

Schools (Residential Outdoor Education) (Scotland) Act 2026

2026 asp 3

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The Bill for this Act of the Scottish Parliament was passed by the Parliament on 16th December 2025 and received Royal Assent on 11th February 2026

An Act of the Scottish Parliament to make provision about the making available of residential outdoor education to school pupils.

1 Provision of residential outdoor education

After section 6 of the Education (Scotland) Act 1980 insert—

"6A Provision of residential outdoor education

(1) An education authority must, so far as reasonably practicable, provide or secure the provision of one course of residential outdoor education to each pupil attending a public school under the education authority's management.

(2) The managers of a grant-aided school must, so far as reasonably practicable, provide or secure the provision of one course of residential outdoor education to each pupil attending the grant-aided school.

(3) An education authority or, as the case may be, the managers of a grant-aided school may require the parent of a pupil to make such financial contribution as the education authority or managers consider appropriate for providing or securing the provision of a course of residential outdoor education under subsection (1) or (2) to that pupil.

(4) For the purposes of this section, "one course of residential outdoor education" means a course of education that—

(a) has outdoor learning as its main focus,

(b) includes at least 4 overnight stays and 5 days, which may be non-consecutive, in facilities such as (without limitation) outdoor centres, youth hostels, camps or sailing boats, and

(c) is suitable to the relevant pupil's age, ability, aptitude and any additional support needs.

6B Guidance on residential outdoor education

(1) The Scottish Ministers must prepare and publish guidance to education authorities and the managers of grant-aided schools about their duties under section 6A of this Act.

(2) Education authorities and the managers of grant-aided schools must, in carrying out their duties under section 6A of this Act, have regard to the guidance issued under subsection (1).

(3) The Scottish Ministers must issue the guidance required by subsection (1) within 3 months of section 1 of the Schools (Residential Outdoor Education) (Scotland) Act 2026 coming into force.

(4) Guidance issued under subsection (1) must, in particular, include provision about—

(a) the nature and content of residential outdoor education,

(b) the standard to which residential outdoor education should be provided,

(c) how education authorities and the managers of grant-aided schools should assess whether residential outdoor education is suitable to a pupil's age, ability, aptitude and any additional support needs,

(d) the steps that education authorities and the managers of grant-aided schools should take to support participation in residential outdoor education by pupils, including, in particular, pupils with additional support needs,

(e) the costs that it would be reasonable for education authorities and the managers of grant-aided schools to incur in providing or securing the provision of residential outdoor education,

(f) the funding sources available to schools and parents to support the delivery of, and attendance at, residential outdoor education suitable to a pupil's age, ability, aptitude and any additional support needs, including how self-directed support may be used,

(g) the requiring of financial contribution from parents under section 6A(3), including, in particular, matters which education authorities and the managers of grant-aided schools should take into account when requiring such contribution in order to ensure equality of access to residential outdoor education,

(h) the voluntary nature of participation by pupils in residential outdoor education,

(i) the year groups of pupils within primary and secondary education to whom the residential outdoor education is to be provided,

(j) the manner in which education authorities and the managers of grant-aided schools should engage with any inspections under section 38 of the Education (Scotland) Act 2025 in relation to their duties under section 6A of this Act, and

(k) the delivery of residential outdoor education by means of the Gaelic language to pupils who receive Gaelic medium education.

(5) For the purposes of subsection (4)(f), "self-directed support" is to be construed in accordance with section 4 of the Social Care (Self-directed Support) (Scotland) Act 2013.

(6) The Scottish Ministers may from time to time revise guidance published by them under subsection (1) and must publish the revised guidance.

(7) Subsections (2) and (4) apply to any revised guidance published under subsection (6).

