

Unaccompanied Activities in Outdoor Education -When Can they be Justified?

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Abstract

Traditionally, unaccompanied activities have been a common part of outdoor education programmes, often justified by pedagogical reasons. This paper argues that such activities can pose significant risks and the removal of supervision is not justified by pedagogical, legal or moral reasons. Distinctions are drawn between education and recreation participation and examples of acceptable practice are provided.

Introduction

Unaccompanied activities have been a common part of many outdoor education programmes in New Zealand. The most usual form is an unaccompanied trip where a group is given some training in navigation and tramping skills, sourced with the necessary equipment, and tasked with navigating from one point to another over a period of time, sometimes days, through a wilderness environment using the strengths within the group and without reliance on an instructor. Pedagogically, these trips have been justified as giving members of the group experience in leadership roles, conflict resolution, problem solving and other skills without reliance on an external leader. At the end of the trip the group will process the experiences they had on the trip, normally facilitated by an instructor, for learning points that can be transferred to future situations. There is no doubt that some excellent learning can result from such a trip, however it also increases the risk to those students to physical and emotional harm.

Accidents in recent years in both New Zealand and Australia show that such trips can carry significant risks. Suzanne Consedine (MacNab, 1993) and Nathan Chaina (Stevenson, 2001) both died on trips where no skilled and qualified instructor was accompanying the group. In the two examples, both groups had received training prior to the unaccompanied trip, had been well equipped and had been deemed competent to undertake the trip by an experienced instructor who had observed them in similar terrain. In both cases, when hazardous terrain was encountered, and the group made poor judgments on the ways to deal with those hazards, no experienced leader was able to intercede and prevent serious injury from occurring. My own analysis of 1908 reported incidents in 12 outdoor education centers in the years 1996 - 2000 gives an indication that there is a much higher chance of a serious incident occurring if the level of supervision is removed or reduced (Davidson, 2004). Analysis of a number of serious incidents from those years by panels of outdoor experts from throughout New Zealand has identified that lack of appropriate supervision in hazardous terrain is a condition leading to some of the incidents under review. Brookes (2003b) in a study of 114 outdoor education fatalities in Australia in the years 1960-2002 led him to make 'strong considerations for fatality prevention,' which included (p.38):

"Indirectly supervised (i.e. not directly supervised) expeditions for teenagers present a clear fatality risk if there is a possibility of the group encountering moving water or steep ground." And;

"The tight supervision that organized instruction necessitates (in activities such as abseiling, or canoeing) should be in place while students are near steep ground or moving water, i.e. not only while the activity is in progress. The fact that students may actively escape supervision or take-advantage of a supervisor's inattention should be considered."

Reflection on this information has caused me to wonder whether there can be continued justification for such trips and whether doing so is not in fact placing the individuals sanctioning such trips at risk from criminal prosecution.

Duty of Care Owed

There are two major acts of parliament that establish a legal duty of care to participants in an outdoor education setting: The Crimes Act (1961) and the Health and Safety in Employment Act (1992).

The Crimes Act. Sections 150,151,152 & 153 of the Crimes Act highlight the legal duties of those placed in a position of responsibility for the care of others to exercise a standard of care - the test of which is the standard

expected of a "reasonable person to whom that legal duty applies in those circumstances." Sections 155 & 156 expand on this duty to cover those "doing dangerous acts" and "in charge of dangerous things". These sections, both very pertinent to activities in outdoor education, impose a duty to "use reasonable skill, knowledge and care in doing any such act", and "take reasonable precautions against and to use reasonable care to avoid such danger." While these sections of the Act are clear that those who neglect to perform such duties are criminally negligent, section 157 makes this duty even more obvious in the "Duty to avoid omissions dangerous to life: Everyone who undertakes to do any act the omission to do which is or may be dangerous to life is under a legal duty to do that act, and is criminally responsible for the consequences of omitting without lawful excuse to discharge that duty."

While the test for prosecution under these sections is "a major departure from the standard of care expected of a reasonable person", section 145 provides for a prosecution for the lesser charge of criminal nuisance whereby the test is knowingly endangering without the stipulation for a "major" departure.

