

# Residential Outdoor Education (Wales) Bill: Explanatory Memorandum

This Explanatory Memorandum has been prepared by Sam Rowlands MS and is laid before the Welsh Parliament.

## Declaration of Legislative Competence

In my view, the provisions of the Residential Outdoor Education (Wales) Bill, introduced by me on 24 November 2023, would be within the legislative competence of the Welsh Parliament.

Sam Rowlands MS

Member in charge of the Bill

24 November 2023



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# Part 1: Explanatory Memorandum

## 1. Introduction

- 1.** On 12 July 2022 Sam Rowlands MS was successful in the ballot held under the Senedd's Standing Order 26.87 for the right to seek leave to introduce a Member Bill.
- 2.** On 26 October 2022 a 'leave to proceed' debate was held, and the Senedd agreed that Sam Rowlands could introduce a Bill within 13 months of the date of the debate to give effect to the proposal selected in the earlier ballot.
- 3.** The proposal was to establish a Bill to place a statutory duty on local authorities to ensure that young people receiving maintained education are provided with the opportunity to experience residential outdoor education, for at least one week, at some stage during their school years. The proposal was also for the Bill to establish a statutory obligation for providers of maintained education to be allocated funding to enable them to do this.
- 4.** The Bill seeks to develop a coordinated and funded approach to provide a residential outdoor education experience for every child in maintained schools in Wales<sup>1</sup>, regardless of their socio-economic background, disabilities, additional learning needs (ALN), cultural background or geographical location. This will move a residential outdoor education experience from an enrichment activity to an entitlement component of the Curriculum for Wales, removing it from the sphere of uncertainty in local authority and school finance, and ensuring equity for the children and young people of Wales.

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<sup>1</sup> Maintained school is as defined in section 79 of the [Curriculum and Assessment \(Wales\) Act 2021](#): a community, foundation or voluntary school maintained by a local authority in Wales; or a community special school maintained by a local authority in Wales, other than a community special school established in a hospital.

## 2. Legislative competence

**5.** The Senedd's Standing Orders provide for Bills to be introduced by individual Senedd Members, as well as the Welsh Government, Senedd committees and the Senedd Commission, in areas where the Senedd has legislative competence.

**6.** Section 107 of the Government of Wales Act 2006 (GOWA) permits the Senedd to make laws for Wales known as Acts of Senedd Cymru. Section 108A provides that "an Act of the Senedd is not law so far as any provision of the Act is outside the Senedd's legislative competence".

**7.** The provisions of the Residential Outdoor Education (Wales) Bill ("the Bill") are within the legislative competence of the Senedd.

### 3. Purpose and intended effect of the Bill

This chapter provides an overview of the Bill's policy objectives, sets out why the Bill is needed and places the Bill in the context of other relevant legislation and developments elsewhere in the UK.

#### **The policy objectives**

**8.** The purpose of the Bill is to **enable all pupils in maintained schools to experience residential outdoor education**. The Welsh Ministers will have a duty to take all reasonable steps to ensure a course of residential outdoor education is provided once to all pupils in maintained schools, free of charge.

**9.** The Bill will **move residential outdoor education from an enrichment to the curriculum, which is often viewed as a 'nice to have', to an entitlement of the education offer** for children and young people so they have an opportunity to participate at some point. The Bill requires the Welsh Ministers to amend the Curriculum for Wales so that it includes the provision of a course of residential outdoor education once during pupils' schooling, equivalent to at least four nights and five days. This may take place on one visit or be spread over more than one visit.

**10.** The Bill establishes residential outdoor education as an integral part of a pupil's education and personal development in a way that enhances the Curriculum for Wales. This **recognises the importance of outdoor education in a residential setting to the progress and development** of children and young people.

**11.** The Bill provides for a **coordinated and funded approach** to giving the opportunity of a residential outdoor education experience to every child in a maintained school in Wales, regardless of their socio-economic background, Additional Learning Needs (ALN), disabilities, cultural background or geographical location. Moving residential outdoor education from an enrichment activity to an entitlement component of the curriculum will overcome the often ad hoc nature of existing provision, and ensure equity for children and young people across Wales.

**12.** The Welsh Ministers will be under a duty to issue **guidance** on how such an entitlement will work in practice and a **statutory code** on how residential outdoor education will feature in the Curriculum for Wales. The Bill provides for pupils to receive an entitlement to at least four nights and five days of residential outdoor education as part of the curriculum, although there is **nothing to prevent a school organising additional experiences outside its curriculum**.

**13.** Children and young people will be **encouraged but not compelled to participate** in residential outdoor education. However these proposals mean they will have an **opportunity to access it if they wish, free of charge once, during their school lives**. Research suggests that affordability and financial constraints are significant barriers to some pupils taking up the opportunities when their school is arranging a residential outdoor experience.<sup>2</sup> Put simply, the Bill will **ensure no child or young person is prevented from experiencing residential outdoor education once in their school lives simply because their family cannot afford it**.

**14.** The Bill requires the **Welsh Government to provide the necessary funding** to enable and facilitate the provision of residential outdoor education as part of the Curriculum for Wales. This seeks to ensure as far as possible that money is not diverted from core education budgets.

## **Why the Bill is needed and the benefits it will have**

**15.** The Bill is needed for two main reasons:

- To establish a course of residential outdoor education as an ‘entitlement’ of the curriculum rather than merely an ‘enrichment’, acknowledging and positioning an outdoor education residential as a key aspect of statutory education. **This will address a situation whereby not all schools organise outdoor education residentials**. In 2022/23, only two thirds did so at Key Stage<sup>3</sup> 2 and only around a half did so at Key Stages 3 and 4.<sup>4</sup> (Paragraphs 40 to 43 give more detail on current levels of participation.)

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<sup>2</sup> Sam Rowlands MS, [Statistical paper: Outdoor Education \(Wales\) Bill](#) (October 2022) – paper ahead of the Senedd debate on the proposal on 26 October 2022.

<sup>3</sup> Following the introduction of the Curriculum for Wales, ‘key stages’ are being replaced by a single learning continuum. However, this Explanatory Memorandum refers to ‘key stages’ for ease of understanding.

<sup>4</sup> EVOLVE data provided by EduFocus.

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- To give every child and young person in maintained schools an opportunity to **participate, free of charge once**, in a course of residential outdoor education by providing the financial means to enable them to do so. **This will address a situation whereby economic inequality and other factors can mean that children and young people miss out**, either because their school does not organise an outdoor education residential or, if their school does, they cannot participate due to financial constraints. Data suggests that in around a third of schools that do organise outdoor education residentials, fewer than 75% of pupils participate. (Paragraphs 44 to 46 give more details.)

**16.** Consultation undertaken on the proposals behind the Bill indicates strong support and agreement that this legislation is needed. This is documented in Chapter 5 of this Explanatory Memorandum.

**17.** In addition, a survey in May 2022 of 31,640 primary and secondary school students in the UK found that 93% of primary school voters and 96% of secondary school voters said yes, pupils should go on extracurricular visits that include positive life experiences and new skills.<sup>5</sup>

**18.** Welsh Government publications, Welsh Government commissioned research cited in this Explanatory Memorandum and independent research from across the globe all point to the educational benefits of outdoor education residentials, yet it is clear that not all children are able to access such benefits. The Bill will ensure greater equity, moving towards 100% of children being offered opportunities. The following sections explain in more detail:

- the background to residential outdoor education (paras 19 to 24);
- the problem with the current position (paras 25 to 48);
- how the Bill complements and supports current policies (paras 49 to 78);
- the wider benefits of the Bill and residential outdoor education (paras 79-89);  
and

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<sup>5</sup> School Travel Organiser, [Votes for School: Should you go on school trips](#) (2022)

- how residential outdoor education helps meet the goals of the Well-being of Future Generations (Wales) Act 2015 (paras 90 to 101).

## **A background to residential outdoor education**

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**19.** Residential outdoor education has a long and proud history in Wales, the first Outward Bound Centre being established in Aberdovey in 1941. Numerous local authorities, charities and private companies followed suit, establishing their own outdoor education centres around the coastline, next to rivers and in the mountains, and in so doing became recognised internationally for the quality of experiences that they afford people of all ages. The quality of landscape continues to be recognised and is a unique resource for residents and visitors alike, and this strong outdoor heritage has been instrumental in developing the **£1.6 billion** Welsh outdoor activity tourism sector.<sup>6</sup>

### **Definition of residential outdoor education**

**20.** Outdoor education residentials encompass a range of activities that take place in a residential setting, involving participants living together in a temporary community away from home. The activities involve being outdoors as a central part of the experience, can have a challenging, adventurous element that often involves some physical activity, always respect the natural environment, and seek to use the outdoor environment as a vehicle for transforming the experience into knowledge, skills, attitudes and behaviours. The activities include recognised sports such as climbing, kayaking, orienteering or sailing, outdoor leisure pursuits such as camping or hill walking, and outdoor activities purposely designed for their educational impact such as rope courses, trails and initiative challenges.

**21.** The Welsh Government may decide to define residential outdoor education more definitively in either, or both of, the statutory code and guidance it will be required to issue under the Curriculum and Assessment (Wales) Act 2021, as amended by the Bill.

### **Why children and young people attend residentials**

**22.** Children take part in outdoor education residential visits for a variety of reasons. In particular, they form an important part of many children's experiences of transition from primary school to secondary school, developing the organisation, self-reliance and resilience needed to thrive in a secondary school setting. Visits that are embedded into

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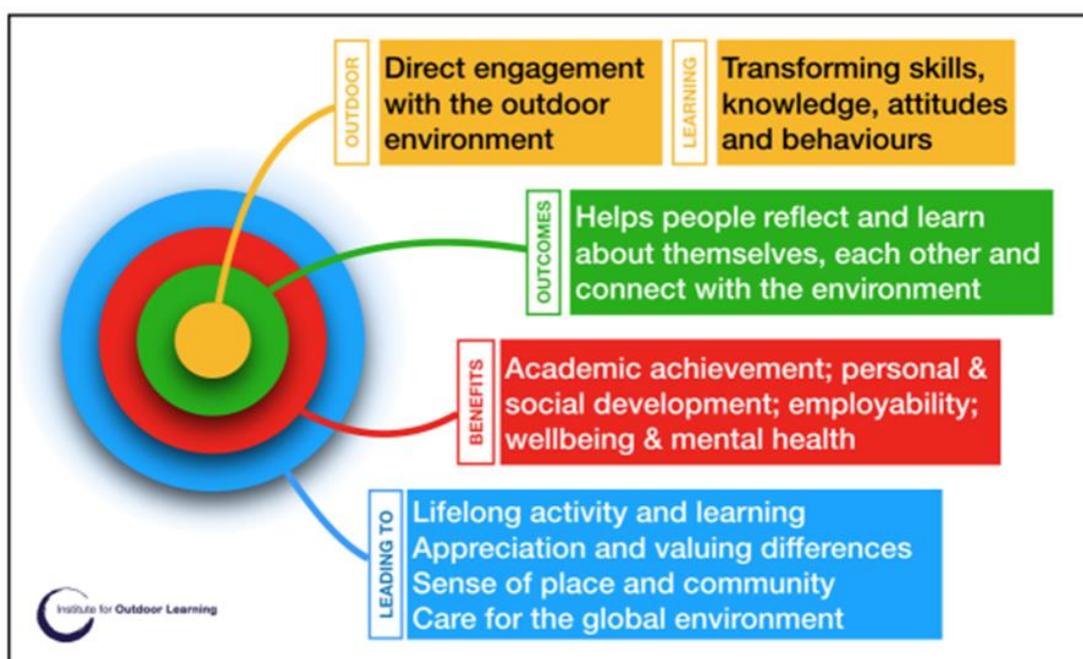
<sup>6</sup> Miller Research Evaluation Consulting, [Economic and Social Evaluation of the Outdoor Activity Sector in Wales](#) (2023)

primary school calendars are regarded by some as a ‘rite of passage’, often forming highlights of the school year, and indeed, the whole of primary school. Children also learn about language, culture and the environment through such visits, with the acknowledgement that the residential aspect plays an important role in this skill development.

## Key benefits

**23.** The benefits of residential outdoor education, supported by academic research and sector evaluations, are well established and understood by the teachers who already commit their time and energy to planning and running the visits (Figure 1). The benefits and impacts of outdoor education residential are described further in paragraphs 60 to 101 of this chapter and paragraphs 212 to 224 of Chapter 7.

Figure 1: Overview of the benefits of residential outdoor education<sup>7</sup>



**24.** Residential outdoor education has a key role to play in the education of children and young people in Wales, and every year, thousands of primary and secondary pupils access multi-day residential across the country, gaining experiences and memories that last a lifetime and which, for many, constitute a high point of their school career. As discussed in the following section, access to residential, however, is inequitable, with considerable disparity between different schools in terms of what is offered and the

<sup>7</sup> Used with permission of the Institute for Outdoor Learning

capability of children to take up the offer. Some schools may offer more than one opportunity while others may offer none at all. This Bill aims to address that inequality, providing a level playing field so that all children may benefit equally from the experience on offer.

## **The problem with the current position**

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### **An unfair situation: the need for the Bill**

**25.** At the heart of the Bill are the ideals of fairness, equality and social justice. Under the United Nations Convention on the Rights of the Child<sup>8</sup> children have the right to an education which develops a child's personality, talents and abilities to the fullest possible extent (Articles 28 and 29). Residential outdoor education is widely understood as offering a range of benefits that can enhance children and young people's lives but, due to poverty and disadvantage, is inaccessible to a significant proportion of the Welsh population.

**26.** The Welsh Government's **Child Poverty Strategy progress report** (2022)<sup>9</sup> highlights the ongoing negative effect of the Covid-19 pandemic, exacerbating inequalities that have been further compounded by cost of living pressures.

**27.** Welsh Government guidance '**The price of pupil poverty**'<sup>10</sup>, a publication aimed at raising awareness of the impact poverty has on children's lives with specific reference to their education, states:

*There are a growing number of children in poverty from working families where one or both parents/carers are in low paid employment and often fall just outside the threshold for their children to be eligible for additional financial support to help with the cost of school, such as free school meals entitlement and so fall between the cracks of the very systems that should be in place to support them.*

**28.** School visits, including outdoor education residentials, are highlighted as an area of concern, the guidance further stating that "missing out on the ability to participate fully in school life due to costs (trips; activities; access to equipment; subject choices) results in

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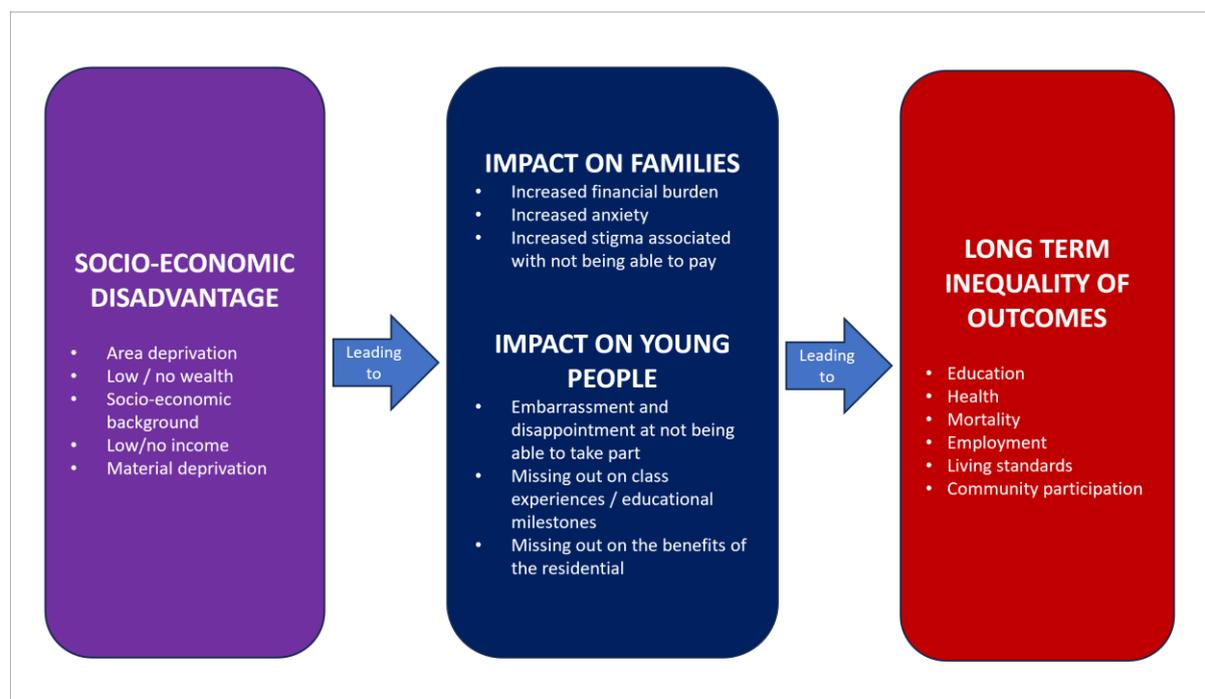
<sup>8</sup> Unicef, [Summary of the UN Convention on the Rights of the Child](#)

<sup>9</sup> Welsh Government, [Child poverty strategy: 2022 progress report](#)

<sup>10</sup> Children in Wales, [The price of pupil poverty](#) (2019)

learners' low self-esteem, confidence and wellbeing". The guide goes on to suggest that schools should consider whether the cost of visits is realistic for parents, a strategy that, while sadly necessary, potentially reduces the duration or content of the offer itself. Figure 2 summarises the negative outcomes accruing from socio-economic disadvantage when applied to the context of outdoor education residential.

Figure 2: The negative outcomes of socio-economic disadvantage



**29.** The impact on children is clearly described, with “not being able to go on school trips” being one of the top three concerns expressed by children.<sup>11</sup> Children living in poverty or disadvantage themselves are often acutely aware of their own circumstances and can be subjected to bullying and social exclusion resulting from not taking part. Pupils can feel embarrassed and disappointed to be missing out, and as well as missing out on the outdoor education residential itself, miss out on the anticipation and build up, and the subsequent learning, memories and stories that arise from the experience.

**30.** “Financial barriers” were identified as the biggest barrier to accessing outdoor education residentials in both the general consultation (identified by 93% of respondents)<sup>12</sup> and in the children and young person consultation (identified by 85% of

<sup>11</sup> Children in Wales, *The price of pupil poverty* (2019)

<sup>12</sup> Sam Rowlands MS, *Summary of consultation on proposed Outdoor Education (Wales) Bill* (May 2023)

respondents)<sup>13</sup>. See paragraphs 32 to 39 and 44 to 48 in this chapter for more information on financial constraints and Chapter 5 for details of the consultations.

**31.** Under the Education Act 1996<sup>14</sup>, schools cannot charge for school visits<sup>15</sup> linked to a duty imposed by or under the Curriculum and Assessment (Wales) Act 2021 or for visits providing education in school hours, although they can charge for board and lodging. This means that many schools can only enable a visit to go ahead if they receive enough voluntary parental contributions to pay for it or if they fund it from their own resources. This can act as a disincentive to schools to arrange both visits related to the curriculum and others such as outdoor education residentials.

**32.** Welsh Government guidance states that children whose parents are in receipt of certain benefits (broadly reflecting eligibility for free school meals (FSM)) should not be charged for the board and lodging costs of residentials.<sup>16</sup> However, not all those entitled to FSM take them up due to stigma or embarrassment and, crucially, many low-income families do not meet the threshold of FSM entitlement. It is these pupils who are most at risk of missing out on outdoor education residentials as families may not be able to afford the suggested contributions.

**33.** This is not just about those who qualify for extra support, for example through local authority or school subsidies, but, significantly, those families who do not meet those criteria but live just above the line on 'low income'.

**34.** Outdoor education residentials are usually funded by parental contribution. Low income families in receipt of relevant benefits may receive financial support, but the degree to which this is available varies between local authorities and schools. Where support is provided there can be a marked and unfair difference between the cost to a family in receipt of benefits and the cost to a family who are not (and therefore not eligible for support) but are nonetheless in financial hardship.

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<sup>13</sup> Sam Rowlands MS, [Summary of children and young people's consultation on proposed Outdoor Education \(Wales\) Bill](#) (July 2023)

<sup>14</sup> [Education Act 1996, sections 451-452](#)

<sup>15</sup> Whilst the Education Act 1996 and Welsh Government guidance use the word 'trips', the term 'visits' is used throughout this Explanatory Memorandum.

<sup>16</sup> Welsh Government, [Governors' guide to the law: Chapter 17. Charging for school activities](#)

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**35.** According to the Wellbeing of Wales statistical report (2023)<sup>17</sup>, children are more likely to be in relative income poverty than the population overall. The rate of children in relative income poverty (after housing costs were paid) was 31% between 2019 and 2021 and 28% between 2020 and 2022.

**36.** The ability of parents to contribute to their children's residentials is concerning. Over the period of 2017 to 2020, 71% of children who were living in relative income poverty lived in working households (around 140,000 children). This had increased from 60% in the period 2012 to 2015.<sup>18</sup> Subsequent Wellbeing of Wales reports do not give an updated figure.

**37.** However, only 22% are recognised by the proxy used for deprivation among school pupils, eligibility for FSM.<sup>19</sup> Eligibility for FSM is used by the Welsh Government to target additional resources at deprived children. Sometimes this is targeted at the families of children, such as through FSM and the School Essentials Grant<sup>20</sup>, whilst in other cases this is aimed at schools to support their educational outcomes, such as through the Pupil Development Grant (PDG)<sup>21</sup>, which supplements schools' income based on their numbers of pupils eligible for FSM.

**38.** Based on these figures, there is therefore a clear shortfall between those living in poverty and those receiving financial school-focused support. Furthermore, **current Welsh Government guidance<sup>22</sup> does not overtly support the use of the PDG for funding residentials** and, while there is potential for schools to support deprived families with such costs, there is clearly a significant number of children living in poverty to whom that option is not available.

**39.** Schools may offer outdoor education residentials but this may be impossible to access for parents, with costs making them prohibitive, and the situation is worse for larger families. The UK poverty rate among children with two or more siblings in 2021/22

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<sup>17</sup> Welsh Government, [Well-being of Wales: 2023](#)

<sup>18</sup> Welsh Government, [Well-being of Wales: 2021](#)

<sup>19</sup> Welsh Government, [School census results: January 2023](#) (September 2023)

<sup>20</sup> Welsh Government, [School Essentials Grant](#)

<sup>21</sup> Welsh Government, [Pupil Development Grant](#)

<sup>22</sup> Welsh Government, [Pupil Development Grant: guidance](#)

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was 42%, compared with 23% and 22% among children in families with one or two children.<sup>23</sup>

### **Current levels of participation in residential outdoor education**

**40.** Data from the EVOLVE visit notification system<sup>24</sup>, used by all but one Welsh local authority when organising outdoor education residential, shows that not all schools organise outdoor education residential for their pupils.<sup>25</sup>

- In the academic year **2022/23**, **approximately two thirds (67%)** of Welsh primary schools and middle (all-age) schools organised an outdoor education residential for their **Key Stage 2** pupils.<sup>26</sup> This means that one third, or nearly 400 schools, and their children, did not access an outdoor education residential at Key Stage 2.
- **Just over half (54%)** of secondary and middle (all-age) schools organised an outdoor education residential for their **Key Stage 3** (Years 7 to 9) pupils<sup>27</sup> in 2022/23 and **less than half (48%)** organised an outdoor education residential for their **Key Stage 4** (Years 10 to 11) pupils<sup>28</sup>. This means that just under half, or around 90 schools and their children, did not access an outdoor education

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<sup>23</sup> Centre for Research in Social Policy, Loughborough University, [Local indicators of child poverty after housing costs, 2021/22](#) (June 2023)

<sup>24</sup> Notification of an outdoor education residential is required from all maintained schools in Wales for approval by an outdoor education adviser. All local authorities in Wales use the [EVOLVE system](#), provided by Edufocus, except Neath Port Talbot. Data supplied directly by Edufocus has been aggregated to arrive at the data presented in this document.

<sup>25</sup> In making observations about levels of participation, school-level data is used rather than pupil-level data as where pupils have attended more than once, this results in multiple counting. Schools who went on more than one residential in a key stage have only been counted once, in order to calculate proportions of schools. It was not possible to do this within the pupil-level data.

<sup>26</sup> This is based on the identification in the EVOLVE data of 780 of the 1165 primary and middle (all-age) schools in Wales providing Key Stage 2 / Years 3 to 6 education (schools in Neath Port Talbot have been excluded from the total number of schools as they are not covered by the EVOLVE data). Activities under the Duke of Edinburgh's Award have not been included.

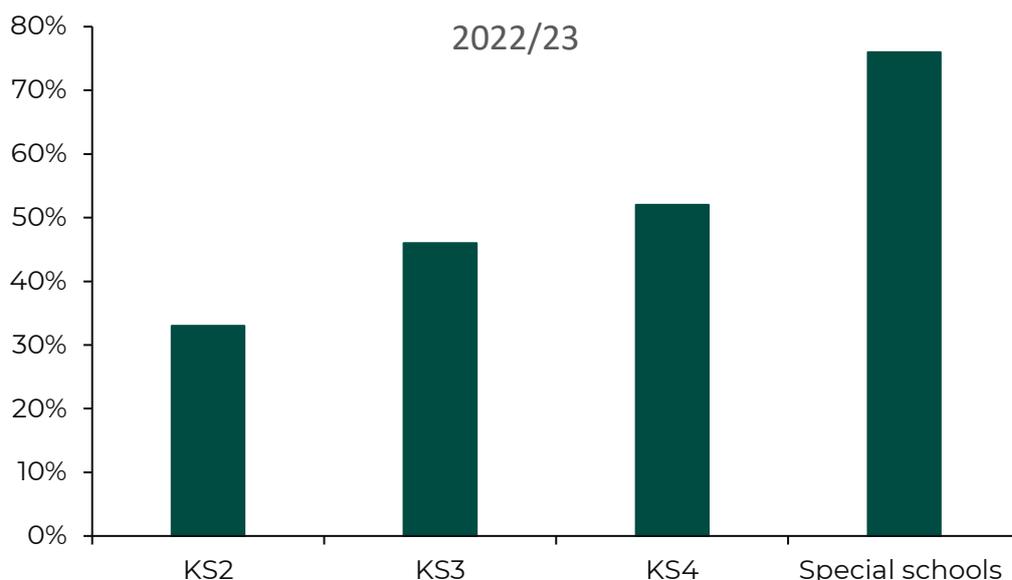
<sup>27</sup> This is based on the identification in the EVOLVE data of 106 of the 197 secondary and middle (all-age) schools in Wales (schools in Neath Port Talbot have been excluded from the total number of schools as they are not covered by the EVOLVE data). Activities under the Duke of Edinburgh's Award have not been included.

<sup>28</sup> This is based on the identification in the EVOLVE data of 94 of the 197 secondary and middle (all-age) schools in Wales (schools in Neath Port Talbot have been excluded from the total number of schools as they are not covered by the EVOLVE data). Activities under the Duke of Edinburgh's Award have not been included.

residential at Key Stage 3. Over half, or around 100 schools and their pupils, did not access an outdoor education residential at Key Stage 4.

- Of the 37 special schools in Wales, 9 (24%) organised outdoor education residentials in 2022/23.<sup>29</sup>

Figure 3: Proportion of schools not organising outdoor education residentials in 2022/23



Source: Analysis of EVOLVE data provided by Edufocus

**41.** There may still be some impact on the numbers of schools organising visits due to the COVID-19 pandemic, although EVOLVE data for 2018/19 indicates that 2022/23 levels reflect the long-term picture rather than simply a post-pandemic effect.

