

Cyflwynwyd yr ymateb hwn i'r [Pwyllgor Plant, Pobl Ifanc ac Addysg](#) ar [Bil Addysg Awyr Agored Breswyl \(Cymru\)](#)

This response was submitted to the [Children, Young People and Education Committee](#) on the [Residential Outdoor Education \(Wales\) Bill](#)

ROE 15

Ymateb gan: Comisiynydd Plant Cymru
Response from: Children's Commissioner for Wales

Ymateb i Ymgynghoriad / Consultation Response

Background information about the Children's Commissioner for Wales

The Children's Commissioner for Wales' principal aim is to safeguard and promote the rights and welfare of children. In exercising their functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner's remit covers all areas of the devolved powers of the Senedd that affect children's rights and welfare.

The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18. The Welsh Government has adopted the UNCRC as the basis of all policy making for children and young people and the Rights of Children and Young Persons (Wales) Measure 2011 places a duty on Welsh Ministers, in exercising their functions, to have 'due regard' to the UNCRC.

This response is not confidential.

Thank you for the invitation to submit evidence to the stage 1 consultation on the above named Bill. I had the opportunity to meet with the sponsoring Member, Sam Rowlands MS, during the formation of the Bill and I welcome the chance to contribute formal evidence on this topic.

I've taken as headings the key points from the Consultation's terms of reference, as well as the specific questions posed to me by the Committee.

Principles and necessity of the Bill

By way of an overarching general comment, this Bill is a positive step towards securing an equal entitlement for all children to enjoy the benefits of a residential outdoor education programme.

The Explanatory Memorandum and other evidence already received by the Committee set out clear benefits and aspects to consider, which I will go through in more detail under relevant sections of this response.

The importance and necessity of this Bill are in creating an **entitlement** for all children and young people to access residential outdoor education during their school career. At present, this is more of an add on or enrichment activity. This creates a large postcode lottery, both in terms of whether or not your school offers such activities, and whether or not this is affordable to attend.

The reality is that, for many children, they will not have this experience without this Bill being in place.

Unintended consequences

Attendance:

- I can understand to some extent why the proposal is that this would not be a mandatory element as there are concerns about all children being able to engage with outdoor learning. However, I am unsure how well this sits with other mandatory areas of the curriculum, for which there is no potential to opt out. The mandatory elements of the curriculum are, rightly, areas that all learners should have involvement with and exposure too because they are core elements of learning. If residential outdoor learning is decided to be a mandatory element then it should be mandatory for all.
- Those who may be uncertain about attending may actually be the ones who stand to benefit the most from its introduction, such as those with mental health difficulties or anxiety, those with additional needs and/or those from disadvantaged backgrounds. My concern would be, if this isn't a mandatory entitlement for all, there could be pressure put on families such as those with disabled children to withdraw from the visit to avoid having to source provision that meets *all* of the children's needs.

EOTAS:

- On a related note, I was disappointed to see that this is proposed to be disapplied for children accessing EOTAS provision. Around half of those attending EOTAS are eligible for free school meals, and, again, I feel that these learners may benefit the most from learning outside of the classroom environment, and a large majority will have additional learning needs of some level.
- Whilst some areas of the curriculum *can* be disapplied for EOTAS, I would not encourage this to be the presumption or standard approach. For some, such as those who have struggled

with school attendance/anxiety issues, if they feel comfortable in the setting then there should be no reason why they can't access a full curriculum.

- I am concerned that the messaging that EOTAS pupils are not to receive the mandatory elements of the curriculum will become the accepted position rather than an option to be applied in specific circumstances, on a case by case basis.
- The initial consultation highlighted, amongst others, that those who struggle in a classroom setting would stand to benefit particularly from this entitlement being introduced.
- I would encourage the Committee to consider an amendment to the Bill, if it progresses, to include EOTAS provision within the mandatory element of the curriculum in this regard.