Recent case history in this area is currently rare in the outdoors in New Zealand. The recent example of Astrid Andersen being found guilty of criminal nuisance when it was found that a seriously deficient safety plan led to the death of a competitor during a cycle race (New Zealand Press Association, 2003), shows the potential for prosecution. Andersen was fined \$10,000. In the UK the jailing of the manager of an outdoor education centre for manslaughter over the multiple fatality of young people in a kayaking incident- (Laurie, 1996) and the more recent conviction and jailing of a teacher for manslaughter who was supervising children as they jumped into a swollen stream resulting in the drowning of one youth (Wainwright, 2003), shows the potential for conviction.

The Health and Safety in Employment Act. This act is concerned with the provision of management systems which help to ensure the safety of workers and those visiting the workplace. Among other duties, employers must ensure that all risks and hazards are identified and that all "practicable steps" are put in place to eliminate, isolate or minimize those hazards. The technique employed should be commensurate with the potential consequence of the hazard. Section 2A of the Act defines "all practicable steps" to mean "all steps to achieve the result that is reasonably practicable to take in the circumstances, having regard to:

- (a) the nature and severity of the harm that may be suffered if the result is not achieved; and
- (b) the current state of knowledge about the likelihood that harm of that nature and severity will be suffered if the result is not achieved; and
- (c) the current state of knowledge about harm of that nature; and
- (d) the current state of knowledge about the means available to achieve the result, and about the likely efficacy of each of those means; and
- (e) the availability and cost of each of those means."

While officers of the Department of Occupational Safety and Health (OSH) and their agents for water activities, the Maritime Safety Authority (MSA), have closely investigated several incidents in outdoor education in recent times (e.g. the drowning of two school children during a canoeing trip operated by a professional contractor on the Clarence River in October, 2001 (Perrott & Black, 2001), and the more recent student kayak death on the Buller River as part of a tertiary programme in February, 2002 (New Zealand Press Association, 2002)), no significant prosecutions have resulted. The potential nonetheless exists.

In simple terms both of these Acts place a duty of care on those involved in outdoor education activities to analyse the hazards present in any activity and manage those hazards appropriately. It is not practical to "eliminate" the hazards in most cases, because that would necessitate eliminating the activity. Under this scenario outdoor education would no longer exist. "Isolation", by way of fencing, guards, etc is also not always appropriate for our activities. This leaves us with the task of minimising the risk exposed by the identified hazards, such that the risk is reduced to an acceptable and justifiable level for the educational outcomes achieved.

While there are many methods employed to assist in managing the risk in outdoor education activities such as providing good equipment, sequencing programmes, gaining the most recent weather forecasts, etc., the most powerful tool to reducing the risk in an outdoor education activity is by providing supervision for those taking part in the activity with someone with an assessed level of skill and experience. This supervisor has the critical role of evaluating prevailing hazards and making good decisions (Ewert & Galloway, 2002). The employer is responsible for the assessment of the level of skill and experience required by instructors placed in that supervisory capacity, however in recent years many nationally recognised awards have been put in place that provide a good benchmark for this assessment. Similarly the employer must establish an acceptable ratio of instructor to learner that is cognisant

of the type of activity, the venue in which it occurs and the skill level of the participants. The duty of the skilled supervisor is to be in a position to intervene if a dangerous situation arises and prevent harm from occurring.

The issue then is, if an activity is analysed and found to contain significant hazards, can the duty of care be adequately provided by a means other than direct hands-on supervision by an expert?

The Pedagogical Argument

Outdoor education, in simple terms, relies on the experiential learning cycle whereby participants grow in knowledge and skill through processing experiences they are involved in such that they can apply the learnt knowledge to a wider range of environments (Nadler & Luckner, 1992; Beard & Wilson, 2002). As students gain in skills they pass through stages that one author describes as Unconscious Incompetence to Conscious Incompetence to Conscious Competence to Unconscious Competence for any particular skill (Raiola, 1990). Once Unconsciously Competent, the student is able to operate at a high level of skill and ability without conscious effort. As students move through these stages towards competence, it is suggested that more learning will occur if the consequences of the learning are natural rather than artificial, and students should be given more responsibility for the experience to the stage of organising and conducting an entire adventure experience on their own (Gass, 1990). Priest and Gass (1997) describe a range of seven teaching styles where progressively more responsibility is passed to the students. The last three styles described have no direct supervision during the "experience" phase. The authors do put a rider on these styles saying that, "Beware, however: this control is not something you should surrender frivolously, particularly when safety is a concern."

