

# **Financial implications of the Residential Outdoor Education (Wales) Bill**

March 2024

## 1. Introduction

- 1.** On 13 July 2022, Sam Rowlands MS was successful in the ballot<sup>1</sup> held under the Senedd's Standing Order 26.87<sup>2</sup> for the right to seek leave to introduce a Member Bill. He was given leave to proceed with the Bill on 26 October 2022.<sup>3</sup>
- 2.** The Residential Outdoor Education (Wales) Bill<sup>4</sup> (the Bill) and Explanatory Memorandum<sup>5</sup> (EM), including the Regulatory Impact Assessment (RIA), were introduced by Sam Rowlands MS, Member in Charge of the Bill, on 24 November 2023.
- 3.** On 29 November 2023, the Member in Charge made an introductory statement on the Bill in Plenary.<sup>6</sup>
- 4.** The Finance Committee (the Committee) took evidence on the financial implications of the Bill on 7 February 2024,<sup>7</sup> from:
  - Jeremy Miles MS, Minister for Education and Welsh Language (Minister)
  - Emyr Harries, Deputy Director, Education Business & Governance, Welsh Government
  - Lloyd Hopkin, Deputy Director, Curriculum, Welsh Government
- 5.** On 22 February 2024,<sup>8</sup> the Committee took evidence from:
  - Sam Rowlands MS, Member in Charge
  - Dr Dave Harvey, Member of the Senedd Support Staff
  - Christian Tipples, Senedd Research
  - Michael Dauncey, Senedd Research

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<sup>1</sup> [Plenary, 13 July 2022](#)

<sup>2</sup> [Welsh Parliament, Standing Orders](#)

<sup>3</sup> [Plenary, 26 October 2022](#)

<sup>4</sup> [Residential Outdoor Education \(Wales\) Bill](#)

<sup>5</sup> [Explanatory Memorandum](#)

<sup>6</sup> [Plenary, RoP, 29 November 2023](#)

<sup>7</sup> [Finance Committee, 7 February 2024](#)

<sup>8</sup> [Finance Committee, 22 February 2024](#)

**6.** Policy scrutiny of the Bill was undertaken by the Children, Young People and Education (CYPE) Committee.<sup>9</sup>

**7.** The Legislation, Justice and Constitution (LJC) Committee considered the Bill in accordance with matters which fall within its remit.<sup>10</sup>

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<sup>9</sup> Children, Young People and Education Committee

<sup>10</sup> Legislation, Justice and Constitution Committee

## 2. Overview of the Bill

**8.** The Bill would place a statutory 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 registered pupils at maintained schools.”<sup>11</sup>*

**9.** The EM uses a definition of a maintained school as “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 ...”<sup>12</sup>

**10.** The EM says:

*“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... regardless of their socio-economic background, disabilities, additional learning needs (ALN), cultural background or geographical location.”<sup>13</sup>*

**11.** It adds that this:

*“... will move a residential outdoor education experience from an enrichment activity to an entitlement component of the Curriculum for Wales.”<sup>14</sup>*

**12.** The Bill also establishes a statutory obligation for local authorities to be allocated funding by Welsh Ministers to enable them to provide residential outdoor education.<sup>15</sup>

### Provision and funding of residential outdoor education

**13.** Section 1 of the Bill provides for the provision of residential outdoor education by amending the Curriculum and Assessment (Wales) Act 2021.<sup>16</sup> This section specifies that a course of residential outdoor education must comprise of

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<sup>11</sup> Residential Outdoor Education (Wales) Bill

<sup>12</sup> Explanatory Memorandum, page 5

<sup>13</sup> Explanatory Memorandum, page 5

<sup>14</sup> Explanatory Memorandum, page 5

<sup>15</sup> Residential Outdoor Education (Wales) Bill

<sup>16</sup> Explanatory Memorandum, page 2

at least four nights and five days stay in residential accommodation and that it may take place on one visit or spread over more than one visit.<sup>17</sup>

**14.** The EM says:

*“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.”<sup>18</sup>*

**15.** Section 2 of the Bill provides for the funding of residential outdoor education by amending the Curriculum and Assessment (Wales) Act 2021.<sup>19</sup>

**16.** The Bill places a duty on Welsh Ministers to “pay a local authority an amount sufficient to enable functions ... in respect of residential outdoor education, to be carried out”.<sup>20</sup>

**17.** The EM says:

*“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.”<sup>21</sup>*

**18.** The Bill requires the Welsh Ministers to issue guidance on certain areas that must or may be included.<sup>22</sup>

**19.** In commenting on the purpose of the Bill, the Minister told the Committee:

*“I think outdoor learning is a very, very good thing; I don't think what this Bill seeks to achieve in terms of providing a residential course of a specified number of days is the best way of achieving that outcome.”<sup>23</sup>*

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<sup>17</sup> Explanatory Memorandum, page 39