School career:

- I note that the Explanatory Memorandum details consideration given as to whether the age or school year should be specified, so that all children undertake this at the same point. However, the evidence is mixed and there is no optimum point from which the most benefit will be derived, so I can understand not making this a specific point in the legislation.
- The guidance to accompany the Act, should it pass, will need to set out how this should be managed in the context of the ability to split the entitlement across multiple trips provided the full amount of 5 days, 4 nights is met. Specifically, as the entitlement can be split across more than one visit, it will be necessary to ensure that schools in a cluster area and feeder primaries to secondary schools are discussing/aligning their approaches to ensure every child can access their full entitlement.

Cover and provision for those not attending:

- If there are some young people from the year group not attending the course then provision will still need to be made for them back at the school. If teachers are away with the pupils then cover will be needed, but there will need to be a way to continue to offer support to those pupils not attending the off site visit during that week.

Barriers

Whilst the visit itself will not incur a charge for parents and families, it will be necessary for each child attending to have suitable equipment to be able to attend such as waterproof clothing and suitable footwear.

The major concern that children raised with my office as part of our largescale national survey was the cost of living and poverty. For some, this goes as far as missing meals, with one young person even saying they had to stuff the holes in their one pair of shoes with paper. So this would be a fundamental barrier to some young people to even think about attending with these potential additional costs.

Parents and carers were asked how much they worry about paying for various things under the cost-of-living section of the survey. The most common responses were that parents and carers 'sometimes', 'a lot' or 'always' worry about basic needs. Of the parents and carers who responded to the survey, 56.5% worried about paying for school trips¹. Whilst there were also worries about paying for school uniforms, resources for school such as stationery and school lunches, school trips was the most frequent response.

¹ https://www.childcomwales.org.uk/wp-content/uploads/2023/07/AmbitionsforWales_FINAL_ENG.pdf

68.5% of parents also worried about paying for trips and days out for their children; and 66.6% were worried about paying for children's hobbies and activities, so there are clear barriers in place for some families and their children to access a range of sport, leisure and wellbeing activities at present.

Professionals were also concerned about cost pressures on families they work with. Of costs associated with school, paying for school trips came out top, with 86.2% concerned about this.

We asked children for their suggestions on what would make their lives better. Whilst core costs like food, housing and heating were strong concerns to children themselves, they also suggested "more trips and activities" would be helpful to them.

I was interested to see in the Explanatory Memorandum that some centres may already be able to provide support and supply relevant items such as wellington boots where needed. This isn't something that I have direct knowledge of but this is welcome to hear. I hope that through the consideration of this Bill this issue will gain greater prominence, and, should it pass, that this would become a cultural shift and that good practice in this regard would be widely shared, and an expectation that there is a way of providing for and supporting cases of potential hardship.

I am aware of some suggestions that the School Essentials Grant could cover this, but would advise that this would be an unrealistic expectation of the money that is allocated. Learners are allocated £125 per year (or £200 on entering year 7) but this only applies to families on very low incomes. Whilst the money can be used for wider purposes beyond just the main school uniform items, by the time you factor in all of the costs for the allowed purposes this would likely amount to more than £125 per child once you include a coat and shoes, all the uniform needs, school activities like musical instruments, sports kit and equipment and other essentials such as stationery and bags.

Research commissioned by the Welsh Government into School Uniform and other costs of schooling² from 2019 indicated that overall, "42 per cent reported experiencing some level of financial difficulty when buying their child's school uniform". Whilst this was more likely to be reported by families with a household income of less than £25,000, even a fifth of those with household incomes above £25,000 reported financial difficulties when buying their child's school uniform. This is way above the eligibility threshold for the School Essentials Grant (linked to free school meal eligibility).

That research also found that "one in 10 parents had not sent their child on a school day trip because of the cost, and one in 5 had not sent their child on a residential trip because of the cost. The likelihood of this increased among the lower income households (and particularly among those reliant on benefits as their main source of income), but remained an issue for both lower and higher income groups."

There is therefore significant potential for financial issues to be a barrier to children engaging with residential outdoor education without the provisions of this Bill being passed.