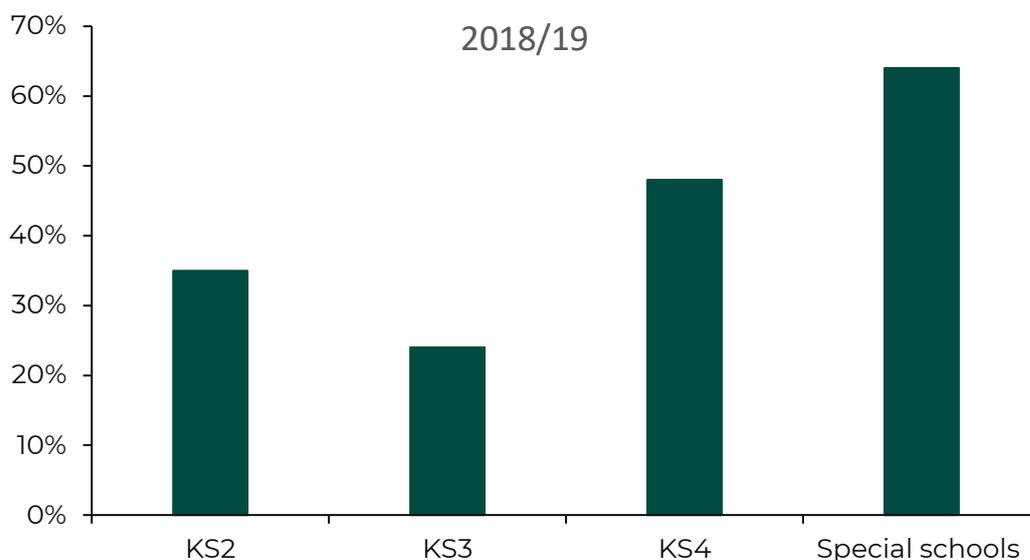
- In 2018/19, as in 2022/23, **approximately two thirds (65%)** of Welsh primary schools and middle (all-age) schools organised an outdoor education residential at **Key Stage 2**.<sup>30</sup>

<sup>29</sup> This is based on the identification in the EVOLVE data of 9 of the 37 special schools in Wales (schools in Neath Port Talbot have been excluded from the total number of schools as they are not covered by the EVOLVE data). Activities under the Duke of Edinburgh’s Award have not been included.

<sup>30</sup> This is based on the identification in the EVOLVE data of 771 of the 1181 primary and middle (all-age) schools there were in Wales providing Key Stage 2 / Years 3 to 6 education (schools in Neath Port Talbot have been excluded from the total number of schools as they are not covered by the EVOLVE data). Activities under the Duke of Edinburgh’s Award have not been included.

- 76% of middle (all-age) and secondary schools organised outdoor education residentials at **Key Stage 3** in 2018/19<sup>31</sup> – higher than in 2022/23 but still meaning a quarter of schools did not. At **Key Stage 4**, the proportion in 2018/19 was similar (52%)<sup>32</sup> to 2022/23 (48%).
- Of the 39 special schools there were in Wales in 2018/19, 14 (36%) organised outdoor education residentials.<sup>33</sup> This is higher than 2022/23 (24%).

Figure 4: Proportion of schools not organising outdoor education residentials in 2018/19



Source: Analysis of EVOLVE data provided by Edufocus

**42.** While some schools offer an outdoor education residential every other year, alternating with a city break for example, other schools are simply not able to create the conditions that enable their children to attend an outdoor education residential. The cost of a residential and associated transport to and from the venue are quoted as being

<sup>31</sup> This is based on the identification in the EVOLVE data of 150 of the 197 secondary and middle (all-age) schools there were in Wales (schools in Neath Port Talbot have been excluded from the total number of schools as they are not covered by the EVOLVE data). Activities under the Duke of Edinburgh’s Award have not been included.

<sup>32</sup> This is based on the identification in the EVOLVE data of 103 of the 197 secondary and middle (all-age) schools there were in Wales (schools in Neath Port Talbot have been excluded from the total number of schools as they are not covered by the EVOLVE data). Activities under the Duke of Edinburgh’s Award have not been included.

<sup>33</sup> This is based on the identification in the EVOLVE data of 14 of the 39 special schools there were in Wales (schools in Neath Port Talbot have been excluded from the total number of schools as they are not covered by the EVOLVE data). Activities under the Duke of Edinburgh’s Award have not been included.

significant barriers. The recent cost of living pressures have forced many schools to cut back on what they offer their children, the Sutton Trust<sup>34</sup> recently noting that **in England 50% of schools have cut back on educational visits as a result of financial pressure.**

### **Variation across local authorities**

**43.** The EVOLVE data also shows differences between local authorities in the proportion of their schools who organise outdoor education residential:

- At Key Stage 2, this ranged from 28% to 90% in 2022/23 and from 26% to 83% in 2018/19.
- At Key Stage 3, this ranged from 0% to 83% in 2022/23 and from 40% to 100% in 2018/19.
- At Key Stage 4, this ranged from 0% to 83% in 2022/23 and from 0 to 100% in 2018/19.
- Among special schools, this ranged from 0% to 100% in both 2022/23 and 2018/19.<sup>35</sup>

### **OEAP Cymru survey of schools (October 2022)**

**44.** Evidence from the Outdoor Education Advisers Panel (OEAP) Cymru<sup>36</sup> also suggests that where schools do organise outdoor education residentials, not all pupils are able to participate. Figure 5 below shows the number of schools reporting pupil participation rates in outdoor education residentials at varying degrees (i.e. 211 of 329 schools, who responded to OEAP Cymru's survey question, reported that over 75% of their pupils participated). However, **in over a third of schools responding (118 of 329), of those children offered the opportunity to participate in an outdoor education residential, fewer**

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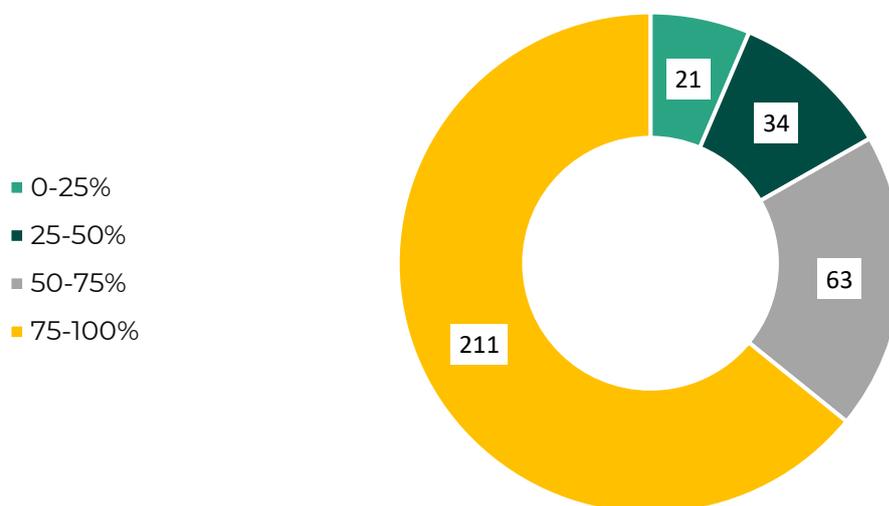
<sup>34</sup> The Sutton Trust, [Headteachers report sharp increase in costs to teaching assistants, school trips, support staff and sports](#) (April 2023)

<sup>35</sup> Analysis of EVOLVE data provided by Edufocus

<sup>36</sup> Reported in Sam Rowlands MS, [Statistical Paper: Outdoor Education \(Wales\) Bill](#) (October 2022). OEAP Cymru issued the survey in October 2022 to the Outdoor Education Adviser at each of the local authorities in Wales which use its EVOLVE system to manage educational visits. They, in turn, circulated the online survey to maintained schools for completion and submission. OEAP Cymru also sent the online survey to the Outdoor Education Adviser at an additional local authority, which does not use the OEAP Cymru system. The survey was therefore shared with all but two local authorities in Wales (Pembrokeshire County Council and Torfaen County Borough Council) who do not currently have an OEAP adviser in post.

than 75% of the children take part. This clearly illustrates that opportunity alone is not enough to ensure access to residential experiences.

Figure 5: Proportion of schools with respective proportions of pupils attending an outdoor education residential where one was organised (from 329 school responses)



Source: OEAP Cymru, October 2022 (as reported in Sam Rowlands' statistical paper, October 2022)<sup>37</sup>

**45.** OEAP Cymru's survey also showed that by far the greatest barrier to children being able to take part is financial constraints, which were cited by 207 (59%) of the 351 schools responding to this survey question. This chimes with the consultations undertaken on the proposals behind this Bill, which identified financial and cost constraints as by far the biggest barrier.<sup>38</sup>

**46.** In summary, OEAP Cymru's survey showed:

- 59% of schools surveyed cited financial reasons as the main barrier to participation in outdoor education residential visits.
- In over a third of schools, of those children offered the opportunity to participate in an outdoor education residential visit, fewer than 75% of the children take part.

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<sup>37</sup> Sam Rowlands MS, [Statistical Paper: Outdoor Education \(Wales\) Bill](#) (October 2022)

<sup>38</sup> Sam Rowlands MS, [Summary of consultation on proposed Outdoor Education \(Wales\) Bill](#) (May 2023), Sam Rowlands MS, [Summary of children and young people consultation on proposed Outdoor Education \(Wales\) Bill](#) (July 2023).

- In addition, 23% of schools do not offer a subsidy for those families who are financially constrained.

**47.** The data gathered from the schools in the survey is supported by a 2017 report by the Sutton Trust<sup>39</sup> which found that there are substantial socio-economic gaps affecting access to extra-curricular activities, with pupils from disadvantaged backgrounds less likely to take up activities than their better off peers (46% compared to 66%), and only half of those receiving free school meals taking part. It also noted gaps in provision, with schools with higher numbers of pupils receiving free school meals less likely to offer certain activities. This is a significant cause for concern as often it is disadvantaged groups that have most to gain from taking part in such activities.

**48.** As mentioned earlier, this Bill is not just about those who qualify for extra support, for example through local authority or school subsidies but, significantly, those families who do not meet those criteria but live just above the line on low income. The Bill will contribute to easing the pressure on schools and parents, reducing anxiety for parents, children and teachers. **By making a course of residential outdoor education an entitlement within the curriculum, every child will have the opportunity to access the benefits, no matter what their circumstances.**

## **How the Bill complements and supports current policies**

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### **Relevance to the policy context**

**49.** Children and young people growing up in Wales today face significant challenges. The **Well-being of Future Generations (Wales) Act 2015 (the 2015 Act)**<sup>40</sup> highlights the prominence of climate change, poverty, health inequalities and economic prosperity. The 2015 Act compels public bodies covered by the 2015 Act to work to improve the economic, social, environmental and cultural wellbeing of Wales in order to achieve a resilient, healthier, more equitable and prosperous Wales.

**50.** Through its seven Well-being Goals, the 2015 Act also ensures that Wales will make a positive contribution to the achievement of the UN's global Sustainable Development

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<sup>39</sup> The Sutton Trust, [Life lessons: Improving essential life skills for young people](#) (2017)

<sup>40</sup> Future Generations Commissioner for Wales, [Well-being of Future Generations \(Wales\) Act 2015](#)

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Goals.<sup>41</sup> Paragraphs 90 to 101 details further how the Bill will help to meet the goals of the 2015 Act.

**51.** Wales has significant levels of poverty, with 21% of all people living in relative income poverty.<sup>42</sup> One of the many causes is economic inequality, leading almost three quarters of the Welsh population to experience anxiety, with the most common cause being the ability to afford to pay bills amidst current cost of living pressures.<sup>43</sup> Outdoor education residentials, with their requests for family contributions, are a further, and sometimes impossible, demand.

**52.** Research also shows that children living in low income households are more likely to experience mental health issues, and that problems are increasing amongst children and young people.<sup>44</sup> Welsh Government policy seeks to address this challenge by focusing on developing children and young people's emotional resilience and the skills to look after their own mental health.<sup>45</sup> The Welsh Government has consulted on a new mental health strategy, a core proposal being that people take action to promote their own wellbeing and that of the wider community.<sup>46</sup>

**53.** In March 2021, the **Socio-economic Duty** came into force in Wales.<sup>47</sup> It requires relevant public bodies, including the Welsh Ministers, to consider the need to reduce inequalities experienced<sup>48</sup> as a result of socio-economic disadvantage when taking strategic decisions.<sup>49</sup>

**54.** Of direct relevance to this, the proposed entitlement will allow all children and young people, no matter what their socio-economic background, to access the benefits of funded outdoor education residentials, removing the financial burden and potential anxiety faced by low-income families. The outdoor education residential itself contributes

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<sup>41</sup> Welsh Government, [National Indicators: mapping to Well-being and UN Sustainable Development Goals \(interactive tool\)](#)

<sup>42</sup> Welsh Government, [Relative income poverty: April 2021 to March 2022](#)

<sup>43</sup> Mental Health Foundation, [Uncertain Times: Anxiety in Wales and How to tackle it](#)

<sup>44</sup> Public Health Wales, [New analysis reveals trends in children and young people's mental health care in Wales](#) (July 2022)

<sup>45</sup> Senedd Research, [Children and young people: is there a mental health crisis?](#) (May 2022)

<sup>46</sup> Welsh Government, [Mental health strategy](#)

<sup>47</sup> Welsh Government, [Socio-economic Duty: an overview](#)

<sup>48</sup> Welsh Government, [Implementing the Socio-economic Duty: A review of evidence on socio-economic disadvantage and inequalities of outcome](#) (October 2021)

<sup>49</sup> Welsh Government, [Child poverty strategy: 2022 progress report](#)

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to developing resilience and supports the Welsh Government's goals for improving long term mental health.

**55.** The demands of the future economy and workplace create a need for preparing young people for a world of work where change is fast paced and challenging. Related to economic wellbeing, the Welsh Government's **Innovation Strategy** sets out "to create and nurture a vibrant innovation culture for a stronger, fairer, greener Wales".<sup>50</sup> The opportunities and challenges created by new developments in technology require learners who are resilient, creative and ambitious, who can work with others to solve problems, take risks, engage with different information and work independently; goals that underpin the new Curriculum for Wales.

**56.** The four purposes of the new **Curriculum for Wales**<sup>51</sup> are to support children and young people to be:

- Ambitious, capable learners who are ready to learn throughout their lives.
- Enterprising, creative contributors who are ready to play a full part in life and work.
- Ethical, informed citizens who are ready to be citizens of Wales and the world.
- Healthy, confident individuals who are ready to lead fulfilling lives as valued members of society.

**57.** Paragraphs 60 to 67 below detail how the Bill contributes to meeting the goals of the Curriculum for Wales.

### **Welsh Government recognition**

**58.** During the Covid-19 pandemic and associated business closures the then Minister for Education and then Minister for Economy and Transport said, "adventurous education is unique in a young person's journey through school" and experiences "provide expert-led learning outside the classroom and recognised well-being benefits" in outdoor education centres.<sup>52</sup> They also referenced the value they give to the children they serve as

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<sup>50</sup> Welsh Government, [Innovation Strategy for Wales](#)

<sup>51</sup> Welsh Government (Hwb website), [Curriculum for Wales](#)

<sup>52</sup> Welsh Government, [Written statement: The Welsh Government Statement on Establishing a Fund for the Residential Outdoor Education \(RoE\) Sector](#), 24 March 2021

well as the communities from which they draw employees, amounting to a £2m sector specific recovery fund, demonstrating the value the Welsh Government places on residential outdoor education provision.

**59.** The Welsh Government, through its National Strategy for Education Research and Enquiry<sup>53</sup>, continues to fund outdoor education research in schools and Initial Teacher Education. Recommendations from this research include to provide more resources and opportunities for this type of work and to explicitly provide "... greater support for outdoor learning".<sup>54</sup> The Bill will ensure that the Welsh Government acts on such recommendations by investing in outdoor learning, through outdoor education residential.

### **Educational benefits: meeting the goals of the curriculum**

**60.** The qualitative evidence specifically supporting outdoor education residential experiences is strong, with significant evidence of positive change during an outdoor education residential across multiple audiences and aspects of personal and social development.

**61.** The Curriculum for Wales, through its Areas of Learning and Experience (AoLE), offers numerous opportunities to leverage the potential of Wales' outdoor education opportunities and accessible infrastructure to achieve these aims. Figure 6 summarises the opportunities for children and young people on outdoor education residential and how they contribute to the four purposes.

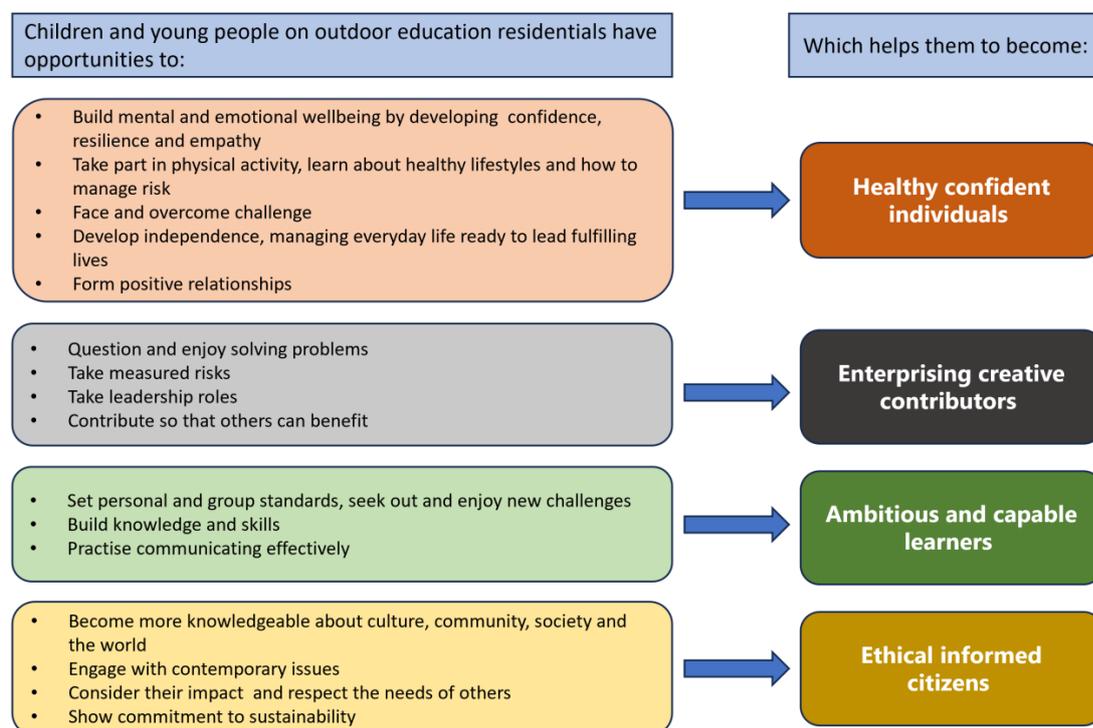
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<sup>53</sup> Welsh Government, [The National Strategy for Educational Research and Enquiry](#) (2021)

<sup>54</sup> Welsh Government, [Research study 6: The impact of the COVID-19 pandemic in Wales on the health and wellbeing of learners and practitioners, including the implications for initial teacher education](#) (2021)

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Figure 6: Residential outdoor education’s contribution to the four purposes of the Curriculum for Wales



**62.** Related outcomes for participants include:

- Improved self-confidence, resilience, emotional control, self-regulation and increased recognition of participants’ own abilities;
- Improved communication skills, teamworking skills and social skills;
- Greater ability to build and negotiate peer relationships and adult-student relationships;
- Increased independence, a sense of achievement from overcoming challenge and increased motivation to learn.

**63.** Outcomes for teachers include:

- Greater knowledge of students, their interests and aspirations that transfers back into the classroom;
- Improved relationships with students that promote engagement in the classroom.

**64.** The Curriculum for Wales ‘Health and well-being’ AoLE<sup>55</sup> contains Statements of What Matters which place importance on responding to experiences, decision making and social influences. These are all fundamental to an outdoor education residential experience.

**65.** Also of direct relevance, the ‘Humanities’ AoLE<sup>56</sup> includes Statements of What Matters that place importance on understanding the dynamic processes of the natural world and the impact humans have on these processes, and that self-aware citizens engage with challenges to take ethical actions. In addition, the AoLE guidance regarding ‘Considerations for provision of learning experiences’ calls specifically for “a range of opportunities to learn outdoors...”, and “a range of opportunities to visit and explore...”.<sup>57</sup>

**66.** ‘Cynefin’, roughly translated as a sense of connection to place, land, culture, language and distinctly Welsh identity, is presented as an imperative throughout the Curriculum for Wales guidance documents. Outdoor education residential provide opportunities to broaden horizons by extending local knowledge beyond the familiar. The insights gained away from home through engagement with an unfamiliar area provide a contrast to participants’ own locality, strengthening their personal understanding of ‘cynefin’.

**67.** The goals of the Curriculum for Wales are supported by The Outdoor Partnership (TOP)<sup>58</sup>, a charity operating across Wales that aims to increase lifelong participation in the outdoors. TOP seeks to create generational change whereby engagement with the outdoors is the ‘norm’. The charity was founded on the knowledge that poor levels of engagement with the outdoors amongst local people led to low levels of employment in the outdoor industry and reduced levels of engagement in local communities. By creating opportunities for young people to be active outdoors through a continuum of support from schools to community, TOP aims to build capacity to support local participation and skills development. The development of TOP’s Adventure Learning Framework provides a way for schools to implement outdoor learning into their curriculum. Outdoor education

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<sup>55</sup> Welsh Government (Hwb website), [Curriculum for Wales: Health and Well-being](#)

<sup>56</sup> Welsh Government, (Hwb website), [Curriculum for Wales: Humanities](#)

<sup>57</sup> Welsh Government, (Hwb website), [Curriculum for Wales: Humanities: Designing your curriculum](#)

<sup>58</sup> [The Outdoor Partnership](#)

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residential form a culmination of the framework, whereby children and young people progress from the familiar to unfamiliar surroundings.<sup>59</sup>

### **Further evidence**

**68.** Outdoor education residentials achieve the outcomes they do as a result of a unique combination of factors involving the residential itself, challenging activities and the natural environment (Figure 7). The residential provides an opportunity to develop a small, short-term community. For many children this is a first time away from home without their family and an opportunity to develop independent living skills as well as spend time with friends. Personal and social skills have to be applied and developed in order to deal with the everyday interactions that constitute centre life, with students learning about how to interact and compromise in order to get on. The residential nature of the programme allows relationships to form and grow, both between peers and between students and adults, the benefits of which are felt back in school.<sup>60</sup>

**69.** The benefits of school residentials have been extensively explored by the Paul Hamlyn Foundation. Its Learning Away initiative, carried out between 2008 and 2015, involved 60 schools incorporating all forms of residentials (rather than just those to outdoor education centres) and found that well planned and progressive residentials had a positive impact on multiple factors, including relationships; resilience; self-confidence and wellbeing; engagement with learning; achievement; knowledge, skills and understanding; and teacher pedagogy.<sup>61</sup>

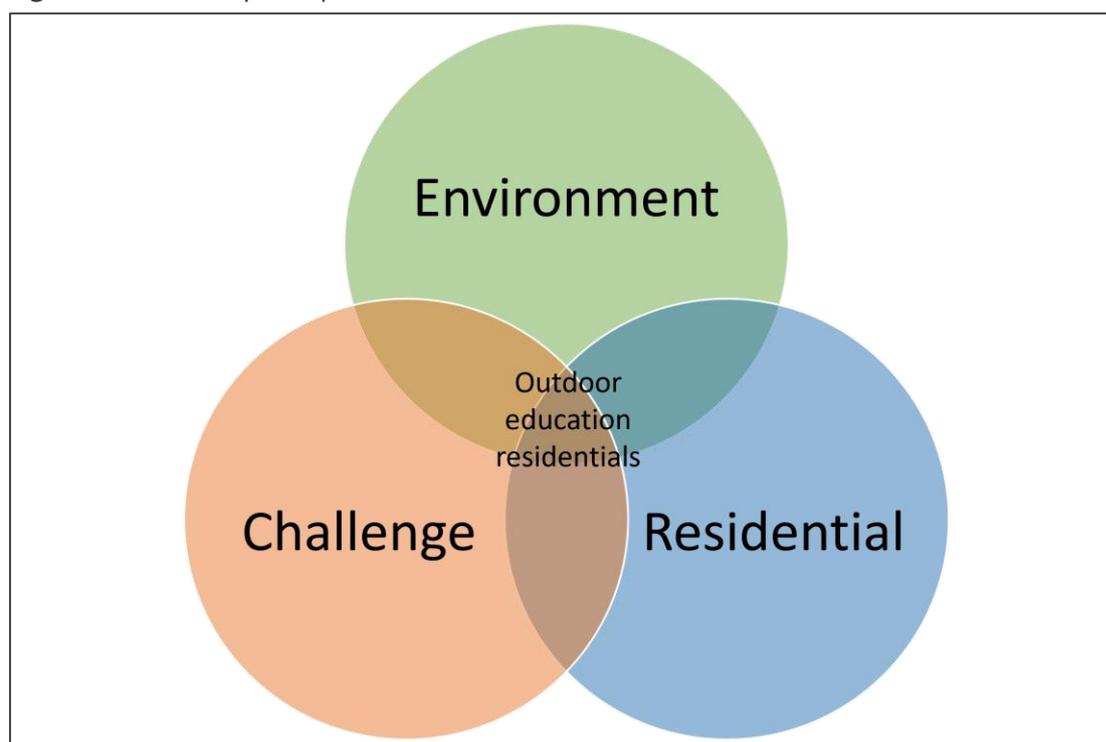
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<sup>59</sup> The Outdoor Partnership, [Adventure Learning Framework](#)

<sup>60</sup> Williams, R. (2013) [Woven into the Fabric of Experience: Residential Adventure Education and Complexity](#). *Journal of Adventure Education and Outdoor Learning*. 13: 107-124.

<sup>61</sup> Kendall, S. and Rodger, J. (2015) [Evaluation of Learning Away: final report](#). London: Paul Hamlyn Foundation.

Figure 7: The unique aspects of outdoor education residentials



**70.** Activities that involve direct engagement with the weather, the landscape, people, flora and fauna, provide opportunities to develop an understanding, appreciation and connection with nature. Research shows that a connection with nature is a crucial first step to developing pro-environmental behaviours, critical if the children of today are to address the challenges of biodiversity loss, climate change and sustainability that we face in the immediate future.<sup>62</sup> This was also highlighted in the consultations on the proposals behind the Bill.<sup>63</sup>

**71.** Measures of High Quality Outdoor Learning proposed by the Wales Council for Outdoor Learning<sup>64</sup> include a desire to continue with activities after the initial experience and a willingness to participate in conservation activities. This idea of progression resonates with the Curriculum for Wales and Outdoor Partnership models and is also articulated through a number of models that move children and young people from initial engagement activities through to a degree of environmental activism – for example

<sup>62</sup> Lumber, R. and Richardson, M. (2017) Beyond knowing nature: Contact, emotion, compassion, meaning, and beauty are pathways to nature connection. *PLOS ONE*, 12(5), 1–24.

<sup>63</sup> Sam Rowlands MS, Summary of consultation on proposed Outdoor Education (Wales) Bill (May 2023), Sam Rowlands MS, Summary of children and young people consultation on proposed Outdoor Education (Wales) Bill (July 2023).

<sup>64</sup> Wales Council for Outdoor Learning, High quality outdoor learning for Wales (2018)

affiliation with a club or environmental organisation<sup>65</sup>, connecting with and caring for the environment<sup>66</sup>, and influencing society as an active, responsible and ethical citizen (Figure 8<sup>67</sup>).