The pedagogical argument would have it that a student who has progressed through a sequenced progression of training, has been observed to be competent at the skill in one or more settings, can then be allowed to carry out that activity without direct supervision in similar settings. The rationale for removing this level of supervision is that the student will gain more knowledge about their abilities and leadership skills if an instructor's presence, no matter how covert, is removed from the situation. The assumption being that having an instructor present will cause a change in the student's behaviour, as they either look to the instructor for signals of what decision to make, or they change their decision to one they believe the instructor would expect, and therefore miss a valuable lesson of the consequences of undertaking their own possibly less-than-optimal decision.

Recreation versus education

I believe the argument for the removal of supervision in activities identified as containing high levels of risk is not defensible for pedagogical, legal and even moral reasons.

In my mind the reason people enroll on an educational programme is to be able to complete the programme and hopefully carry out that activity or skill they are learning on the programme safely by themselves. This educational process presumes an expectation of a different level of supervision than someone involved in recreation where individuals are completely responsible for all the decisions they make. An outcome of education in a particular skill area would be to have the student become an astute judge of the match of their skills to the challenge provided by any particular activity. While undertaking the educational process, that level of student astuteness can not be assumed, and an instructor should be able to intercede to provide the feedback part of the experiential cycle in a manner that is as timely as the hazard warrants. I firmly believe that a parent signing up their child to an outdoor education programme would expect such a standard of supervision, and I suspect a similar level of supervision would be expected of parents whose child has enrolled on a tertiary level programme to become an outdoor leader. When that student, as part of the course, makes a poor decision that would impact upon their safety, someone should be there to step in to correct it before serious injury occurs. If the same student decides to undertake an activity in their own time at the weekend and suffered injury, while sad, this would be considered an unfortunate accident.

Ewert & Hollenhorst (1989) discuss the need for those involved in outdoor adventure recreation activities to experience higher levels of risk as their level of skill increases. In their conceptual model of risk however, they identify that during the phase of skill development, there should only be moderate levels of risk and the locus of control should sit with friends, mentors and advanced courses. In this context the 'friends' would refer to skilled friends when not participating on a course. High levels of risk, where the locus of control rests with the individual, are not deemed suitable for skill development but are placed by Ewert & Hollenhorst in the category of "commitment" and are suitable for those individuals seeking self-awareness and self-efficacy. My contention is that outdoor education for leaders is about skill development and recreation is the appropriate forum for self-fulfillment

through high-risk adventure. While outdoor education can also be a mechanism for self-fulfillment, there is no justification for this to involve these same high risks.

From a legal standpoint I believe the situation is equally clear. If an activity is analysed and found to contain significant hazards, then those hazards must be managed to ensure they are minimized. This is done by having a skilled and experienced person in place to ensure the participants in the activity do not do anything that puts them at risk. By removing that skilled and experienced person from the activity, the person responsible for this decision has omitted to provide the standard of care expected. The very reason for employers to carefully select skilled and experienced instructional staff and ratios of the number of students that those skilled staff can work with is made a nonsense. The management that permitted such a practice could be culpable under both the Crimes Act and the HSE Act.

Some recent writing from the United States on legal defense for outdoor education accidents argue that many types of accidents are due to the inherent risk of going into the outdoors (Gregg, 1999a, 1999b). Inherent risks are those so closely associated with an activity that they cannot be eliminated without altering the nature of the activity. A provider of services can avoid liability for losses caused by such inherent risks by state statutes, case law, or written agreements whereby such risks are assumed. One argument therefore is that an inherent risk of any outdoor activity is the imperfect judgment of an instructor. This risk must therefore be assumed by the participants. Case law based on this form of defense has shown that while instructors have no duty to minimize the inherent risks of the instructional exercise, they do have a duty not to enlarge those risks (Law Quarterly, 2003a; 2003b). Removing the skilled and experienced instructor from the educational session is surely enlarging the risk.

