

# Residential Outdoor Education (Wales) Bill Bill Summary

December 2023





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# **Residential Outdoor Education (Wales) Bill**

## Bill Summary

December 2023

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This briefing paper summarises the Residential Outdoor Education (Wales) Bill as it was introduced.

The **Residential Outdoor Education (Wales) Bill** (“the Bill”) is a **Member Bill** brought forward by Sam Rowlands MS, the Member in Charge of the Bill.

The **Bill was introduced** to the Senedd on 24 November 2023, accompanied by an **Explanatory Memorandum (EM) and Regulatory Impact Assessment (RIA)**. The **Legislative Statement** took place on 29 November, where Sam Rowlands presented the Bill and Members of the Senedd discussed its proposals in Plenary.

The Bill would place a statutory duty on the Welsh Ministers to “take reasonable steps to ensure that a course of residential outdoor education is provided once, free of charge as part of the curriculum, to registered pupils at maintained schools” (those educated in schools maintained by a local authority in Wales). The Bill also establishes a statutory obligation for local authorities to be allocated funding by Welsh Ministers to enable them to do this.

The Bill was referred to the **Children, Young People and Education Committee** for **Stage 1** scrutiny. The Committee will hold evidence sessions to hear stakeholder’s views on the Bill before reporting to the Senedd.

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# 1. Background

## The Draft Bill

Sam Rowlands MS was successful in the **July 2022 Member Bill ballot** and his proposal for the Bill received the **Senedd's leave to proceed** on 26 October 2022.

Sam Rowlands ran three consultations between January and September 2023: a **general consultation**, a **children and young person's consultation**, and a **targeted consultation**.

The **name of the Bill was changed** from the Outdoor Education (Wales) Bill to the Residential Outdoor Education (Wales) Bill “following the initial consultation taken to inform the development of the Bill”.

## Introduction of the Bill

The **Residential Outdoor Education (Wales) Bill** was introduced on 24 November 2023 along with the **Explanatory Memorandum**.

On 29 November, **Sam Rowlands made a statement in Plenary** to introduce the Bill. He said that:

This Bill is really about focusing on the opportunities for our young people, and there are huge amounts of evidence showing the outdoor education residential offer significant opportunities for children and young people's personal and social development.

Sam Rowlands stated that the Bill would “establish a course of residential outdoor education as an entitlement on the curriculum, rather than merely an enrichment”.

In the debate the Minister for Education and the Welsh Language, Jeremy Miles MS, “[recognised] the contribution that residential outdoor education can bring to the development and well-being of our young people”. However, he added that “[he is] not simply willing to cut front-line school budgets to fund [the] legislation” and that it is “not affordable”.

## 2. What the Bill does

The Bill would place a statutory duty on the Welsh Ministers to “take reasonable steps to ensure that a course of residential outdoor education is provided once, free of charge as part of the curriculum, to registered pupils at maintained schools” (those educated in schools maintained by a local authority in Wales). The Bill also establishes a statutory obligation for local authorities to be allocated funding by Welsh Ministers to enable them to do this.

The Bill aims to “provide a residential outdoor education experience for every child in maintained schools in Wales, regardless of their socio-economic background, disabilities, additional learning needs (ALN), cultural background or geographic location”. The Explanatory Memorandum (EM) says this “will move residential outdoor education experience from an enrichment activity to an entitlement component of the Curriculum for Wales”.

### Summary of the Bill’s provisions

#### **Section 1 – Provision of residential outdoor education**

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##### **Course of Residential Outdoor Education**

Section 1 provides for the provision of residential outdoor education by inserting a new section into the Curriculum and Assessment (Wales) Act 2021 (“CAA 2021”).

It provides that “Welsh Ministers must take all reasonable steps to ensure that a course of residential outdoor education is provided once, free of charge as part of the curriculum, to registered pupils at maintained schools”. The EM says that “the duty is placed on Welsh Ministers rather than local authorities or schools so Ministers can decide how best this should be implemented”.