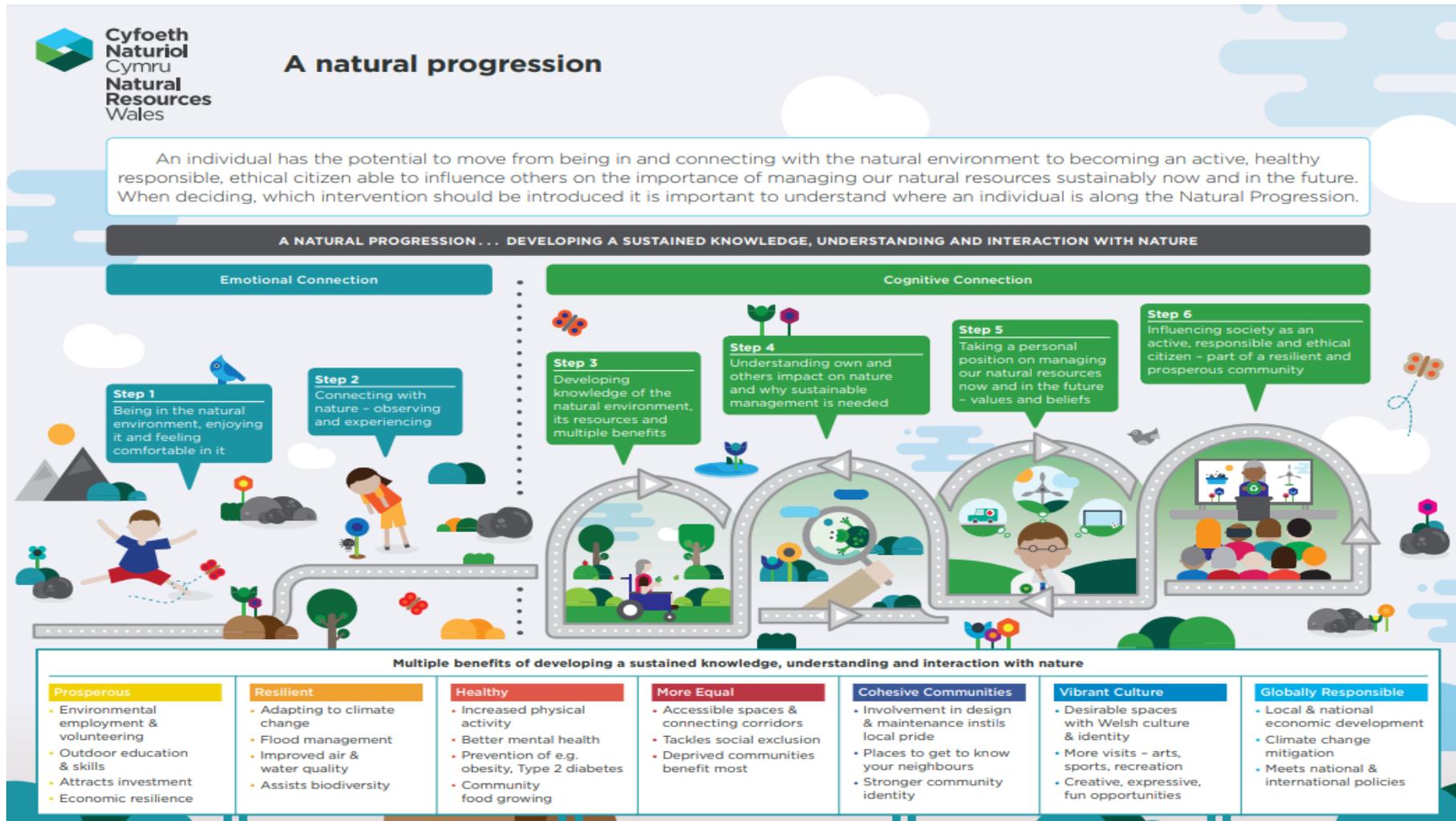
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<sup>65</sup> Keighley, P. (1998) Learning Through First Hand Experience Out Of Doors. National Association for Outdoor Education.

<sup>66</sup> Ho, S., Atencio, M., Tan, Y. S. M., & Ting Ching, C. (2016) The inclusion of outdoor education in the formal school curriculum: Singapore's journey. In B. Humberstone, H. Prince, & K. A. Henderson (Eds.), Routledge International handbook of Outdoor Studies. Routledge.

<sup>67</sup> Natural Resources Wales, What's your connection with nature like? (2021) (Used with permission from Natural Resources Wales)

Figure 8. A natural progression to nature connection (Natural Resources Wales, 2021)



Source: Natural Resources Wales, *A natural progression* (2021)

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**72.** Creating the conditions for nature connection to happen (including through outdoor education residential) supports the opportunities for short-term moments of nature connection.<sup>68</sup> If capitalised upon, these experiences can lead to increased nature connection and increased pro environmental behaviour: people with more opportunities demonstrate higher levels of connection.<sup>69</sup>

**73.** Research into the benefits of outdoor adventure activities highlights the valuable contribution they make to personal health and wellbeing.<sup>70</sup> There are also opportunities for the connection of individuals with nature (the natural environment), direct connection with other people (interpersonal), and importantly, with themselves (personal).

**74.** Other significant research supports outdoor education residential outcomes and impact. **An evaluation of 16,500 survey responses collected by outdoor education centres in the UK carried out for the Association of Heads of Outdoor Education Centres found strong evidence** of participants achieving outcomes related to challenge and resilience, teamwork and supportive relationships with peers, communication skills, independence skills and recognising their own abilities, and positive relationships with teachers.<sup>71</sup>

**75.** These outcomes were reinforced by a study of Year 6 pupils attending a four-night outdoor education residential in England which indicated both a range of personal and social outcomes and a growing sense of community and motivation to learn that were maintained back in school. Staff used the residential experiences to learn more about the children in their care and subsequently drew on changes in peer relations and their own developed relationships with pupils.<sup>72</sup>

**76.** A longer-term impact study, related specifically to 4 night outdoor education residential, found that participants were most likely to remember activities, time spent with friends, and being away from home. Participants identified a range of benefits

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<sup>68</sup> Sheffield, D., Butler, C. W., & Richardson, M. (2022) Improving Nature Connectedness in Adults: A Meta-Analysis, Review and Agenda. Sustainability (Basel, Switzerland), 14(19), 12494.

<sup>69</sup> Chawla, L. (2020) Childhood nature connection and constructive hope: A review of research on connecting with nature and coping with environmental loss. People and Nature, 2(3), 619–642.

<sup>70</sup> Dickson, T., Gray, T., Mann, K. (2008) Australian Outdoor Adventure Activity Benefits Catalogue. University of Canberra: Canberra, Australia.

<sup>71</sup> Maynard, L. & Lee, J. (2018) Understanding the use and effectiveness of the Centre Feedback tool. AHOEC. [unpublished]

<sup>72</sup> Loynes, C., Dudman, J. and Hedges, C. (2020) 'The impact of residential experiences on pupils' cognitive and non-cognitive development in year six (10--11 year olds) in England', Education 3-13, pp. 1–14.

resulting from their learning, including influence on their education and career paths, encouragement for their own children to enjoy the outdoors, broadened horizons from adventures and travel away from home, and a sustained improvement in confidence and associated willingness to try new things.<sup>73</sup>

**77.** Research by the Joseph Rowntree Foundation<sup>74</sup> found that residential offerings new experiences that separated people from their comfort zones could lead to increases in confidence and self-esteem, and challenge existing, restrictive mindsets. It concluded that perceptions of barriers mattered as much as actual barriers, and emphasised the importance of developing social relationships, building trust and instilling a sense of responsibility between young people that comes from taking part in residential.

### *Additional learning needs and disabilities*

**78.** For children and young people with ALN it can be argued that these benefits are even more profound and life-changing. Bendrigg Trust, a specialist provider for disabled and disadvantaged people from across the UK, states that 'high-quality residential provide "opportunities for students with disabilities to be engaged in physical activities" which is greatly needed as 86% of families with disabled children go without leisure activities'.<sup>75</sup> 17,000 children in Wales receive care and support, of whom 21% are disabled. Lack of perception of the risk of physical danger was recorded for almost three-quarters (71%) of these children, suggesting that the need for truly inclusive outdoor provision, with real opportunities to experience risk in a controlled manner, is clear.<sup>76</sup>

## **Wider benefits**

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### **Linking to future opportunities**

**79.** A recent systematic literature review of the benefits of 'outdoor sports' for society concluded that they were linked to multiple outcomes representing a cost-effective investment.<sup>77</sup> Benefits include physical and mental health and wellbeing, active citizenship

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<sup>73</sup> Prince, H. E. (2020) 'The lasting impacts of outdoor adventure residential experiences on young people', *Journal of Adventure Education & Outdoor Learning*, pp. 1–16.

<sup>74</sup> Green, A. E. and White, R. J. (2007) *Attachment to place: Social networks, mobility and prospects of young people*. York: Joseph Rowntree Foundation.

<sup>75</sup> Bendrigg Trust, *How outdoor learning benefits people with disabilities*.

<sup>76</sup> Welsh Government (StatsWales), *Wales Children Receiving Care and Support Census: as at 31 March 2021*

<sup>77</sup> Eigenschenk, B. et al. (2019) 'Benefits of Outdoor Sports for Society. A Systematic Literature Review and Reflections on Evidence.', *International Journal Of Environmental Research And Public Health*, 16(6), p. 937.

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and contribution to bonding capital in families and communities. There is also strong evidence of intrapersonal development relating to physical, mental, cognitive, behavioural and social aspects of self, educational benefits, including improved self-motivation and willingness to face and overcome challenges.

**80.** During the Covid-19 pandemic and subsequent return to school after lockdown, Welsh Government guidance documents contained specific mention of outdoor learning and the health and well-being benefits it brings. The most recent Active Lives survey results<sup>78</sup> demonstrate that whilst younger children are more active in team sports, as people get older they can remain active through activities such as walking, cycling, running and swimming. Although this survey refers to respondents in England as there is no comparative data available for Wales, it is reasonable to suggest that the findings would not be significantly different in Wales. Recent research presented through the British Education Research Association<sup>79</sup> suggests **significant connections between older people’s health, activity levels and the experiences they had as young people in engaging in outdoor education.**

**81.** The critical importance of lifelong activity is reflected in the increasing incidence of the number of adults with diabetes in Wales, with more than 207,000 living with the condition.<sup>80</sup> The cost of caring for people with diabetes to NHS Wales is estimated to be £500m per year.<sup>81</sup> Increasing physical activity can reduce the risk of developing Type 2 diabetes, research showing that up to 50% of cases are preventable.<sup>82</sup> By introducing children and young people to possible lifetime activities, the Bill will contribute to the Welsh Government’s goals of promoting healthy lifestyles and reducing diabetes by supporting its **‘Healthy Weight, Healthy Wales’** strategy.<sup>83</sup>

**82.** Initial experiences that open doorways to future opportunities are therefore vital. Research shows that the immediate benefits of an outdoor education residential can extend across the participant’s lifetime, as memories of past experiences can lead to new learning and set the scene for future experiences. School residentials that introduce

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<sup>78</sup> Sport England, [Active Lives Adult Survey November 2020-21 Report](#) (April 2022)

<sup>79</sup> British Educational Research Association, [Ageing in nature: Outdoor learning as lifelong learning](#) (June 2021)

<sup>80</sup> Diabetes UK, [Living with diabetes in Wales](#)

<sup>81</sup> Senedd Research, [Can we stop the rise of diabetes?](#) (June 2023)

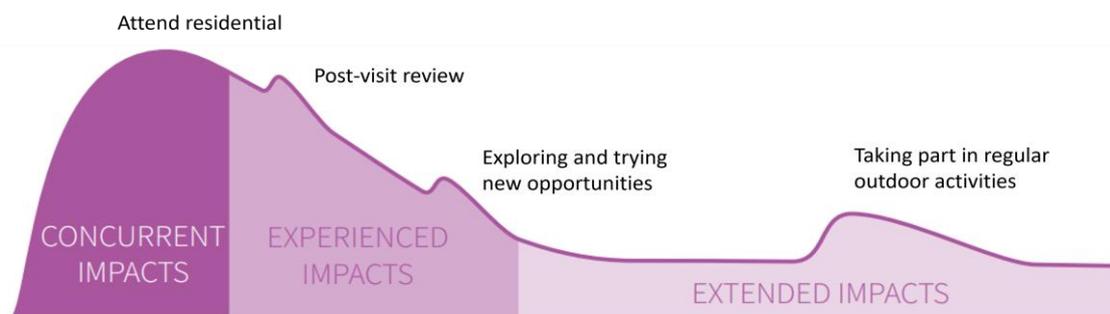
<sup>82</sup> Diabetes UK, [Prediabetes](#)

<sup>83</sup> Welsh Government, [Healthy weight strategy \(Healthy Weight Healthy Wales\)](#)

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children to outdoor activities therefore form an important access point to lifelong participation (Figure 9).

Figure 9: The impact pattern of a residential (adapted from Carnwath and Brown 2014)<sup>84</sup>



### Economic benefits

**83.** Introducing children and young people to the outdoor sector through participation has a critical role to play in the sustainability and growth of the outdoor activity tourism sector in Wales. As depicted in Figure 10, a recent analysis of the outdoor activity sector in Wales shows that the sector is worth over £1.6bn to the Welsh economy and supports over 30,000 jobs (21% of all tourism jobs in Wales).<sup>85</sup>

**84.** The report also shows that health and wellbeing benefits are primary reasons for participation and that a 10% increase in participation could lead to an increase in social value of £187m across mental and physical health, mental wellbeing, social capital and individual development.<sup>86</sup>

**85.** Increasing the capacity of the sector to accommodate this growth is therefore both desirable and necessary, and the authors note the potential impact of the Bill resulting from 'introducing all children in Wales to the benefits of experiencing outdoor activities'.

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<sup>84</sup> Carnwath, J. D., & Brown, A. S. (2014). Understanding of the value and impacts of cultural experience – a literature review. London: Arts Council England.

<sup>85</sup> Miller Research Evaluation Consulting, Economic and Social Evaluation of the Outdoor Activity Sector in Wales (2023)

<sup>86</sup> Miller Research Evaluation Consulting, Economic and Social Evaluation of the Outdoor Activity Sector in Wales (2023)

Figure 10: Contribution of the outdoor activity sector to the Welsh economy



### Social Return on Investment

**86.** Social Return on Investment (SROI) research is gaining momentum in the outdoor activity sector. Studies that have been carried out to date all point to significant returns on investment.

**87.** SROI research on recent Outdoor Partnership projects shows improvements in mental and physical wellbeing, self-confidence, independence and socialisation, and a return on investment of £7.12 for each £1 invested, supporting the principle of ‘prevention’ outlined in the Well-being of Future Generations (Wales) Act 2015.<sup>87</sup> Although not focused on outdoor education residential, many of the assessed impacts highlighted the enjoyment participants gained from the activities, often having been introduced to activities for the first time and then continued later through activity clubs. Many children join clubs as a way of furthering an interest in the outdoors that they have been introduced to on an outdoor education residential.

**88.** A study of learning in the natural environment in primary school settings showed that where outdoor learning is embedded in school practice the **forecast SROI is £4.32 for**

<sup>87</sup> Social Value Cymru, [Opening Doors to the Outdoors](#) (2023)

every £1 invested.<sup>88</sup> Although this does not apply to single events such as an outdoor education residential, the study encompassed practice that included residential.

**89.** A more specific SROI study on the benefits of outdoor education residential has been carried out in Canada with Outward Bound.<sup>89</sup> There, the long-term impacts attributed to improved resilience, social capital and nature connection suggested a significant SROI resulting from offset health care costs and increased productivity. Improved social connectedness also led to better academic outcomes, improved work opportunities and associated lifetime earnings and reduced reliance on state support. The study reported a multiplier effect where the benefits experienced by the participant also have a positive, knock-on effect on their peers, families and other significant adults.

## **Meeting the goals of the Well-being of Future Generations (Wales) Act 2015**

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### **Physical health**

**90.** Reaching the target of a healthier Wales is based on improving physical and mental wellbeing through making positive choices about behaviour and lifestyle. Climbing Higher, the Welsh Government strategy for physical activity<sup>90</sup>, and Climbing Higher: Next Steps<sup>91</sup> both promote the health benefits of physical activity outdoors, setting out the aims of the strategy which include:

- Wales needs to be more physically active in order to be a healthier nation.
- Wales needs healthy citizens to deliver long-term prosperity.
- Wales needs to maximise the synergy between sport, physical activity and the natural environment.

**91.** By creating a statutory entitlement, the Bill will develop these concepts of lifelong health and well-being by ensuring that all young people have an opportunity to experience outdoor education activities.

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<sup>88</sup> Council for Learning Outside the Classroom [Learning Outside the Classroom: in natural environments](#) (2022)

<sup>89</sup> Outward Bound Canada, [Outward Bound Canada Impact Report](#) (May 2020)

<sup>90</sup> Welsh Government, [Climbing Higher](#), (2005)

<sup>91</sup> Welsh Government, [Climbing Higher: Next steps](#), (2006)

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## Mental health

**92.** In 2021-22, mental health alone accounted for 10.9% of total NHS expenditure in Wales (approximately £962 million).<sup>92</sup> Further, mental health annually is estimated to cost the Welsh economy £4.8 billion<sup>93</sup> and, although directly unquantifiable, outdoor education residentials have significant potential to be much more than one-off experiences and can initiate lifelong participation in outdoor activity, with its attendant health and wellbeing benefits<sup>94</sup>, potentially reducing the impact on the NHS.

**93.** In turn this will have long-term impacts on the health and well-being of the population as they leave school and have a greater opportunity to become healthy adults (also in line with one of the four purposes of the Curriculum for Wales). The mental health and well-being benefits of outdoor education residential programmes could reduce the demands on child and adolescent mental health services in the near future and could also reduce demands on the wider NHS and health care services in the longer term.

**94.** Children's mental health has featured prominently on the policy and scrutiny agenda in recent years. The Programme for Government includes commitments to prioritise investment in mental health, prioritise service redesign to improve prevention, tackle stigma and promote a no wrong door approach to mental health support. This includes the NEST framework<sup>95</sup> which aims to ensure a whole system approach for developing mental health, well-being and support services for babies, children, young people, parents, carers and their wider families across Wales.

**95.** In 2018, a Senedd Committee published "Mind over Matter", a report of its inquiry into the emotional and mental health of children and young people<sup>96</sup> and carried out follow-up scrutiny in 2020.<sup>97</sup> Subsequently, the Minister for Education and Welsh Language and Deputy Minister for Mental Health and Wellbeing have joint Ministerial oversight for a Whole School Approach to Wellbeing. The Welsh Government has issued

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<sup>92</sup> Welsh Government: [NHS expenditure programme budgets: April 2021 to March 2022](#)

<sup>93</sup> Mental Health Foundation report: [The economic case for investing in the prevention of mental health conditions in the UK](#)

<sup>94</sup> Takako Takano (2010) [A 20-year retrospective study of the impact of expeditions on Japanese participants](#), *Journal of Adventure Education and Outdoor Learning*, 10:2, 77-94

<sup>95</sup> Welsh Government, [NEST framework \(mental health and wellbeing\): introduction](#)

<sup>96</sup> Senedd Cymru, Children, Young People and Education Committee: [The Emotional and Mental Health of Children and Young People \("Mind over Matter."\)](#) (2018)

<sup>97</sup> Senedd Cymru, Fifth Senedd's Children, Young People and Education Committee: [The Emotional and Mental Health of Children and Young People \("Mind over Matter."\) -- Follow-up](#) (2020)

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statutory guidance to schools, pupil referral units and local authorities on embedding a whole-school approach to emotional and mental wellbeing.<sup>98</sup> There is ongoing Senedd interest in and scrutiny of this policy area, including most recently from the Welsh Youth Parliament<sup>99</sup> as concerns persist about children's mental health and their timely access to services<sup>100</sup>, not least due to the impact of the COVID-19 pandemic. The Bill has the potential to contribute substantially to tackling this agenda.

### **Equitable access**

**96.** The goal in the Well-being of Future Generations (Wales) Act 2015 of a more equal Wales means challenging socio-economic disadvantage and creating a just society where all people, no matter what their background, have equal access to the benefits. This is far from the case with access to residential. Even for those schools that did organise outdoor education residential in 2022/23, EVOLVE data shows that 77% were away for visits of two nights or less, and 23% for three or more.<sup>101</sup> While some children have the chance to access the potential benefits in full, others have much more restricted opportunities or none at all. The benefits are unevenly distributed, leading to inequitable opportunities in the future.

**97.** Data from the Natural England Monitor of Engagement with the Natural Environment (MENE) survey that ran for 10 years up to 2019 shows that access to the outdoors for marginalised and minority groups is significantly lower than for the majority. In 2018/19, 70% of children from a white background spent time outside once a week, compared to 56% of children from black, Asian and ethnic minority backgrounds.<sup>102</sup> Despite specific data being unavailable, it is reasonable to assume that a similar situation exists in Wales. By giving an entitlement to an outdoor education residential during formal schooling, the Bill will ensure that all children, no matter what their background, have the same opportunities at an introductory level.

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<sup>98</sup> Welsh Government, [Framework on embedding a whole-school approach to emotional and mental wellbeing](#) (2021)

<sup>99</sup> Welsh Youth Parliament, [Our mental health and well-being](#)

<sup>100</sup> The [Children's Commissioner for Wales](#) has made the mental health of children and young people and pursuing the 'No Wrong Door' model a policy priority for 2023-26.

<sup>101</sup> Analysis of EVOLVE data provided by Edefocus

<sup>102</sup> Natural England [Monitor of Engagement with the Natural Environment \(MENE\) survey](#). (2019)

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## Welsh language

**98.** There are opportunities for the Bill to benefit the Welsh language and support progress towards the Welsh Government's Cymraeg 2050 target<sup>103</sup> that 70% of school leavers are able to speak Welsh from the current level of around 40%.<sup>104</sup> By accessing other parts of the country through outdoor education residential, children and young people broaden their horizons and have opportunities to engage with, compare and contrast different localities, engaging with culture and language beyond their normal everyday life. In so doing, outdoor education residential undertaken in Wales contribute to the Cymraeg 2050 target and the broader aim of one million Welsh speakers by 2050, also contributing to upskilling the workforce, and further developing access to employment opportunities in the outdoor activities sector of the economy. Exposure to, and learning about, the Welsh language through outdoor education residential can also play an important role in pupils engaging with their 'cynefin' as part of the Curriculum for Wales.

**99.** Several consultation responses highlighted the benefits that participating in outdoor education residential can have for promoting and supporting the Welsh language and culture. Dyfodol i'r laith cited increasing Welsh identity and awareness as one of the three main benefits of residential outdoor education, enhancing understanding of the relationship between Wales and the language and participants' pride in their Welshness.<sup>105</sup> The Welsh Language Commissioner said outdoor education can offer important opportunities for children and young people to hear and use the Welsh language outside the classroom and in informal and fun situations. She pointed to the Urdd's residential courses, for example, which offer significant opportunities for pupils across Wales to experience a range of outdoor activities while also being immersed in the Welsh language and Welsh culture.<sup>106</sup>

## Environment

**100.** The Wellbeing of Wales 2022 report<sup>107</sup> also highlights the growing concern for the environment amongst children and young people. Outdoor education residential can

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<sup>103</sup> Welsh Government, [Cymraeg 2050](#)

<sup>104</sup> Welsh Government, [Wellbeing of Wales 2022](#)

<sup>105</sup> Dyfodol i'r laith, [Response to the consultation on Development of the Outdoor Education \(Wales\) Bill](#)

<sup>106</sup> Welsh Language Commissioner, [Response to the consultation on Development of the Outdoor Education \(Wales\) Bill](#)

<sup>107</sup> Welsh Government, [Wellbeing of Wales 2022](#)

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play an important role in children and young people developing relationships with the natural environment, an important first stage in developing pro environmental behaviours.

**101.** Consultation undertaken on the proposals behind the Bill highlighted the positive impact participating in outdoor education residential has on young people’s attitudes towards the environment as they grow up. The connection to and understanding of nature that comes with an outdoor education residential experience can instil and harvest positive attitudes and behaviour regarding critical issues such as sustainability and climate change. Almost a third of respondents to the general consultation highlighted the benefits in terms of connections to the natural environment while over 10% cited the development of positive attitudes towards the environment specifically.<sup>108</sup> A similar proportion (10%) of children and people responding to their consultation identified learning about environment and nature as a main benefit.<sup>109</sup>

## **What is happening elsewhere in the UK?**

**102.** A number of political initiatives are concurrent in Wales, Scotland and England.

**103.** In England, Tim Farron MP tabled an Early Day Motion (EDM) in June 2023 calling for every child to be given the opportunity to benefit from outdoor education during their time at school, and for each child to have the chance of at least one residential outdoor education visit during primary school years and at least one during secondary school years.<sup>110</sup> The EDM received cross-party support from MPs.

**104.** Tim Farron MP subsequently presented a Private Member’s Bill (Presentation Bill) to the House of Commons: “A Bill to require that every child be offered at least one outdoor education experience during primary school years and at least one such experience during secondary school years; and for connected purposes”.<sup>111</sup> The 1st reading was on 20 June 2023, however a date for the 2nd reading had not yet been announced.<sup>112</sup>

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<sup>108</sup> Sam Rowlands MS, [Summary of consultation on proposed Outdoor Education \(Wales\) Bill](#) (May 2023)

<sup>109</sup> Sam Rowlands MS, [Summary of children and young people consultation on proposed Outdoor Education \(Wales\) Bill](#) (May 2023)

<sup>110</sup> UK Parliament, [Early Day Motions: Outdoor education experiences for children](#) (13 June 2023)

<sup>111</sup> Tim Farron MP, [Proposed Outdoor Education Bill](#)

<sup>112</sup> As at the date of introduction of the Residential Outdoor Education (Wales) Bill: 24 November 2023

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**105.** In **Scotland**, Liz Smith MSP introduced the proposed Schools (Residential Outdoor Education) (Scotland) Bill in April 2022.<sup>113</sup> This proposes that students in Scotland, from Primary 6 to Secondary 4 (equivalent to years 7-11 in Wales), should have a four-night and five-day adventurous residential experience once during their school years. It would also introduce an “educational standard” for the outdoor residential experience based on a quality framework agreed with both Education Scotland, HMIE and the outdoor residential sector. The Bill is currently being developed and is likely to be presented to Parliament by Liz Smith MSP in early 2024.

**106.** **Northern Ireland** operates a number of state supported outdoor learning centres<sup>114</sup> providing subsidised outdoor education experiences for children and young people as part of their school curriculum. Other than between January 2020 and February 2022, the Northern Ireland Assembly has been suspended since early 2017 and there is no current or recent political activity related to residential outdoor education.

## Chapter summary

**107.** This chapter has provided an overview of the Bill’s policy objectives, set out why the Bill is needed and placed it in the context of other relevant legislation and developments elsewhere in the UK.

**108.** Wales has a rich heritage of outdoor education that offers numerous opportunities for children and young people’s personal and social development, all within the context of the enabling framework provided by the new Curriculum for Wales. Research evidence clearly shows the benefits that can accrue from outdoor education and positions outdoor education residential as a key part of a young person’s educational journey. The benefits reach beyond the individual in a school setting, having a potential longer term impact on lifelong learning, health, employment, the economy and the environment.