And finally on simple moral grounds - if someone places themselves in your care, do not you have the moral duty to be there to ensure they do not do anything that would cause them serious harm? Will you sleep well at night knowing that if you had been present you could have prevented that injury occurring?

Society's view of risk through the eyes of the coroner

Some argue that society is becoming more risk averse (New Zealand Herald, 2004). My own personal observations support this view. When I was going to school for example, most of us cycled or walked. Today that would be an exception and has been replaced by a traffic jam of vehicles outside most schools as concerned parents drive their children to and from the classroom; worried by the risks of child molestation and traffic injury. Another reflection of the level of risk society is willing to accept can be seen through the comments made by coroners when establishing the cause of death of students involved in outdoor education settings.

The role of the coroner is defined by the Coroner's Act 1988. The principal role is to establish the facts: who has died, when, where and how. A secondary role however, allows the coroner to make recommendations which when brought to the attention of the appropriate authorities, will reduce the chances of similar deaths occurring in the future. In years gone by, coroners investigating deaths on outdoor education trips might summarise with the phrase "accidental death" without further comment. Recent coronial hearings in both New Zealand and Australia have signaled some important comments by coroners that help establish a standard for an appropriate duty of care in outdoor education.

In 1993 Suzanne Consedine died as part of an Outward Bound course. At that time it was common practice for Outward Bound groups to carry out an unaccompanied expedition in steep bush terrain. During such a trip Suzanne Consedine slid and then fell over a substantial cliff when the group she was with got off course. The Outward Bound Trust commissioned an independent audit of their programme and instituted changes to their programmes such that all groups were shadowed by an instructor rather than left unaccompanied. These changes were instituted prior to the coronial hearing. In his written decision of the hearing, Coroner MacNab referred to the submission of Mr Doody who had said that this was a preventable death which could have been avoided if the watch had been accompanied by an instructor. MacNab stated that, "I would have to agree with Mr Doody that circumstances as existed at the date of Suzanne's death did leave what I would consider an unacceptable risk because, lets face it, the outdoors can be a very. dangerous place if the weather and the circumstances change to the point where you need to be pretty experienced to survive it, or at least have somebody very experienced with you" (MacNab, 1993, p.4).

In 1995 Joshua Fitzpatrick died when he fell over a 20m cliff during a six day hike while on a programme at the Kirrikee Outdoor Education Centre in Australia. Joshua was a member of a group of 15 students with two leaders. Both of the leaders had limited outdoor instructional experience. The group was self-navigating through terrain that

neither of the leaders had visited before. The leaders were at the rear of the group when Joshua, who was leading the way, encountered a cliff. Joshua sat down to look over it for a route down, slid and fell 20m to his death. In the preamble to his recommendations Coroner Elms states that,

"if there is perceived to be a tension between these recommendations and the navigational, leadership and personal initiative skills which it is the objective of the course to foster, then as Sergeant Loomes said during his submission, education must give way to safety" (Elms, 1996, p.12).

Elms then goes on to say that,

"it is an onerous responsibility which the school undertakes when parents hand over their children for expeditions such as those run at Kirrikee, and they are entitled to expect that no risks at all which can be avoided will be taken with their safety. Of course, serious accidents can and do occur in the playground at school, with all due precautions being taken, but the risks are magnified when children of this age are self- navigating in areas of bush land where neither they nor their instructors have been before" (Elms, 1996, p.12).

Elms continued by making eight recommendations following the fatality. These focused on future expeditions where the students self- navigation is to be restricted to areas that had previously been surveyed by the leader and the leader to direct the group away from known danger areas. Leaders should be up the front of the group if any danger is likely to be encountered. The final recommendation was for the Minister of Education to draw up guidelines or regulations governing hiking, camping and bushwalking expeditions which would apply to government and private schools. These regulations were subsequently drawn up and distributed by the Ministry.