Welsh Ministers would be required to issue a Residential Outdoor Education Code. The Bill states that the Code must be issued within one year of this section coming into force and Welsh Ministers would be required to keep it under review. The Bill states that the curriculum would not comply with this piece of legislation unless it accords with the Code.

This section specifies that a course of residential outdoor education must comprise of at least four nights and five days stay in residential accommodation and that it may take place on one visit or spread over more than one visit. The EM says that “longer outdoor education residential visits have greater personal and

social development impacts than shorter ones”. However, it acknowledges that in the consultation responses “there is a mixed opinion about the best length of an outdoor education residential” and that “such a length of stay may not be appropriate for all children and young people” so the Bill provides for flexibility.

The EM says that:

Pupils will need to be tracked as to whether they have accessed a residential outdoor education experience, which it is assumed will be incorporated by local authorities into the information they hold on pupils.

The Bill says that nothing in this section prevents residential outdoor education being provided outside of the curriculum, whether that is to registered pupils in maintained schools or not. The EM says that the entitlement to residential outdoor education does not apply to those educated otherwise than at school (EOTAS) for example children in pupil referral units (PRU) or children whose parents electively home educate them. It adds that “it is hoped the Welsh Government will consider how [those children] can be offered it, whether as part of the statutory entitlement or by other means”.

### **Duty to issue guidance**

Section 1 also places a duty on Welsh Ministers to issue guidance on residential outdoor education and specifies certain elements that ‘must’ be included in guidance and sets out elements which ‘may’ be included. The Bill states that guidance must be issued within one year of this section coming into force.

The EM says that guidance “will be the main mechanism through which the Welsh Government can set out the detail of how the Bill will be implemented in practice”.

The Bill sets out that the following **must** be included in guidance, that residential outdoor education:

- Is not compulsory for pupils to attend;
- Is suitable to a pupil’s age, ability, aptitude and any additional learning needs;
- Be provided in Welsh, subject to availability, where requested by a school; and
- Costs that are reasonable to incur are provided for including, but not limited to, the cost of board and lodging and transport.

The EM says that “the majority of children are unlikely to need any additional support during an outdoor education residential”. However, it highlights that “there



is no specialised provision in Wales for those with more severe complex needs, high quality provision exists in England[in Cumbria and Exmoor]”.

The EM says that the Welsh language requirement “is in line with the generally accepted principle that learners should receive education in their preferred language”. However, it adds that “this will be subject to capacity and availability”. The EM states that “capacity to deliver outdoor education residential through the medium of Welsh is limited to only a handful of providers”, this includes the Urdd’s centres.

In relation to “reasonable costs to incur”, the EM says that “it is not the intention of the Bill that the public purse should fund excessive or disproportionate holidays or visits”.

The Bill sets out that guidance **may**:

- Set the ages or school years at which residential outdoor education is provided;
- Provide that residential outdoor education promotes an understanding of Welsh language and culture;
- Set requirements that must be satisfied before a person is permitted to provide residential outdoor education;
- Make provision in respect of schools’ staff costs associated with residential outdoor education; and
- Include any other provision that the Welsh Ministers consider appropriate.

The EM says “there are clear benefits of outdoor education residential in transition between primary and secondary school”. It notes that some of the consultation responses received called “for flexibility given the benefits can also accrue at other ages” and says “it will be for the Welsh Government to consider this further”.

In relation to the promotion of Welsh language and culture, the EM says that “there are clear potential links between undertaking an outdoor education residential in Wales and being exposed to the Welsh language and learning about Welsh heritage and culture”. It adds that “the Welsh Government could consider how to meet other policy interests such as Cymraeg 2050”.