**109.** Access to these benefits, however, is inequitable. There are inconsistencies and variation in whether schools organise an outdoor education residential for their pupils, analysis of EVOLVE data indicating that learners in around a third of primary schools and between a quarter (based on 2018/19 data) and a half (based on 2022/23 data) of

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<sup>113</sup> Liz Smith MSP, [Proposed Schools \(Residential Outdoor Education\) \(Scotland\) Bill](#)

<sup>114</sup> Education Authority (Northern Ireland), [Outdoor Learning Service](#)

secondary schools currently miss out as no outdoor education residential are offered (see paragraphs 40 to 43).

**110.** Where residential are offered, the availability of variable levels of financial support from schools and local authorities means that parents on low income are often unable to meet the financial contributions necessary for their children to take part, thus missing out on key educational experiences. In around a third of schools that do organise outdoor education residential, fewer than 75% of pupils participate with financial constraints the leading reason (see paragraphs 44 to 48).

**111.** The Welsh Government has consistently highlighted both equity and well-being as fundamental principles of education in Wales.<sup>115</sup> This Bill will ensure aspects of each are strengthened in the national mission and not subject to the significant pressures on local authority budgets or the costs of allocations to other competing policy priorities.

**112.** The Bill will position Wales at the forefront of outdoor education in the UK, capitalising on its rich landscape, culture and economic opportunities. Other European governments have set precedents for centrally funded outdoor education provision, with Slovenia demonstrating a high standard of education and training with a similar population and economy to Wales. More globally, Singapore operates a state-run programme of residential outdoor education provision so that every child and young person can gain the developmental benefits of such a visit.

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<sup>115</sup> Welsh Government, [Education in Wales: Our national mission – Update October 2020](#) (October 2020) and [Our national mission: high standards and aspirations for all](#) (March 2023)

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## 4. What the Bill does and why

**113.** Paragraphs 8 to 14 set out the policy objectives of the Bill, and the previous chapter as a whole outlined why the Bill is needed and the benefits it will have. This chapter of the Explanatory Memorandum explains the provisions of the Bill and what they practically do.

**114.** The Bill includes the following two main provisions:

- **Pupils' entitlement to at least four nights and five days of residential outdoor education experience, free of charge (section 1):** The Bill amends the Curriculum and Assessment (Wales) Act 2021, placing a duty on the Welsh Ministers to take all reasonable steps to ensure a course of residential outdoor education is provided to registered pupils at maintained schools once, free of charge, during their schooling. The course must be at least four nights and five days long and can be provided as one or more visits. The Welsh Ministers will be required to issue a statutory Residential Outdoor Education Code, which will set out how residential outdoor education should be delivered as part of the Curriculum for Wales. The Welsh Ministers will also be required to issue guidance in respect of residential outdoor education.
- **Welsh Government to provide funding to finance the provision (section 2):** The Welsh Ministers will have a duty to provide local authorities with sufficient funding to enable the provision of a course of residential outdoor education under the Curriculum and Assessment (Wales) Act 2021, as amended by the Bill.

**115.** Section 3 of the Bill ensures that board and lodging are included free of charge to pupils for the course of residential outdoor education to be provided as part of the Curriculum for Wales. Where schools arrange further visits in addition to the free entitlement provided for by this Bill, they will be able to charge for board and lodging as they may at present.

## **Pupils' entitlement to at least four nights and five days of residential outdoor education experience, free of charge (section 1):**

**116.** The Curriculum and Assessment (Wales) Act 2021<sup>116</sup> (the 2021 Act) established a new curriculum in Wales for 3 to 16 year olds. The Curriculum for Wales is organised around four purposes, six Areas of Learning and Experience (AoLEs), four mandatory elements and three cross-curricular skills.<sup>117</sup>

**117.** Section 1 of the Bill amends the 2021 Act, creating an entitlement for pupils in maintained schools to experience residential outdoor education as part of the curriculum. The Welsh Ministers must take all reasonable steps to ensure a course of residential outdoor education is provided once to all pupils in maintained schools, free of charge. This duty is placed on the Welsh Government rather than local authorities or schools so Ministers can decide how best this should be implemented. It will not necessarily be for the Welsh Government to provide residential outdoor education itself but to take reasonable steps to ensure it is provided.

**118.** A course of residential outdoor education under the Curriculum for Wales will be required to consist of at least four nights and five days. It may take place on one visit or be spread over more than one visit. Whilst pupils will have an entitlement to four nights and five days of residential outdoor education as part of the curriculum, there is nothing to prevent a school organising additional experiences outside its curriculum.

**119.** The entitlement to residential outdoor education only applies to pupils in maintained schools and therefore does not include those educated otherwise than at school (EOTAS), for example in pupil referral units (PRU), or those whose parents electively home educate their children. The Bill does not prevent children EOTAS from participating in residential outdoor education – many do so already and will continue to do so. However, the 2021 Act sets different curriculum requirements for children EOTAS to those for other children<sup>118</sup>, and this Bill follows suit. Given the benefits of residential outdoor education for children EOTAS, it is hoped the Welsh Government will consider

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<sup>116</sup> [Curriculum and Assessment \(Wales\) Act 2021](#)

<sup>117</sup> Welsh Government (Hwb website), [Curriculum for Wales](#)

<sup>118</sup> Children EOTAS are only required to receive a limited version of the Curriculum for Wales whereby the four purposes apply and they must be taught the Health and Wellbeing Area of Learning and Experience (AoLE), Relationships and Sexuality Education (RSE) and the mandatory cross-curricular skills of literacy, numeracy and digital competence. The Curriculum and Assessment (Wales) Act 2021 provides for children EOTAS to receive the other aspects of the Curriculum for Wales where it is reasonable and appropriate.

how they can be offered it, whether as part of the statutory entitlement or by other means.

**120.** To implement the Bill, the Welsh Government will need to develop a co-ordinated and consistent approach to residential outdoor education in Wales. There is an established residential outdoor education sector in Wales, which many schools already utilise. The sector has the capacity to work with the additional children and young people that this Bill will benefit. The historical development of outdoor education in Wales means that there are a high number of providers (approximately 50) in a relatively small area when compared with other parts of the UK, meaning that the degree of choice available to schools with relatively short journey distances to access them is high.

**121.** Under the 2021 Act, the Welsh Ministers are required to issue a statutory What Matters code setting out the key concepts within the six Areas of Learning and Experience. The Welsh Ministers must keep the What Matters Code under review and may revise it. The What Matters Code was first published in November 2021 and last updated in June 2023.<sup>119</sup>

**122.** The Bill amends the 2021 Act so that the Welsh Government must include within the What Matters Code that the provision of a course of residential outdoor education is to be a key concept within an AoLE. The Welsh Government will be able to determine which of these AoLEs is most suitable.

**123.** The Welsh Ministers have a power to issue guidance under the 2021 Act to bodies exercising functions under it. This includes schools and local authorities. The Bill requires the Welsh Ministers to issue such guidance in respect of residential outdoor education. This will be the main mechanism through which the Welsh Government can set out the detail of how the Bill will be implemented in practice.

### **Limiting the provision of residential outdoor education as part of the Curriculum for Wales, and therefore free of charge, to once**

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**124.** Under the Education Act 1996 (“the 1996 Act”)<sup>120</sup>, and as set out in the Welsh Government’s guidance to school governors<sup>121</sup>, schools are unable to charge for residential visits that take place in school hours or are linked to a duty imposed by or

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<sup>119</sup> Welsh Government, [Curriculum for Wales: statement of what matters code](#) (June 2023)

<sup>120</sup> [Education Act 1996, sections 451-452](#)

<sup>121</sup> Welsh Government, [Governors’ guide to the law: Chapter 17. Charging for school activities](#)

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under the 2021 Act. They may charge for the cost of board and lodging but not for the education provided or for travel. Section 3 of the Bill provides that board and lodging is included in the costs that are free of charge to pupils for outdoor education residentials arranged under the 2021 Act, as amended by the Bill. (see paragraphs 147 to 148).

**125.** The new sections 64A(1), 64A(2) and 64A(9) of the 2021 Act, which section 1 of the Bill inserts, provide that a course of residential outdoor education is only provided once as part of the Curriculum for Wales, meaning that only one course of (at least) four nights and five days will be free of charge. However, it is anticipated that schools may arrange additional visits that, as at present, pupils would have to pay for (although there may be subsidising of pupils from low income households).

**126.** These provisions in the Bill are to ensure that only one course of residential outdoor education is to be funded by the Welsh Government, including board and lodging, and to avoid an unintended scenario whereby schools may be discouraged from arranging certain further outdoor education residentials that do not benefit from the free entitlement established by the Bill, as they may not be able to charge for the visit or for board and lodging.

**127.** As the new section 64A(11) the Bill inserts into the 2021 Act states, nothing prevents residential outdoor education being provided outside of the entitlement established by the Bill.

### **Duration of individual visits**

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**128.** As stated above (paragraph 118), the Bill provides for flexibility in whether a course of residential outdoor education (which must be equivalent to at least four nights and five days) takes places on one visit or is spread over more than one visit. 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.

**129.** Research shows that longer outdoor education residential visits have greater personal and social development impacts than shorter ones.<sup>122</sup> Further studies into the benefits of outdoor educational visits show that five-day courses have greater positive

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<sup>122</sup> Fiennes, C. et al. (2015) The Existing Evidence-Base about the Effectiveness of Outdoor Learning. London: UCL Institute of Education. Evidence for Policy and Practice: Information and Co-ordinating Centre (EPPI-Centre) and Giving Evidence.

effects on perceptions of the environment than shorter stays.<sup>123 124</sup> One consultation response in particular (from Challenge Wales) summarised participants' emotional journey throughout a week of residential outdoor education and how this enables them to gain maximum benefit.<sup>125</sup>

**130.** Longer stays allow for the enhanced development of the short-term community that is a core component of the residential (see Chapter 3, paragraph 68). Settling into a new environment, learning how it works and then having time to develop the relationships that are a key outcome of outdoor education residential are all enhanced by an extended time period. Similarly, personal learning, gained through experience, can be applied through subsequent activities. Longer stays also provide increased value for money when allowing for transport costs and provider fees.

**131.** However, feedback received through the consultations (see Chapter 5) indicated there is mixed opinion about the best length of an outdoor education residential. Therefore, while longer stays have a number of personal and social benefits, the Bill recognises that such a length of stay may not be appropriate for all children and young people and provides for flexibility in the length of visits that make up the four night / five day entitlement.

### **Statutory Residential Outdoor Education Code**

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**132.** In addition to the What Matters Code, under the 2021 Act, the Welsh Ministers must issue a statutory code on progression under the curriculum and on one of the mandatory elements – Relationships and Sexuality Education.

**133.** The Bill amends the 2021 Act to require an additional statutory code to be issued – a Residential Outdoor Education Code. As with the other three codes specified in the 2021 Act, a school's curriculum will not comply with the 2021 Act unless it accords with the Residential Outdoor Education Code.

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<sup>123</sup> Dillon, J. et al (2006) The value of outdoor learning: evidence from research in the UK and elsewhere. School Science Review, 87(320). pp.107-111

<sup>124</sup> Braun, T., & Dierkes, P. (2017) Connecting students to nature – how intensity of nature experience and student age influence the success of outdoor education programs. Environmental Education Research, 23(7), 937–949.

<sup>125</sup> Challenge Wales, Response to the consultation on Development of the Outdoor Education (Wales) Bill.

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**134.** The Residential Outdoor Education Code must set out the way in which the curriculum is to make provision for residential outdoor education. It is anticipated that the Welsh Government may consider giving more detail in the Code of what is meant by residential outdoor education, potentially including a definition.

### **Welsh Government guidance**

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**135.** The Bill amends the 2021 Act to require the Welsh Ministers to issue guidance in respect of residential outdoor education. It sets out some parameters on what the guidance must and may include. It is important to note that this stipulates which matters the Welsh Ministers must include guidance on and which items they may decide to include. Unless specifically stated, it is not intended to stipulate what the bodies exercising functions covered by the guidance must or must not do. That will be for the Welsh Ministers to decide.

### **What the guidance must include**

**136.** The guidance **must** provide that **residential outdoor education is not compulsory** for pupils to attend. The intention behind the Bill is to give pupils the opportunity (and encourage them to take it), although they must not be compelled.

**137.** The guidance **must** provide that **residential outdoor education is suitable** to a pupil's age, ability, aptitude and any additional learning needs they may have. This is in line with the general requirements of the Curriculum for Wales, as specified in the 2021 Act.

**138.** The guidance **must** provide that residential outdoor education be **provided in Welsh, subject to availability, where requested by a school**. This is in line with the generally accepted principle that learners should receive education in their preferred language medium of English or Welsh.<sup>126</sup> However, this will be subject to capacity and availability. 23% of pupils learn through the medium of Welsh,<sup>127</sup> although the proportion who reported being able to speak it was 40% and 34% in the 2011 and 2021 censuses respectively.<sup>128</sup> With the exception of the Urdd centres at Glan Llyn and Llangrannog,

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<sup>126</sup> Welsh Government guidance on [School Categories according to Welsh-medium provision](#) states that in a school categorised as a Welsh-medium school at least 60% of learners undertake at least 70% of their school activities (curricular and extra-curricular) in Welsh, and in a designated Welsh-medium school 100% of learners undertake at least 90% of their school activities (curricular and extra-curricular) in Welsh.

<sup>127</sup> This is based on 108,866 pupils attending Welsh-medium schools, out of a total of 469,872 pupils. Welsh Government, [School census results: January 2023](#)

<sup>128</sup> Welsh Government, [Welsh language in Wales \(Census 2021\)](#)

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capacity to deliver outdoor education residential through the medium of Welsh is limited to only a handful of other providers. This is primarily due to the low numbers of Welsh instructors working in the sector, although a long-term project run by the Outdoor Partnership across Wales<sup>129</sup> is slowly creating a generational change in capacity. Encouraging children into a lifelong love of the outdoors through initial high impact experiences like those on outdoor education residential contributes to the growing Welsh-speaking outdoor activity sector workforce.

**139.** The guidance **must** make provision in respect of the **costs that it would be reasonable to incur** in connection with residential outdoor education. It is not the intention of the Bill that the public purse should fund excessive and disproportionate holidays or visits, particularly where they have no or limited educational or personal development benefit. The guidance must provide for what costs it would be reasonable to incur in respect of board and lodging and transport. The 1996 Act prevents schools from charging for the costs of education and transport incurred through residential activity that takes place during school hours or is related to a duty imposed by or under the 2021 Act, although in either case they may charge for the costs of board and lodging. This aspect of the guidance, alongside sections 452 and 455 of the 1996 Act as amended by section 3 of the Bill, will make it clear that the costs of board, lodging and transport are to be funded when outdoor education residential are offered under the duty in the new section 64A of the 2021 Act.

### **What the guidance may include**

**140.** The guidance **may** set out at **which age(s), or in which year group(s)**, pupils should be offered residential outdoor education. The Explanatory Memorandum published regarding the policy objectives in August 2022 and the consultation document published in January 2023 reflected that Year 6 is a common age for children to experience residential outdoor education as they prepare to leave primary school and start secondary school. There are clear benefits of outdoor education residential in transition between primary and secondary school and the consultation responses reinforced this. However, there were some calls for flexibility given the benefits that can also accrue at other ages. It will be for the Welsh Government to consider this further when implementing the new provisions of the 2021 Act inserted by the Bill.

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<sup>129</sup> The Outdoor Partnership, [About us](#)

**141.** The guidance **may** provide that residential outdoor education **promotes an understanding of Welsh language and culture**. 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. Whilst this may not always be possible on every occasion and in every setting, when implementing the new provisions of the 2021 Act as set out in the Bill the Welsh Government could consider how to meet other policy interests such as Cymraeg 2050 and young people’s understanding of, and connection to, their ‘cynefin’ and Welsh culture more generally.

**142.** The guidance **may** set **requirements** that must be satisfied **before a person is permitted to provide** residential education. Residential outdoor education can take many forms, some of which are subject to statutory licensing requirements under the Activity Centres (Young Persons’ Safety) Act 1995 and the Adventure Activities Licensing Regulations 2004.<sup>130</sup> Where activities do not need to be licensed<sup>131</sup>, a number of voluntary accreditation schemes exist that provide reassurance for clients regarding quality and safety.<sup>132</sup> For example, the holding of the Learning Outside the Classroom Quality Badge by outdoor education providers is a nationally recognised indicator of good quality educational provision. The Outdoor Education Advisers Panel (OEAP) provides further guidance on organising educational visits and outdoor learning, which is endorsed by the Welsh Government.<sup>133</sup>

**143.** The guidance **may** make provision in respect of **schools’ staff costs** relating to a course of residential outdoor education under the 2021 Act. Some consultees, particularly teaching unions and head teachers, highlighted that there may be additional costs in

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<sup>130</sup> The Activity Centres (Young Persons’ Safety) Act 1995 requires anyone who provides, in return for payment, adventure activities covered by the Adventure Activities Licensing Regulations 2004 (AALR), to young people under 18 years of age to have an **Adventure Activities Licensing Authority (AALA) licence** and abide by its conditions. Where residential outdoor education providers do not provide, in return for payment, adventure activities covered by the AALR, to young people under 18 years of age, they are required to provide assurances of a third party inspection that **demonstrates compliance** with relevant health and safety legislation and high-quality educational provision.

<sup>131</sup> The Adventure Activities Licensing Regulations (AALR) defines groups of activities, the provision of which necessitates an AALA licence (i.e. trekking, climbing, caving, and water sports). Activities are tightly defined and outdoor education providers may offer activities that do not fall under the remit of the AALR, such as climbing on artificial walls, lowland walking, canoeing on very small bodies of sheltered water, archery or bushcraft activities, meaning that they do not need an AALA licence.

<sup>132</sup> These include: the **Learning Outside the Classroom Quality Badge**; the **Association of Heads of Outdoor Education Centres (AHOEC) Gold Standard**; **Adventuremark**; the **Visit Wales Adventure Activity Assurance Scheme**; and the **British Activity Providers Association Code of Practice**.

<sup>133</sup> Welsh Government, **Educational visits and outdoor learning**

terms of school staff – either in respect of those accompanying pupils on the visit or those covering their absence or teaching pupils who have not gone for any reason. These costs are considered in the Regulatory Impact Assessment. This provision enables the Welsh Government to consider what might be necessary to cover in the guidance.

**144.** The guidance may include any other provision that the Welsh Ministers consider appropriate.

## **Welsh Government to provide funding to finance the provision (section 2)**

**145.** A consideration throughout the development of the Bill has been to ensure, as far as possible, that any additional costs of the entitlement to residential outdoor education, free of charge to pupils, do not have to be met from local authorities' or schools' existing budgets.

**146.** Section 2 of the Bill amends the 2021 Act to require the Welsh Ministers to pay local authorities sufficient funding to enable the provision of residential outdoor education under the 2021 Act, as amended by the Bill. This is separate to the existing arrangements for setting school budgets under the School Standards and Framework Act 1998.

## **Making board and lodging free of charge to pupils for outdoor education residentials that are part of the curriculum (section 3)**

**147.** Under the 1996 Act, schools are unable to charge for the education and transport elements of residential visits undertaken during school hours or which are linked to a duty imposed by or under the 2021 Act, although they are able to charge for board and lodging. However, in the case of outdoor education residentials, board and lodging makes up a considerable portion of the costs. The Bill provides that where such residentials are undertaken to fulfil the requirements the Bill imposes on the Curriculum for Wales, the exemption of board and lodging from the 1996 Act's prevention of charging does not apply.

**148.** However, where outdoor education residentials are organised in addition to the entitlement provided for by the Bill, the existing charging arrangements under the 1996 Act will apply whereby schools will be able to charge for education and travel if the visit is not linked to the 2021 Act and is outside of school hours, and be able to charge for the cost of board and lodging in any case. As previously stated, this is to avoid an unintended

scenario whereby schools may be discouraged from arranging further outdoor education residentials that do not benefit from the free entitlement provided for by the Bill, as they may not be able to charge for the visit or for board and lodging and have to meet such costs themselves.

## **What the Bill does not do**

**149.** This chapter has explained what the Bill does. It is important to note some things that the Bill does not do. It does not:

- compel any child or young person to attend an outdoor education residential against their will;
- seek to fund the entitlement to an outdoor education residential course from existing education budgets;
- provide children educated otherwise than at school (EOTAS) with an entitlement to a course of residential outdoor education under the curriculum – in line with the separate curriculum in place for children EOTAS under the 2021 Act; however nor does it prevent children EOTAS from experiencing residential outdoor education and it is hoped the Welsh Government will consider further how to take this forward;
- specify the nature of the outdoor education residential experience that a child or young person should have;
- specify when an outdoor education residential should take place in a child or young person's school career;
- aim to fund voluntary participation schemes that are often delivered through a school setting, such as the Duke of Edinburgh's Award scheme.

## **Chapter Summary**

**150.** This chapter has set out the provisions of the Bill and what they practically do.

**151.** The Bill includes two main provisions:

- Pupils' entitlement to at least four nights and five days of residential outdoor education experience, free of charge (see paragraphs 152 to 157 below for further details).
- Welsh Government to provide funding to finance the provision.

**152.** The Bill places a duty on the Welsh Ministers to take all reasonable steps to ensure that a course of residential outdoor education is provided once, free of charge, as part of a curriculum to pupils in maintained schools. This course of residential outdoor education must comprise at least four nights and five days and may take place on one visit or be spread over more than one visit.

**153.** The Bill amends the Curriculum and Assessment (Wales) Act 2021 so that the Welsh Government must include within the What Matters Code that the provision of a course of residential outdoor education once is to be a key concept within an Area of Learning and Experience (AoLE). The Welsh Government will be able to determine which of these AoLEs is most suitable.

**154.** The Bill amends the Curriculum and Assessment (Wales) 2021 Act to require an additional statutory code to be issued – a Residential Outdoor Education Code. As with the other three codes specified in the 2021 Act, a school's curriculum will not comply with the 2021 Act unless it accords with the Residential Outdoor Education Code.

**155.** The Residential Outdoor Education Code must set out the way in which the curriculum is to make provision for residential outdoor education.

**156.** The Bill amends the Curriculum and Assessment (Wales) 2021 Act to require the Welsh Ministers to issue guidance in respect of residential outdoor education. It sets out some parameters on what the guidance must and may include.

**157.** Nothing in the Bill prevents residential outdoor education being provided outside of the entitlement established by the Bill.

## 5. Support for the Bill and public consultation

**158.** This chapter summarises responses from the consultation that has been carried out in support of the Bill from summer 2022 to July 2023. There is strong and widespread support for the proposals behind this Bill.

### **Initial informal consultation**

**159.** Following the initial ballot result in summer 2022, which commenced the process of seeking the Senedd's consent to develop and introduce a Bill, support from the leading outdoor education organisations across Wales was sought, and received from:

- The Associations of Heads of Outdoor Education Centres
- The Institute for Outdoor Learning
- Urdd Gobaith Cymru
- Bangor University
- Outdoor Alliance Wales
- Wales Adventure Tourism Organisation
- South Wales Outdoor Activity Providers Group
- Pembrokeshire Outdoor Charter Group
- The Wales Council for Outdoor learning
- Partnerieath Awyr Agored
- Snowdonia Active
- Adventure Activities Industry Advisory Committee
- Mountain Training Cymru
- Arete Outdoor Centre
- The Outward Bound Trust

- The Field Studies Council
- Storey Arms Centre
- Bryntysilio Outdoor Education Centre
- British Mountaineering Council (BMC)
- Outdoor Education Advisers Panel (Cymru)
- Ramblers Cymru
- Active Learning Centres
- Canoe Wales
- Adventure Beyond
- National Coasteering Charter Group
- Cambrian Caving Council
- Rhos y Gwaliau Outdoor Education Centre
- Blue Peris Mountain Centre
- The Open Spaces Society
- British Caving Association

### **Consultation on the policy objectives of the Bill**

**160.** A general consultation on the proposals for the Bill was held between 31 January and 17 March 2023. A summary of responses has been published.<sup>134</sup>

**161.** This showed a very significant level of support for the principles behind the proposals.

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<sup>134</sup> Sam Rowlands MS, [Summary of consultation on proposed Outdoor Education \(Wales\) Bill](#) (May 2023)

- Everyone responding agreed that outdoor education is important to children and young people's overall education and development (94% saying "Very important").
- The vast majority believed there should be an opportunity to participate in residential outdoor education (only 3% said "No").
- A large majority (85%) believed this opportunity should be free of charge at least once (6% said "No", 9% said "Don't know").
- 84% agreed with the need for the Bill (9% disagreed, 7% were neutral).

**162.** Over half of the 6% who disagreed with one or more of the key principles behind the proposals were head teachers or representatives of head teachers. Those in disagreement predominantly gave the following reasons:

- Concern that funding will be diverted away from schools' core budgets, which they believe should be the priority for any available spending on education.
- Staffing implications if this is made statutory – having sufficient numbers of school staff to accompany pupils and the impact and pressure on those that are willing to go.
- Fears that schools will not receive funding for the full costs of the staffing requirements – either paying overtime to those supervising visits or sourcing supply cover during their absence.

**163.** Section 2 of the Bill requires the Welsh Ministers to provide funding specifically to finance the provision of residential outdoor education under the 2021 Act, as amended by the Bill, which is intended to allay concerns that the costs will be met from schools' core budgets or that schools will not be fully recompensed for costs they incur.

**164.** As outlined in Chapter 3, many schools and teaching staff already organise and attend residentials. The Bill addresses the gap between those children and young people already attending residentials and those who do not, providing the means to enable equality of access. The Bill includes a provision that the guidance the Welsh Government must issue may address the issue of schools' staff costs.

**165.** Echoing research, the **most commonly identified benefits** of residential outdoor experience were increased confidence, independence and team-work skills; improved

health and well-being; and positive connections to, and understanding of, the natural environment.

**166.** Reinforcing previous understanding and findings, including from the OEAP survey of October 2022,<sup>135</sup> the **most commonly identified barrier at present** to children and young people accessing residential outdoor education was financial constraints. Other frequently identified barriers were parental and child anxiety/uncertainty.

**167.** While around half of responses agreed with the preference given in the question to Year 6 being the most suitable age, there was **quite a strong indication that there is no optimum age**, that it depends on several factors and it is probably best not to prescribe an age. The Bill provides for flexibility on the age at which residential outdoor education may be accessed, which will be for the Welsh Government to consider further as part of implementation.

**168.** Similarly, while around half of responses agreed with the preference given in the question to four nights/five days, there was **quite a strong indication that the most suitable duration depends on several factors** and it might be best not to prescribe how long experiences should last. The Bill provides for flexibility on whether the entitlement to at least four nights/five days is provided consecutively or not.

**169.** Asked to identify **which groups of children might particularly benefit** from the proposal, respondents highlighted the importance of ensuring equality and access by all. They particularly identified children and young people from disadvantaged backgrounds, with Additional Learning Needs (ALN) or disabilities, ethnic minorities and those who struggle in a traditional classroom environment.

**170.** Asked to identify **which groups of children might be negatively affected** by the proposal, respondents most commonly identified children with anxiety. This also extended to children whose parents may have anxiety about their child attending a residential visit. It will be important for pupils and parents to receive information about residential outdoor education so they both know what to expect, which, along with the removal of financial worries related to paying for the visit, will hopefully alleviate any anxieties. Further related

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<sup>135</sup> Sam Rowlands MS, [Statistical paper: Outdoor Education \(Wales\) Bill](#) (October 2022) – paper published ahead of the Senedd debate on the proposal on 26 October 2022.

to the visit, pupils will not be compelled to attend should they not wish to do so and parental consent will be required.