In 1999 Nathan Chaina died during an unaccompanied parent/ student expedition as part of the Glengarry Outdoor Education Centre programme of Scots College in Australia. Nathan was the 15 year old brother of a student at Glengarry who was on the expedition as their father was unavailable. These two brothers were accompanied by another student and his father. Neither Nathan or the other father had any appreciable skills at bush walking. The group were set the task of navigating to a campsite in steep bush terrain. The weather became very bad, the group got lost and Nathan drowned when he was swept away while trying to lead the group across a swollen stream.

The school contended that the boys had undergone a rigorous and progressive sequence of training that allowed them to handle the terrain in which they were placed. The Coroner, J. Stevenson comments in his report that,

"Full reliance as to the safety of the boys at Glengarry when undertaking hikes or other activities was expected to rest with their training which had been given during their time at the campus Training in itself was not sufficient" (Stevenson, 2001, p.25).

Later in the report Stevenson states,

"To provide children, especially those living in the Sydney metropolitan area, with the chance to spend time in a rural setting and learn bush craft skills is to be applauded. However, the school has an obligation to provide a safe environment in which this can occur. Children are entitled to be kept safe. Nathan Chaina was not kept safe.

Glengarry is not alone in the community in believing that the ends justify the means as far as outdoor activities are concerned. Because a large number of children have participated in an activity without mishap does not necessarily make the activity safe. Adults have a responsibility always to assess the risks and to ensure appropriate precautions are taken. It is incumbent upon adults to protect children from themselves and not to expect of them maturity beyond their years.

When one sits in this jurisdiction one becomes too painfully aware of the cost to all involved when a child dies because inadequate precautions were taken" (Stevenson, 2001, pp. 28-29).

Stevenson then went on to recommend, among other things, the dissemination and implementation of the NSW Education Department's Bushwalking Operational Guidelines to Independent and Catholic Schools. These guidelines include recommended levels of supervision for groups and were developed after the Fitzpatrick death discussed above.

If it can be assumed that Coroners are reflecting the current opinions of society in their comments and recommendations, then the messages from the three cases above about the standard of care owed students on courses are clear. Firstly, groups should be supervised if they are in terrain containing serious hazards. Secondly, the supervisor needs to be in such a position in the group to be able to intervene and manage any hazards should they develop. And finally, educational goals must take a backseat position compared to safety in any programme.

Does this mean students can never be left on their own in the outdoors?

When discussing the issue of unsupervised activities with outdoor instructors, some have asked me if I believe students can never be left on their own to make decisions. My answer to this question is that if a significant hazard has been identified, then an instructor must be in such a position that they can intervene should they need to in order to prevent harm. Let me examine how this could be implemented by considering several unaccompanied activities that are still carried out in New Zealand outdoor education programmes today.

1. Self-navigation through a wilderness area. Currently some organisations will allow a group to navigate from point A to point B using the skills in the group. If the terrain is analysed for hazards, and the group is closely supervised at any area of significant hazard such as river crossings and passing through cliff bands, then I believe this is OK. Note that the analysis needs to include what hazards exist if the group were to get off route. In practice, the easiest way to ensure the hazards are managed is to shadow the group and move into the group when hazards are encountered.
2. Orienteering. Many OE programmes will use orienteering courses to allow students to practice their navigation skills. They are sent out alone or in pairs to navigate around a course. This is similar to scenario (1) above but in a much more controlled area. As long as the map doesn't contain major hazards such as large cliffs, toms and dangerous bulls, and the boundaries of the map are clear, then this activity would be appropriate.
3. Solo. Some OE programmes set students at remote sites on their own for periods as long as three days. The objective is for the students to have a period of uninterrupted reflection on such subjects as what has happened on the course for them, the stage they are at in life, goals and aspirations for the future, and how they interact with the natural environment. The instructor will normally mark the solo site and leave the students alone, sometimes coming back to check the student at intervals over the solo period. As long as the student remains in the designated spot, the physical hazards are minimal. The hazards increase if the student decides to leave the solo site, or if someone else enters the site (hunter or sexual predator) as the sites are usually remote. The reason students leave the solo site can be because they are not psychologically prepared/ready to be on their own in this environment for any length of time.

