

## Sam Rowlands

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Peredur Griffiths MS,  
Chair of Finance Committee

15 April 2024

Dear Peredur,

### **Residential Outdoor Education (Wales) Bill: response to the Finance Committee's Stage 1 report**

I would like to thank the Finance Committee for their scrutiny of the Residential Outdoor Education (Wales) Bill ("the Bill") during Stage 1 and for the report which was published on 21 March 2024. I have set out my response to the Committee's conclusions and recommendations at Annex A.

I note that the Committee was broadly content with the financial implications of the Bill as set out in the Regulatory Impact Assessment. I also very much welcome, and appreciate, the Committee's Conclusion 3 regarding the level of detail provided on the cost estimates. In developing the RIA, a significant amount of work was undertaken, including with providers of residential outdoor education, and I truly believe that the costs set out in the RIA are as robust and as complete as I could have possibly made them.

With that in mind, it has not been possible for me to accept all of the Committee's recommendations, as noted in Annex A. However, I would like to make the general point that should the Bill progress through the legislative process, I will continue to develop the RIA and will, of course, publish a revised RIA as appropriate.

Lastly, I wanted to make you aware that I will also be writing to the Chairs of the Children, Young People and Education Committee and the Legislation, Justice and Constitution Committee with respect to their Stage 1 Reports, and will copy the letters to all three Committee Chairs.

Yours sincerely



Sam Rowlands MS  
**Member of the Welsh Parliament for North Wales**

## Annex A

### Response from Sam Rowlands, MS to the Finance Committee's Report on the Residential Outdoor Education (Wales) Bill

**Conclusion 1.** The Committee is broadly content with the financial implications of the Bill as set out in the Regulatory Impact Assessment, subject to the comments and recommendations in this report. Should there be significant changes to the Regulatory Impact Assessment as a result of the recommendations made in this report, the Committee may consider those changes in more detail.

**Conclusion 2** The Committee notes the budgetary pressure that is currently being experienced by the Welsh Government and also notes the significant level of funding required for this Bill.

**Conclusion 3** The Committee was impressed with the level of detail provided on the cost estimates included in the Regulatory Impact Assessment, and believes this approach represents a good example for the Welsh Government and others to follow in terms of the level of detail that should be included in relation to the costs of legislation.

**Conclusion 4** The Committee notes that the five-year appraisal period for this Bill is appropriate and is in line with the timescales applied by the Welsh Government in assessing the impact of the Bills it introduces. We expect all Bills to be treated and scrutinised on an equal basis and to the same standard.

#### **Response: Noted**

I am happy that the Committee was broadly content with the financial implications of the Bill as set out in the Regulatory Impact Assessment. I also very much welcome, and appreciate, the Committee's Conclusion 3 regarding the level of detail provided on the cost estimates.

In developing the RIA, a significant amount of work was undertaken, including with providers of residential outdoor education, and I truly believe that the costs set out in the RIA are as robust and as complete as I could have possibly made them.

**Recommendation 1.** Although the Committee is content with the approach adopted in removing inflation when costing the Bill, the Committee recommends that the Member in Charge undertakes further analysis on its potential impact given the current level of inflation and the significant cost of the Bill.

**Response: Accept**

If the General Principles of the Bill are agreed, further analysis regarding the impact of inflation will be undertaken and included in a revised RIA.

**Recommendation 2.** The Committee recommends that the Member in Charge undertakes further work on the potential increase in demand for residential stays at outdoor activity centres as a result of the Bill being passed.

**Response: Accept**

In developing the Bill and the RIA, a substantial amount of work was undertaken to establish current levels of participation in residential outdoor education. This included examining the EVOLVE data and working with the Outdoor Education Advisers' Panel (OEAP) who undertook a survey with schools. Details on the findings are included in Chapter 3 of the EM – 'Purpose and intended effect of the Bill'.

The aim of the Bill is to make an offer of residential outdoor education compulsory under the curriculum, and costs are therefore based on the assumption of 100% take up of the offer. A reasonable assumption of the increase in demand can therefore be made by comparing the data we established on current take up to the assumption of 100% take up.

Moving forward, the potential increase in demand could be analysed further once the Bill has completed the legislative process, and has been passed. There are elements of the Bill as introduced that will be for the Welsh Ministers to deliver, and which could have an impact on demand. All of this will be taken into account as the Bill continues through the legislative process.