Under the Bill’s provisions, guidance to be issued by Welsh Ministers may set requirements a person must satisfy to be able to provide residential education. The EM sets out the current context that some residential outdoor education is subject to licensing requirements under the Activity Centres (Young Person’s Safety)

Act 1995 and the Adventure Activities Licensing Regulations 2004. The 1995 Act provides that anyone who provides adventure activities, in return for payment, set out in the 2004 Regulations to people under the age of 18 is required to have an **Adventure Activities Licensing Authority licence**. Activities that fall outside of 2004 Regulations are required to provide assurances of a third party inspection to demonstrate compliance with health and safety legislation and high-quality educational provision. There are voluntarily accreditation schemes providers can be awarded.

The duty to issue guidance in respect of residential outdoor education includes powers to allow Welsh Government to make provision in respect of schools' staff costs with regards to residential outdoor education. Section 2 of the Bill specifies that Welsh Government must provide local authorities with "an amount sufficient to enable the local authority to carry out its functions". It does not however make it a duty for staffing costs to be included within these. In relation to provision for schools' staff costs, the EM says that Section 2 "enables the Welsh Government to consider what might be necessary to cover". Additionally, the cost for staffing is set out in the Regulatory Impact Assessment. The issue of additional staffing costs was raised in consultation responses from teaching and head teachers unions.

## **Section 2 - Funding for residential outdoor education**

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Section 2 provides for the funding of residential outdoor education by inserting a new section into the CAA 2021.

The Bill would place a duty on Welsh Ministers to "pay a local authority an amount sufficient to enable functions [...] in respect of residential outdoor education to be carried out". The EM says consideration throughout the development of the Bill has been to ensure, as far as possible, that any additional costs of residential outdoor education do not have to be met from local authorities' or schools' existing budgets.

The Bill states that this is "without prejudice to Chapter 4 of Part 2 of the **School Standards and Framework Act 1998**". The 1998 Act sets out the existing arrangements for the financing of maintained schools, and therefore ROE Bill creates new duties to provide separate additional funding for residential outdoor education.

## **Section 3 - No board and lodging charges permitted for residential outdoor education**

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Section 3 of the Bill provides for amendments to the **Education Act 1996**. The 1996

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Act prohibits charges for the provision of education. Schools therefore should not charge for the education and transport elements of residential visits when they are undertaken during school time or are linked to a duty under the CAA 2021; however, schools are currently able to charge for board and lodging.

Section 3 of the Bill would amend the 1996 Act to provide that residential visits undertaken as part of the Bill's requirements would also be exempt from charges for board and lodging. However, any residential visits organised in addition to the duty set out in the Bill would remain subject to relevant provisions of the 1996 Act.

The EM says these amendments "are to ensure that only one course of residential outdoor education is to be funded by the Welsh Government, including board and lodging". It adds that the intention is to avoid an unintended scenario whereby schools may be discouraged from arranging further residential outdoor education if charges for boarding and lodging were prohibited in general.

#### **Section 4 - Power to make transitional provision**

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Section 4 provides for Welsh Ministers to make transitional arrangements through regulations with respect to the above sections coming into force. The EM says this would allow for smooth transition, "for example, if it is not feasible to grant entitlement to all children at once, transitional arrangements could stagger the start of the entitlement so that only some age groups get residential outdoor education at the start".

#### **Sections 5 and 6 - Coming into force and short title**

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Section 5 provides that, if passed, sections 1 to 3 will come into force three months after Royal Assent is received.

Section 6 sets out the short title of the Act as the Residential Outdoor Education (Wales) Act 2024.

### **Regulatory Impact Assessment**

#### **Estimated costs**

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The Regulatory Impact Assessment (RIA) sets out estimated cost for two options: do nothing and continue with Welsh Government's future plans; and introduce a Bill. The EM says that the RIA has been prepared through discussions with Welsh Government and other key stakeholders.

The RIA estimates the total cost of the Bill over the five years to be between £74 million to £96 million, this includes the cost of attending outdoor activity centres, transport and teacher cover. The average yearly cost of the Bill ranges from £15 million to £19 million.

