial Resolution was required for this Bill. A Financial Resolution is a motion voted upon by the Scottish Parliament; it can be required for a number of reasons. In this case, the reason a Financial Resolution was required was that it would be likely to increase public spending significantly. Parliament agreed to the Financial Resolution for this Bill, specifically it agreed "to any increase in expenditure payable out of the Scottish Consolidated Fund in consequence of [the Bill, should it be passed]".

A key question around this Bill has been the Scottish Government's view of it and whether it would therefore lodge a Financial Resolution. Without Parliament agreeing a Financial Resolution, the Bill would not have been able to proceed to Stage 2 and the Bill would have fallen. Under Rule 9.12 of 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". ³ In other words, the Scottish Government had a veto on the progress of the Bill.

Speaking to the Parliament on 18 September 2025, the Minister for Children, Young People and The Promise, Natalie Don-Innes MSP, said:

"The financial resolution process is a legitimate and important process that ensures that ministers can exercise our unique responsibility and accountability for appropriate management of the Scottish budget. The process is not unique to the Scottish Government; the Welsh Government, the United Kingdom Government and Northern Ireland Administrations have similar processes."

The Minister's remarks reflected the Scottish Parliament's Guidance on Public Bills. This guidance sets out the rationale for Rule 9.12:

"The financial resolution procedure is a means of giving extra control to the Scottish Government over Bills with certain financial implications. ... Rule 9.12 is intended to give effect to the principles of the Financial Issues Advisory Group (FIAG) which reported to the Consultative Steering Group (CSG) before the establishment of the Parliament. FIAG advocated a clear separation between "policy Bills" that would create powers or functions, and "Budget Bills" that would allocate resources. Budget Bills provide authorisation for the spending of money on existing functions. Separate provision would always be needed in policy Bills for conferring the functions which give rise to the demand for funding. It is the policy provision that requires the consent of the Parliament by means of a financial resolution. A financial resolution recognises that the new (or altered demand) for funding in a policy Bill is something that will have an impact on the Scottish Consolidated Fund. This is distinct from the annual Budget process, which determines the amounts of funding allocated. In recommending this system, FIAG was attempting to give effect to the established principle that the executive arm of government has a unique responsibility in relation to the management of public funds. If it is to fulfil this function, the Scottish Government must maintain control both over the raising of revenue and over public spending hence the need for a mechanism to secure Scottish Government consent for payments either into or out of central funds."

The process around a Financial Resolution is not the only area of the Scottish Parliament's Standing Orders which limits Parliament's role in determining the spending choices of the Scottish Government. The process around Budget Bills has similar limitations. Rule 9.16 notes that "a Budget Bill may be introduced only by a member of the Scottish Government" and "amendments to a Budget Bill may be moved, and notice of amendments to such a Bill may be given, only by a member of the Scottish Government or a junior Scottish Minister." ³

Stage 2 amendments

A key part of the discussions between the Scottish Government and Liz Smith MSP around the Financial Resolution have been on how the Bill could be amended. On 11 November 2025, Natalie Don-Innes MSP, the Minister for Children, Young People and The Promise, wrote to Liz Smith MSP and copied in the Education, Children and Young People Committee. In this she set out where there had been agreement on how the Bill might be amended at Stage 2, these were to:

- remove the duty on Scottish Ministers to fund while introducing the power for local authorities to seek financial contributions from pupils, in line with existing practice
- introduce the power to make commencement regulations, with provision that the regulations must be made by 30 September 2027
- strengthen the provision for guidance on residential experience in Gaelic
- qualify the duty to provide residential outdoor education to be "as far as reasonably practicable".

The letter included draft amendments in Liz Smith MSP's name. in this letter, the Minister stated that the Government would need to discuss costs with local government representatives. She continued:

"This, alongside establishing the baseline of current provision, establishing the capacity of the outdoor education sector to meet new demand, addressing the teacher workforce implications, and putting in place appropriate monitoring arrangements to ensure delivery, will inform the timeline for commencement. The purpose of the "as far as reasonably practicable" amendment is to ensure flexibility for education authorities and other delivery partners in uniquely challenging situations, it is not intended as a general lightening of the duty to provide."

Liz Smith MSP responded to the Government on 12 November, indicating that she had lodged the amendments and highlighting a number on points. For example, on the issue of commencement of the Bill, she said, "I have lodged these amendments as I recognise that it is important to allow preparation time for the various bodies with responsibility for implementing my Bill" but that she was seeking "a commitment on the record that the Scottish Government and other relevant bodies will work at pace to commence the Bill following the removal of the 7 July 2026 hard deadline".