Having identified these hazards, it seems that an appropriate way to organise a solo is for an instructor to choose an appropriate area of wilderness where students can be placed in a star pattern around them in individual sites. The instructor camps centrally and therefore is able to be contacted by any student having problems with the experience, is able to monitor any visitors and is there for any other problems. Perhaps the solo sites should be away from significant hazards such as rivers/sea which may be irresistible to some students. In this way the hazards are managed but the educational process is uncompromised.

4. Skill Extension. Some OE programmes, as part of the curriculum, ask students to develop their skills by taking part in activities like rock climbing without direct supervision. Although the students are coached as to appropriate climbs for their skill level, they are allowed to lead climb, place protection and build anchors on their own. The question is - what is the hazard potential? It is obviously very high. Those designing and running the OE programme would argue that the students have been trained and assessed as competent to be on those climbs - the students need to be able to practice and make decisions on their own. My opinion, and that of Coroner Stevenson, is that training is not enough to provide an adequate standard of care. To manage a significant hazard, supervisors need to be in a position to be able to intervene if the student makes a poor decision. I can see no educational gain by not supervising such an activity as part of the course.

The question might be asked, is not scenario (4) better than just letting the students go out and practice on their own? To me this is the critical difference between education and recreation. We have a legal and moral obligation to provide a duty of care while a student is part of an educational programme. On the other hand I strongly believe that any individual should be free to do whatever they like in their recreational lives as long as they are not a danger to

others. While students should be encouraged to carefully analyse their skill level and operate within it during recreational time, the boundaries between in-class and out-of-class should be very clear.

I am also asked if, by providing such a high level of supervision, especially of those training to be outdoor leaders, are not we adding to the risk-averse nature of society? My answer is that as educators we are trying to impart skills and judgment so that our students can leave the course as astute practitioners. To have the student be party to a serious accident as part of their path towards becoming astute, while under our care, can rarely be justified. On the other hand as outdoor educationalists we should be encouraging a sense of adventure and discovery in all of those we come into contact with. In this way we can educate society that risk taking is acceptable as long as people have the skills to cope with the risks they are accepting.

Feedback from groups who have changed their traditional supervisory practices and the effect on educational outcomes

In the aftermath of the Consedine, Fitzpatrick and Chaina accidents, two major outdoor education organisations reviewed their procedures for unaccompanied expeditions and decided that instructors would shadow the groups, at such a distance that allowed for intervention if the group was put in any danger. I approached the Directors of both organisations to ask if they believed the educational outcomes of the activities had been affected by this change in practice. I fully expected the groups to report that the outcomes had been affected by the instructor's presence. I was completely surprised by their response.

Tihoi Venture School, the New Zealand equivalent of the Glengarry Campus, runs a six month experiential education programme for Year ten students from St Paul's Collegiate, in Hamilton. The course is compulsory. The students live in groups in self-contained houses, preparing their own meals, cleaning and being responsible for all other life-skills while taking part in a normal school curriculum and an outdoor education programme spread over seven days of the week. During the six months the students are taught a range of skills leading up to an extended tramp at the end of the programme that they plan themselves. In the past this tramp has been largely unsupervised. In recent years the expedition has been accompanied throughout all phases. The Director of Tihoi Venture School, John Furminger, has been in charge for over ten years and has seen the results of the expedition phase in both unsupervised and supervised styles. Rather than believing that the programme has suffered because of the increased level of supervision, John is positive about the gains. Despite six months of intensive training, when the students went unsupervised on their tramps they could still encounter situations that were beyond them, both in terms of physical risk and emotional risk as conflict arose in the group. With an instructor accompanying, the group is left to make all of its own decisions unless intervention is required in terms of serious physical harm or facilitating resolution of issues within the group. John believes the major problems with unaccompanied groups come when the group is dysfunctional. This compromises the identification of hazards and can lead to the group splitting, poor decision-making and eventually physical and emotional safety can be put at risk. John believes the outcomes from the supervised tramps are more positive in that the students do achieve the set goals, deal with issues and difficult situations in an appropriate manner and return safely. He believes that the students' experience is not compromised at all. From the anecdotal feedback from the students when they return, the true feelings of euphoria and pride in succeeding to achieve the task they set is no different from when they were unaccompanied.

