



Natalie Don-Innes MSP
Minister for Children, Young People
and the Promise
Scottish Government

Liz Smith CBE MSP
Scottish Parliament

By email

12 November 2025

Dear Minister

Schools (Residential Outdoor Education) (Scotland) Bill – Stage 2

Thank you for your letter of assurance of 11 November 2025, including draft amendments to the Schools (Residential Outdoor Education) (Scotland) Bill. Thank you too for your and your officials' constructive engagement over the last few weeks as we have worked to reach agreement on a number of policy areas ahead of Stage 2 amendments being lodged.

To comply with the convention that Member in Charge amendments are lodged two sitting days before the deadline for all amendments at Stage 2, I lodged all seven amendments in good faith yesterday afternoon, and these appear in today's Daily List.

In relation to the letter of assurance itself, for clarity and reference I wanted to respond to the letter and to set out in writing my position on the matters raised in the letter and the amendments I have lodged.

Funding

In our discussions last week, I set out my conditions for lodging those amendments. In particular, in relation to my amendment 17 (to remove the duty to fund), and my amendment 15 (to enable education authorities and the managers of grant aided schools to require parents to make a financial contribution for the purposes of providing a pupil with residential outdoor education), in order to press those amendments, I require your assurance on the record, in line with the agreement we reached last week, that:-

- parents who are on income support or universal credit should not be asked for a contribution and that their child/children's residential outdoor education should be fully funded by the Scottish Government;

- whilst parents of children with additional support needs can be asked for a contribution like any other parent, they should not be asked for a contribution to cover the ASN element. In other words, parents should not be asked for any greater contribution because their child has additional support needs.

Commencement

In relation to commencement, I have lodged amendment 18 which removes the requirement for the Bill to be commenced by 7 July 2026, and provides that the Bill will come into force on a day appointed by the Scottish Ministers in regulations. I have also lodged amendment 19 which provides that those regulations must be made no later than 30 September 2027. I have lodged these amendments as I recognise that it is important to allow preparation time for the various bodies with responsibility for implementing my Bill, and I accept that commencement in July 2026 would cause issues. That said, and as highlighted to you in our meeting last week, in order to press those amendments, I do require a commitment on the record that the Scottish Government and other relevant bodies will work at pace to commence the Bill following the removal of the 7 July 2026 hard deadline, and that there will be no slippage in delivery. I consider that it is reasonable for the Bill to be commenced in its entirety no later than July 2028, in time for the start of the 2028-29 school year. This would mark a two-year delay from the commencement date provided for in the Bill as introduced, and would provide those bodies with ample time to ensure readiness. It would therefore be helpful if you were able to provide a commitment that you will be working towards commencing the Bill as soon as reasonably practicable after Royal Assent, and that there will be no slippage in delivery.

Other matters

There were two other minor matters mentioned in the letter of assurance, which I wanted to highlight to you to ensure clarity and a shared understanding between us:

- there is reference to financial contribution from “pupils” in the second paragraph. For the avoidance of doubt, for constancy with amendment 15, I think that this should refer to parents of pupils rather than the pupils themselves;
- the third paragraph of the letter refers to the ability to seek financial contributions being “considered” with COSLA during the annual budget process. I think that this means that they will be agreed as part of the Verity House Agreement (as “agreed” would be consistent with the rest of the paragraph). I would, however, welcome clarification on this specific point.

Finally, I wanted to make clear that I very much welcome the commitment in paragraph 4 that the addition of “so far as reasonably practicable” is not intended as a lightening of the duty to provide. I am very grateful for that confirmation and will seek to press amendments 13 and 14 accordingly.

I look forward to Stage 2 proceedings taking place. I would be happy to meet this week at any point to discuss any of the matters referred to in this or the letter of assurance

further. Ahead of Stage 2 proceedings, it would be helpful to have sight of your speaking notes for those proceedings, to enable me to press the amendments.

I am copying this letter to the Convener of the Education, Children and Young People Committee for reference ahead of Stage 2 proceedings.

Yours sincerely

Liz Smith CBE MSP