

Proposed Schools (Residential Outdoor Education) (Scotland) Bill

COSLA response

July 2022

Background

1. COSLA is the voice of Local Government in Scotland. We are cross-party organisation who champions councils' vital work to secure the resources and powers they need. We work on councils' behalf to focus on the challenges and opportunities they face, and to engage positively with governments and others on policy, funding and legislation.
2. We welcome the opportunity to contribute to the consultation on the proposed Schools (Residential Outdoor Education) (Scotland) Bill, the pandemic has highlighted the key role that outdoor education has in supporting children and young people's learning, health and wellbeing.
3. Due to the timing of this year's Local Government elections and formulation of the new COSLA governance, we have not had the opportunity for this consultation to be considered by COSLA's Children and Young People's Board. This short response is compiled from existing COSLA positions, which we hope will be useful in considering the next steps with the proposed bill. We are committed to continuing to engage our members, and the wider Local Government family, and providing further feedback on the proposed bill at the appropriate stage in the legislative process.

Aims and approach

4. As set out above, we have not had an opportunity for COSLA's Children and Young People's Board to consider the proposed bill, and therefore at this stage we cannot give either our support or opposition to the proposal to create a statutory obligation to ensure the opportunity for at least one week (four nights and five days) of residential outdoor education for young people at some stage in their school career.
5. We would, however, highlight our support for outdoor learning. In 2020, following a meeting between the COSLA's Children and Young People Board and representatives from Inspiring Scotland and the outdoor sector, COSLA endorsed [Scotland's Coalition for Outdoor Play and Learning Position Statement](#), which sets out clearly the importance of outdoor learning for children and young people and the positive impact it has on the health, wellbeing and learning of children and young people.
6. Therefore, on the principles of the proposal, we are in agreement of the benefit that outdoor learning has for children and young people. Indeed, the consultation paper itself provides a range of evidence in support of this position.

7. Schools and local authorities are increasing and making better use of the outdoors in children's learning as part of the school day. This approach builds on good practice across Scotland, particularly in Early Learning and Childcare, where there has been a consistent drive to encourage outdoor play and learning everyday as part of the recent expansion in funded hours. It may be worthwhile considering further what, if any, impact a statutory duty to provide an outdoor residential experience for children and young people could have on the greater use of outdoor learning in regular school life.
8. There could be a tension between the existing policy context and landscape for the delivery of the curriculum in Scotland and the proposed bill. The Curriculum for Excellence is clear that schools and local authorities should have the flexibility to design a curriculum that fits their own local context. This is particularly important considering the diversity of Scotland's communities, not only in terms of geography, but also demographics and levels of deprivation. This approach was highlighted positively in last year's report from the OECD on Scotland's curriculum.
9. We therefore would flag the importance of considering carefully how the creation of a detailed duty, which the consultation papers suggests would include a specified number of days and nights for which children and young people should take part in an outdoor residential experience, fits with our expectation that schools and local authorities - working with children, young people and their families - are best placed to design and deliver an education that meets the needs of their local areas.
10. It will be important to understand the views of children and young people throughout the development of this proposed bill, particularly in light of points raised about the tension between national direction and local flexibility.
11. As the consultation paper sets out, Local Authorities currently have the discretionary power to provide outdoor learning opportunities, including residential outdoor education, and many schools have been doing this for years and see it as a key part of children and young people's development. In terms of the need for legislation, we would note that there are alternative approaches available - most notably a joint agreement between the Scottish Government and COSLA. A range of joint agreements in recent years have been the basis for the creation of a national minimum for the school clothing grant, the removal of curricular charges and the expansion of free school meals to children in P4 and P55.
12. However, if a statutory duty to provide an opportunity for an outdoor residential experience for children and young people 12-16 were to be introduced, we would expect that that duty would be placed upon local authorities considering the existing duties placed on councils for the delivery of education. Although, as we will set out further below, any new duty would have to be accompanied by additional resources.

Funding

13. As set out in [COSLA's response](#) to the Scottish Government's recent consultation on the Resource Spending Review, the Local Government core revenue settlement has seen a real terms reduction of 15.2% since 2013/14, when all directed funding from other portfolios (e.g. funding for additional teachers and discretionary housing payments) is removed.

14. As a core principle, COSLA are clear that any new duty on local authorities must be fully funded, and that this funding must be additional to the existing funding provided by the Scottish Government to councils. Indeed, in the COSLA response to the Resource spending review, we were clear that:

“There needs to be greater understanding of the opportunity cost of introducing new policies when they come at the expense of core funding. The disinvestment in core funding means a reduction in core services and other policies which are expected to be delivered within the settlement. Many ‘new’ policies are ring fencing funding for areas that had to be cut due to the reduced core budget – fund the core settlement properly and this would not be needed. This does not allow for outcomes focused service design or delivery, ultimately creating inefficiencies”

15. Therefore, we are clear that any new statutory duty to provide an opportunity for an outdoor residential experience for children and young people 12-16 must be accompanied by additional funding for Local Authorities and importantly this additional funding cannot be reassigned from core funding to councils.

16. Moreover, if the duty was introduced, there should be a regular review recycle the costs of the delivery, to ensure that any changes to demand and costs as the policy is implemented are understood and fully funded, including after a first year of implementation to gauge actual costs against estimates.

17. Whilst unable to provide an exhaustive list at this stage, but if a duty was introduced and drove an increase in demand, we believe there may be a range of additional costs for local authorities and schools, particularly relating to staff and transport.

18. Similarly, we believe there might be a need for further analysis of capacity. The most recent [school statistics](#) showed the following pupil numbers for 2021.

	S1	S2	S3	S4	Total
2021	56,887	57,480	56,695	55,006	226,068

Further consideration of how the current capacity within residential centres to ensure that an expected increase in demand can be accommodated, particularly if there was a preference for trips to take place in the spring and summer months. If such an analysis identifies further capacity is needed to meet demand, further discussion on funding for local authorities would likely be required.

19. We would welcome an opportunity to input into the development of the Finance Memorandum which will be prepared for the proposed bill to ensure the concerns above are reflected.

Standard/ Quality of provision

20. Ensuring that all children and young people receive a high-quality experience in outdoor residential learning experience is vital. It may be worthwhile to consider further what drives quality in provision at the moment, the current regulatory system

and what role that those who commission places (e.g. schools and local authorities) play in the first instance.

21. The consultation paper does not set out why the current 12-16 age range has been suggested. Further clarity of reason, including what can be learned from the existing evidence, would be welcome.

Equality

22. COSLA and the Scottish Government, in our joint Additional Support for Learning Action Plan, are committed to responding to the findings of the Angela Morgan's report into ASL. In this light, it may be worthwhile to consider further on whether the specific model of outdoor residential experiences set out in the proposed bill would be appropriate for all children and young people with additional support needs, and what further support, resources and capacity might need to be created to ensure all children to benefit from an outdoor residential experience.
23. Local authorities, schools and their partners, have taken a number of steps to tackle the costs of the school day, minimising the financial impact for families. Further consideration should be given to the additional costs associated with residential trips – including bedding, clothing, food etc – and their impact on children young people from low-income households. It may be worthwhile considering of whether these costs should be met by children, young people and their families or from public funding.

Conclusion

24. We hope that this response his helpful to the member in the development of the Proposed Schools (Residential Outdoor Education) (Scotland) Bill. If it would be helpful to discuss any of the points raised in this response further, please get in touch using the contact details below.