Financial considerations for the Bill

We are all acutely aware of the current financial pressures on local authority and schools' budgets. In that context, additional 'add on' requirements such as enrichment trips and activities are likely to

² <https://www.gov.wales/sites/default/files/statistics-and-research/2019-08/100929-school-uniform-other-costs-schooling-summary-en.pdf>

come under increased scrutiny as to whether or not they can be prioritised over other education requirements. So it feels as though activities such as residential trips are likely to be first on the list to be dropped as they may well be seen as a luxury.

It is for this reason that I think it is important to make this a statutory entitlement, so that all children can have access to the same type of opportunities as part of their school career.

The wider curriculum in Wales is about developing learners' skills and expanding their horizons – to become 'healthy, confident individuals who are ready to lead fulfilling lives as valued members of society' and 'ambitious, capable learners who are ready to learn throughout their lives'.

It is noted also that making such activities a part of the curriculum will ensure that parents will not be charged for their child to attend; existing legislation prevents charging for activities undertaken as part of the curriculum, during the school day or term. This again justifies making this a mandatory element of the curriculum, but of course necessitates the provisions within this Bill to ensure that schools are properly funded to be able to deliver these curriculum activities.

What is the importance of this type of activity to a child's development?

My office runs a free to access, bilingual children's rights scheme called Ambassadors, operating with primary and secondary schools across Wales³. Last term, we engaged with a number of schools in relation to the Whole School Approach to emotional and mental wellbeing. We undertook some targeted events in Ynys Mon and Blaenau Gwent (previously areas where we've had fewer schools engaged with the schemes), and asked participants about the top five things their school does best to support pupils' wellbeing & mental health. Across the six schools taking part, school trips came up in all of the groups as did outdoor activities (such as the daily mile). Pupils listed the benefits of these as follows:

- Helps make new friends
- Learn in new, practical ways
- Helps us to choose our academic future
- Chance to have fresh air and a chance for me to think for my mental health
- Break from school
- Helps me do things independently
- Everybody is fit and healthy
- Being outdoors
- It makes us feel relaxed
- To keep us healthy so we can maintain our health
- Makes us learn new skills and new activities
- Help spend more time with our friends
- School trips helps us by having a day off like a break from school
- School trips to allow students to forget about their worries and have fun with friends
- We go on school trips to relax our mind
- School trips get to explore new places

³ <https://www.childcomwales.org.uk/our-schemes/>

The benefits of outdoor activity more generally, such as the daily active, were noted to have the following benefits:

- Continuous active this will help because wellbeing - sports and exercise can have a wide impact on your mental health and can affect how you act around others in a positive way
- Daily mile this will help because your exercising and getting fresh air looking at the green view
- Daily dose this will help because it will help our wellbeing
- PE lessons this will help because we will be in the fresh air and we will be more fit and healthy
- Daily Mile this will help because you will get exercise.

In addition, recently published research⁴ has highlighted the importance of green spaces to children's physical development, specifically higher bone mineral density. Scientists have found that children living in places with 20-25% more natural areas had increased bone strength that was equivalent to half a year's natural growth. In addition, areas with 'higher green space' (trees and wooded areas) within a 1000-m radius of the home were significantly associated with reduced odds of having low bone density.

Previous research has found that greater access to green spaces increases physical activity in children. Studies have also noted multiple benefits for child development, including a lower risk of being overweight, lower blood pressure, higher IQs and better mental and emotional wellbeing.

For children not living near green spaces, the ability to access outdoor education is therefore vital to help support their health and development, but it will be an important aspect of every child's development.

On a related note, I would encourage the Committee to consider this particular point carefully, regardless of the outcome of this Bill process, as there are clearly some current inequalities affecting children's health and development based on where they live. This should be considered in detail with the Welsh Government to understand how this will inform and change their planning rules and requirements going forward.

Benefits of residential outdoor education

Having access to these visits as part of a child's education can have huge benefit for those from low income families in particular, who otherwise may well be unable to afford for a child or children to undertake activities like canoeing or rock climbing, or even to join any extracurricular clubs.