<sup>18</sup> Explanatory Memorandum, page 46

<sup>19</sup> Residential Outdoor Education (Wales) Bill, page 4

<sup>20</sup> Residential Outdoor Education (Wales) Bill, page 4

<sup>21</sup> Explanatory Memorandum, page 51

<sup>22</sup> Explanatory Memorandum, page 48

<sup>23</sup> Finance Committee, RoP, 7 February 2024, paragraph 16

**20.** In commenting on Sections 1 and 2 of the Bill, the Minister told the Committee:

*"I think the net effect, if you like, of the two provisions, though, is certainly that this one aspect of the curriculum—and I would say it's a very narrow aspect of a broad curriculum—is given a level of funding, precedence and preference over all other aspects of the curriculum because of this specific funding duty, and there is no precedent for that in the curriculum legislation otherwise."*<sup>24</sup>

**21.** The Minister went on to say that Welsh Government funding was under "incredible pressure"<sup>25</sup> and that:

*"... expecting a legislative statutory duty to be funded in the current climate is not the most pressing call on school budgets ..."*<sup>26</sup>

**22.** The Member in Charge acknowledged that including a funding provision on the face of the Bill is "unusual",<sup>27</sup> but explained the purpose of this was to "ensure that it wasn't just seen through an education lens", he went on to say:

*"... the education Minister... seems to think that this Bill is purely to be funded from an education pot, where there's no ask for that at all; it was never the intention."*<sup>28</sup>

**23.** He added:

*"... there's nothing stopping, at all, Welsh Government, across its full breadth of departments, coming together to see how this can be supported and properly funded. This is also intended to ensure that it's new money coming into this, rather than taking money away from existing school budgets, in particular, because I know, in the consultation, that was a nervousness of some schools ..."*<sup>29</sup>

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<sup>24</sup> Finance Committee, RoP, 7 February 2024, paragraph 10

<sup>25</sup> Finance Committee, RoP, 7 February 2024, paragraph 50

<sup>26</sup> Finance Committee, RoP, 7 February 2024, paragraph 50

<sup>27</sup> Finance Committee, RoP, 22 February 2024, paragraph 21

<sup>28</sup> Finance Committee, RoP, 22 February 2024, paragraph 21

<sup>29</sup> Finance Committee, RoP, 22 February 2024, paragraph 21

## Defining ‘residential outdoor education’

**24.** “Residential outdoor education” is not defined on the face of the Bill, but a description is included in the EM.<sup>30</sup> It says:

*“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.”<sup>31</sup>*

**25.** When the Minister was asked whether not including a definition of residential outdoor education could have implications in assessing the costing of the Bill, he said:

*“... I think is highly problematic from a policy point of view, but it's also problematic from a funding point of view, because it's then difficult properly to quantify exactly what is meant.”<sup>32</sup>*

**26.** In explaining the reasons why a definition of residential outdoor education had not been included on the face of the Bill, the Member in Charge said there was already a “well-known understanding of what residential outdoor education is”.<sup>33</sup> He went on to say:

*“... there needs to be an element of flexibility for teachers, and headteachers in particular, to know what type of setting and what type of experience is going to best suit the children that they have in front of them. And then, if a definition was put on the face of the Bill, if there was to be a slight change to that, you can imagine the legislative process that would have to take place to make that change. So, with it being in the code, with it*

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<sup>30</sup> Explanatory Memorandum, page 10

<sup>31</sup> Explanatory Memorandum, page 10

<sup>32</sup> Finance Committee, RoP, 7 February 2024, paragraph 18

<sup>33</sup> Finance Committee, RoP, 22 February 2024, paragraph 24

*being within guidance, I think it's a much better place for that definition to be.*<sup>34</sup>

## Committee view

**27.** The Committee welcomes the work that has gone into developing this Bill, which is evidenced by the Explanatory Memorandum and the Regulatory Impact Assessment. The Committee was particularly satisfied with the costs provided in the RIA, which were robust and stood up to scrutiny.

**28.** The Committee recognises that the aim of the Bill, in ensuring that a residential outdoor education experience is provided free of charge to every pupil at a maintained school, regardless of their circumstances, is a laudable one. However, the Committee acknowledges that the Welsh Government's budget is under "incredible pressure" and notes the views of the Minister that funding residential outdoor education is not the most pressing call on school budgets.

**29.** The Committee further notes that, in practice, the Bill may give specific funding priority to one aspect of the curriculum over another. While the Committee recognises the Member in Charge's view that the funding provisions in the Bill are intended to be flexible and do not require funding to come only from schools' budgets, we again note the overall pressures currently being experienced across the Welsh Government's budget.<sup>35</sup>

**30.** The Committee recognises that, while not providing a definition on the face of the Bill gives an element of flexibility, it could also have implications on accurately costing the 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.