The Education, Children and Young People Committee considered the Bill at Stage 2 on 19 November 2025. The majority of the amendments agreed were those drafted by the Scottish Government and lodged by Liz Smith MSP. These were:

- the qualification of the duty on local authorities and grant-aided schools to provide or secure the provision of outdoor education to be "so far as reasonably practicable"
- including a power to require a financial contribution from parents
- an amendment to the reference to outdoor education in the medium of Gaelic within the guidance Scottish Ministers must prepare and publish

- a removal of the provisions that would require the Scottish Government to fund residential outdoor education provision under the Bill
- changes to the Commencement provisions.

There was some discussion as to the effect of qualifying the duty to secure the provision of residential outdoor education with "so far as reasonably practicable". The Minister stated that "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." She provided examples of what this might mean, including where a child is unwell when their classmates go on a trip.

The only other amendments agreed were lodged by Pam Duncan-Glancy MSP. These also made amendments to the provision relating to the guidance Scottish Ministers must prepare and publish. Namely: that the guidance should include reference to "the funding sources available to schools, parents and carers to support the delivery of, and attendance at, residential outdoor education", including self-directed support; and adding relevant recognised trade unions to the statutory consultees when developing the guidance.

Pam Duncan-Glancy MSP lodged amendments which sought to make it explicit that teachers would not be required to support courses of residential outdoor education if they did not wish to. The Minister argued that legislating on teachers' terms and conditions would be inappropriate and would cut across the existing mechanism for national bargaining, the Scottish Negotiating Committee for Teachers (SNCT). She also said "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." Pam Duncan-Glancy MSP did not move these amendments.

Pam Duncan-Glancy MSP also lodged a number of amendments which would have created duties around the collection of data on the provision of residential outdoor education and the production of reports on this provision. The Minister noted that there were already general powers for Ministers to require local authorities and the managers of grant-aided schools to provide information but agreed that "a detailed approach to monitoring and evaluation in the bill itself is necessary." To this end, she said that she had asked officials to consider how to include "a general duty on reporting".

Jeremy Balfour MSP lodged amendments around the provision of support for pupils who require a carer and those that are young carers. The Minister agreed that these were important matters, but suggested that they could be dealt with through the content of the statutory guidance provided for in the Bill. These amendments were pre-empted.

Jeremy Balfour MSP lodged an amendment that would require Ministers to specifically fund pupils in receipt of the Child Disability Payment. The Minister argued that such specificity was not required but said "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." The amendment was not moved.

Jeremy Balfour MSP also lodged two amendments in relation to the facilities at residential outdoor education facilities for pupils with complex needs or a disability. One sought a review of the facilities to take place within a year of Royal Assent and the other would require owners of residential outdoor education facilities to ensure that there would be at

least one Changing Places Toilet on site. The Minister agreed with the sentiment but suggested that legislation might not be the best way to achieve the desired outcomes; she said that, prior to any future Act being brought into force, the Scottish 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."

Financial Memorandums

As we have seen, the financial implications of the Bill have been a key part of the Bill and the scrutiny process.

The Financial Memorandum at introduction and Scrutiny at Stage 1

The Member in charge, Liz Smith MSP, prepared a <u>Financial Memorandum</u> (FM) to accompany the Bill. In it 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 in Charge initially estimated 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). She 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 Finance and Public Administration Committee (FPAC) considered the Financial Memorandum during Stage 1. FPAC sought views between July and September 2024, received nine responses, and held an evidence session with the Member in Charge on 19 November.

FPAC wrote to the Education, Children and Young People Committee, the lead Committee at Stage 1, on 13 December 2024 setting out this process and highlighting a number of matters.

FPAC noted that it had received a follow-up letter from the Member in Charge on 2 December 2025 which provided updated cost estimates:

- Year 1: £20.9 million–£34.7 million (median estimate £27.8 million)
- Year 2: £21.9 million–£36.8 million (median estimate £29.3 million)

• Year 3 onwards: £21.7 million–£36.1 million (median estimate £28.9 million).

Liz Smith MSP indicated to FPAC that annual costs will likely be at the higher end of these ranges.

Responses to FPAC's consultation on the FM suggested that it underestimated certain expenses, particularly staffing, transport, outdoor centre charges, and support for pupils with additional needs. There were also concerns about the reliance on teachers' goodwill for supervising trips; FPAC quoted COSLA who warned of potential contractual changes, salary increases, and administrative burdens. Teachers' unions might seek renegotiation of terms if participation became mandatory.