**Table 1: Summary of the costs over the first five years**

Costs (£)	Year 1	Year 2	Year 3	Year 4	Year 5	Total
<b>Attending outdoor activity centres (ongoing costs)</b>						
Low range	12,397,720	12,317,360	12,209,800	11,868,800	11,559,000	<b>60,352,680</b>
High range	16,321,040	16,216,240	16,074,080	15,623,920	15,216,720	<b>79,452,000</b>
<b>Transport (ongoing costs)</b>						
Low range	1,330,759	1,322,353	1,309,809	1,272,148	1,239,749	<b>6,474,818</b>
High range	1,861,574	1,850,044	1,833,195	1,780,829	1,735,735	<b>9,061,377</b>
<b>Teacher cover (ongoing costs)</b>						
	1,554,335	1,535,813	1,498,348	1,447,457	1,388,414	<b>7,424,366</b>
<b>Total costs</b>						
Low range	15,282,814	15,175,526	15,017,956	14,588,405	14,187,163	<b>74,251,864</b>
High range	19,736,949	19,602,097	19,405,623	18,852,206	18,340,869	<b>95,937,743</b>

Source: Table 2 of the Explanatory Memorandum



### 3. Summary of consultations on the Draft Bill

#### General consultation

Sam Rowlands MS ran a **consultation on his proposal for an Outdoor Education (Wales) Bill** from 31 January to 17 March 2023. The consultation received 175 responses which have been **published** in full and **summarised**.

In response to the question on whether legislation was needed, 84% of respondents either 'agreed' or 'strongly agreed' that it was needed. 94% of respondents said that outdoor education was very important to children and young people's overall education and development.

The main benefits respondents gave largely related to personal skills and development including confidence, independence, resilience and social skills. The chart below shows the top ten benefits identified by respondents to the survey which were grouped into categories during analysis of the responses undertaken by the Member. The numbers show the number of respondents who cited those benefits.

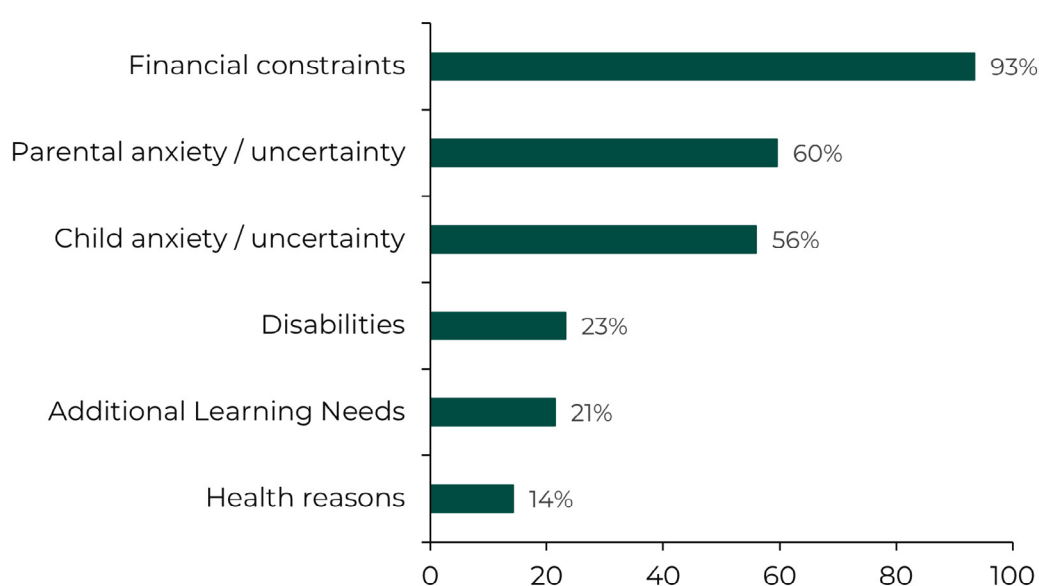
**Chart 1: What are the main benefits to children and young people from having a residential outdoor education experience?**



Source: **Summary of consultation responses**

The survey asked what the main barriers are to children and young people accessing residential outdoor education and respondents were given options to choose from, of which they could select as many that apply. The chart below shows the options in the survey and the percentage of respondents who selected that option. It shows that respondents believe that financial constraints are a barrier to residential outdoor education, followed by parental anxiety/uncertainty and then child anxiety/uncertainty.