## Children and young people consultation

**171.** A children and young people version of the consultation was held between 10 May and 23 June 2023. This was in the form of an online survey, which was designed and developed with children and young people by an external academic specialising in childhood studies and child participation methodologies.

**172.** A summary of responses has been published.<sup>136</sup> The majority of respondents were aged under 13, with some older children and adults also responding.

**173.** The consultation showed a very significant level of support among children and young people for the principles behind the proposals.

- 89% of respondents aged under 13 rated the importance of giving all children the chance to participate free of charge in overnight outdoor education, at some time, as 7 or more out of 10. 34% rated its importance as 10 out of 10.
- 74% of respondents aged under 13 believed there should be legislation to ensure children can go on at least one free overnight outdoor education visit. 18% said "Maybe", 8% said "No".

**174.** The **most commonly identified benefits** of residential outdoor education were the chance to bond with friends and have fun; gain more independence and experience time away from home/parents; learn new skills; learn about the environment and nature; and spend time in the fresh air, while exploring the outdoors.

**175.** The **most commonly identified barrier** at present to children and young people accessing residential outdoor education was the cost. Children feeling anxious and parents worrying were also very high on the list followed by the prospect of friends not going. As mentioned earlier, it will be important for pupils to receive information about residential outdoor education so they know what to expect, which will hopefully alleviate any anxieties. Pupils will not be compelled to attend should they not wish to do so.

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<sup>136</sup> Sam Rowlands MS, [Summary of children and young people's consultation on proposed Outdoor Education \(Wales\) Bill](#) (July 2023)

**176.** Just under half of survey respondents indicated that Year 5 or 6 would be the best age to participate in residential outdoor education, while 70% of responses identified ages that fell within a slightly broader range of Years 4 to 8. However, there was no large consensus for one single year group or age. The Bill provides for flexibility on the age at which residential outdoor education may be accessed, which will be for the Welsh Government to consider further as part of implementation.

**177.** Similarly, there was mixed opinion about the best length of a visit. 42% identified durations of less than one school week, while 34% identified durations of one school week or more. 16% gave answers that cut across those two intervals. The Bill provides for flexibility on whether the entitlement to at least four nights/five days is provided consecutively or not.

**178.** Asked to identify which groups of children might particularly benefit, over half of respondents answered all children without specifying further detail. Children from low income households and children with disabilities or ALN were identified by 15% and 13% of respondents respectively.

**179.** Asked how adults involved in arranging residential outdoor education can ensure children get the most out of visits, around a quarter said they should ensure the children have fun and get to undertake good activities. Giving due attention to children's emotions and anxieties featured next, then ensuring well organised, good quality provision, keeping the children safe, and allowing them some freedom and a break from the 'strictness' of school.

**180.** Views were also obtained from groups of school children on unrelated visits to the Senedd. These generally reinforced the findings from the online survey. Further details are available in the consultation summary.<sup>137</sup>

## **Consultation on the draft Bill**

**181.** A draft Residential Outdoor Education (Wales) Bill was published on 14 July 2023. Views were sought from a selected group of stakeholders who will have a particular role

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<sup>137</sup> Sam Rowlands MS, [Summary of children and young people's consultation on proposed Outdoor Education \(Wales\) Bill](#) (July 2023)

in implementing the Bill. Responses were received from five organisations, which are published on the Senedd website.<sup>138</sup>

- Association of Directors of Education in Wales (ADEW) / Carmarthenshire County Council
- Future Generations Commissioner for Wales
- National Association of Head Teachers (NAHT)
- National Education Union (NEU)
- Welsh Local Government Association

**182.** ADEW's response was in the form of a paper from officials in Carmarthenshire County Council to the local authority's management. It described the Bill as a "positive step" which "aligns very well with the Curriculum for Wales" and that it will help embed outdoor learning and learning outside the classroom in education. ADEW said the Bill has the "potential to create a more learner led holistic learning experience enabling those who struggle with a more traditional learning environment to thrive".

**183.** The WLGA reported that local authorities are in agreement that an entitlement to a, or 'guarantee of' (as it was sometimes termed in the consultation document), free of charge opportunity to participate in residential outdoor education would benefit children and young people positively. It added that local authorities feel that a formal arrangement with suppliers would be needed and for the "system to be failsafe, accountable and meet expectation without risk of litigation". This will be for the Welsh Government to consider as part of implementation. The WLGA also called for some reflection on the meaning of "guarantee" in the context of the Bill. Put simply, it means that pupils will be given the opportunity to experience residential outdoor education. The term "guarantee[d]" does not feature in the Bill.

**184.** The Future Generations Commissioner said he "strongly believe[s] in the transformative power of education and recognise[s] that the natural environment plays a crucial role in the holistic development of individuals, especially children and young people". The Commissioner commented that residential outdoor education complements the Curriculum for Wales, which emphasises the relevance of real-world experiences (see

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<sup>138</sup> [Responses to consultation on Draft Residential Outdoor Education \(Wales\) Bill](#)

paragraph 201). He also called for the explanatory information accompanying the Bill to refer to the Well-being of Future Generations (Wales) Act 2015 and the National Well-being Goals. Paragraphs 90 to 101 in Chapter 3 discuss this.

**185.** The NAHT set out its reservations about the draft Bill, reiterating the opposition it expressed in the general consultation. Whilst the NAHT reported that school leaders are “hugely supportive of the principle” of outdoor education, it questioned whether it is the “key education priority area at present” while there are other budget and time pressures facing schools. The NAHT point to an “opportunity cost” of providing a fully-funded week of residential outdoor education and the cost and workload implications for schools in terms of staffing. The points about opportunity cost and use of resources for this are noted, although this Explanatory Memorandum has sought to explain the importance of residential outdoor education and the Bill includes a provision for specific funding to be allocated, as already outlined.

**186.** The NEU highlighted the importance of all aspects of outdoor education being free, for example clothing and equipment needed at the outdoor education centre. Anything that is needed specifically for an activity, such as helmets and buoyancy is provided by the centre, although where normal clothing, including wellington boots, will suffice, common practice is for participants to provide this themselves. Children would be expected to come equipped with anything basic and fundamental such as suitable old clothing, waterproof coats, and wellington boots or suitable footwear. Eligible households may be able to make use of the Welsh Government’s School Essentials Grant<sup>139</sup> to help source these. The NEU also suggested that the provision of funding to finance residential outdoor education could be linked to the Pupil Development Grant (PDG). The Bill does not specify the exact mechanism the Welsh Government should choose to use to meet its duty to provide funding.

## **How the final version of the Bill differs from the initial proposals and/or draft Bill**

**187.** Careful consideration was given to the responses to both the general consultation and the children and young people consultation. These informed the draft Bill that was

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<sup>139</sup> The School Essentials Grant provides households of pupils eligible for free school meals with £125 per year (£200 upon transition into Year 7) to help meet the costs of school uniform and other clothing and equipment.

published in July 2023. Further consideration was given to responses received on the draft Bill. This has all informed the Bill as introduced to the Senedd.

### **Changes or confirmations arising from the consultations**

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**188.** This chapter has explained how consideration has been given to the findings of the consultation. Below are some specific examples of changes to the proposals that have directly resulted from the consultations or where existing intentions have been reassured and confirmed.<sup>140</sup>

**189.** A simple change following the consultations was the inclusion of the word 'Residential' specifically in the title of the Bill to better reflect the activity covered by the legislation.

**190.** Whilst consultation responses indicated that the latter years of primary school (especially Year 6) are likely to be the most suitable age for participating in residential outdoor education, the impression given by many was that it is probably best not to prescribe an age. The Bill therefore leaves flexibility for the Welsh Government to further consider what might be the optimum age or whether to leave it open to schools to decide when this would most benefit their pupils.

**191.** Consultation responses suggested there are mixed views on the optimum duration of an outdoor education residential. Whilst research points to the benefits of longer stays, the Bill provides for flexibility on whether the entitlement to four nights/five days is provided consecutively or not.

**192.** Whilst the children and young people consultation showed strong support for the proposals, there was an indication of unease among some children and young people about the prospect of going away from home for an outdoor education residential. It will be important during the course of implementation to consider how pupils can be prepared and informed about what to expect before they participate in residential outdoor education. It was never the intention to compel pupils to go on an outdoor

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<sup>140</sup> Whilst not directly resulting from the consultation, a significant change to the proposals consulted is that the Bill places the duty on the Welsh Ministers to ensure pupils in maintained schools are provided with residential outdoor education rather than on local authorities as was originally set out in the consultation document. This was due to the level of detail that will need to be considered for the Bill's implementation.

education residential and the Bill requires Welsh Government guidance to state that it is not compulsory to attend.

### **Changes since the draft Bill**

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**193.** Consideration of the proposals behind the Bill has continued to take place since the publication of the draft Bill in July. Changes made since the draft Bill are set out below.

**194.** The new section 64A(1) the Bill inserts into the Curriculum and Assessment (Wales) Act 2021 has been revised to provide that residential outdoor education under the Bill be known as ‘a course of residential education’ and that it be provided once as part of a curriculum. It has also been revised so as to make it clear that it is free of charge to pupils. Similar changes have been made to section 64A(2).

**195.** It was important to make it clear in the Bill that pupils’ entitlement to residential outdoor education free of charge only extends to one course of residential outdoor education as part of the curriculum. As explained in paragraphs 124 to 127 in Chapter 4, this is in order to avoid the unintended scenario whereby schools may be discouraged from arranging certain further outdoor education residential that do not benefit from the free entitlement established by the Bill, as they may not be able to charge for the visit or for board and lodging and have to meet the costs themselves.

**196.** The new section 64A(3) has been added to provide on the face of the Bill that a course of residential outdoor education provided as part of the Curriculum for Wales be comprised of at least four nights and five days. The new section 64A(4) provides that this may be provided on one visit or spread over more than one visit. In the draft Bill, both these matters were to be covered in the guidance issued by the Welsh Government under section 71A.

**197.** The new section 64A(9) has been added to provide clarity on what a course of residential outdoor education being provided means.

**198.** The new section 64A(11) has been added to make it clear that the Bill’s provision for a course of residential outdoor education as part of the Curriculum for Wales does not prevent other residential outdoor education being provided outside of the entitlement established by the Bill.

**199.** A further section to the Bill (section 3) has been added to ensure that board and lodging is included in the costs of outdoor education residentials that are free of charge to pupils when they are arranged as part of the Curriculum for Wales.

## **Summary of support for the Bill**

**200.** This chapter outlines the strong and widespread support for the proposals behind this Bill. Consultation has shown almost unanimous importance placed on outdoor education and a vast majority in favour of an opportunity to participate in residential outdoor education. Most respondents believe this opportunity should be free of charge on at least one occasion.

**201.** This extract from the Future Generations Commissioner for Wales' response to the draft Bill illustrates the type of support there is for the Bill and the objectives behind it:

*The new curriculum for Wales provides a framework that emphasises the relevance of real-world experiences. The concept of outdoor residential education perfectly aligns with this, offering young people the chance to immerse themselves in nature, understand the environment better, and cultivate the qualities of resilience, teamwork, and self-discovery.*<sup>141</sup>

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<sup>141</sup> Future Generations Commissioner for Wales, [Response to the Draft Residential Outdoor Education \(Wales\) Bill](#)

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## 6. Power to make subordinate legislation

**202.** The Bill contains provisions to make subordinate legislation, for the issuing of a statutory Code, and for the issuing of statutory guidance. Table 1 sets out in relation to these:

- the person upon whom, or the body upon which, the power is conferred;
- the form in which the power is to be exercised;
- the appropriateness of the delegated power;
- the applied procedure; that is, whether it is “affirmative”, “negative”, or “no procedure”, together with reasons why it is considered appropriate.

**203.** The Welsh Government will be expected to consult on the content of the subordinate legislation where it is considered appropriate to do so. The precise nature of the consultation (if any) will be decided when the proposals have been formalised. The Welsh Ministers will also be required to consult any persons they consider appropriate before issuing the statutory Code and the statutory guidance.

Table 1: Summary of powers to make subordinate legislation, the Residential Outdoor Education Code and guidance in the provisions of the Residential Outdoor Education (Wales) Bill

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
<p><b>Section 1(2)</b></p> <p>This section amends the Curriculum and Assessment (Wales) Act 2021 (the 2021 Act) to insert a new section on Residential Outdoor Education.</p> <p>The power to issue the Code would therefore form part of the 2021 Act.</p>	Welsh Ministers	Statutory Code	<p>Section 1(2), through amending the 2021 Act, places a duty on Welsh Ministers to issue and keep under review a Residential Outdoor Education Code that sets out the way in which a curriculum is to make provision for residential outdoor education.</p> <p>Welsh Ministers may revise the Code.</p> <p>The level of detail required makes it appropriate for it to be included within a Code.</p> <p>Under section 76 of the 2021 Act, the Welsh Ministers will be required to consult on a version of the Code before laying it before the Senedd under the negative procedure.</p>	<p>Negative</p> <p>The procedure will be set out in section 76 of the 2021 Act.</p>	<p>The negative procedure is appropriate due to the nature of the content of the Code and the requirement on all schools and settings to include it in their curriculum.</p> <p>The use of the negative procedure also aligns the Code with the procedure in place for issuing the What Matters Code and the Progression Code which Welsh Ministers are required to issue under the 2021 Act.</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
<p><b>Section 1(3)</b></p> <p>This section amends the 2021 Act to insert a new section relating to guidance on residential outdoor education.</p> <p>The power to issue the guidance would therefore form part of the 2021 Act.</p>	Welsh Ministers	Statutory Guidance	<p>Section 1(3), through amending the 2021 Act, places a duty on Welsh Ministers to issue guidance in respect of residential outdoor education.</p> <p>Guidance is considered appropriate as this is intended to support education providers in their duty to provide residential outdoor education as part of the curriculum.</p> <p>Under section 71 of the 2021 Act, the Welsh Ministers will be required to consult on the guidance before issuing it.</p>	No procedure	No procedure.
<p><b>Section 4</b></p> <p>This section amends the 2021 Act to insert a</p>	Welsh Ministers	Regulations	Regulations are appropriate to ensure that where amendments to other legislation or modifications to this Bill are	Affirmative The procedure will be set out in Section	The regulations may modify or delay the implementation of sections of the Act in respect of specific ages or school years of

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
<p>new section (<i>section 74A</i>) relating to transitional provision in respect of residential outdoor education.</p> <p>The power to make the regulations would therefore form part of the 2021 Act.</p>			<p>found to be necessary to give full effect to this Bill, further primary legislation is not required.</p>	<p>75(2)(a) of the 2021 Act.</p>	<p>registered pupils. The affirmative procedure is therefore appropriate.</p>

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## Part 2: Regulatory Impact Assessment

This Regulatory Impact Assessment (RIA) considers the options available in respect of the main provisions within the Bill, and analyses how far these would meet the policy objectives. In doing so, it considers the associated risks, costs and benefits.

**204.** The process for developing Member Bills in the Senedd involves selection from a Ballot, and securing the agreement from the Senedd to develop and introduce a Bill. Member Bills differ from other Public Bills, as the selected Member is limited by the process set out in the Senedd's Standing Orders. As that process as a whole is related to the development of a Bill in line with the pre-ballot information, the option of delivering the policy objectives in an alternative way is not open to the selected Member. The RIA therefore includes only two options:

- Do nothing and continue with Welsh Government's future plans;
- Introduce a Bill.

**205.** The RIA explores the potential for unintended consequences and includes equality considerations. The costs and benefits have been produced using the best information available at the time.

**206.** This information has been prepared through discussion with key stakeholders, including: the Welsh Government, professionals within the field, and third sector bodies. In addition, three consultations have been undertaken to allow the RIA to incorporate the views of stakeholders, including local authorities.

**207.** The costs and benefits have been assessed over a five-year period from implementation of the Bill, with recurring costs that are expected to last beyond this

period being identified in the text. The HM Treasury central discount rate of 3.5%<sup>142</sup> has been used throughout this analysis to calculate the present value of the preferred option.

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<sup>142</sup> [The Green Book: appraisal and evaluation in central government](#)

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## 7. Summary of RIA

**208.** The tables below present a summary of the costs and benefits for the Bill as a whole. The table has been designed to present the information required under Standing Order 26.6 (viii) and (ix).

Residential Outdoor Education (Wales) Bill		
Preferred option: Option 2: introduce a Bill to provide every pupil in maintained schools with the opportunity to participate in a residential outdoor activity experience.		
Stage: Introduction	Appraisal period: 5 years from Bill implementation	Price base year: 2023-24
Total Cost: £74,251,864 to £95,937,743	Total Benefits: Unquantifiable	Net Present Value (NPV): -£64,594,687 to -£83,458,117
Total Present value: £64,594,687 to £83,458,117	Present value: Unquantifiable	

**209.** Each cost has been summarised over the five year appraisal period below (Table 2).

Table 2: summary of costs over the five year appraisal period

Costs (£)	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Attending outdoor activity centres (Ongoing costs)						
Low range	12,397,720	12,317,360	12,209,800	11,868,800	11,559,000	60,352,680
High range	16,321,040	16,216,240	16,074,080	15,623,920	15,216,720	79,452,000
Transport (Ongoing costs)						
Low range	1,330,759	1,322,353	1,309,809	1,272,148	1,239,749	6,474,818
High range	1,861,574	1,850,044	1,833,195	1,780,829	1,735,735	9,061,377

Teacher cover (Ongoing costs)						
	1,554,335	1,535,813	1,498,348	1,447,457	1,388,414	7,424,366
Total costs						
Low range	15,282,814	15,175,526	15,017,956	14,588,405	14,187,163	74,251,864
High range	19,736,949	19,602,097	19,405,623	18,852,206	18,340,869	95,937,743

## Unquantified costs and disbenefits

**210.** Discussions with stakeholders noted that tracking could be integrated into each pupil record entered on the appropriate information management system, which would require an additional field to be inputted into the pupil record database. These costs are currently unknown as local authorities would need to approach the software developers to obtain a cost.

**211.** Local authorities already utilise information management systems and it is believed the transition costs to implement an additional field would be negligible.

## Social and Economic Benefits

**212.** The benefits of this Bill have been outlined earlier in Chapter 3. This section will summarise potential economic benefits and impacts on public services.

**213.** Significant feedback from stakeholders has highlighted the positive impact on children's mental and physical wellbeing as a result of participation in learning through outdoor education residential. Additionally, studies have demonstrated a positive social return on investment (SROI) into outdoor learning experiences, which can be quantified.

**214.** A study by Social Value Business reported that learning outside the classroom in the natural environment (in primary school settings where outdoor learning is embedded in school practice) forecast an SROI of £4.32 for every £1 invested, with a range between £2.87 and £4.70 for every £1 invested.<sup>143</sup> Although this does not apply to single events

<sup>143</sup> [Council for Learning Outside the Classroom Evidence Note, 2022](#).

such as an outdoor education residential, the study encompassed practices that included residential.

**215.** A social impact forecast model, devised by Sheffield Hallam University for Sport England, was used by Miller Research and Pembrokeshire Coastal Forum<sup>144</sup> in 2023 to assess the economic impact of the outdoor activity sector in Wales. Their sensitivity analysis suggested a 10 percent increase in participation in outdoor activity could lead to an increase in social value of £187m across physical and mental health, mental wellbeing, individual development and social capital.

**216.** An SROI forecast analysis conducted on the Opening Doors to The Outdoors<sup>145</sup> programme, Enabling Natural Resources and Well-being project in Mid and South Wales demonstrated that for every £1 invested, £7.12 of value was created.

**217.** A study assessing the social value return on a 12 week outdoor programme by Bangor University<sup>146</sup> reported a return in the range of £4.37 to £5.36 for every £1 invested.

**218.** The study by Social Value Business included feedback from schools involved in the study who highlighted benefits to children's increased sense of responsibility, confidence and engagement in learning as a result of learning outside the classroom in natural environments.

**219.** Teachers and support staff reported through the Social Value Business 2022 study that learning in natural environments was highly valued by teachers and pupils, allowing for opportunities to deliver both cognitive and non-cognitive learning for children.

**220.** A SROI study on the benefits of outdoor education residentials carried out in Canada with Outward Bound<sup>147</sup> found long-term impacts attributed to improved resilience, social capital and nature connection and suggested a significant SROI resulting from offset health care costs and increased productivity. Improved social connectedness also led to better academic outcomes, improved work opportunities and associated lifetime earnings and reduced reliance on state support. The study reported a multiplier

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<sup>144</sup> Miller Research and Pembrokeshire Coastal Forum, 2023

<sup>145</sup> Opening Doors to the Outdoors, ENRaW Evaluation, 2023

<sup>146</sup> Makanjuola et al., 2023

<sup>147</sup> Outward Bound Canada Impact Report, 2020

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effect where the benefits experienced by the participant also have a positive, knock-on effect on their peers, families and other significant adults.

**221.** Time spent outdoors has been linked to outcomes such as improved cardio-respiratory health.<sup>148</sup> Healthy cardio-respiratory fitness is positively associated with cardiovascular health, academic achievement and mental wellbeing in youth.<sup>149</sup>

**222.** Mental health problems account for £962 million of total NHS Wales expenditure.<sup>150</sup> A central tenet of the Welsh Government's Nurturing, Empowering, Safe and Trusted (NEST) framework is mental health wellbeing across education.<sup>151</sup>

**223.** Contact with nature through educational activities is positively associated with better mental health outcomes<sup>152</sup> in children and teenagers. The most consistent relationships reported between mental health outcomes and learning in natural environments were with resilience, stress and overall mental health.<sup>153</sup> Improvements in emotional well-being, self-esteem and depression have also been recorded. Contact with nature has been highlighted as an effective preventative action for common mental health problems.

**224.** Learning in natural environments has been associated<sup>154</sup> with building social capital, fostering pride, belonging, and community involvement. Immersive nature experiences<sup>155</sup>, including outdoor residential experiences and other education outside of classrooms have been linked to improved self-esteem and increased self-efficacy compared to controls. A study using data from Denmark has shown that flourishing mental health was associated with approx. \$1.2 billion (equivalent to £848 million) in potential lower expenses for health and social costs.<sup>156</sup>

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<sup>148</sup> [Gray et al. 2015](#)

<sup>149</sup> [Raghuveer et al. 2020](#)

<sup>150</sup> [NHS expenditure programme budgets: April 2021 to March 2022](#)

<sup>151</sup> [NEST \(mental health and wellbeing\): summary report](#)

<sup>152</sup> [Davis et al. 2021](#)

<sup>153</sup> [Tillman et al. 2018](#)

<sup>154</sup> [Council for Learning Outside the Classroom, Evidence Note, 2022](#)

<sup>155</sup> [Mygind et al. 2019](#)

<sup>156</sup> [Santini et al. 2021](#)

## **Key evidence, assumptions and uncertainties**

**225.** A range of surveys were undertaken to inform the financial implications of the Bill. These included collecting responses directly from schools across all settings. This information has been used to calculate the cost estimates.

**226.** The RIA has also been informed by EVOLVE data. EVOLVE is an online system used by 21 local authorities for the management of outdoor educational visits. This data informs the percentage of pupils attending different durations of residential stays and also the percentage of pupils across school settings (e.g. primary schools, secondary schools etc).

**227.** Common assumptions made to calculate costs in this RIA have been outlined in Chapter 9, which details potential costs to be incurred by implementing the legislation.

## 8. Option 1: continue with Welsh Government's future plans

**228.** This is the baseline option, as such, there are no additional costs associated with this option. Under this option, there would be no change to the way residential outdoor activities are provided and funded. Schools and parents would continue to cover the majority of costs to enable pupils to attend residential outdoor activities, which would result in individuals, especially those from disadvantaged backgrounds, continuing to miss out on participating in residential outdoor activity experiences with their peers.

**229.** As set out in paragraph 15 of this Explanatory Memorandum, data suggests that in around a third of schools that do organise outdoor education residential, fewer than 75% of pupils participate.

**230.** There are also instances where schools do not offer the option for young people to participate in residential outdoor activities. A reason for this is a reluctance for schools to allow some pupils to participate when their peers are unable to do so given the financial barriers they face. Maintaining the status quo, and allowing schools the option of not providing a residential outdoor experience, would again result in individuals, or even whole cohorts, missing out on participating in residential outdoor activities.

**231.** Again, as set out in paragraph 15 of this Explanatory Memorandum, in 2022/23, only two thirds of schools at Key Stage 2 organised outdoor education residential; and only around a half of schools did so at Key Stages 3 and 4.

**232.** The cost of living pressures faced by families, and by schools, has the potential to make this situation worse, with higher numbers of schools not offering outdoor education residential, and higher numbers of pupils missing out on the opportunity to attend. Recent research by the Sutton Trust recently noted that in England 50% of schools have cut back on educational visits as a result of financial pressure.

**233.** This option of continuing with Welsh Government's future plans would therefore do nothing to either increase the number of schools offering outdoor education residential or reduce the number of pupils who are missing out on having such opportunities.

## 9. Option 2: Introduce a Bill

**234.** This option would introduce legislation to provide every pupil in maintained schools with the opportunity to attend a total of four nights and five days residential outdoor education.

**235.** The costs included in this option are based on every pupil taking up the offer to attend a residential outdoor education experience as a result of the Bill.

**236.** Given any funding used to enable pupils to attend a residential outdoor education experience is entirely discretionary, with variations in the level of support offered by local authorities and schools in terms of subsidies provided, it is not possible to calculate current allocations. There are local authorities who subsidise residential visits but schools and parents will ultimately incur costs to enable pupils to participate on residential outdoor education visits.

**237.** Consequently, the potential savings for schools and parents that would occur if the legislation is implemented cannot be quantified.

**238.** Costs identified in the RIA are based on a five-year appraisal period. This would allow the legislation to achieve steady-state. The majority of costs are considered to be on-going costs, which would occur each year.

**239.** The tracking of pupils is the only transitional cost as local authorities would be required to modify their information management systems to ensure a record of each pupil who has and has not been offered the opportunity to attend a residential visit is maintained.

### Cost assumptions

**240.** The cost estimates presented in the RIA are based on common assumptions, which are set out in the following paragraphs. The costs are rounded to the nearest pound.

### Duration of residential stay

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**241.** The majority of outdoor activity centres offer two and four-night stays. Given the Bill allows every pupil the opportunity to participate on a four-night five-day residential experience, the costs included in the RIA are modelled on the following:

- 2 x two-night residential stays
- A four-night residential stay

**242.** It is assumed pupils would attend four-night residential visits when of primary school age or secondary school age or two-night stays could potentially be split across primary and secondary school ages.

**243.** Local authorities in Wales (except Neath Port Talbot Council) use an online system (EVOLVE) for the management of outdoor educational visits. EVOLVE data enables the determination of the number of pupils attending outdoor education residentials from 1 to 5+ night stays for Key Stages 2 to 4 for the academic year 2022/23. Given data is missing for only one local authority, it is felt this would have a negligible impact on the use of EVOLVE data.

**244.** However, EVOLVE data may include statistics for pupils participating on residential visits multiple times. For analysis purposes, it is assumed that each pupil has attended one residential visit only.

**245.** The number of pupils who participated on 1 to 3 night stays in 2022/23 has been used to estimate the proportion likely to attend a two-night residential visit, with those experiencing four or more nights more likely to attend a four-night stay.

**246.** In 2022/23, 86% of KS2 pupils who attended a residential visit participated in 1-3 night stays, with 14% attending for four or more nights. For pupils of secondary school age, there were more pupils experiencing longer stays, with 59% attending 1 to 3 night stays and 41% experiencing four or more night stays.