I note that part of the Committee's concern is that an increase in demand could potentially lead to increases in costs for those areas. I do not envisage this to be the case. However, if costs were to increase as a result, it would be impossible to predict what those costs would be and where any increase might occur.

**Recommendation 3.** The Committee recommends that the Member in Charge undertakes further work analysing and estimating the benefits of the Bill, and for this information to be included in a revised Regulatory Impact Assessment.

**Response: Reject**

In developing the Bill, the Explanatory Memorandum and Regulatory Impact Assessment, a substantial amount of work has been undertaken to analyse and capture the potential benefits of residential outdoor education. Significant detail on the potential benefits of the Bill is included throughout the Explanatory Memorandum, not just within the RIA.

The information on the benefits contained in the EM has been drawn together following lengthy and detailed discussion with a wide range of individuals and organisations. This includes discussion with providers of outdoor education across the UK and elsewhere, as well as drawing on evidence from experts such as the Outdoor Education Advisers' Panel, and the Institute for Outdoor Learning.

I refer the Committee in particular to:

- Chapter 3 – paragraph 18; paragraphs 23 to 25; paragraphs 60 to 69; paragraphs 79 to 101.
- RIA – paragraphs 212 to 224.

While I reject the Committee's recommendation, I note and agree with the Committee's view that "The Committee expects RIAs to contain the best estimate possible for benefits as well as costs to enable it to fully scrutinise the overall financial implications of a Bill". I am satisfied that the RIA I have prepared does contain the best estimate possible.

If the Bill is passed, and enacted, I would fully support any 'post-legislative' work to analyse whether the Bill has had the impact and the benefits that are expected.

**Recommendation 4.** The Committee recommends that the Member in Charge updates the Regulatory Impact Assessment to include an analysis and costs of items other than specialist equipment that pupils may need when attending a residential outdoor education experience, such as suitable clothing and footwear.

**Response: Reject**

This is an issue to which I gave a great deal of consideration while developing the Bill and the Explanatory Memorandum, and on balance, I did not believe that the cost of non-essential clothing and footwear should form part of the costings for the Bill.

As the Committee will be aware, the purpose of the Bill is to enable all pupils in maintained schools to experience residential outdoor education. To achieve that,

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.

I fully understand that when attending a course of residential outdoor education, pupils would be expected to take suitable clothing, such as coats and footwear. However, these can be seen as non-essential for the specific activities they may undertake as part of the experience and are therefore not unique to the purposes of the Bill.

When organising residential visits away, schools provide pupils with a list of things they would need to take with them. In my discussions with providers, it was often the case that what schools were telling pupils they 'needed' was over and above what the centres themselves actually required pupils to bring.

In paying for any non-essential items of clothing, there is also the challenge of distinguishing between what pupils might 'need' and what they might 'want'. Social pressures will inevitably lead to certain demands from pupils. The clothing that some (if not most) pupils choose to wear may be branded goods that would not offer value for money if the cost is being met through the Bill.

It is also a reasonable assumption that most pupils would already require those non-essential items of clothing for purposes out with the Bill. As such the cost is not included as it is not something directly attributable to the Bill. It would be impossible to know with any sense of certainty what would need to be paid for in this regard. It was therefore decided that the costs to be included as part of the Bill should be those costs that would need to be met by ALL pupils attending a course of residential outdoor education.

Where there are items of clothing that pupils may not have, and which might prevent a child attending, the School Essentials Grant could be used to help meet those costs. I am aware that the Committee has heard evidence in this regard during its evidence gathering.

**Recommendation 5.** The Committee recommends that the Member in Charge provides further information about how guidance around the Bill will ensure that value for money is a key consideration when schools make choices about residential outdoor education.

**Response: Accept**

Ensuring value for money depends on a range of factors. It is essentially a balance between what is on offer and the aims of the school. There needs to be a clear picture in place of what a school requires from a visit, and what the provider will deliver.

The most important thing in assessing value for money is whether the aims of the visit have been met. This could be achieved through an evaluation of the visit by the teacher leading it. Such an evaluation would also enable staff to identify strengths and weaknesses, potential improvements and plan for future residential. The evaluation can be used to demonstrate effective use of the funding.

To achieve this there is a need for accompanying school staff to recognise what value for money might look like. One way to help this is through training around what the LOTC Quality Badge involves, as it incorporates aspects of provision that encourage the conditions leading to successful outcomes.