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<sup>34</sup> Finance Committee, RoP, 22 February 2024, paragraph 25

<sup>35</sup> ~~Finance Committee report: Scrutiny of the Welsh Government Draft Budget 2024-25, February 2024~~, paragraph 72



**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.

## 3. Summary of the Bill costs

### Overall costs

**31.** The RIA considers two options:<sup>36</sup>

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

**32.** The costs and benefits of the Bill have been assessed over a five-year implementation period<sup>37</sup> and costs are provided as a range, with a ‘low’ and ‘high’ figure include in the RIA.

**33.** The Member in Charge told the Committee that in establishing the costs, providers were surveyed, with 51 responses received; and existing Welsh Government data and EVOLVE data sets were utilised. He added that he was “very comfortable with the range”<sup>38</sup> in relation to costs as presented in the RIA.

**34.** The total cost of the Bill is between £74.3 million and £95.9 million. The total benefits have not been quantified.<sup>39</sup> All of the quantified costs within the RIA are ongoing costs.<sup>40</sup>

**35.** The tracking of pupils’ participation in residential outdoor education is the only identified area for transitional costs.<sup>41</sup> While these costs have not been estimated, the RIA assumes that these costs are negligible.<sup>42</sup>

**36.** Costs are presented across three categories:

- Attending outdoor activity centres;
- Transport; and
- Teacher cover.

**37.** In its evidence paper, the Welsh Government says that the costs in the RIA are “largely in-line with the estimates previously calculated for the Bill by

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<sup>36</sup> [Explanatory Memorandum, page 69](#)

<sup>37</sup> [Explanatory Memorandum, page 69](#)

<sup>38</sup> Finance Committee, RoP, 22 February 2024, paragraph 57

<sup>39</sup> [Explanatory Memorandum, page 71](#)

<sup>40</sup> [Explanatory Memorandum, page 71](#)

<sup>41</sup> [Explanatory Memorandum, page 77](#)

<sup>42</sup> [Explanatory Memorandum, page 96](#)

officials”.<sup>43</sup> However, it questions the “likelihood of these costs reducing year on year over the five-year period... is unlikely given the current rate of inflation”.<sup>44</sup> The Minister reiterated this in his evidence to the Committee, saying:

*“I don't think we could be confident that those costs are likely to reduce over the coming years, which I think is an assumption in the RIA, because of costs of living generally and the current rate of inflation. So, I don't think that is a safe assumption, but from a top-line point of view, they're broadly in line. I do think these costs are completely unaffordable in the current climate, to be clear, but I do think that the way they've been described is fair.”<sup>45</sup>*

**38.** In responding to the Minister’s comments in relation to the impact of inflation on the costs in the RIA, the Member in Charge said:

*“... we've followed the Treasury Green Book guidance on this, which does not expect an inflationary consideration within the calculation.”<sup>46</sup>*

**39.** The Welsh Government also says it would be “risky” to commit to forecast costings with no indicative budgets post-March 2025.<sup>47</sup> When asked by the Committee why this was a specific concern with this Bill, and not others, the Minister said:

*“... when you've got the mix of the funding climate on the one hand and a new, novel and unique, really, level of obligation to fund one part of the curriculum over another, I think the net effect of that is that you'd need to have more certainty than we've got.”<sup>48</sup>*

**40.** Going on to say:

*“... this Bill creates an obligation for Ministers to fund residential outdoor provision in a very specific way, but doesn't, for*

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<sup>43</sup> [Welsh Government, written evidence paper, page 12](#)

<sup>44</sup> [Welsh Government, written evidence paper, page 12](#)

<sup>45</sup> Finance Committee, RoP, 7 February 2024, paragraph 30

<sup>46</sup> Finance Committee, RoP, 22 February 2024, paragraph 69

<sup>47</sup> [Welsh Government, written evidence paper, page 12](#)

<sup>48</sup> Finance Committee, RoP, 7 February 2024, paragraph 67

*example, provide an obligation on Ministers to fund science teaching or maths teaching.”<sup>49</sup>*

**41.** In response to the Minister’s comments, the Member in Charge said:

*“I find it quite a strange point, I suppose, because that's suggesting that Welsh Government, perhaps, don't do any indicative thinking beyond 2025; I certainly hope that they do do that.”<sup>50</sup>*

**42.** The Member in Charge explained that the reason for costs reducing over the five-year appraisal period was due to “pupil numbers decreasing over that time”.<sup>51</sup> In relation to the overall cost of the Bill, he said:

*“... it's a matter of priorities. Government can afford whatever it chooses to afford. It does though mean that there are pressures elsewhere. I'm not denying that at all... So, I absolutely accept that this not a cheap Bill. I'm not pretending it is. I haven't attempted to suggest that this will, within two years, pay for itself or anything ridiculous like that. I think it's an investment, but it's a worthwhile investment.”<sup>52</sup>*