**Chart 2: What are the main barriers which you believe currently exist to children and young people accessing residential outdoor education experiences?**



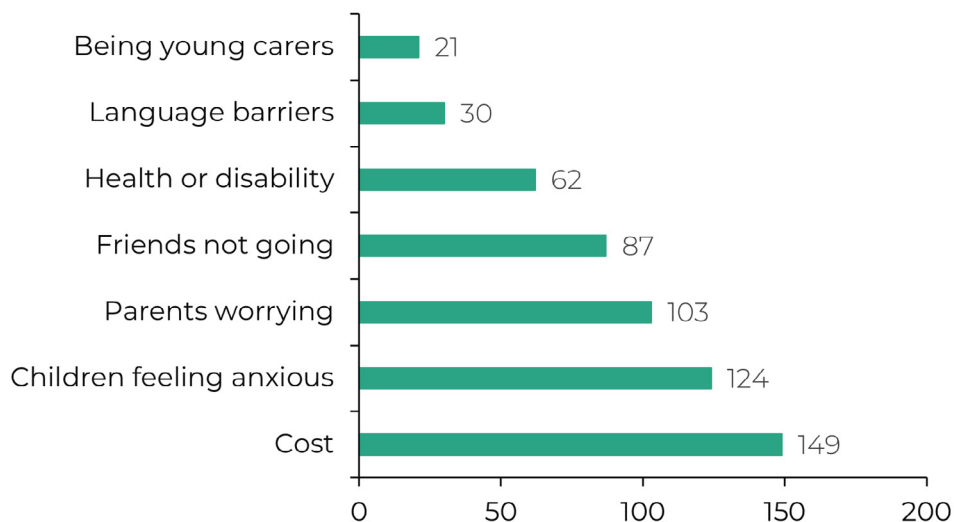
Source: [Summary of consultation responses](#)

## Children and Young Person's Consultation

Sam Rowlands MS ran a children and young person's consultation on the Bill from 10 May to 23 June 2023. The consultation received 176 responses; 144 from children and young people and 32 from adults or organisations. The responses have been **published** and **summarised**.

The survey asked what gets in the way of children taking part in overnight outdoor education visits and gave options to choose from, of which respondents could select multiple answers. The chart below shows that cost was selected as the biggest barrier, followed by children feeling anxious and parents worrying. This follows the same pattern as the general consultation (see chart 2). The numbers show the number of respondents who selected each option.

**Chart 3: What gets in the way of children taking part in overnight outdoor education visits?**



Source: [Summary of consultation responses](#)

### Targeted consultation

In July 2023, Sam Rowlands MS published a [draft Residential Outdoor Education \(Wales\) Bill](#). A targeted consultation on the details of the draft Bill was undertaken with key stakeholders between July and September 2023. Responses were [published](#) from the Welsh Local Government Association (WLGA), the [Association of Directors of Education Wales](#) (ADEW), the Future Generations Commissioner for Wales, the National Education Union and the National Association of Headteachers Cymru.

The response from [ADEW](#) questioned whether outdoor education providers would see the Bill as a way of maximising their income. The [WLGA said](#) that ‘a formal arrangement would be need to be in place with suppliers and that the system would need to be failsafe, accountable and meet expectation without risk of litigation’.

## 4. Next steps

The Bill was referred to the **Children, Young People and Education Committee** for **Stage 1** scrutiny. The Committee will hold evidence sessions with Sam Rowlands MS, the Welsh Government and stakeholders to hear their views on the Bill before reporting to the Senedd.

You can follow proceedings on the **[Committee's webpages](#)**.