**247.** These percentages have been used to refine the costs calculated in this RIA.

### **School years' participation**

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**248.** The consultation undertaken as part of the Bill showed 49% of online respondents felt that Year 6 would be the most appropriate age for children and young people to be offered an opportunity to undertake a residential outdoor education experience.<sup>157</sup> 32% of

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<sup>157</sup> Sam Rowlands MS, [Summary of consultation on proposed Outdoor Education \(Wales\) Bill](#) (May 2023).

respondents from the children and young people consultation felt Years 5-6 would be the most appropriate.<sup>158</sup> This was 47% when disregarding inconclusive responses.

**249.** However, the Bill is not prescriptive in when pupils should be offered the opportunity to attend a residential. There will be instances where pupils will be given the opportunity when of secondary school age rather than primary school age.

**250.** The EVOLVE data has been used to determine the composition of pupils of primary and secondary school age attending outdoor education residentials in 2022/23. This data is indicative given the potential for multiple counting. The data shows a total of approximately 36,000 pupils participated in outdoor activities during Key Stage 2 (Years 3 to 6) in 2022/23, compared to approximately 16,000 pupils in Key Stages 3 & 4 (Years 7 to 11).

**251.** This equates to 70% of pupils who participated in residential visits being of primary school age and 30% of those who participated being of secondary school age. This proportion has therefore been used to model the costs attributed across school settings.

### **Forecasting the number of pupils**

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**252.** StatsWales provides statistics<sup>159</sup> on the number of pupils in each year group, with the data for 2022/23 being the most recent at the time the cost estimates were derived. This data is derived from the Pupil Level Annual School Census (PLASC), an electronic collection of pupil and school level data provided by all maintained sector primary, middle, secondary, nursery and special schools in January each year.

**253.** This data has been used to project pupil numbers over the appraisal period and consequently estimate total costs to be incurred in Wales. It is assumed the legislation would be implemented in 2024-25 with funding to be available in the same year.

**254.** StatsWales shows a broadly comparable number of pupils across year groups for primary and secondary school ages, removing the need to apportion pupils across them to calculate costs.

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<sup>158</sup> Sam Rowlands MS, [Summary of children and young people consultation on proposed Outdoor Education \(Wales\) Bill](#) (July 2023).

<sup>159</sup> [StatsWales, Pupils by local authority and year group 2022/23](#)

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**255.** Consequently, the RIA uses total pupil numbers in Year 6 for calculating costs relating to pupils of primary school age and Year 7 for pupils of secondary school age.

### **Forecasting number of pupils with additional learning needs**

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**256.** There are pupils with additional learning needs (ALN) who will require greater support and potentially incur additional costs when attending a specialist outdoor activity centre. StatsWales provides data on the number of pupils with additional learning needs or special education needs by school sector and type of need.<sup>160</sup> Given pupils may have more than one need, this data gives rise to multiple counting.

**257.** To address this but ensure a best estimate of the likely costs of the additional support required, the number of pupils with severe learning difficulties has been used in the calculations. This group is defined as having “significant intellectual or cognitive impairments”.<sup>161</sup> They may also have associated difficulties in mobility and co-ordination, communication and perception and the acquisition of self-help skills.

**258.** StatsWales data shows there were 3,045 pupils with severe learning difficulties across all maintained schools (including 10 in nursery schools) in Wales in 2022/23.<sup>162</sup> It further disaggregates these pupils by school settings (e.g. primary, secondary etc). The data is not available by year group.

**259.** StatsWales also provides data about the total number of pupils in each year group across each school setting.<sup>163</sup> We have applied the percentage to each year group to determine the potential number of pupils with severe learning difficulties for each year group.

**260.** Given the comparable total number of pupils across year groups, the total pupil numbers for Years 6 and 7 have been used to determine the numbers of pupils with severe learning difficulties for calculating costs across the five year appraisal period.

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<sup>160</sup> [StatsWales, Reports of additional learning or special educational needs by sector and type of need, 2022/23](#)

<sup>161</sup> [Welsh Government, 2014/15](#)

<sup>162</sup> [StatsWales, Reports of additional learning or special educational needs by sector and type of need, 2022/23](#)

<sup>163</sup> [StatsWales, Pupils by local authority, year group and sector, 2022/23](#)

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Table 3. Total estimated number of pupils with severe learning difficulties in maintained schools

No of pupils	Year 1	Year 2	Year 3	Year 4	Year 5
Primary school age	202	202	181	171	155
Secondary school age	219	202	202	181	171

### Teaching staff

**261.** It is assumed costs related to, attending and travel to, outdoor activity centres to ensure every pupil has the opportunity to participate on residential visits would be the same for both primary, middle and secondary school settings. However, there would be a variance in teacher cover costs.

**262.** Discussions with schools highlighted staffing ratios for residential visits are at least 1 member of staff to 10 pupils. The Welsh Government's school's census results, published in January 2023, show average junior school class sizes were approximately 26 in 2023.<sup>164</sup>

**263.** Therefore, 3 teaching staff would be required to attend a residential with an average size class. The cost estimates reflect the following:

- Primary and Middle schools - 1 teacher and 2 teaching assistants.
- Secondary and Middle schools – 3 teachers.
- Special schools – 2 special educational needs (SEN) teachers for every 3 pupils with severe learning difficulties.

### Equipment

**264.** Stakeholders noted equipment that is needed specifically for an activity, such as helmets and buoyancy is provided by the centre. However, pupils attending outdoor residentials would be expected to take suitable clothing such as coats and footwear.

<sup>164</sup> [Welsh Government, Schools census results, January 2023](#)

Consequently, any related costs have not been included in the estimates of the financial implications of the Bill.

## **Cost estimates**

**265.** Costs would be incurred in the following areas:

- Attending outdoor activity centres
- Transport
- Teacher cover
- Tracking pupils' participation on residential outdoor education visits.

### **Outdoor Activity Centre costs**

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**266.** A survey of outdoor activity centres was conducted to inform the RIA, which included questions regarding the average cost of a four-night and two-night stay per person in 2023-24. 51 centres responded, with 40 respondents providing an average cost for a four-night stay and 39 providing the corresponding information for a two-night stay.

**267.** Centres provided costs based on a range of factors, such as the type of activities provided, the type of accommodation required (i.e. tented or dormitory accommodation), and whether they are self or fully-catered.

**268.** The responses noted the timing of the residential visits also affects costs, with centres applying different rates during peak and off-peak seasons.

**269.** This section provides a range of costs which encompass these options.

### **Four night residential experiences**

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**270.** The cost range reflects the average of all centres which responded to the survey. The cost of a four night outdoor residential experience would be between £320-£400 per person.

### **Primary school age**

**271.** As previously mentioned, there is a variance in the proportion of pupils attending outdoor education residentials for four nights across primary and secondary school

settings. Based on EVOLVE data, it is assumed that 14% of primary school age pupils who participate would attend a 4 night stay, with the rest attending shorter stays (see paragraph 245).

**272.** By attributing costs across primary and secondary school settings, we can also refine our cost estimates based on 70% of primary school age pupils participating on residential outdoor education visits.

Table 4. Total provider costs for pupils of primary school age to attend a four night residential visit

Costs (£)	Year 1	Year 2	Year 3	Year 4	Year 5
Low range	1,079,360	1,078,400	1,067,200	1,030,720	1,008,960
High range	1,349,200	1,348,000	1,334,000	1,288,400	1,261,200

**273.** Outdoor activity centres require an adequate number of school staff to accompany school classes on residential visits. Centres do not usually charge staff for accommodation or subsistence as long as the number of staff attending is within an appropriate staff-pupil ratio.

**274.** The cost estimates assume a ratio of 1 staff member to 10 pupils, which reflects what schools have noted they use when working out the number of staff required for residential visits. Therefore, the estimates do not include any provider costs for teaching staff to attend residential visits.

### Secondary school age

**275.** EVOLVE data show 41% of pupils in Key Stages 3 and 4 participated in residential visits of four or more nights in 2022/23. Taken with the assumption that 30% of secondary school age pupils participate on residential outdoor education visits, this provides the following costs:

Table 5. Total provider costs for secondary school age pupils to attend a four night residential visit

Costs (£)	Year 1	Year 2	Year 3	Year 4	Year 5
Low range	1,379,840	1,354,560	1,353,280	1,339,520	1,293,440
High range	1,724,800	1,693,200	1,691,600	1,674,400	1,616,800

## 2 night residential visits

**276.** Centres also offer two-night residential experiences. The Bill will also provide the option for pupils to participate on two residential visits comprising two night stays. The data from the survey conducted with centres suggests an average cost ranging between £180 and £240.

### Primary school age

**277.** Estimates of the costs for pupils of primary school age (including primary, middle and special schools) have been calculated by applying the same calculations for a four night residential and using EVOLVE data to assume that 86% of pupils who participate would attend a two night residential.

Table 6. Total provider costs for primary school age pupils to attend 2 x two night residential stays

Costs (£)	Year 1	Year 2	Year 3	Year 4	Year 5
Low range	7,458,480	7,450,560	7,375,320	7,121,520	6,971,040
High range	9,944,640	9,934,080	9,833,760	9,495,360	9,294,720

### Secondary school age

**278.** EVOLVE data shows 59% of secondary school age pupils who participated on residential outdoor education visits stayed for 1 to 3 nights. It is assumed these pupils would most likely attend a two-night residential stay. The costs for activity centres has

been calculated using this ratio to forecast the number of pupils participating on residential visits.

Table 7. Total provider costs for secondary school age pupils to attend 2 x two night residential stays

Costs (£)	Year 1	Year 2	Year 3	Year 4	Year 5
Low range	2,233,800	2,193,120	2,190,960	2,168,640	2,094,120
High range	2,978,400	2,924,160	2,921,280	2,891,520	2,792,160

### Pupils with severe learning difficulties

**279.** The number of pupils categorised with severe learning difficulties who would require extra support when participating in outdoor activities has been estimated.

**280.** The Exmoor Calvert Trust<sup>165</sup> provides residential outdoor adventure holidays for young people with a range of disabilities, including those with the most complex needs. To provide specialist support, the cost for each individual is approximately £719 for a four-night residential experience during peak season (July to September 2023).<sup>166</sup>

**281.** This equates to approximately double the average cost provided by centres responding to the survey sent out to support data collection related to the Bill. Bendrigg Trust<sup>167</sup> charges approximately £466 per person (based on a group charge) for a four-night residential, with an additional 30% subsidised by the provider.<sup>168</sup> The total cost would therefore be approximately £606.

**282.** The estimates therefore assume provider costs for pupils with severe learning difficulties are approximately double those charged for pupils not requiring additional support.

**283.** As there is no EVOLVE or other data relating to the duration of residential stays undertaken by pupils with severe learning difficulties, the estimates reflect the same ratio

<sup>165</sup> [Exmoor Calvert Trust](#)

<sup>166</sup> Provided on request by Exmoor Calvert trust

<sup>167</sup> [Bendrigg Trust](#)

<sup>168</sup> Provided on request by Bendrigg Trust

of those pupils most likely to attend a two-night and four-night residential as those of primary and secondary school age.

**284.** The costs are based on doubling the average cost range of all centres responding to the survey, giving a range of between £640 and £800 for a four-night residential stay.

**Table 8. Total costs for ALN pupils attending four night residential stays in maintained schools**

Costs (£)	Year 1	Year 2	Year 3	Year 4	Year 5
Low range	30,720	29,440	28,160	25,600	24,320
High range	38,400	36,800	35,200	32,000	30,400

**285.** As for a four night residential stay, the cost range for a two-night residential stay based on the average cost of all centres responding to the survey for two, two night stays was doubled, giving a range between £360 and £480.

**Table 9. Total costs for ALN pupils attending 2 x two night residential stays in maintained schools**

Costs (£)	Year 1	Year 2	Year 3	Year 4	Year 5
Low range	116,640	114,480	105,120	98,640	90,000
High range	155,520	152,640	140,160	131,520	120,000

**286.** There will be pupils with disabilities (i.e. physical disabilities) who are not categorised with ALN attending residential. However, it is assumed a provider would absorb potential costs arising from providing the necessary support if it has the capacity.

### **Teacher costs**

**287.** Support staff accompanying pupils with severe learning difficulties on residential visits are charged the same fee by specialist providers. It is therefore assumed the cost range for a four-night stay is between £640 and £800 with a two-night stay between £360 and £480.

**288.** Based on responses to the school survey, it is assumed two staff would be required for three pupils with severe learning difficulties. For example, one special educational

needs school stated that “for a group of 30 pupils, we would need 20 staff ideally in order for the staff to have breaks”.

Table 10. Total staff costs for accompanying pupils with severe ALN

Costs (£)	Year 1	Year 2	Year 3	Year 4	Year 5
Low range	98,880	96,800	89,760	84,160	77,120
High range	130,080	127,360	118,080	110,720	101,440

### Transport costs

**289.** Under this option, Welsh Government would be required to provide funding to schools for transport to and from outdoor activity centres. Stakeholder engagement has identified the related costs.

**290.** Given the diverse geographic locations of schools and outdoor activity centres, there are challenges to calculating journey distances. However, the estimates assume the distance from the school to an outdoor activity centre is between 20 - 100 miles, based on the close proximity of schools to outdoor activity centres and a reasonable amount of time spent travelling on a coach.

**291.** Primary research undertaken with hire companies identified charges which can be used to estimate total transport costs. Coach hire company costs reflect hire and mileage charges.

Table 11. Cost range for hiring a 53 seater coach per journey

Type of charge	Cost (£)
Hire	150 – 200
Mileage	2 – 3 per mile

**292.** As mentioned, journeys to outdoor activity centres are expected to range from 20 to 100 miles. If journey lengths were spread equally within that range, this would give an average of 60 miles per journey, which is a round-trip of 120 miles.

**293.** Using the lower and higher cost ranges for hiring a coach and mileage and an average distance of 60 miles per journey gives an estimated cost per journey of between £540 and £760.

**294.** StatsWales data provides pupil and class data<sup>169</sup> which can be used to calculate the average class size for Key Stages 3 and 4. This equates to an average of 23 pupils per class. Using this, as well as the number of staff accompanying the pupils, suggests the potential for two classes to fit on one coach. However, given this is an average there would be classes with more than 23 pupils and therefore to estimate maximum costs it is assumed one coach would be needed per school class.

**295.** Consequently, travel costs for each primary and secondary school pupil equate to between approximately £21 to £30 per pupil. This cost range was validated by school responses to the survey to inform costs associated with the Bill.

**296.** The costs have been estimated using the same assumptions as those used for provider costs with the proportion of pupils participating on outdoor residential courses being applied: 70% of pupils who participate in a residential course are of primary school age and of those, 14% are for a four-night stay; and the remaining 30% of those who participate are of secondary school age, with 41% of those staying for four nights.

Table 12. Transport costs for all pupils attending four night residential stays

Costs (£)	Year 1	Year 2	Year 3	Year 4	Year 5
Low range	161,475	159,752	158,932	155,633	151,179
High range	227,261	224,836	223,682	219,040	212,770

**297.** The costs for 2 x two night stays have been estimated using the corresponding assumptions for 2 x two night residential stays (86% of pupils of primary school age who participated and 59% of pupils of secondary school age who participated).

Table 13. Transport costs for all pupils attending 2 x two night residential stays

Costs (£)	Year 1	Year 2	Year 3	Year 4	Year 5
Low range	1,131,395	1,125,721	1,116,686	1,084,454	1,058,190
High range	1,592,333	1,584,349	1,571,633	1,526,269	1,489,304

<sup>169</sup> [StatsWales.Class.data](#)

## Pupils with ALN

**298.** Pupils with severe learning difficulties are assumed to require a wheelchair accessible vehicle (WAV) to transport them to specialist outdoor activity centres. Primary research showed hire companies provided costs of between £250 and £280 to hire a full size WAV for three-days and between £420 and £470 for a weekly hire. A full-size WAV provides access for up to 3 wheelchairs and seven passengers including the driver.

**299.** Rental contracts provide a certain level of cover to the driver in case of damage so such costs have been omitted. Hire costs have been used to estimate transport costs for two and four night residential stays.

**300.** Some schools will have their own WAV. However, to account for the maximum costs that could potentially be incurred to transport pupils with severe learning difficulties, the cost estimates assume every school needs to hire a WAV for the purpose. It is further assumed that all pupils with severe learning difficulties would require wheelchair access so there would be a maximum of 3 pupils with severe learning difficulties per WAV.

**301.** The number of WAVs needing to be hired has been estimated.

Table 14. Number of WAVs to transport pupils with severe learning needs

	Year 1	Year 2	Year 3	Year 4	Year 5
No of WAVs	71	69	64	60	57

**302.** Hiring a WAV would require schools to pay for fuel to the specialist provider and back. It has been assumed an average round-trip is 120 miles.

**303.** A review has shown that a full-size WAV such as a Peugeot Boxer or Renault Master has a fuel economy of approximately 30 miles per gallon (mpg). Using the number of WAVs needing to be hired results in the following fuel cost estimates.

Table 15. Fuel costs associated with hiring a full-size WAV

Costs (£)	Year 1	Year 2	Year 3	Year 4	Year 5
Fuel	3,750	3,660	3,390	3,180	3,000

**304.** Using the same assumptions as adopted for the provider costs, the number of WAVs required and fuel costs have been estimated, with the costs derived using the cost ranges noted above.

Table 16. Total hiring costs for all pupils with severe learning difficulties including fuel costs

Costs (£)	Year 1	Year 2	Year 3	Year 4	Year 5
Low range	37,890	36,880	34,190	32,060	30,380
High range	41,980	40,860	37,880	35,520	33,660

### Teacher cover costs

**305.** For pupils of primary school age, it is assumed each class would have a dedicated teacher who would either accompany their class on a residential or provide cover for another teacher if the class teacher decided not to attend. Therefore, as a result, teacher cover would not be required.

**306.** Teaching Assistants work with primary, secondary, and students with additional learning needs. They might support students one to one or in small groups.

**307.** Welsh Government published its School Workforce Census results as at November 2022.<sup>170</sup> It showed, for the full-person equivalent (FPE), 22,215 teachers worked as a qualified classroom teacher in Wales with 15,660 teaching assistants and a further 1,590 high level teaching assistants.

**308.** StatsWales breaks this data down further showing there were 10,330 qualified classroom teachers in primary schools in FPE and 9,540 in secondary schools.<sup>171</sup> There were a total of 12,365 teaching assistants / higher level teaching assistants in primary schools with 2,700 in secondary schools.

**309.** The data shows there is at least one teaching assistant for every qualified teacher in primary school class at key stage 2. As such, we estimate there is at least one teaching assistant for each primary school class at Key Stage 2.

<sup>170</sup> [StatsWales, School Workforce Annual Census \(SWAC\), November 2022](#)

<sup>171</sup> [StatsWales, Teachers by measure 2022/23](#)

**310.** The respondents to the survey, conducted to inform the financial implications of the Bill, noted staffing ratios were at least 1 member of staff to 10 pupils. This equates to 3 teaching staff for an average size class.

### **Primary schools**

**311.** Discussions with stakeholders highlighted that common practice would be one qualified teacher and two teaching assistants accompanying each class on a residential outdoor education visit. Assuming there is a dedicated teacher and teaching assistant for each primary school class, the school would be required to provide cover for one teaching assistant per class.

**312.** Using data from the Annual Survey of Hours and Earnings (ASHE)<sup>172</sup> teaching assistants earned £310.50 per week in Wales in 2022. This equates to approximately £62 per day based on a five day week. The Welsh Government, in its Explanatory Memorandum<sup>173</sup> for the Curriculum and Assessment (Wales) Bill, provided an on-cost estimation of 30% for teaching assistants. This provides an estimated cost of approximately £81 daily.

**313.** In May 2020, the Crown Commercial Service, a UK Government agency, published a blog on agency mark-up rates for supply teachers.<sup>174</sup> It noted the Supply Teachers and Temporary staff framework it launched stating “under the framework, agency mark-ups of 15% and below are achievable”.

**314.** Assuming teaching staff supply cover costs would be 15% higher this equates to approximately £93 per day, inclusive of agency fees.

**315.** Providing cover for a teaching assistant to attend a four-night five-day residential visit would result in total in an estimated cost of £464.

**316.** Teaching assistants attending 2 x two-night residential visits would require cover for six days, which would cost approximately £557.

**317.** We can estimate the number of primary school classes by using the average class size and total pupils in Year 6 in 2024-25 (as set out in the common assumptions section).

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<sup>172</sup> Office for National Statistics, ASHE, 14 November 2022

<sup>173</sup> Welsh Government, Curriculum and Assessment (Wales) Bill, Explanatory Memorandum

<sup>174</sup> Crown Commercial Service, 14 May 2020

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Given the comparable number of pupils across year groups in Key Stage 2, it is felt this is an appropriate approach.

**318.** This provides the following estimated costs for attending a residential.

Table 17. Total costs for one additional teaching assistant attending a residential stay

	Year 1	Year 2	Year 3	Year 4	Year 5
Costs (£)	510,803	510,246	504,861	487,407	477,102

### Secondary schools

**319.** Secondary school teachers attending residential visits would require cover given they teach specific subjects and do not provide dedicated support to a single class. As such, it is assumed three teachers would attend residential visits with each class as set out in the common assumptions section. This is to ensure the maximum costs schools could potentially incur by providing cover for these teachers are estimated.

**320.** ASHE data shows that secondary school teachers earned a weekly wage of £803.70 in 2022. This equates to approximately £161 per day. Using an on-cost estimation of 30%, this results in a daily cost of £209. Assuming supply cover costs an additional 15%, this equates to approximately £240 per day, inclusive of agency fees. To provide cover for a teacher attending a four-night five day residential trip in total the estimated cost is approximately £1,200.

**321.** Again, teachers attending 2 x two-night visits would require cover for a total of six days. This would cost approximately £1,440.

**322.** Using the same approach for calculating the cost estimates for teacher cover for pupils of primary school age, the total costs for schools to secure cover for three teachers attending a residential visit can be estimated as follows.

Table 18. Total costs for three middle/secondary school teachers attending a residential stay

	Year 1	Year 2	Year 3	Year 4	Year 5
Costs (£)	550,782	541,410	539,968	534,682	517,139

### ALN pupils

**323.** Schools noted, in their survey responses, there would be pupils with ALN who would have 1:1 support, have a dedicated staff member attending with them and would not incur additional costs for the school as a result. However, schools also highlighted there would be situations where pupils with ALN may not have 1:1 support who would need additional staff to accompany the group, which would require additional staff cover.

**324.** The new ALN system is being phased in over a four-year period from September 2021.<sup>175</sup> During this time both the new ALN system and previous SEN system are in operation with learners being transferred across in phases. It is assumed all pupils who have statements under the SEN system (who require most support) and pupils with a corresponding level of need under the ALN system would need additional teaching staff to accompany them on a residential visit.

**325.** The Welsh Government published statistics<sup>176</sup> on the total number of pupils with ALN or SEN in maintained schools by type of provision. This shows 12,118 pupils were statemented at January 2023 who are currently on the previous SEN system, which is 23% of all pupils supported through School Action, School Action Plus or Statements.

**326.** The data also shows 10,499 pupils had an Individual Development Plan (IDP) through the new ALN system. Assuming 23% of all pupils were classified as statemented under the old SEN system, this equates to 2,415 pupils. Therefore, it is assumed approximately 14,533 pupils currently require most support.

**327.** StatsWales provides PLASC summary data by local authority<sup>177</sup> for 2022/23 showing the total number of statemented pupils and pupils with IDPs in primary and secondary

<sup>175</sup> Senedd Research. Government decides more time needed to make Additional Learning Needs changes

<sup>176</sup> Welsh Government. Schools' census results: January 2023

<sup>177</sup> StatsWales. Pupil Level Annual Schools Census Summary data by local authority, 2022/23

schools. StatsWales also includes PLASC summary data by schools<sup>178</sup> showing the total number of statemented pupils and those with IDPs for middle schools. These figures have been used to estimate the number of pupils in special schools classified as statemented, which equates to 5,162 pupils.

**328.** A percentage of pupils can be estimated using the total number of pupils in each school setting. This percentage has been applied to the total number of pupils in each year group across each school setting to estimate the number of statemented pupils.

**329.** The number of pupils with severe learning difficulties have been omitted to avoid double counting as teacher cover costs for these pupils have been estimated in the next section.

**Table 19. Total number of pupils estimated to require additional teaching staff for primary school age pupils**

	Year 1	Year 2	Year 3	Year 4	Year 5
No of pupils	460	460	429	411	386

**330.** Using the same approach as for primary school age pupils, the total number of pupils with ALN requiring additional teaching staff cover for secondary school age pupils is as follows.

**Table 20. Total number of pupils estimated to require additional teaching staff for secondary school age pupils**

	Year 1	Year 2	Year 3	Year 4	Year 5
No of pupils	210	199	199	186	177

**331.** Assuming pupils with ALN needing additional support require 1 teaching staff to 2 pupils, this equates to approximately an additional 1,500 teaching staff to accompany pupils across the appraisal period.

<sup>178</sup> [StatsWales, Pupil Annual Schools Census summary data by school, 2022/23](#)

**332.** Using costs based on additional staff comprising teaching assistants for primary schools and middle schools and SEN teachers for special schools based on primary school age pupil numbers, total costs can be estimated.

Table 21. Total costs for additional teaching staff to attend a residential stay for primary school age pupils

	Year 1	Year 2	Year 3	Year 4	Year 5
Costs (£)	176,354	176,354	158,495	149,413	136,064

**333.** It has been assumed teaching cover for pupils of secondary school age attending a residential stay would require teachers for middle and secondary schools, as well as SEN teachers for special schools.

Table 22. Total costs for additional teaching staff to attend a residential stay for secondary school age pupils

	Year 1	Year 2	Year 3	Year 4	Year 5
Costs (£)	137,265	132,418	132,418	123,484	118,417

### **ALN pupils with severe learning difficulties**

**334.** In terms of teacher cover costs for pupils with severe needs, we apply a ratio of two teachers to 3 pupils, which was assumed for estimates of provider costs for specialist centres, based on responses from the school survey. It is assumed a minimum of two members of staff would be required to transport pupils to the specialist activity providers, one of which to drive the WAV.

**335.** It is assumed for every three pupils attending, the school would be required to seek cover for two SEN teachers.

**336.** The costs for additional staff have been derived using the estimated numbers for pupils with severe learning difficulties. Applying these numbers to the calculated daily rate for SEN teachers, including 15% markup for agency costs, the total cost for one SEN

teacher to attend a four night residential would be approximately £1,100 (based on five days).

**337.** As mentioned, staff members attending 2 x 2 night stays would require cover for 6 days at a total cost of approximately £1,322.

Table 23. Total teacher cover costs for residential visits with pupils with severe learning difficulties

	Year 1	Year 2	Year 3	Year 4	Year 5
Costs (£)	179,131	175,385	162,606	152,471	139,691

### Tracking pupils' participation

**338.** Pupils in maintained schools will need to be tracked to ensure they have been given the opportunity to attend a residential outdoor activity experience. It is assumed that local authorities will undertake this tracking.

**339.** Discussions with stakeholders noted that tracking could be integrated into each pupil record entered on the appropriate information management system. This would require an additional field to be inputted into the pupil record database by creating a code, which could be similar to the code currently used for school attendance.

**340.** Given local authorities already utilise information management systems, it is assumed the transition costs to implement an additional code would be negligible.

## 10. Specific Impact Assessments

This chapter sets out the results of specific impact assessments carried out as part of the RIA.

### **A) Justice System Impact Assessment (Standing Order 26.6 (xii))**

**341.** This Justice Impact Assessment (JIA) has been prepared in accordance with Section 110A of the Government of Wales Act 2006 and Standing Order 26.6(xii).