**43.** As mentioned in Chapter 2 of this report, the Bill establishes a statutory obligation for local authorities to be funded for residential outdoor education by Welsh Ministers. When asked about the mechanism to be used for funding the Bill, the Member in Charge said:

*“So, I haven't outlined that on the face of the Bill. I would expect that, if I was doing this, I wouldn't want it on a claims basis because I think that, administratively, for local authorities and schools in particular, that would become fairly burdensome to say the least. I would expect there to be a grant process. I guess the calculation would be the average number of learners per year multiplied by the estimated cost per learner. So, I think that will be included in the block grant... there is the unhypothecated section of the funding, but also there's what I think is a couple of billion pounds these days in the specific*

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<sup>49</sup> Finance Committee, RoP, 7 February 2024, paragraph 69

<sup>50</sup> Finance Committee, RoP, 22 February 2024, paragraph 65

<sup>51</sup> Finance Committee, RoP, 22 February 2024, paragraph 69

<sup>52</sup> Finance Committee, RoP, 7 February 2024, paragraph 30

*grants section of the funding to local authorities, and I suspect that that will be the best place for it.”<sup>53</sup>*

**44.** The Member in Charge was also asked whether the Bill could potentially increase the demand for activity centres, which could then impact the cost of the Bill. In response, he said it was something that had been considered, adding:

*“... there is capacity within the sector at the moment, and they've recognised that. They recognise that there are things that the sector could do differently to increase capacity as well. So, I don't see that being a major financial implication within this... with that increase in demand, increased competition, we could see a slight reduction in this as well, because there would be more certainty for the centres as to their levels of revenue in the future.”<sup>54</sup>*

## Other costs for parents and carers

**45.** The EM notes that the Bill “provides that board and lodging is included in the costs that are free of charge to pupils for outdoor education residentials”.<sup>55</sup> The RIA does not include the cost of additional clothing, footwear etc. that pupils may require to attend residential outdoor education.<sup>56</sup>

**46.** The Member in Charge told the CYPE Committee, that the Bill cannot remove all costs associated with pupils attending a residential outdoor education experience.<sup>57</sup> He also referred to the possibility of using the Schools Essentials Grant, but acknowledged that the Grant may not currently be large enough.<sup>58</sup>

**47.** The Minister said that it was “hard to know” whether this uncosted area would be significant.<sup>59</sup> The Minister noted that the Schools Essentials Grant could be utilised by disadvantaged pupils in covering some of the additional costs of residential outdoor education.<sup>60</sup> However, he added:

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<sup>53</sup> Finance Committee, RoP, 22 February 2024, paragraph 49

<sup>54</sup> Finance Committee, RoP, 22 February 2024, paragraph 62

<sup>55</sup> [Explanatory Memorandum, page 46](#)

<sup>56</sup> [Explanatory Memorandum, page 81](#)

<sup>57</sup> Children, Young People and Education Committee, RoP, 1 February 2024, paragraph 108

<sup>58</sup> Children, Young People and Education Committee, RoP, 1 February 2024, paragraph 109

<sup>59</sup> Finance Committee, RoP, 7 February 2024, paragraph 27

<sup>60</sup> Finance Committee, RoP, 7 February 2024, paragraph 28

*“... I don't think you can say with any certainty that that will cover all the costs that young people would have to bear by taking part in this ...”<sup>61</sup>*

**48.** The Member in Charge made three main points on the financial barriers to residential outdoor education, including the additional costs for clothing and equipment. He said:

*“... the first cost is the cost of the trip itself, so let's just come back to that this Bill would seek to remove that, and that's by far and most the largest cost, and the one that causes the most anxiety for young people, and their parents as well.”<sup>62</sup>*

**49.** He then added:

*“... the second point on this is to say that the centres themselves do provide the equipment that is required for these experiences. Now, sometimes that can be a little more specialist—so, heavy-duty raincoats or waterproof trousers, whatever that might be—those are provided.”<sup>63</sup>*

**50.** In commenting on the Schools Essentials Grant, he went on to say:

*“That school essentials grant is there to make sure that those children have that equipment that they may need for that experience. So, if that grant needs to be bolstered—the Minister has said that it has been increased in recent times, which is a positive thing—if it needs to be bolstered further, I think that's an issue for the Minister to explore.”<sup>64</sup>*

## Savings and benefits

**51.** Although there are no savings or monetised benefits quantified in the RIA it does include evidence associated with the social and economic value of outdoor education.<sup>65</sup>

**52.** The RIA provides some information on quantifying what this might mean, referencing, among others, evidence from the Council for Learning Outside the

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<sup>61</sup> Finance Committee, RoP, 7 February 2024, paragraph 28

<sup>62</sup> Finance Committee, RoP, 22 February 2024, paragraph 40

<sup>63</sup> Finance Committee, RoP, 22 February 2024, paragraph 41

<sup>64</sup> Finance Committee, RoP, 22 February 2024, paragraph 42

<sup>65</sup> [Explanatory Memorandum, page 96](#)