In our office's spotlight report on children's access to play and leisure (article 31 UNCRC)⁵ disabled children and young people often felt school was the place that provided them with the most opportunities, however they clearly valued the chance to engage in clubs and activity groups outside school. However, a number of respondents highlighted that activities from sports and art clubs to casual leisure activities such as visiting the cinema all cost a lot. One respondent noted "[a]s a

⁴ <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2813603>

⁵ <https://www.childcomwales.org.uk/wp-content/uploads/2018/04/Play-FINAL.pdf>

teenager, these activities are often too costly, acting as a barrier to us participating in activities". This was in 2018, so pre-dating the current cost of living additional pressures.

In our 2019 report on child poverty, A Charter for Change⁶, many parents and carers we spoke to discussed financial pressures and worries. One parent summed this up as "not living, just existing". Participants at a school parents' club in South Wales also spoke about costs having an impact on their ability to improve their children's quality of life, their own feelings of guilt about not being able to take their children on trips out where cost is involved, and the impact of this upon their own mental health, well-being and self-esteem.

It is notable from the Explanatory Memorandum that outdoor education is expected to benefit those who struggle to manage their behaviour in the classroom. This is why in particular I think that those accessing EOTAS should be included in the offer. With schools/colleges and professionals increasingly reporting pupils struggling to settle and/or remain in the classroom following the Covid disruption, it feels important that all children have the opportunity to access residential outdoor education. This break from the classroom will hopefully help them 'reset' for when they come back to the classroom environment, feeling refreshed and ready to continue learning in the more traditional setting.

It may well be the case that, having been out to enjoy a residential outdoor visit with the school, teachers and staff will also be inspired to incorporate elements of outdoor education back at their school premises or in the wider school community. It would be welcome for schools to consult pupils on this and to involve them in planning new activities or areas to visit during the school day for the purpose of outdoor education. This will continue pupils' ability to have that connection to their sense of place and the natural environment around them. With parents' worries about their ability to support children to access clubs and day trips in the area, this would help schools to engage and inspire pupils to explore their local area, again as part of the revised school curriculum.

There is the potential for residential outdoor education to also provide greater exposure to the Welsh language for pupils. This would support the Government's aim of a million speakers by 2050. In addition, there are a number of other Government strategies or policies that would be positively supported by the provisions of the Bill. These include the Healthy Weight Healthy Wales strategy, efforts to promote and sustain social justice across Wales, as well as the soon to be published child poverty strategy and revised mental health strategy.

Should the offer be free to all?

The difficulty with setting a cut off point for eligibility of this kind is the squeeze that this would put on families that sit just above the threshold in particular. This is clearly seen with the very low threshold for free school meal eligibility (which relates to other grant funding eligibility too), where the impact of the costs of food, school uniform and many other costs will hit hard, notwithstanding all the other current cost of living pressures. That bar is currently set far too low and my office and I have repeatedly called for this to be reviewed. I would not support this threshold being used for eligibility in this nature, as it will exacerbate the gap between the haves and the have nots, i.e. those who can already afford to go on day trips or join other clubs or sports groups and those who can't afford to access any such activities.

⁶ <https://www.childcomwales.org.uk/wp-content/uploads/2019/04/A-Charter-for-Change-Protecting-Welsh-Children-from-the-Impact-of-Poverty.pdf>

I would also be concerned about the potential impact for those families with multiple children. For those in receipt of state benefits, I am also concerned with the impact of the Westminster Government's two child limit and benefits cap. The Child Poverty Action Group (CPAG) have published research on the financial pressures on larger families⁷, noting that the policy hasn't had its intended aim of reducing birth rates, but has however had a significant impact on the wellbeing of children in larger families.