**342.** Neither the Government of Wales Act 2006 or Standing Orders specify what a JIA must contain, or the format it should take, only that it is a requirement that a JIA is undertaken. In considering the detail of the JIA for this Bill, detailed consideration has been given to the detail contained in the Ministry of Justice's 'Justice Impact Test Guidance'<sup>179</sup>, together with the relevant test form. Consideration has also been given to the form from the Welsh Government for Justice System Impact Identification.<sup>180</sup>

**343.** While both sets of guidance are aimed primarily at Government Departments, they form a good reference for how to approach the JIA for this Bill.

**344.** The guidance from both the Ministry of Justice and the Welsh Government set out two key questions that must be considered when establishing whether a full Justice Impact Test has to be undertaken. The MoJ guidance states:

*"Do I need to complete a JIT?"*

*A JIT needs to be completed for all new policy proposals that could potentially have an impact on any aspect of the justice system. Even if the impacts are expected to be minimal, this must be supported by evidence and agreed between MoJ and the policy-owning department via the JIT process.*

*The key questions that policy-makers should ask themselves are:*

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<sup>179</sup> [Ministry of Justice: Justice Impact Test Guidance](#)

<sup>180</sup> [Welsh Government: Justice System Impact Identification Form](#)

- *Is it possible that the policy will increase or decrease the volume of cases going through the courts or tribunals? and/or*
- *Will the policy change the way that cases are dealt with by the justice system?*

*If the answer to either question is yes, there will be a justice impact however small the change in volume or process might be."*

**345.** The potential impacts on the justice system of the proposals set out in the Residential Outdoor Education (Wales) Bill have been fully considered, including on:

- a. courts (criminal and civil);
- b. non-devolved tribunals;
- c. devolved tribunals;
- d. legal aid;
- e. the judiciary;
- f. prosecuting bodies; and
- g. prisons, youth justice and probation services.

**346.** The Residential Outdoor Education (Wales) Bill does not create any new offences, sanctions or penalties. It will therefore have no impact on the justice system in England and Wales. As such, the answer to the two key questions set out in the governmental guidance is a clear no.

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## **B) Children’s Rights Impact Assessment (CRIA)**

### **Introduction**

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**347.** This Children’s Rights Impact Assessment (CRIA) considers the effect of the Residential Outdoor Education (Wales) Bill on children in Wales and their rights under the United Nations Convention on the Rights of the Child (UNCRC).<sup>181</sup>

**348.** It has been informed by both the Children's Commissioner for Wales' Right Way CRIA Framework<sup>182</sup> and the Welsh Government’s CRIA template: guidance for staff<sup>183</sup>.

**349.** In preparing the Bill, children’s rights have been considered in terms of what the Bill seeks to achieve and how it will impact children and the articles of the UNCRC in the way it is delivered.

### **Summary of the Bill’s impact on children’s rights**

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**350.** In summary, this Bill gives further effect to and has a significant positive impact on children’s rights in Wales and their entitlements under the United Nations Convention on the Rights of the Child.

**351.** In supporting this legislation, the Welsh Government would be delivering its legislative duties under the Rights of Children and Young Persons (Wales) Measure 2011 and its duty to have due regard to the UNCRC in everything it does.

**352.** Due regard of children’s rights has been taken during the development of the Bill which has included substantial consultation with children and young people themselves, in line with Article 12 of the UNCRC.

**353.** The impact on particular groups of children and young people has been considered and, where identified as necessary, these proposals have been adapted to ensure that the Bill has as positive impact as possible without causing detriment to any particular groups. Potential risks and unintended consequences for children and young people have been considered, which has influenced both the content of the Bill itself and consideration of how it will be implemented.

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<sup>181</sup> Unicef, UN Convention on the Rights of the Child

<sup>182</sup> Children’s Commissioner for Wales, The Right Way: CRIA questions for public bodies in Wales

<sup>183</sup> Welsh Government, Children's rights impact assessments: guidance for Welsh Government staff

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## What does the Bill do and how does this relate to children?

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**354.** The Bill will give every child in a maintained school an opportunity to participate in a course of residential outdoor education as part of the curriculum, free of charge, once in their schooling. The Bill provides that this will be for a time period equivalent to four nights / five days in total. This course of residential outdoor education may take place on one visit or be spread over more than one visit. Schools may continue to organise additional outdoor education residential outside the curriculum, although pupils may be charged as they are at present.

**355.** Currently, not all children get to go on an outdoor education residential. Data indicates that 67% of primary schools and middle (all-age) schools organised outdoor education residential for their pupils at Key Stage<sup>184</sup> 2 in 2022/23, meaning that children in around one third of primary and middle school pupils did not get the opportunity to access one.

**356.** The proportion of children getting the opportunity at secondary school education is lower. In 2022/23, 54% of schools organised an outdoor education residential for their pupils in Key Stage 3 and 48% for Key Stage 4. The proportion of special schools going on an outdoor education residential was 24% in 2022/23.<sup>185</sup>

**357.** This reflects the long-term situation rather than anything specifically related to the pandemic. In the last full year prior to the pandemic – 2018/19 – the proportion of schools organising outdoor education residential for pupils at Key Stage 2 (65%) and Key Stage 4 (52%) were similar to 2022/23, although this was higher at Key Stage 3 (76%) than in 2018/19.

**358.** Research suggests that affordability and financial constraints are a significant barrier to some pupils taking up the opportunities when their school is arranging a residential outdoor experience.<sup>186</sup> This was also evident in the consultations undertaken on the proposals behind the Bill.<sup>187</sup>

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<sup>184</sup> It is acknowledged that, following the introduction of the Curriculum for Wales, 'key stages' are being replaced by a single learning continuum. However, this Explanatory Memorandum refers to 'key stages' for ease of understanding.

<sup>185</sup> See paragraphs 40 to 43 in Chapter 3 of the Explanatory Memorandum for more discussion of current levels of participation.

<sup>186</sup> Sam Rowlands MS, [Statistical paper: Outdoor Education \(Wales\) Bill](#) (October 2022) – paper published ahead of the Senedd debate on the proposal on 26 October 2022.

<sup>187</sup> Sam Rowlands MS, [Summary of consultation on proposed Outdoor Education \(Wales\) Bill](#) (May 2023); Sam Rowlands MS, [Summary of children and young people's consultation on proposed Outdoor Education \(Wales\) Bill](#) (July 2023)

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**359.** The Bill aims to change this. It will ensure no child or young person is prevented from experiencing residential outdoor education once in their school lives simply because their family cannot afford it or because their school does not organise a visit.

**360.** Children and young people will not be compelled to participate in residential outdoor education. This is important to respect the child's wishes and feelings and in line with Article 12. However children and young people will be encouraged and supported to do so. They will have an opportunity to access an outdoor education residential if they wish, free of charge.

### **How does the Bill give effect to the articles of the UNCRC?**

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**361.** A number of the articles of the UNCRC are supported and given effect to by the provisions of the Bill.

#### **Article 3 (best interests of the child): The best interests of the child must be a top priority in all decisions and actions that affect children.**

**362.** The primary objective of the Bill is to improve the lives of children and young people by giving them an opportunity to experience residential outdoor education, which they might otherwise not have. The benefits of an outdoor education residential are discussed extensively in the Explanatory Memorandum (see Chapter 3).

**363.** The consultations undertaken highlighted many benefits of an outdoor education residential, such as the personal attributes that can be acquired and developed, improved physical and mental health and well-being and general holistic personal development. Children identified bonding with friends and having fun as the main benefits, followed by the chance to experience being away from home, learning new skills, learning about the environment and nature, and being outdoors.

**364.** In recognition that, in some circumstances, an outdoor education residential might not be the right thing for a child, the Bill does not compel children to participate but will provide the opportunity.

#### **Article 12 (respect for the views of the child): Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously.**

**365.** In summary, due regard of children's rights has been given at all stages during the development of the Bill which has included substantial consultation with children and young people themselves, in line with Article 12 of the UNCRC. There was a very significant level of

support expressed in the children and young people's consultation for the principles behind the proposal. However in recognition that Article 12 respects the views of the child in matters which affect them, the Bill does not compel children to participate.

**366.** Further discussion of the consultation undertaken with children and young people is discussed later in this CRIA at paragraphs 374 to 378.

**Article 23 (children with a disability): A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.**

**367.** The intention behind the Bill is that residential outdoor education is inclusive and accessible for all children. Provided this is the case, the Bill should give effect to Article 23. The later section of this CRIA regarding the impact of the Bill on some groups of children in particular provides further discussion of this issue.

**Article 24 (Health) States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. To ensure that parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition [...]To develop preventive health care, guidance for parents and family planning education and services.**

**368.** Participating in residential outdoor education has benefits for children's mental health and well-being. This was highlighted specifically as a main benefit by around 40% of respondents to the general consultation and by around 8% of respondents to the children and young people's consultation. Paragraphs 92 to 95 in Chapter 3 of the Explanatory Memorandum explain further how the Bill will benefit children and young people's physical and mental health.

**Article 26 (social security) Every child has the right to benefit from social security. Governments must provide social security, including financial support and other benefits, to families in need of assistance**

**369.** The Bill provides for children to have the opportunity to go on an outdoor education residential once, free of charge. The Welsh Government will be required to provide funding for this, which will ensure that children are not denied the opportunity to go because their families cannot afford it.

**370.** The Bill provides for this funding to be additional so that the costs of residential outdoor education are not met from core funding for education.

**Article 28 (right to education) Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children’s dignity and their rights. Richer countries must help poorer countries achieve this**

**371.** The Bill adds residential outdoor education to the Curriculum for Wales. This will move it from an enrichment to the curriculum, which is often viewed as a ‘nice to have’, to an entitlement of the education offer for children and young people so they have an opportunity to participate at some point. This recognises the importance of outdoor education in a residential setting to the progress and development of children and young people.

**Article 29 (goals of education) Education must develop every child’s personality, talents and abilities to the full. It must encourage the child’s respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.**

**372.** Residential outdoor education has many benefits to children’s holistic personal development, in terms of physical health, mental health and well-being, and acquisition of skills – many of which are fundamental life skills. Many children who may struggle with academic learning are able to thrive and apply other talents and abilities they might not otherwise. An outdoor education residential can strengthen children’s connection with the environment and promotes better understanding and more positive attitudes towards critical issues such as sustainability and climate change.

**Article 31 (leisure, play and culture) Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.**

**373.** Residential outdoor education can provide children with leisure opportunities, to engage in play and recreational activities appropriate to their age. The Bill gives effect to the obligations on governments to respect and promote the right of the child to participate fully in such activities. In line with article 23 it encourages the provision of appropriate and equal opportunities for recreational and leisure activity.

## **How have children and young people been consulted on the proposals behind the Bill?**

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**374.** As discussed above, Article 12 of the UNCRC gives children the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. Children and young people are the main intended beneficiaries of the Bill and it was therefore very important to ascertain their views on the proposals. In addition to the general consultation on the proposals, which took place between 31 January and 17 March 2023<sup>188</sup>, a separate consultation was undertaken specifically for children and young people between 10 May and 23 June 2023<sup>189</sup>.

**375.** The consultation materials were produced by an external academic specialising in childhood studies and child participation methodologies. These materials were developed with children and young people and consisted of:

- an online survey;
- a consultation document containing the questions posed in that survey;
- a cartoon strip explaining the purpose of the consultation; and
- a 'snakes and ladders' themed game to assist adults working with children in collecting responses.

**376.** There were 176 responses to the survey from 144 children and young people, and 32 adults or organisations. There was a very significant level of support expressed for the principles behind the proposal:

- 90% of respondents rated the importance of giving all children the chance to participate free of charge in overnight outdoor education, at some time, as 7 or more out of 10. 42% rated its importance as 10 out of 10.
- Of respondents aged under 13, 89% rated the importance of giving all children the chance to participate free of charge in overnight outdoor education, at some time, as 7 or more out of 10. 34% rated its importance as 10 out of 10.

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<sup>188</sup> Senedd Cymru, [Development of the Outdoor Education \(Wales\) Bill - consultation](#)

<sup>189</sup> Senedd Cymru, [Development of the Outdoor Education \(Wales\) Bill - Children and Young person's consultation](#)

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- A large majority (75%) of respondents believe there should be legislation to ensure children can go on at least one free overnight outdoor education visit. 18% said “Maybe”, 7% said “No”.
- A large majority of respondents aged under 13 (74%) believe there should be legislation to ensure children can go on at least one free overnight outdoor education visit. 18% said “Maybe”, 8% said “No”.

**377.** There were also five meetings held by the Senedd’s Youth Engagement team with groups of school children who were on an already arranged visit to the Senedd. Three of these schools were secondary schools and two were primary schools (whereas almost all of the survey responses from school age children were from children aged under 13). The findings from these meetings generally concurred with the survey findings. Further details are available in the consultation summary.<sup>190</sup>

**378.** A summary of the children and young people’s consultation has been published.<sup>191</sup> The findings from the consultation informed the draft Bill that was published on 14 July 2023<sup>192</sup> and the views of children and young people have informed considerations throughout the development of the proposals and the Bill itself.

### **Could the Bill have any potential negative effects on children and how can these be mitigated?**

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**379.** A small minority (approximately 6%) of respondents to the general consultation disagreed with one or more of the main principles behind the proposals. The main areas of concerns can be summarised as:

- Concern that funding will be diverted away from schools’ core budgets, which they believe should be the priority for any available spending on education.
- Staffing implications if this is made statutory – having sufficient numbers of school staff to accompany pupils and the impact and pressure on those that are willing to go.

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<sup>190</sup> Sam Rowlands MS, [Summary of the children and young people’s consultation on proposed Outdoor Education \(Wales\) Bill](#) (July 2023)

<sup>191</sup> Sam Rowlands MS, [Summary of the children and young people’s consultation on proposed Outdoor Education \(Wales\) Bill](#) (July 2023)

<sup>192</sup> [Draft Residential Outdoor Education \(Wales\) Bill](#) (July 2023)

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- Fears that schools will not receive funding for the full costs of the staffing requirements – either paying overtime to those supervising visits or sourcing supply cover during their absence.

**380.** As explained in the consultation section of the EM (Chapter 5), the Bill aims to mitigate the risk that funding will be diverted away from schools' core budgets and that schools may not receive the full necessary funding by the requirement in section 2 for the Welsh Ministers to provide this to local authorities.

**381.** 70% of respondents to the children and young people consultation identified "children feeling anxious" as a barrier to participating in an outdoor education residential. This suggests there is some unease among children about the prospect of going away from home for an overnight (or longer) stay. Parental concerns were also identified by 59% of respondents.

**382.** The Bill does not compel children to go on an outdoor education residential, rather that they be given an opportunity to go. The consultation also asked what could be done to make sure children have the best possible time on an outdoor education residential, which may indicate the best ways to overcome the barrier of children's worries and anxieties about going.<sup>193</sup>

**383.** The factor most commonly identified (by a quarter of respondents) was ensuring children have fun, enjoy themselves and get to take part in lots of activities. The second most commonly identified factor (16%) was for the adults providing or supervising the residential outdoor education to be attentive to children's emotions, anxieties and wider needs.

**384.** Safety was an important consideration for many, with 12% highlighting the importance of keeping safe while away and a small number specifically highlighted the importance of having suitable rules in place.

**385.** 11% advocated for inclusiveness, encouragement and for nobody to be 'left out' during the visit, while 9% said that providing information to prepare children on what to expect was important. 5% said they should have some choice over what they do and not feel pressured into doing anything they did not feel comfortable with.

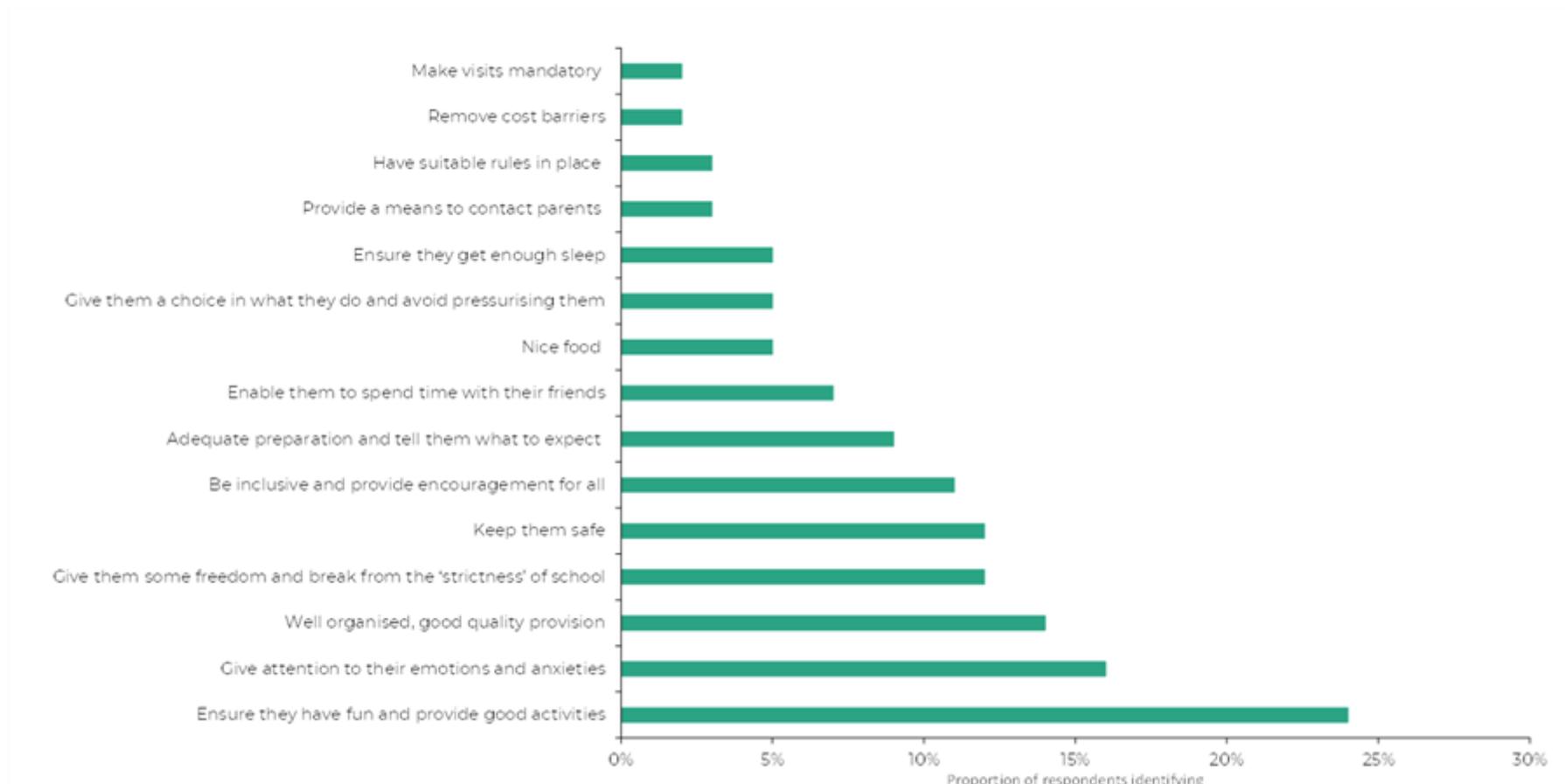
**386.** 14% commented on the importance of the quality of provision itself, including having well-trained staff, to ensure children get the most out of the experience.

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<sup>193</sup> See Chapter 10 of Sam Rowlands MS, [Summary of the children and young people's consultation on proposed Outdoor Education \(Wales\) Bill](#) (July 2023)

**387.** Figure 11 shows what children and young people identified as the best ways to ensure they get the most benefit from outdoor education residential.

Figure 11: How can people make sure children have the best possible time at overnight outdoor education visits? (165 consultation responses)



Source: *Summary of children and young people's consultation on proposed Outdoor Education (Wales) Bill (July 2023)*

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## Could some children be impacted by the Bill more than others?

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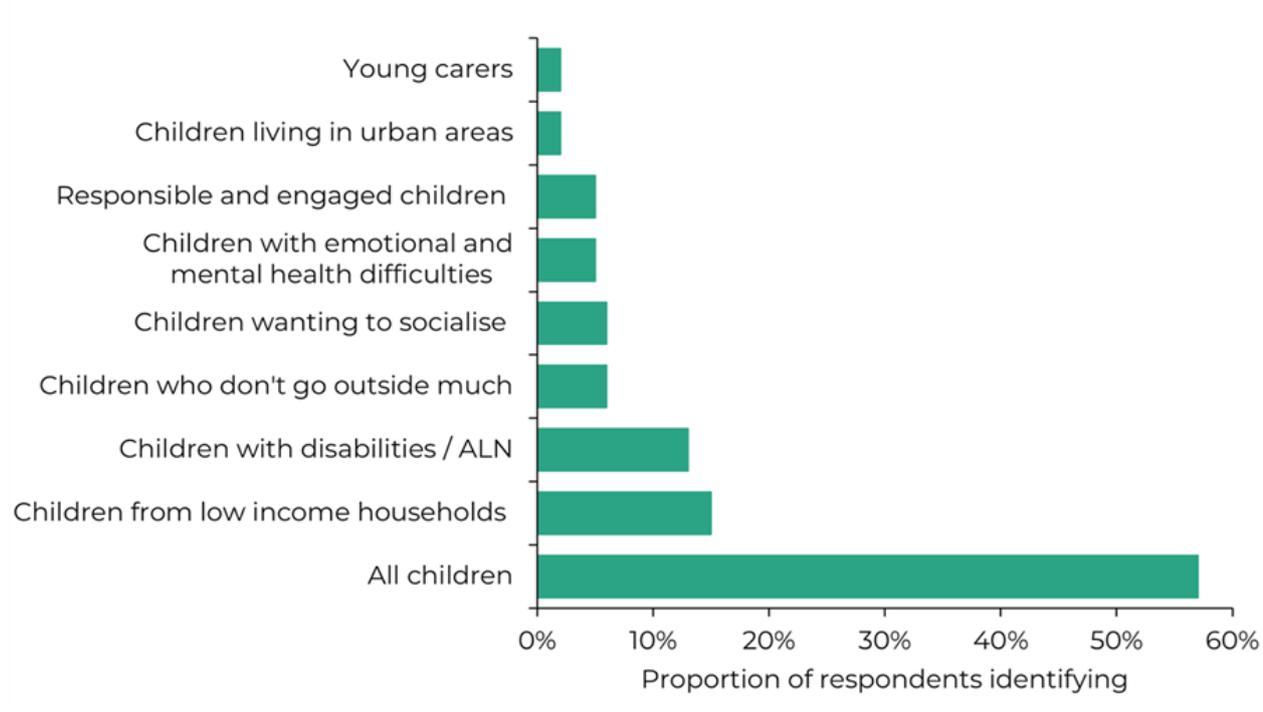
**388.** The development of the Bill has included consideration of the impact the Bill could have on particular groups of children.

**389.** The general consultation sought views on which children the Bill is likely to benefit in particular. The majority of responses noted the increased equality which would result from all children in maintained schools being given the opportunity to experience an outdoor education residential. Benefits for children from disadvantaged backgrounds and those with Additional Learning Needs (ALN) were especially highlighted. There was also mention of outdoor education residential being a positive experience for those who struggle in a traditional classroom environment.

**390.** The children and young people's consultation also asked which children are most likely to benefit. Over half identified 'all children' rather than specifying any groups in particular. As with the general consultation, the most commonly individual groups were children from low income households, who may otherwise not get the opportunity (15%), and children with disabilities or ALN (13%).

**391.** Other groups of children identified include those who do not have the opportunity to go outside much (6%), children wanting to socialise (6%), children with emotional and mental health difficulties (5%), and responsible and engaged children (5%).

Figure 12: Which groups of children would get the most out of taking part in an overnight outdoor education visit? (128 survey responses)



Source: *Summary of children and young people's consultation on proposed Outdoor Education (Wales) Bill* (July 2023)

**392.** Given these groups of children are identified as having the most to potentially gain from the Bill, it is imperative that these benefits are actually realised as the inference is that they may not be well served by the current position. For example, in the case of children with disabilities and/or ALN, they will only actually benefit if residential outdoor education provision can fully cater for them and meet their needs.

**393.** Indeed, the general consultation sought views about which children may be negatively affected by the Bill if adequate mitigating measures are not in place. Children with disabilities and/or ALN were highlighted, as well as children with anxiety and emotional needs.

**394.** School census statistics show 13% of primary age pupils having ALN, i.e. they have learning, physical or sensory needs which make it harder for them to learn than most children of the same age and require additional learning provision.<sup>194</sup> The majority of these children are unlikely to need any additional support during an outdoor education residential. Most

<sup>194</sup> Welsh Government, *School census results* (2023). Note the proportion of pupils identified with ALN has decreased from 20% in 2021 to 13% in 2023, following a shift towards providing for lower levels of needs through universal provision rather than Additional Learning Provision (ALP).

residential outdoor education centres can and do adapt their provision to cater for pupils with ALN, provision that demands additional resources, kit and training. Although there is no specialised provision in Wales for those with more severe complex needs, high quality provision exists in England through the Bendrigg Trust and Calvert Trust (Cumbria), and Calvert Trust (Exmoor).

**395.** In 2022/23, only 24% of special schools in Wales went on an outdoor education residential, while 36% went in 2018/19, the last full year before the pandemic. This suggests there are complex considerations regarding the participation of some children with complex ALN and/or disabilities. However, it is vital that where these children can benefit from an outdoor education residential and it is in their interests to participate that they have the opportunity to do so. Such issues are likely to extend beyond this Bill, although require consideration nonetheless to ensure the Bill gives effect to Article 23 of the UNCRC which states:

*A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.*

**396.** Research into programmes run by the Calvert Trust<sup>195</sup> shows that participants with disabilities experienced an increase in confidence, independence and realisation of personal ability as a result of their participation in residential outdoor activity programmes involving challenge, achievement and teamwork. Other benefits stemmed from the provision of new social opportunities that enabled participants to develop interpersonal skills, leading to confidence to take part in similar events.

**397.** The Bill only provides the entitlement to residential outdoor education to children registered in maintained schools, in line with the approach of the Curriculum for Wales. Children educated otherwise than at school (EOTAS), for example those in Pupil Referral Units (PRUs), are therefore not covered by the Bill.

**398.** The Curriculum and Assessment (Wales) Act 2021 sets different requirements for children EOTAS to those for other children.<sup>196</sup> Children EOTAS receive a limited version of the Curriculum for Wales whereby the four purposes apply and they must be taught the Health and Wellbeing Area of Learning and Experience (AoLE), Relationships and Sexuality Education (RSE)

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<sup>195</sup> Crosbie, J.P.G (2014) [Value of outdoor education for people with disabilities: an in-depth case study of the Calvert Trust. Phd thesis.](#) University of Edinburgh.

<sup>196</sup> Section 50, [Curriculum and Assessment \(Wales\) Act 2021](#)

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and the mandatory cross-curricular skills of literacy, numeracy and digital competence. The Curriculum and Assessment (Wales) Act 2021 provides for children EOTAS to receive the other aspects of the Curriculum for Wales where it is reasonable and appropriate. The Bill does not preclude children EOTAS from going on outdoor education residential, although they will not be covered by the entitlement. Given the benefits of residential outdoor education for children EOTAS, it is hoped the Welsh Government will be able to consider how they can be offered it, whether as part of the statutory entitlement or other means.

**399.** The Bill does not apply to children in independent schools or those who are electively home educated.

### **Specific examples of how the Bill has been informed by the views of children and young people**

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**400.** The proposals have been developed with the realisation of children's rights at their core, in terms of improving their access to residential outdoor education and making this more equitable.

**401.** Consideration and development of the Bill has been informed and assured by the very strong levels of support for the principles behind it expressed in the children and young people's consultation.