Classroom (LOtC).<sup>66</sup> Within that evidence, a study undertaken by Social Value Business, which was commissioned by Natural England<sup>67</sup> In referring to this study, the Member in Charge said:

*“... there's a study by Social Value Business that reported that learning outside the classroom in a natural environment has an SROI—so, a social return on investment—of £4.32 for every £1 spent.”<sup>68</sup>*

**53.** However, the RIA notes the figures do not apply to “single events such as an outdoor education residential”.<sup>69</sup> In referring to the study by Social Value Business in the EM, the Minister said:

*“So, it talks about a study by Social Value Business on the social and economic benefits of learning outside the classroom, and I think that is good evidence, but that review and report does not, in fact, include residential outdoor learning; it's a review of outdoor learning more broadly than that, but I think it's good evidence of the benefits of that.”<sup>70</sup>*

## Committee view

**54.** The Committee is encouraged that the estimated costs of the Bill in the RIA are largely in-line with estimates previously undertaken by Welsh Government officials, which the Minister described as “fair”. This is a focused Bill and the RIA reflects that, nonetheless, the Committee was pleased with the approach taken in the RIA and the way it was presented. The Committee welcomes that the RIA provides a range of costs, as well as the engagement undertaken to establish this range.

**55.** However, the Committee notes comments from the Minister in relation to the funding provision in the Bill which he described as “completely unaffordable in the current climate”. The Committee also notes the views of the Member in Charge who acknowledged the funding provision over the five-year implementation period was not insignificant, but regarded the Bill as a “worthwhile investment”. While they are not quantified, and potentially relate to

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<sup>66</sup> [Council for Learning Outside the Classroom Evidence Note Learning Outside the Classroom: in natural environments, 2022](#)

<sup>67</sup> [Natural England website](#)

<sup>68</sup> Finance Committee, RoP, 22 February 2024, paragraph 75

<sup>69</sup> [Explanatory Memorandum, page 72](#)

<sup>70</sup> Finance Committee, RoP, 7 February 2024, paragraph 77

outdoor education more generally, the Committee acknowledges the benefits described by the Member in Charge and the RIA.<sup>71</sup>

**56.** The Committee notes the concerns of the Minister that the cost of the Bill as set out in the RIA may not reduce over the five-year appraisal period, due to the current rate of inflation. The Member in Charge told the Committee that HM Treasury Green Book guidance doesn't require inflation to be taken into account when estimating costs of a Bill. The Committee has previously made recommendations on the impact of inflation on the costing of legislation, where that was a specific concern. For example, when considering the Financial Implications of the Social Partnerships and Public Procurement (Wales) Bill,<sup>72</sup> which was during a period where inflation was at a 40-year high. Generally, the Committee expects Bills to provide overall costs with the impact of inflation removed, however, it welcomes any deeper analysis of factors that may influence the costs. This may include information on the impact of inflation where that is a specific concern. The Committee is content with the approach adopted by the Member in Charge of this Bill, and that it is in line with the approach taken by the Welsh Government.

**57.** The Committee notes the comments from the Minister that it is "risky" to commit to forecast costings with no indicative budgets beyond March 2025. In providing reasons for this, the Minister referred to the current financial climate and the "novel" approach in funding for one aspect of the curriculum. Although the Committee acknowledges the cost of the Bill is not insignificant, the assertion that it is "risky" to commit to forecast costings with no indicative budgets beyond March 2025 could equally be applied to Welsh Government Bills. The Committee expects the funding for all Bills to be considered on an equal basis and it would have been strange if the RIA accompanying this Bill had departed from this approach.

**58.** The Committee notes the view of the Member in Charge that there is currently capacity in the sector relating to residential outdoor education and that there is recognition within the sector that this capacity can be increased. However, the Committee believes that further work needs to be undertaken to understand the level of capacity in the sector as it has concerns that any increase in demand for activity centres, transport, and teacher cover, could potentially lead to increases in costs for those areas, if the Bill is passed.

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<sup>71</sup> [Natural England website](#)

<sup>72</sup> [Finance Committee report: Financial Implications of the Social Partnerships and Public Procurement \(Wales\) Bill](#)



**59.** The Committee further notes that there are potentially additional costs arising from the Bill, such as for clothing and footwear, that pupils may require to attend an outdoor activity centre, and which are not included in the RIA. We also note that these could be a barrier to the successful implementation of the Bill, should these costs dissuade pupils from taking part in outdoor activities, and ask for such details to be explored and provided in a revised RIA.

**60.** The Committee would have welcomed further information on any savings and benefits that specifically relate to residential outdoor education. 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. Whilst the RIA did include evidence which demonstrated the social and economic value of outdoor education, the Committee would like further analysis to be undertaken of the specific activities associated with this Bill.