(8) Before preparing any guidance or revised guidance under this section, the Scottish Ministers must consult the following persons—

(a) each education authority,

(b) the managers of each grant-aided school,

(c) representatives from recognised trade unions which represent the interests of persons employed in—

(i) public schools,

(ii) grant-aided schools,

(d) such persons employed in public schools and grant-aided schools who are not represented by a recognised trade union, or such representatives of those persons, as the Scottish Ministers think appropriate,

(e) such pupils in respect of whom the duties under section 6A of this Act apply, or such representatives of those pupils, as the Scottish Ministers think appropriate,

(f) such parents of pupils in respect of whom the duties under section 6A of this Act apply as the Scottish Ministers think appropriate,

(g) such persons involved in the operation of premises or other facilities used to provide residential outdoor education, or organisations representing such persons, as the Scottish Ministers think appropriate,

(h) such other voluntary organisations as the Scottish Ministers think appropriate, and

(i) any other persons that the Scottish Ministers think appropriate.

(9) For the purposes of subsection (8)(c), "trade union" has the meaning given by section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 and "recognised", in relation to a trade union, is to be construed in accordance with section 178(3) of that Act.

6C Report on provision of residential outdoor education

(1) The Scottish Ministers must, as soon as reasonably practicable after the end of the reporting period—

(a) prepare a report on the provision of residential outdoor education under section 6A during the reporting period,

(b) lay a draft of the report before the Scottish Parliament,

(c) publish the report in such manner as they consider appropriate.

(2) The report must set out—

(a) the extent to which the duties under section 6A were complied with,

(b) an assessment of the equality of access to residential outdoor education during the reporting period, including, in particular, the extent to which

the residential outdoor education provided was suitable for and accessed by pupils—

(i) with additional support needs,

(ii) who experience socio-economic disadvantage,

(iii) of such other description as the Scottish Ministers consider appropriate,

(c) an assessment of the impact on and outcomes for pupils who participated in residential outdoor education,

(d) an assessment of the impact that complying with the duties under section 6A had on the education workforce of education authorities and grant-aided schools,

(e) any further steps the Scottish Ministers propose to take in relation to the provision of residential outdoor education,

(f) any other matters the Scottish Ministers consider appropriate.

(3) In this section, "reporting period" means the period of 5 years beginning with the day on which this Act comes fully into force.".

2 Education authorities' arrangements with independent schools

(1) The Education (Scotland) Act 1980 is amended as follows.

(2) After section 49(2ZA) insert—

"(2ZB) Before exercising the power conferred by subsection (2)(b) in respect of a person attending an independent school, an education authority must have regard to the matter mentioned in section 50B.".

(3) After section 50(1ZA) insert—

"(1ZB) In deciding whether school education suitable to the age, ability and aptitude of a person is best provided at a particular independent school, an education authority must have regard to the matter mentioned in section 50B.".

(4) After section 50A insert—

"50B Sections 49 and 50: provision of residential outdoor education

The matter referred to in sections 49(2ZB) and 50(1ZB) is the extent to which a course of residential outdoor education would be provided to pupils in attendance at the independent school in a manner that would comply with the duty under section 6A(1), if the duties of education authorities under sections 6A(1) and 6B(2) applied in relation to the independent school.".

3 Ancillary provision

(1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act.

(2) Regulations under subsection (1) may—

(a) modify any enactment (including this Act),

(b) make different provision for different purposes, including different provision for—

(i) different descriptions of pupil,

(ii) different descriptions of school,

(iii) different education authorities or grant-aided schools.

(3) Regulations under subsection (1)—

(a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act,

(b) otherwise are subject to the negative procedure.

4 Commencement

(1) This section and sections 3 and 5 come into force on the day after Royal Assent.

(2) Sections 1 and 2 come into force on such day as the Scottish Ministers may, by regulations, appoint.

(3) Regulations under subsection (2) may—

(a) include transitional, transitory or saving provision,

(b) make different provision for different purposes, including different provision for—

(i) different descriptions of pupil,

(ii) different descriptions of school,

(iii) different education authorities or grant-aided schools.

(4) The Scottish Ministers must make regulations under subsection (2) no later than 30 September 2027.

5 Short title

The short title of this Act is the Schools (Residential Outdoor Education) (Scotland) Act 2026.

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