**402.** The consultation highlighted that children's anxieties about going on visits are sometimes an issue that needs to be overcome or given due consideration to. The proposals never intended to compel children to go on an outdoor education residential, where they really do not want to or where it is not in their best interests, rather to give them the opportunity to do so where they wish to. Following the children and young people's consultation, the Bill requires that guidance issued by the Welsh Government must provide that residential outdoor education is not compulsory for children to attend.

**403.** The children and young people's consultation (as well as the general consultation) showed there are some mixed views about the best age to go on an outdoor education residential. Just under half of survey respondents indicated that Year 5 or 6 would be the best age to participate in residential outdoor education, while 70% of responses identified ages that fell within a slightly broader range of Years 4 to 8. However, there was no large consensus for one single year

group or age. Furthermore, pupils of secondary school age who took part in meetings in the Senedd indicated that Years 7 to 9 was the best time.<sup>197</sup>

**404.** Therefore, the Bill does not prescribe an age at which pupils should have the opportunity to go on an outdoor education residential, although the earlier Explanatory Memorandum (August 2022)<sup>198</sup> and consultation document<sup>199</sup> reflected that Year 6 is a common age for children to do so as they prepare to leave primary school and start secondary school. Whilst there are clear benefits of outdoor education residentials in transition between primary and secondary school, and the consultation reinforced this, given the absence of a clear preference the Bill provides for flexibility over when the opportunity to access an outdoor education residential may be given. The Bill provides that guidance issued by the Welsh Ministers may set out the ages or school years at which residential outdoor education is to be provided.

**405.** There were also relatively split views in the consultations regarding the most suitable duration of an outdoor education residential. The proposal from the outset<sup>200</sup> was for pupils to have the opportunity to have at least one week of residential outdoor education. This is based on research indicating that longer residential visits have greater impact than shorter ones, whilst also allowing increased value for money when allowing for transport costs and provider fees.<sup>201</sup> However, given children and young people's mix of views on the most suitable duration, whilst the entitlement is for four nights' / five days' worth of residential outdoor education, the Bill provides that this may take place on either one visit or be spread over more than one visit.

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<sup>197</sup> See Chapter 7 of Sam Rowlands MS, [Summary of the children and young people's consultation on proposed Outdoor Education \(Wales\) Bill](#) (July 2023)

<sup>198</sup> Sam Rowlands MS: [Explanatory Memorandum to the proposal, Outdoor Education \(Wales\) Bill](#) (Aug 2022)

<sup>199</sup> Sam Rowlands MS: [Consultation, Proposed Outdoor Education \(Wales\) Bill](#)

<sup>200</sup> Senedd Cymru, [Proposal 029 – Sam Rowlands MS](#) (July 2022)

<sup>201</sup> See paragraphs 129 to 130 of this Explanatory Memorandum

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## C) Impact on the Welsh Language

### Purpose of the Bill

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**406.** The Residential Outdoor Education (Wales) Bill seeks to establish a statutory duty to ensure that all pupils in maintained schools are provided with the opportunity to experience residential outdoor education free of charge, once during their school years.

**407.** The Bill will also establish a statutory obligation on the Welsh Government to provide funding to enable local authorities and schools to do this.

**408.** Outdoor education has well established benefits for children and young people in their physical and mental health and well-being, personal and social learning, cognitive development, and understanding their place in the world.

**409.** The Bill seeks to develop a coordinated and funded approach to provide a residential outdoor education experience for all pupils in maintained schools, regardless of their socio-economic background, disabilities, Additional Learning Needs (ALN), cultural background or geographical location. This will move outdoor education from an enrichment activity to an entitlement component of the curriculum, removing it from the sphere of uncertainty in local authority finance, and ensuring equity for the children and young people of Wales.

### Consultation

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**410.** Public consultations on the Bill's proposals, including consultation on the draft Bill, did not result in any consultee outlining a way these proposals could harm the Welsh language. The proposals will not affect the sustainability of Welsh speaking communities or Welsh medium education and Welsh learners of any ages.

### Response of the Welsh Language Commissioner

**411.** In their response to the consultation on the Bill proposals, the Welsh Language Commissioner stated that:

*"From a linguistic point of view, outdoor education can offer important opportunities for children and young people to hear and use the Welsh language outside the classroom and in informal and fun situations. The Urdd's residential courses, for example, offer significant opportunities for pupils across Wales to experience a range of outdoor activities while also being immersed in the Welsh language and Welsh culture. Outdoor*

*education therefore has the potential to contribute significantly to the goal of ensuring that more children and young people develop into confident Welsh speakers. There are also advantages as children become familiar with the environment around them and the Welsh language as a result of an understanding of place names, most of which are in Welsh throughout Wales."*

**412.** The Welsh Language Commissioner, in the consultation response went on to state that the Bill:

*"... could have offered the opportunity for more Welsh children to have a Welsh-medium or bilingual residential education experience. This would be a positive development for children across Wales, especially for those who are educated mainly through the medium of English and who perhaps do not have as many opportunities to hear and use the Welsh language. It should also be noted that the Bill could have offered opportunities to children from disadvantaged backgrounds who would not otherwise have obvious opportunities to travel to other parts of Wales, to learn about the culture of those areas, and to have a Welsh-medium experience. However, as it stands, the Bill does not offer anything specific to ensure the above. It should therefore be strengthened to ensure that it can have a positive effect on the Welsh language."*

### **Specific provisions in the Bill**

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**413.** The approach taken in the Bill is to amend the Curriculum and Assessment (Wales) Act 2021 to include specific provisions for residential outdoor education within the curriculum. This includes placing a statutory duty on Welsh Ministers to issue a Residential Outdoor Education Code, and to issue guidance on residential outdoor education. The Bill goes further and specifies what that statutory guidance must or may contain. Partly in response to the submissions from the Welsh Language Commissioner and other stakeholders, in relation to the Welsh language, those provisions include that the guidance:

- must provide that residential outdoor education be provided in Welsh, subject to availability, where requested by a school. (This is not limited to a request by a Welsh medium school, and means that English medium schools could request that outdoor education is provided in Welsh if that was considered beneficial).

- may provide that residential outdoor education promotes an understanding of Welsh language and culture;

**414.** While the provisions of the Bill may not impact directly on Welsh Government policies on the Welsh Language, there could be a number of positive impacts arising from these provisions being included in the Bill. 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. Whilst this may not always be possible on every occasion and in every setting, when implementing the Bill the Welsh Government could consider how to meet other policy interests such as Cymraeg 2050 and young people's understanding of, and connection to, their 'cynefin' and Welsh culture more generally.

## **D) Other impact assessments**

**415.** The policy objectives of the Bill will have a direct impact on many areas of life. The benefits and implications of this are covered in detail in the main body of the Explanatory Memorandum.

**416.** The specific impact on different areas are covered in Part 1, Chapter 3: Purpose and intended effect of the Bill; and Part 2: Regulatory Impact Assessment. These areas include the impacts on, and benefits to, areas that include health and well-being and the environment.

## Part 3 – Explanatory Notes and Standing Order Index

### 11. Explanatory Notes

#### Introduction

**417.** These Explanatory Notes are for the Residential Outdoor Education (Wales) Act, which Sam Rowlands MS was given leave to introduce on 26 October 2022, introduced on 24 November 2023 and which received Royal Assent on [XXXX]. They have been prepared by Sam Rowlands MS to assist the reader of the Act.

**418.** The Explanatory Notes should be read in conjunction with the Act but they are not a part of it. They are not meant to be a comprehensive description of the Act, and where an individual section of the Act does not require explanation or comment, none is given.

#### General Overview of the Act

**419.** The Act has three substantive sections. Section 1 places a duty upon the Welsh Ministers to ensure that residential outdoor education is experienced by all pupils at least once during their time at school. Section 2 obliges the Welsh Ministers to provide sufficient additional funding to local authorities to ensure that schools can provide residential outdoor education as required by the Act. Section 3 is a technical consequential amendment to provide that no charge may be made to pupils for board and lodging for residential outdoor education provided under the Curriculum and Assessment (Wales) Act 2021 (“the 2021 Act”).

#### Commentary on sections

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

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**420.** Section 1 is the main substantive section in the Act. It places a number of inter-related duties upon the Welsh Ministers to achieve the result that every school child in Wales is entitled, once free of charge during their school career, to experience residential outdoor education.

**421.** Section 1 works by making a number of amendments to the 2021 Act which provides for the Curriculum for Wales.

**422.** Section 1(2) introduces a new section 64A into the 2021 Act. The new section 64A requires the Welsh Ministers to take all reasonable steps to ensure that each pupil in a maintained school experiences one course of residential outdoor education. It is up to the Welsh Ministers to

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decide how to achieve this end result, but the steps must include making that course of residential outdoor education part of a curriculum and free of charge to pupils. A course of residential outdoor education is defined as including at least 4 nights and 5 days stay in residential accommodation. This could be on one visit, or spread over a number of visits.

**423.** Using the language of the 2021 Act, residential outdoor education becomes part of a curriculum by making it a “key concept” within an “area of learning and experience”. The Welsh Ministers must also issue a Residential Outdoor Education Code (similar to existing codes under the 2021 Act like the What Matters Code and the Progression Code). By virtue of it being part of a curriculum, schools are obliged to plan for, provide and implement residential outdoor education. Entitlement is not open-ended, and pupils are only entitled to one course of residential outdoor education, free of charge, under the 2021 Act (although schools are free to provide it more often if they so wish).

**424.** Section 1(3) introduces a new section 71A into the 2021 Act. The new section 71A requires the Welsh Ministers to issue guidance on residential outdoor education. This allows the Welsh Ministers to fill in the practical and operational details. The content of the guidance is a mixture of mandatory and discretionary matters. The guidance gives flexibility to the Welsh Ministers in determining the parameters of what precisely must be provided.

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

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**425.** Section 2 deals with funding for residential outdoor education. It is the duty of the Welsh Ministers to ensure that local authorities receive sufficient additional funding to pay schools so that the schools can provide a course of residential outdoor education to every child free of charge. This is an additional obligation that sits on top of the existing rules on funding for schools set out under the School Standards and Framework Act 1998.

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

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**426.** Section 3 deals with the charges for pupils in respect of residential outdoor education.

**427.** By virtue of Part 6, Chapter 3 of the Education Act 1996 (“the 1996 Act”), if education is provided during school hours, or provided in pursuance of a duty imposed by or under the 2021 Act, no charge may be made for it. However, section 455 of the 1996 Act sets out a number of exceptions to this. Under section 455(1)(d) a charge may be made for board and lodging for residential trips. The amendment this Act makes in section 3(3) provides that the section 455(1)(d) charge must not be made where the residential trip is for residential outdoor

education provided as a compulsory part of a curriculum under the amendments made by this Act.

**428.** Section 452 of the 1996 Act also allows a charge to be made for board and lodging on a residential trip. The amendment made by section 3(2) states that this does not apply to residential outdoor education provided as part of a curriculum.

**429.** The combined effect of all this is that no charge may be made to a pupil for their (once per school career) course of residential outdoor education. This does not affect section 460 of the 1996 Act, which still allows schools to raise money by way of voluntary contributions.

**430.** The wording of the amendments set out in section 3 includes the word “trip” rather than the word “visit” which is used in section 1 of the Act. The use of the word “trip” is designed to maintain consistency with the remainder of the provisions in sections 452 and 455 of the 1996 Act and is not intended to carry a different meaning to the word “visit” in the Act.

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

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**431.** Section 4 grants the Welsh Ministers power to set up temporary arrangements. These allow for a smoother transition to the new system. For example, if it is not feasible to grant entitlement to all children all at once, transitional arrangements could stagger the start of the entitlement so that only some age groups get residential outdoor education at the start.

## 12. Index of Standing Order requirements

**432.** Standing Order 26.6 requires certain documentation to accompany a Bill. The following index sets out where these can be found in the Explanatory Memorandum.

Table 24: Index of Standing Order requirements.

Standing order		Section	Page
26.6(i)	Statement that the provisions of the Bill would be within the legislative competence of the Senedd.	Member's declaration	Page i
26.6(ii)	Set out the policy objectives of the Bill.	Chapter 3 - Purpose and intended effect of the legislation  Chapter 4 – What the Bill does and why	Pages 3 to 38  Pages 39 to 49
26.6(iii)	Set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted.	Part 2 – Regulatory Impact Assessment	Pages 65 to 92
26.6(iv)	Set out the consultation, if any, which was undertaken on:  (a) the policy objectives of the Bill and the ways of meeting them;  (b) the detail of the Bill, and  (c) a draft Bill, either in full or in part (and if in part, which parts).	Chapter 5 – Support for the Bill and public consultation	Pages 50 to 60

Standing order		Section	Page
26.6(v)	Set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended.	Chapter 5 – Support for the Bill and public consultation	Pages 50 to 60
26.6(vi)	If the Bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision.	Not applicable for this Bill as it was previously published as a draft.	n/a
26.6(vii)	Summarise objectively what each of the provisions of the Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill.	Chapter 11 – Explanatory Notes	Pages 112 to 114
26.6(viii)	Set out the best estimates of: <ul style="list-style-type: none"> <li>(a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;</li> <li>(b) the administrative savings arising from the Bill;</li> <li>(c) net administrative costs of the Bill's provisions;</li> <li>(d) the timescales over which such costs and savings would be expected to arise; and</li> <li>(e) on whom the costs would fall.</li> </ul>	Part 2 – Regulatory Impact assessment	Pages 65 to 92

Standing order		Section	Page
26.6(ix)	<p>Any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially.</p> <p>*note: no environmental and social disbenefits arising from the Bill have been identified, and as such are not covered in the Explanatory Memorandum.</p>	<p>Chapter 3 - Purpose and intended effect of the legislation</p> <p>Chapter 4 – What the Bill does and why</p> <p>Part 2 – Regulatory impact assessment</p>	<p>Pages 3 to 38</p> <p>Pages 39 to 49</p> <p>Pages 65 to 92</p>
26.6(x)	<p>Where the Bill contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:</p> <p>(a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;</p> <p>(b) why it is considered appropriate to delegate the power; and</p> <p>(c) the Senedd procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure).</p>	Chapter 6 - Power to make subordinate legislation	Pages 61 to 64

26.6(xi)	Where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate.	The Bill contains no provision that would charge expenditure on the WCF and therefore the requirement of Standing Order 26.6(xi) does not apply to this Bill  Letter received from the Auditor General to confirm that position.	n/a
26.6(xii)	Set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a "justice impact assessment"), in accordance with section 110A of the Government of Wales Act 2006.	Chapter 10(A)  Justice System Impact Assessment	Pages 93 and 94
26.6A	The Explanatory Memorandum to the Bill must state precisely where each of the requirements of Standing Order 26.6 can be found within it, by means of an index or otherwise.	Annex: Index of Standing Order Requirements	This Chapter
26.6B	Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.	No provisions contained in the Bill are derived from existing primary legislation. Therefore the table of derivations set out in Standing Order 26.6B is not required.	n/a

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26.6C	Where the Bill proposes to significantly amend existing legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.	Chapter 13 – Schedule of Amendments	Pages 120 to 125
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## 13.S026.6C Schedule of Amendment to existing primary legislation

**433.** This document is intended to show how the provisions of the following legislation as they applied in relation to Wales would look as amended by the Residential Outdoor Education (Wales) Bill (if enacted as introduced on 24 November 2023).

**434.** Material to be deleted by the Residential Outdoor Education (Wales) Bill is in strikethrough, e.g. ~~omitted material looks like this~~. Material to be added by the Residential Outdoor Education (Wales) Bill is underlined, e.g. added material looks like this. References to the relevant amending provisions of the Bill are provided in the right-hand column on each page.

### Warning

**435.** This text has been prepared by officials of the Welsh Parliament supporting Sam Rowlands MS in the development of the Bill. Although efforts have been taken to ensure that it is accurate, it should not be relied on as a definitive text of the Act or the Bill.

**436.** It has been produced solely to help people understand the effect of the Residential Outdoor Education (Wales) Bill. It is not intended for use in any other context.

Table 25: Schedule of amendments to primary legislation

Curriculum and Assessment (Wales) Act 2021	Amended by
<p>Insertion of new Section 64A</p> <p style="text-align: center;"><i><u>Residential outdoor education</u></i></p> <p><u>64A Provision of residential outdoor education</u></p> <p><u>(1) The 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 a curriculum, to registered pupils at maintained schools.</u></p> <p><u>(2) Those steps include the Welsh Ministers exercising their functions under this Act, and in particular—</u></p> <p><u>(a) exercising functions under section 6 in order to make the provision of a course of residential outdoor education a key concept within an area of learning and experience;</u></p> <p><u>(b) exercising functions under section 71A to issue guidance in respect of residential outdoor education.</u></p>	<p>Section 1(2)</p>

<b>Curriculum and Assessment (Wales) Act 2021</b>	<b>Amended by</b>
<p><u>(3) A course of residential outdoor education must be comprised of at least four nights and five days stay in residential accommodation.</u></p> <p><u>(4) A course of residential outdoor education may –</u></p> <p><u>(a) take place on one visit, or</u></p> <p><u>(b) be spread over more than one visit.</u></p> <p><u>(5) The Welsh Ministers must issue a code (the “Residential Outdoor Education Code”) that sets out the way in which a curriculum is to make provision for residential outdoor education.</u></p> <p><u>(6) The first Residential Outdoor Education Code must be issued within 1 year of this section coming into force.</u></p> <p><u>(7) A curriculum does not comply with this Act unless it accords with the Residential Outdoor Education Code.</u></p> <p><u>(8) The Welsh Ministers—</u></p> <p><u>(a) must keep the Residential Outdoor Education Code under review, and</u></p> <p><u>(b) may revise it.</u></p> <p><u>(9) In this section, a reference to a course of residential outdoor education being provided means provided once to registered pupils at maintained schools before they cease being registered pupils at maintained schools.</u></p> <p><u>(10) For further provision about the Residential Outdoor Education Code, see section 76.</u></p> <p><u>(11) Nothing in this section prevents residential outdoor education being provided outside a curriculum, whether to registered pupils at maintained schools or otherwise.</u></p>	
<p><b>Insertion of new section 71A</b></p> <p><b><u>71A Duty to issue guidance in respect of residential outdoor education</u></b></p> <p><u>(1) The Welsh Ministers must issue guidance under section 71 in respect of residential outdoor education.</u></p> <p><u>(2) The first guidance must be issued within 1 year of this section coming into force.</u></p> <p><u>(3) That guidance—</u></p> <p><u>(a) may set out the age or ages, or school year or school years, at which residential outdoor education is to be provided;</u></p> <p><u>(b) must provide that residential outdoor education is not compulsory for pupils to attend;</u></p> <p><u>(c) must provide that residential outdoor education is suitable to a pupil’s age, ability, aptitude and any additional learning needs;</u></p>	Section 1(3)

<b>Curriculum and Assessment (Wales) Act 2021</b>	<b>Amended by</b>
<p><u>(d) must provide that residential outdoor education be provided in Welsh, subject to availability, where requested by a school;</u></p> <p><u>(e) may provide that residential outdoor education promotes an understanding of Welsh language and culture;</u></p> <p><u>(f) may set requirements that must be satisfied before a person is permitted to provide residential outdoor education;</u></p> <p><u>(g) must make provision in respect of the costs that it would be reasonable to incur in connection with residential outdoor education, including, but not limited to, the cost of board and lodging and transport;</u></p> <p><u>(h) may make provision in respect of schools' staff costs in respect of residential outdoor education; and</u></p> <p><u>(i) may include any other provision that the Welsh Ministers consider appropriate.</u></p>	
<p><b>Amendment to Section 76</b></p> <p>76 The What Matters Code, <del>and</del> the Progression Code <u>and the Residential Outdoor Education Code</u>: procedure</p> <p>(1) This section applies to—</p> <p>(a) the What Matters Code;</p> <p>(b) the Progression Code;</p> <p><u>(c) the Residential Outdoor Education Code.</u></p> <p>(2) Before issuing or revising the Code, the Welsh Ministers must—</p> <p>(a) consult the persons they think appropriate (if any), and</p> <p>(b) lay before Senedd Cymru a draft of the proposed Code (or, in the case of revisions, of the proposed revised Code).</p> <p>(3) If, before the end of the 40 day period, the Senedd resolves not to approve a draft laid before it under subsection (2)(b), the Welsh Ministers must not issue the Code or revised Code in the form of that draft (or in any other form, unless a draft of that other form is laid before the Senedd under subsection (2)(b)).</p> <p>(4) If no such resolution is made before the end of that period in respect of a draft laid before the Senedd under subsection (2)(b), the Welsh Ministers must issue the Code (or revised Code) in the form of the draft.</p> <p>(5) The 40 day period, in relation to a draft—</p> <p>(a) begins with the day on which the draft is laid before the Senedd under subsection (2)(b), and</p>	<p>Section 1(4)</p>

Curriculum and Assessment (Wales) Act 2021	Amended by								
<p>(b) does not include any period during which the Senedd is dissolved, or is in recess for more than four days.</p> <p>(6) Where the Welsh Ministers consult any persons about a Code referred to in subsection (1) before this section comes into force, that consultation is to be treated as fulfilling the duty in subsection (2)(a) in relation to that Code.</p>									
<p>Insertion into the Index of Expressions in section 83, Table 1</p> <table border="1" data-bbox="159 649 1181 985"> <thead> <tr> <th data-bbox="159 649 893 694">Expression</th> <th data-bbox="896 649 1181 694">Relevant provision</th> </tr> </thead> <tbody> <tr> <td data-bbox="159 698 893 743">relevant school year ("<i>blwyddyn ysgol berthnasol</i>")</td> <td data-bbox="896 698 1181 743">section 31(5)</td> </tr> <tr> <td data-bbox="159 748 893 840"><u>Residential Outdoor Education Code ("<i>Cod Addysg Awyr Agored Breswyl</i>")</u></td> <td data-bbox="896 748 1181 840"><u>section 64A</u></td> </tr> <tr> <td data-bbox="159 884 893 929">RSE Code ("<i>Cod ACRh</i>")</td> <td data-bbox="896 884 1181 929">section 8(1)</td> </tr> </tbody> </table>	Expression	Relevant provision	relevant school year (" <i>blwyddyn ysgol berthnasol</i> ")	section 31(5)	<u>Residential Outdoor Education Code ("<i>Cod Addysg Awyr Agored Breswyl</i>")</u>	<u>section 64A</u>	RSE Code (" <i>Cod ACRh</i> ")	section 8(1)	Section 1(5)
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<u>Residential Outdoor Education Code ("<i>Cod Addysg Awyr Agored Breswyl</i>")</u>	<u>section 64A</u>								
RSE Code (" <i>Cod ACRh</i> ")	section 8(1)								
<p>Insertion of new Section 64B</p> <p><b><u>64B Funding for residential outdoor education</u></b></p> <p><u>(1) The Welsh Ministers must pay a local authority an amount sufficient to enable functions conferred by or under sections 64A and 71A, in respect of residential outdoor education, to be carried out.</u></p> <p><u>(2) This section is without prejudice to Chapter 4 of Part 2 of the School Standards and Framework Act 1998 (c. 31) (financing of maintained schools).</u></p>	Section 2								
<p>Insertion of new Section 74A</p> <p><b><u>74A Power to make transitional provision in respect of residential outdoor education</u></b></p> <p><u>(1) The Welsh Ministers may by regulations make transitional provision in respect of the coming into force of sections 64A, 64B and 71A.</u></p> <p><u>(2) Regulations made under subsection (1) may, in particular, modify or delay the coming into force of those sections in respect of different ages, or different school years, of registered pupils.</u></p>	Section 4(1)								
<p>Amendment to section 75(2)(a)</p> <p><b>75 Regulations</b></p> <p>(1) A power to make regulations under this Act—</p>	Section 4(2)								

<b>Curriculum and Assessment (Wales) Act 2021</b>	<b>Amended by</b>
<p>(a) is exercisable by statutory instrument, and</p> <p>(b) includes power to make different provision for different purposes.</p> <p>(2) A statutory instrument containing—</p> <p>(a) regulations under section 5, 31 <del>or 48</del>, 48 or 74A, or</p> <p>(b) regulations under section 74 that amend or repeal any enactment contained in primary legislation,</p> <p>may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.</p>	
<b>Education Act 1996</b>	<b>Amended by</b>
<p>Amendment to section 452(6)</p> <p><b>452 Application of section 451 where education is provided partly during and partly outside school hours etc.</b></p> <p>(1) Where a period allowed for any educational activity at a maintained school falls partly during school hours and partly outside school hours, then—</p> <p>(a) if 50 per cent. or more of the time occupied by that period together with any connected school travelling time falls during school hours, so much of the education provided during that period as is provided outside school hours shall be treated for the purposes of section 451 as provided during school hours, and</p> <p>(b) in any other case, so much of the education provided during that period as is provided during school hours shall be treated for those purposes as provided outside school hours.</p> <p>(2) In subsection (1) “connected school travelling time” means time spent during school hours by the pupils taking part in the educational activity concerned in getting to or from the place where the activity takes place.</p> <p>(3) Where any education provided at a maintained school is provided on a residential trip, then—</p> <p>(a) if the number of school sessions taken up by the trip is equal to or greater than 50 per cent. of the number of half days spent on the trip, any education provided on the trip which is provided outside school hours shall be treated for the purposes of section 451 as provided during school hours, and</p> <p>(b) in any other case, any education provided on the trip which is provided during school hours shall be treated for those purposes as provided outside school hours.</p> <p>(4) In this section “half day” means any period of 12 hours ending with noon or midnight on any day.</p>	Section 3(2)

<b>Curriculum and Assessment (Wales) Act 2021</b>	<b>Amended by</b>
<p>(5) For the purposes of subsection (3)—</p> <p>(a) where 50 per cent. or more of a half day is spent on a residential trip, the whole of that half day shall be treated as spent on the trip, and</p> <p>(b) a school session on any day on which such a session takes place at the school concerned shall be treated as taken up by a residential trip if the time spent on the trip occupies 50 per cent. or more of the time allowed for that session at the school.</p> <p>(6) Nothing in section 451 shall be read as prohibiting the making of a charge in respect of board and lodging provided for a registered pupil at a maintained school on a residential trip, <u>other than a residential trip provided in respect of residential outdoor education in pursuance of a duty imposed by or under the Curriculum and Assessment (Wales) Act 2021.</u></p>	
<p><b>Amendment to section 455(1)(d)</b></p> <p><b>455 Permitted charges.</b></p> <p>(1) Subject to subsection (2), a charge may be made in respect of—</p> <p>(a) education provided for a registered pupil at a maintained school other than education in respect of which, by virtue of section 451, no charge may be made,</p> <p>(b) the entry of a registered pupil at a maintained school for a public examination in any syllabus for that examination otherwise than in circumstances in which, by virtue of section 453(1), no charge may be made,</p> <p>(ba) travel arrangements provided under section 6 of the Learner Travel (Wales) Measure 2008 (“the Measure”) for a registered pupil at a maintained school in Wales, other than arrangements in respect of which, by virtue of section 454(3) of this Act or sections 3 or 4 of the Measure, no charge may be made,</p> <p>(c) transport provided for a registered pupil at a maintained school in England other than transport in respect of which, by virtue of section 454(3) or 508B(1), 508F(3), or section 508E(2)(d) and paragraph 5(2) of Schedule 35C, no charge may be made, and</p> <p>(d) board and lodging provided for a registered pupil at a maintained school on a residential trip, <u>other than a residential trip provided in respect of residential outdoor education in pursuance of a duty imposed by or under the Curriculum and Assessment (Wales) Act 2021.</u></p>	Section 3(3)