**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.

**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.

**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.

**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.

**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.

## 4. Specific costs identified in the Bill

### Outdoor activity centre costs

**61.** The RIA estimates a total cost of between £60.353 million and £79.452 million over five years for this activity<sup>73</sup> and states that 51 outdoor activity providers were surveyed in establishing this cost range.<sup>74</sup>

**62.** In commenting on the range of costs for the activity centres surveyed, an official supporting the Member in Charge said it was a “complicated picture”, adding:

*“The prices will reflect operating models. They will reflect the facilities. They will reflect the philosophy of the centre and the activities that are offered.”<sup>75</sup>*

**63.** The costs in the RIA are based on every pupil taking up the offer.<sup>76</sup> The Member in Charge reiterated this in his evidence to Committee. He said:

*“... what's in front of you from a finance point of view is the worst-case scenario, as it were; it's the uppermost limit.”<sup>77</sup>*

### Transport costs

**64.** The RIA estimates a total cost for transport provision of between £6.475 million and £9.061 million over five years.<sup>78</sup>

**65.** Under the Bill, the Welsh Government would be required to provide funding to schools for transport provision, to and from activity centres.<sup>79</sup>

**66.** The RIA outlines travel costs for each primary and secondary school pupil of between £21 and £30 per pupil, which was validated by school responses to the survey.<sup>80</sup>

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<sup>73</sup> [Explanatory Memorandum, page 71](#)

<sup>74</sup> [Explanatory Memorandum, page 82](#)

<sup>75</sup> Finance Committee, RoP, 22 February 2024, paragraph 76

<sup>76</sup> [Explanatory Memorandum, page 77](#)

<sup>77</sup> Finance Committee, RoP, 22 February 2024, paragraph 29

<sup>78</sup> [Explanatory Memorandum, page 71](#)

<sup>79</sup> [Explanatory Memorandum, page 87](#)

<sup>80</sup> [Explanatory Memorandum, page 88](#)

**67.** Annual transport costs for pupils attending a four-night residential stay are estimated at between £151,179 and £227,261. For two two-night stays, it is estimated at £1.058 million to £1.592 million.<sup>81</sup>

**68.** For pupils with severe learning difficulties, it is assumed a wheelchair accessible vehicle (WAV) is required. While the RIA says some schools will have their own, it assumes every school needs to hire a WAV.<sup>82</sup> Therefore the number of WAVs per year ranges between 57 and 71. Including estimates for fuel costs, the total cost of hiring WAVs would be between £30,380 and £41,980.<sup>83</sup>

## Teacher cover costs

**69.** The RIA estimates a total cost of £7.424 million for teacher cover over the five-year implementation period.<sup>84</sup>

**70.** For primary schools, the RIA says discussions with stakeholders suggests the need for one qualified teacher and two Teaching Assistants (TA) accompanying each class on a visit. It says, assuming there is a dedicated teacher and TA for each primary school class, the school would be required to provide cover for one TA per class.<sup>85</sup> The RIA uses the same modelling of on-costs<sup>86</sup> as used in costing the Welsh Government's Curriculum and Assessment (Wales) Bill.<sup>87</sup> It uses the Annual Survey of Household Income (ASHE)<sup>88</sup> to estimate the earnings of TAs. It accounts for increased costs relating to supply cover of an additional 15 per cent. The total annual costs for cover in this area are outlined as between £477,102 and £510,803.<sup>89</sup>

**71.** For secondary schools, the RIA says cover would be needed for teachers as they teach specific subjects, rather than dedicated support for a single class. It again uses ASHE, 30 per cent on costs, and an additional 15 per cent teacher supply cover. The estimated total costs for cover in this area included in the RIA are between £517,139 and £550,782.<sup>90</sup>

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<sup>81</sup> [Explanatory Memorandum, page 88](#)

<sup>82</sup> [Explanatory Memorandum, page 89](#)

<sup>83</sup> [Explanatory Memorandum, page 90](#)

<sup>84</sup> [Explanatory Memorandum, page 72](#)

<sup>85</sup> [Explanatory Memorandum, page 91](#)

<sup>86</sup> [Explanatory Memorandum, page 91](#)

<sup>87</sup> [Curriculum and Assessment \(Wales\) Bill, Explanatory Memorandum, page 69](#)

<sup>88</sup> [Earnings and hours worked, region by occupation by four-digit SOC: ASHE Table 15 - Office for National Statistics \(ons.gov.uk\)](#)

<sup>89</sup> [Explanatory Memorandum, page 92](#)

<sup>90</sup> [Explanatory Memorandum, page 92](#)

**72.** In giving evidence on the Bill, to the CYPE Committee, the School Leaders' Union, NAHT said that "it's a huge challenge at the minute getting supply teachers into school".<sup>91</sup>

**73.** For ALN pupils, the RIA says:

*"... 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."*<sup>92</sup>

**74.** However, it adds that this may not be the case for all pupils and there may be situations where teacher cover is required.<sup>93</sup> The RIA estimates that between 386 and 460 primary school pupils require additional teaching staff, annually, and between 177 and 210 secondary school pupils.