The Bill already requires the Welsh Ministers to issue guidance in respect of Residential Outdoor Education, and that the guidance "(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". This should provide some safeguard that the costs of visits must be reasonable. However I would be happy to explore if the guidance provisions in the Bill could be strengthened to further promote the need to ensure value for money.

**Recommendation 6.** Given the varied needs and requirements of pupils, the Committee recommends that the Member in Charge provides further analysis on the estimated costs for pupils with complex needs and Additional Learning Needs, and for this information to be included in a revised Regulatory Impact Assessment.

**Response: Reject**

The RIA already contains what I consider to be an accurate estimate of the costs for pupils with complex needs to attend a residential outdoor education experience.

In developing the estimate, I have worked directly with the Exmoor Calvert Trust and the Bendrigg Trust, two of the leading providers in the UK of activity breaks for people with disabilities and special needs.

The costs provided directly from those centres equated to approximately double the average cost provided by centres responding to the survey sent out to support data collection related to the Bill. These costs are set out in the RIA.

**Recommendation 7.** The Committee recommends that the Member in Charge provides further analysis on supply teaching costs, and for this information to be included in a revised Regulatory Impact Assessment.

**Response: Reject**

In rejecting this recommendation, I acknowledge that there are often challenges in finding suitable supply teacher cover – as outlined in evidence to the Committee.

However, in developing the costs for the Bill in this respect, I have based the estimate on the assumption that supply cover would be available whenever needed, and as such this should provide for the maximum costs associated with this aspect of the Bill.

I note the Committee has based the recommendation on its concerns over the availability of supply teacher cover. However, the availability of cover should not change the actual costs of providing that cover based on the assumption already outlined. Therefore, I do not believe there to be any underestimation as I have based the estimate on that cover being available.

**Recommendation 8.** The Committee recommends that the Member in Charge undertakes further work on cost implications in relation to potential changes for the School Teachers Pay and Conditions Document as a result of the Bill being passed.

**Response: Reject**

It would not be appropriate for me, as an individual Member of the Senedd to undertake work to consider possible changes to the School Teachers Pay and Conditions Document.

If, as a result of the Bill being passed, a change to that document is required, it would be for Welsh Ministers to work with teachers, and unions, to establish the extent to which any changes are required.

**Recommendation 9.** The Committee recommends that the Member in Charge provides further information on the costs associated with the tracking and monitoring of pupils' attendance at a residential outdoor education experience in a revised Regulatory Impact Assessment.

**Response: Reject**

The RIA already contains the best estimate for the costs of tracking pupils – based on discussions with stakeholders on the likely way on which that tracking could work in practice.

These discussions noted that tracking could be integrated into each pupil record entered into 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. However, as local authorities already utilise information management systems it is believed the transition costs to implement an additional field would be negligible.

**Recommendation 10.** The Committee recommends that the Member in Charge provides clarification on any potential inspection requirements associated with the Bill, including any role for Estyn, and further detail on how effective monitoring of the Bill will be achieved.

**Response: Accept**

The Bill will require that public money is to be used to fund a course of residential outdoor education as part of education, and I acknowledge there may arguably be a need for some form of quality control and assessment that it is meeting desired educational outcomes.

As it will be the school itself that sets the aims of the visit, it should also follow that the school has responsibility for assessing whether these aims have been met.

Estyn itself confirmed in evidence that if the Bill progresses and outdoor education residentials become a statutory requirement, that would be taken into account when Estyn inspects a school's teaching and learning. However, through its routine inspections, Estyn wouldn't look at the actual visits schools undertake and form a judgement on these. If this was desired, the Welsh Government would need to remit Estyn to carry out a thematic review, which it could do as part of its annual remit letter. There will therefore not be any additional role for Estyn as a matter of course.

Current, voluntary quality frameworks that providers of outdoor education can access include assessments of teaching and learning processes, as well as a range



of other 'components of provision', including safety, admin, etc. Statutory and non-statutory inspection systems exist already and are carried out at the expense of the provider.

**Recommendation 11.** The Committee recommends that the Member in Charge includes a post-implementation review in a revised Regulatory Impact Assessment, which should include information as to how the overall costs and benefits of the Bill will be monitored.

**Response: Accept**

As outlined in my response to Recommendation 3, if the Bill is passed, and enacted, there would be a substantial piece of work needed to analyse whether the Bill has the impact, and the benefits, that are expected.

If the Bill progresses to Stage 2, I will explore the possibility of including a post-implementation review, which may be better placed set out on the face of the Bill rather than in the RIA.