FPAC highlighted potential alternative funding models for the Bill, including a public trust approach similar to Rethink Ireland. Inspiring Scotland and the Ernest Cook Trust were also mentioned as potential partners. FPAC also noted that the FM did not account for parental costs or savings.

The Education, Children and Young People Committee also explored the potential financial impacts of the Bill at Stage 1. Its report was published on 4 February 2025. Some of the recommendations and conclusions included:

- that the Scottish Government should provide its view on whether a change in teachers' terms and conditions would be required and an estimate of any resulting costs
- residential outdoor education is a good example of preventative spend
- Scottish Government should liaise with the Member in Charge to consider:
 - whether the aim of universal provision of residential outdoor education can retain a place for parental contributions and local fundraising
 - alternative funding models
- Scottish Government should provide more information on its commitment to explore targeted capital funding for residential outdoor education centres.

The Scottish Government's response to the Education, Children and Young People's Report indicated:

- teachers' terms and conditions are a matter for the Scottish Negotiating Committee for Teachers and it would "not be appropriate at this stage for the Scottish Government to take a position" on any changes or subsequent costs
- the Government did not directly address the Committee's observation about preventative spend nor the recommendation on exploring the place of parental contributions
- the Government did not view "public trust funding" as a viable mechanism in the context of statutory obligations, but that it had explored this in a non-legislative context
- the Government set out two "key considerations that would need to be made regarding support to outdoor education centres to ensure they could respond to the Bill":

- the potential overall capital requirements of centres to improve the condition of their estate
- to better understand the existing business models of outdoor education centres, and how these might drive the actual costs of provision versus what centres may charge per pupil.

Revised Financial Memorandum

Following Stage 2, a supplementary Financial Memorandum was prepared by the Non-Government Bills Unit (NGBU) on behalf of Liz Smith MSP and was published on 4 December 2025. The supplementary FM noted that the amendments at Stage 2 would change the distribution where costs arising from the Bill would be likely to fall. That is, from being the sole responsibility of the Scottish Government to local authorities, parents/carers, and potentially other funders. It said "the precise breakdown of where funding is provided from will depend on a number of variables". ⁴

One might assume that the costs of the revised Bill on the public purse would be less than was estimated by the Member in Charge in her letter to the Finance and Public Administration Committee on 2 December 2024. There are no estimates of how the amendments lodged by Liz Smith MSP at Stage 2 will affect the level of annual public funding that would be required to deliver the duties under the Bill. Those amendments were drafted by the Scottish Government .

Stage 3

The Scottish Parliament will consider the Bill at Stage 3 on Tuesday 16 December 2025.

Bibliography

- Education, Children and Young People Committee. (2025). Schools (Residential Outdoor Education) (Scotland) Bill Stage 1 Report. Retrieved from https://bprcdn.parliament.scot/published/ECYP/2025/2/4/4f321ddc-03e3-4de9-9b8d-69ee1539ac30/ECYP-S6-25-01.pdf
- Scottish Government. (2025). Schools (Residential Outdoor Education) (Scotland) Bill -Stage 1 - SG Response to ECYP Stage 1 Report . Retrieved from https://www.parliament.scot/-/media/files/committees/education-children-and-young-people-committee/correspondence/2025/schools-residential-outdoor-education-scotland-bill--stage-1--scottish-government-response-to-stage.pdf
- Scottish Parliament. (2024). Standing Orders of the Scottish Parliament 6th Edition 10th Revision 2 July 2024. Retrieved from https://www.parliament.scot/about/how-parliament-works/parliament-rules-and-guidance/standing-orders/chapter-9-public-bill-procedures
- 4 Scottish Parliament. (2025). Schools (Residential Outdoor Education) (Scotland) Bill, Supplemenary Financial Memorandum. Retrieved from https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/schools-residential-outdoor-education-scotland-bill/stage-2/spbill50afms062025.pdf

Scottish Parliament Information Centre (SPICe) Briefings are compiled for the benefit of the Members of the Parliament and their personal staff. Authors are available to discuss the contents of these papers with MSPs and their staff who should contact Ned Sharratt on telephone number 85204 or ned.sharratt@parliament.scot.

Members of the public or external organisations may comment on this briefing by emailing us at SPICe@parliament.scot. However, researchers are unable to enter into personal discussion in relation to SPICe Briefing Papers. If you have any general questions about the work of the Parliament you can email the Parliament's Public Information Service at sp.info@parliament.scot. Every effort is made to ensure that the information contained in SPICe briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