**75.** For primary school age pupils, this gives a cost of between £136,064 and £176,354 annually and for secondary school age pupils, between £118,417 and £137,265.<sup>94</sup>

**76.** For ALN pupils with severe learning difficulties the RIA makes a further estimate, with costs of between £139,691 and £179,131 annually.<sup>95</sup>

**77.** When asked whether the costings for pupils with complex and severe additional needs were accurately reflected in the RIA, the Member in Charge said:

*"So, just to be really clear, that calculation is in there for those learners, because the additional costs to ensure they have the appropriate support, and some very specialist centres, actually, for children with quite severe learning difficulties, understandably, need to charge more to ensure that that support is appropriate—that calculation is within the RIA. In addition to that, there are additional staffing costs to accompany pupils with severe additional learning needs as well. It's also included within the calculation here. So, I'm very confident that those calculations are robust, that all children,*

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<sup>91</sup> Children, Young People and Education Committee, RoP, 11 January 2024, paragraph 211

<sup>92</sup> [Explanatory Memorandum, page 93](#)

<sup>93</sup> [Explanatory Memorandum, page 93](#)

<sup>94</sup> [Explanatory Memorandum, page 95](#)

<sup>95</sup> [Explanatory Memorandum, page 95](#)

*no matter the level of need—the calculations to support them appropriately are included within this.”<sup>96</sup>*

**78.** On the issue of teacher cover costs, the Minister’s evidence paper says:

*“The Bill also has implications for the School Teachers Pay and Conditions Document (the STPCD). It is not clear whether teachers are going to be required to supervise and so attend these overnight residential activities. They are not currently obliged to do that and so it seems to officials there would presumably have to be an amendment to the STPCD.”<sup>97</sup>*

**79.** The Minister told the Committee that “implications of a mandatory provision are not fully explored in the RIA”<sup>98</sup> suggesting that currently, teachers would largely attend residentials on a voluntary basis. In relation to the Bill creating a mandatory requirement, the Minister added:

*“... I expect you would need to make changes to the relevant staff contracts, which could have quite a considerable additional expense.”<sup>99</sup>*

**80.** Commenting on the potential implications for the School Teachers Pay and Conditions Document, the Member in Charge said:

*“It’s not something that I’ve explored within this. If the Minister thinks that that’s necessary, then I guess that’s a point for him to consider.”<sup>100</sup>*

## Tracking pupils’ participation

**81.** The RIA says pupils will need to be tracked to ensure they have been given the opportunity to attend a residential outdoor activity experience.<sup>101</sup> In giving evidence to Committee, the Member in Charge referred to the EVOLVE system that 21 out of 22 local authorities currently use to record data on pupils.<sup>102</sup> He said the Welsh Local Government Association had:

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<sup>96</sup> Finance Committee, RoP, 22 February 2024, paragraph 128

<sup>97</sup> [Welsh Government, written evidence paper](#)

<sup>98</sup> Finance Committee, RoP, 7 February 2024, paragraph 83

<sup>99</sup> Finance Committee, RoP, 7 February 2024, paragraph 83

<sup>100</sup> Finance Committee, RoP, 22 February 2024, paragraph 140

<sup>101</sup> [Explanatory Memorandum, page 96](#)

<sup>102</sup> Finance Committee, RoP, 22 February 2024, paragraph 147

*“... assured us it would just be the inclusion of one additional field within a system, and they believe, as described in the EM, the cost of that is negligible.”<sup>103</sup>*

**82.** On the issue of tracking, the Minister suggested there would be cost implications in relation to staff workload. He said:

*“There would be administrative burdens, wouldn't there, on schools and on local authorities of that level of monitoring, and I don't think you could say they would necessarily be negligible.”<sup>104</sup>*

## Post-implementation review

**83.** The RIA does not include a post-implementation review.

**84.** The Minister's written evidence suggests that as the provisions in the Bill would make residential outdoor education a compulsory part of the curriculum “then presumably Estyn will need to inspect”.<sup>105</sup> It adds:

*“It is not clear how that will work given it is provided off site by 3rd parties and often private businesses. Estyn has powers to enter, inspect and remove documents in respect of school inspections but has limited powers to do that where part of a pupil's education is provided off school site. It would not extend to children attending ROE below the age of 15. No provision is made in respect of that in the Bill.”<sup>106</sup>*

**85.** In evidence to CYPE Committee, Estyn said that it doesn't “get to observe first-hand what happens or form a view on the quality of [residential]”.<sup>107</sup> It added:

*“And the only way that we could look at those in any kind of detail or depth would be to carry out thematic work, and look at that as a particular piece of focused activity.”<sup>108</sup>*