Meeting the needs of all children

The Bill documents highlight that attendance at an offered course of residential outdoor education would not be compulsory. People managing anxiety (both parents and children) are highlighted as those who may not wish to attend a residential course, but they may be precisely those who stand to benefit substantially from the offer. The positive impacts on mental health and wellbeing are strongly documented across the evidence so this doesn't sit comfortably alongside a presumption that those with anxiety won't attend. In other words, the way things are currently framed almost prompts or suggests to those people that this isn't for them. I would instead encourage consideration of how course providers can publicise their offerings, through online information and 360 degree video tours and the like, and offering visits to setting for anyone wanting to understand more about the provision. Through existing technology, there are also strong methods of retaining communication with parents and carers throughout visits so concerns about how children may be coping with a visit can hopefully be assuaged through strengthened communications agreements.

I note concerns in some of the evidence about the ability of current providers to meet and manage all children's needs at present, including for example those with disabilities or additional needs. Pupils at special schools for example are the least likely to be accessing opportunities for residential outdoor education at present.

I would hope that with the passage of a Bill such as this, this will drive improvements in the sector in order to meet children's needs. In addition, investment in the sector will follow from the Bill as currently drafted, so this provides the justification to broaden out provision and providers' skills and training.

The investment in the sector will also bring potential economic benefits which will hopefully also encourage new providers to open and operate provision here to meet needs.

If this is not already in place, I would strongly recommend that the contractual arrangements/expectations for offering provision to schools under this Bill could ask providers to consider how they promote cultural and language links and or environmental/net zero factors through their business model.

⁷ <https://cpag.org.uk/policy-and-campaigns/briefing/has-two-child-limit-affected-how-many-children-families-have>

Any other points to consider

Safeguarding

The late Steffan Lewis AM previously proposed a Safety on Educational Trips bill, as a private members bill in the 2017 ballot. This Bill would have introduced a mechanism for independent reviews to take place following injury or death during a trip, but also a code of conduct for supervisory staff during trips, including a prohibition on alcohol usage, and guidelines for the information that must be provided to parents and guardians before a trip takes place. The bill was motivated by the tragic death of a constituent of Mr Lewis MS, due to a fall on a college trip to Spain. Amongst other things, there was no expectation or requirement on the college staff to comply with the Outdoor Education Adviser's Panel's national guidance⁸. The Bill would have brought this in as an expectation on education providers taking trips. Parental anxiety is a factor raised in the Bill documentation, and I believe that a requirement to comply with this (currently advisory) guidance would not only protect pupils on these visits but also provide reassurance to parents and carers as to how the trips will be managed and supported. The Welsh Government endorses the OEAP guidance but this Bill provides the opportunity to incorporate this as a requirement. I would encourage consideration of an amendment to the Bill to this effect. My office would be happy to provide further advice or discussion on this point.

Children's rights impact assessment

I would also like to recognise and commend the strong and clear children's rights impact assessment (CRIA) that accompanies the Bill (within the Explanatory memorandum).

Whilst I should acknowledge that Sam Rowlands MS has used my office's template as a guide for his CRIA, the information that has been submitted to populate that template is exemplary.

The CRIA includes specific consideration of individual articles and rights, not just the obvious ones like access to education but also support for the best standards of health, and the use of Governmental funding provisions to directly support families and children to access their rights.

It also includes overt consideration of the potential differential impact on certain groups of children and considers how any negative impacts could be mitigated. Reference to published research and a good size dedicated consultation with children and young people on the specifics of this Bill has fed directly in to the final formation of the Bill's provisions, with accountability back to those who have fed their views in to the consultation process.

I would like to draw particular attention to the child friendly participation methods employed to gather views, including an explanatory cartoon/animation about the Bill, and devising a 'snakes and ladders' game to help gather children's views in a fun, engaging and accessible manner.

One clear benefit of this strong approach to the CRIA is that it draws out the strong point that those who would benefit most from the Bill are those who are disadvantaged by current system, which in my view makes a strong case for this Bill to be taken forward.

⁸ <https://oeapng.info/about-national-guidance/>

Submitted by:

A handwritten signature in black ink that reads "Rocio Cifuentes". The name "Rocio" is written in a cursive style, and "Cifuentes" is written in a more formal, slightly cursive script. The signature is positioned below the "Submitted by:" text.

Rocio Cifuentes MBE

Children's Commissioner for Wales