Outward Bound New Zealand is one of a network of international Outward Bound Schools with a reputation for running quality personal development for young adults. The "Classic" course is 21 days with a mix of bush, sailing and kayaking schemes. The group of participants are taught a number of outdoor skills during the course, with the focus being on how the individual members contribute to the team, how they handle leadership and fellowship roles, communication between members, etc. The culmination of the course had until the mid 1990s traditionally been an unaccompanied expedition through untracked bush. The navigation, camp craft, teamwork and problem-solving skills required to successfully complete the three day expedition tests all of the learning gained earlier in the course. As a result of a serious incident which occurred on one of these journeys in the mid 1990s Outward Bound now has an instructor shadowing the group. The instructor must stay in contact with the group at all times.

The Executive Director of Outward Bound, Trevor Taylor was effusive in his support for the introduction of a shadowing instructor. Not only had there been a number of serious injuries and near accidents on unsupervised trips, but there were also times when major conflict developed between group members, groups split up because of tensions and subgroups forming, and the expedition became a very negative experience at the end of the course rather than finishing on a high.

While the negative experience could be processed for learning points by the instructional staff following completion, such an experience could still see participants finishing their programme on a low. With the expeditions now being followed, an instructor can choose critical points to intervene and through skilled facilitation get the group refocused on achieving their objectives. Rather than standing back more, the instructional staff are finding that it is better to intervene earlier and the group will then be better able to work on their own towards a successful outcome.

With no prompting, Trevor then went on to discuss what they were learning about the "solo" component of their courses. As discussed earlier, the solo experience is one where students are left alone for a period of time in a wilderness setting to reflect on their experiences during the course and their goals beyond the course. Traditionally the participants are placed at a designated site and the instructor returns to base. They are checked periodically during the solo experience in case any issues have arisen. The solo experience can be degraded if students get together, walk off completely or are psychologically scarred by the experience of being alone in the wilderness.

Recently Outward Bound had the solo experience on one of their custom designed courses reviewed by a senior instructor. The instructor camped out in the solo area where all group members could contact him/her if necessary. The instructor visited each student at times during the experience, only making verbal contact if the participant indicated it was needed. The outcomes from this style of solo retained all of the positive results from the previous technique and helped to reduce some of the negative issues listed above.

Of learner licenses and flying solo

In discussing the content of this article with some peers, the issue arose of the comparison with people learning to drive or fly. In both cases there is a stage in their learning when the student is allowed to "solo" and then practice those skills on their own. Is not this the same as giving students on an outdoor education course skills, assessing them as competent in those skills and then allowing the students to practice unsupervised?

In my mind there are several important differences between these examples and unaccompanied activities used within outdoor education. While learning to drive, an instructor must be with the student throughout all of the practical training until the student is ready to be assessed for appropriate skill. At this point the student driver is assessed by an agent of the Ministry of Transport (MOT) and given a license which allows them to operate a car on their own under a limited set of operating parameters. They have attained a major qualification from an external agency at this point and it might be construed that the accountability has been transferred to that assessing agency. The learner driver then goes on to drive on their own for recreational purposes - accepting the risk that exists, as do any guardians of that learner. The guardians (if applicable) would normally control what solo activities the learner was taking part in and not be seeking an organization to be held accountable if an accident occurred.

In contrast, an unaccompanied component of an outdoor education experience is quite different. The student is rarely assessed by an external assessor to an acknowledged national standard that is recognized by society. When the students are carrying out the activity on their own they are not doing so in recreational time but rather in course time. Any guardians do not have control over the student and have passed that responsibility for monitoring the safety over to the course coordinators and instructors. In such cases the standard of care required, as discussed earlier, is high and needs to be prudent and conservative.