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<sup>103</sup> Finance Committee, RoP, 22 February 2024, paragraph 147

<sup>104</sup> Finance Committee, RoP, 7 February 2024, paragraph 91

<sup>105</sup> [Explanatory Memorandum, page 93](#)

<sup>106</sup> [Welsh Government, written evidence paper](#)

<sup>107</sup> Children, Young People and Education Committee, RoP, 14 December 2024, paragraph 170

<sup>108</sup> Children, Young People and Education Committee, RoP, 14 December 2024, paragraph 171

**86.** When questioned whether there would be a cost to Estyn in undertaking inspections of activity centres, the Member in Charge referred to evidence that Estyn gave to CYPE Committee.<sup>109</sup> He said:

*“No, because, as Estyn said themselves, they don't expect it to be something for them to have to do. But if a Minister at any point, or somebody, wanted to do that, it's their prerogative. I can't predict what a Minister will want to ask for as a thematic review—they can ask for a thematic review on anything they wanted to. So, I think Estyn's response is the one to listen to because they're the experts in this area.”<sup>110</sup>*

**87.** However, the Member in Charge acknowledged that assurance would be needed to ensure the effectiveness of the Bill and noted:

*“... that's the role of school governing bodies, ultimately, working with local authorities.”<sup>111</sup>*

## Committee view

**88.** The Committee understands the approach adopted by the Member in Charge in estimating the costs in the RIA based on a 100 per cent pupil take-up of the residential outdoor education offer and that the RIA therefore represents the upper end of the potential costs. However, without further modelling of what the take-up of the offer might be, the Committee can only consider the information provided and as a result the Committee would welcome further modelling of this potential variable.

**89.** In relation to the types of activities offered by the outdoor activity centres surveyed, the Committee was told by an official supporting the Member in Charge that it was a “complicated picture”, due to the range in outdoor activity centres in operation. As the Bill places a statutory obligation on the Welsh Government to fully fund the residential outdoor education experience, the Committee is concerned how this could impact the costs in the RIA and the implications on value for money. Given the Welsh Government will be required to fund the activities, schools may have less incentive to seek value for money for these types of activities.

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<sup>109</sup> Children, Young People and Education Committee, RoP, 14 December 2024, paragraph 170

<sup>110</sup> Finance Committee, RoP, 22 February 2024, paragraph 146

<sup>111</sup> Finance Committee, RoP, 22 February 2024, paragraph 144

**90.** In relation to the estimated costs for pupils with additional learning needs, the Member in Charge said he was “very confident that those calculations are robust”. The Committee notes the information included in the RIA in this area. However, due to the nuanced requirements of pupils with complex and additional learning needs, the Committee would like further assurance that the calculated costs in the categories of cost considered by the RIA, namely; attending an outdoor activity centre; transport; and teacher cover, are accurate and robust.

**91.** The Committee notes the approach adopted to costing teacher cover.<sup>112</sup> However, given that in evidence to CYPE Committee, stakeholders identified the challenges in finding supply teacher cover, the Committee is concerned that supply teacher cover costs could be an underestimation, and calls for further analysis of this area and for this information to be included in a revised RIA.

**92.** The Committee is concerned that, as the Bill creates a mandatory provision in relation to residential outdoor education, this may have implications for the School Teachers Pay and Conditions Document, in that teachers may be required to attend, rather than it being on a voluntary basis, which is generally considered to be case. Although the Member in Charge felt that this potential issue was for the Minister to explore, the Committee expects the Member in Charge of a Bill to take lead responsibility for estimating costs such as this. The Committee appreciates that this area of costs is potentially difficult to estimate accurately. However, given the Minister suggested this could be “quite a considerable additional expense”, the Committee expects further clarification in this area.

**93.** The Committee heard differing views from the Member in Charge and the Minister on the potential costs for tracking pupils’ attendance at a residential outdoor education experience. Although the RIA notes the costs for tracking are negligible, the Minister believes there would be an administrative burden for schools and local authorities. The Committee is of the view that any ongoing monitoring requirement would have a cost associated with it, even if this is an opportunity cost.

**94.** The Committee is disappointed that a post-implementation review is not included in the Explanatory Memorandum. The inclusion of a robust post-implementation review is good practice and helps provide assurance as to how delivery of the objectives of the legislation will be monitored. The Committee expects a post-implementation review to be included in all information

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<sup>112</sup> [Curriculum and Assessment \(Wales\) Bill, Explanatory Memorandum, page 69](#).



accompanying Bills.<sup>113</sup> The Committee has heard differing views on the potential role for Estyn in inspecting residential outdoor education centres and further clarification is needed to ensure, should it be needed, effective monitoring is achieved.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

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<sup>113</sup> [Finance Committee report: Tertiary Education and Research \(Wales\) Act 2022](#)