For these reasons I believe that the comparison of a learner driver using a car by themselves having achieved a restricted license is not comparable to an unaccompanied activity as part of an outdoor education course. A comparable activity would be for a parent to sign their child up to take part in a driving course, the driving instructor to decide the student is skilled enough to drive alone before they receive their license, gives them the keys of the car to practice by themselves and they have an accident resulting in injury. I can imagine the reaction of the parents, OSH and the MOT to such an action.

Learning to fly offers a closer comparison. As part of achieving a private pilot's license (PPL) or Cat C gliding award, a learner pilot must log 20 hours of solo flight. To go solo the student is trained in a variety of skills in the presence of an experienced and qualified instructor. Each individual skill/competence required is signed off and dated in the student's logbook. Once the student has demonstrated an appropriate level of skill, they are signed off to go solo by a qualified instructor - although these solo experiences should be within certain environmental limitations to reduce the chance of an accident. Once the student pilot has achieved 20 hours solo flying, passed written exams and further practical tests they are given their PPL or Cat C to fly alone in all conditions.

While this training programme for pilots involving logged solo time exists and is common practice, the question has to be asked, "is it the most appropriate system in today's world?" My belief is that the training programme is a legacy of a more risk accepting age. While driver training has undergone major changes, pilot training, involving very few people, has escaped close scrutiny. From my own experience of going solo in both a car and a glider, there seems quite a pressure on the student and instructor to get to the solo phase as quickly as possible. In hindsight I would have been far more prepared, and less susceptible to mishap, if I had received ongoing feedback from a skilled instructor while being placed in a range of situations to further tune my skills and broaden my experience. I believe I would have learnt faster, had greater skill when finally allowed to solo and progressed to the Cat C license with a greater safety margin. I fear that the major reasons that further instructional time is not included in the pilot training programme are tradition and cost. We can not allow either of these reasons to be an excuse in outdoor education because society is less tolerant of a loss in our programmes.

The opportunity we can offer students who pay to come on outdoor education programmes is high quality feedback from skilled practitioners. The students can get as much "solo" time as they like during recreational hours.

Conclusion

This paper has raised the issue, that although unaccompanied activities have been a common part of many outdoor education programmes in New Zealand, serious accidents have occurred in recent times when the standards of supervision have been reduced in this manner. Although there is little research into the causes of outdoor education accidents, there is some support from the research that does exist to indicate that lack of supervision is a predictor of serious accidents.

New Zealand legislation can be shown to put a duty of care on those responsible for the safety of others. The standard of that care needs to be high when dangerous activities are involved or when significant hazards are in the workplace. It is standard risk management practice to manage these risks in the outdoor education sector by placing a skilled and experienced instructor with groups to identify hazards and make judgments to manage those hazards. Removing that expert from the situation places students in the situation of having to make critical judgments that they may not have the skills and experience to be making. Those deciding to remove the instructor from such a hazardous situation may be criminally negligent should injury or death result.

Some would argue that there is educational gain in teaching individuals, or a group, outdoor skills and then slowly removing the supervision of those learners so that the students become increasingly dependent on their own skills and judgment. My contention is that society is not sympathetic to this approach when safety is compromised for the sake of education. This sentiment is supported by recent coroners' reports into the death of participants on outdoor education programmes.

I believe that one of our roles as outdoor educators is to teach people the skills to make astute judgments of their abilities compared to the challenge presented by an outdoor situation. If they make an error in that judgment while in our care we should be ready and able to step in and correct the error before serious harm results. The student is then able to take on board that feedback and be better prepared for a future occasion. To die or be seriously injured on a course while practicing 'good judgment' will be rarely justified. When undertaking recreational activities outside the course, and injury or death results, it is regrettable but an inherent risk of outdoor activities.

In light of the discussion above, I find it difficult to justify the removal of direct supervision of activities involving high levels of risk. Further, I believe that management personnel who condone such practices are placing themselves at risk of criminal prosecution by doing so. And finally, the reason so regularly given by the proponents of unaccompanied experiences - that the educational outcomes of such experiences are markedly better, especially in developing leadership and teamwork skills - has been shown to be a fallacy in two programmes that are recognised throughout New Zealand for their proven work in the personal development of participants.

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