

# WILD

## children in childcare

American children are being expelled from children's services more frequently than from schools. While there is no research to verify this trend in Australia, aggression and conduct problems in young children seem to be on the rise. **Mimi Wellisch** explains that although there are relatively few children who behave violently in childcare services, their impact can cause trauma to children, parents and staff when a service finds itself unprepared.

**F**requent violent behaviours can be classed as a disability in a child—whether a child is diagnosed or not—and a child in NSW is protected under both Federal and NSW anti-discrimination laws. Parents do not have to disclose that their child can be highly aggressive when they enrol the child just as disclosure is not necessary when a child with HIV is enrolled. Instead it is an expectation that the service is adequately staffed and trained. For example, in the latter case the expectation is that safe hygiene practices are implemented at all times.

There would be a legal expectation that the service practices inclusion through the provision of adequate programming, so that children can participate without being disadvantaged in comparison with other attendees. The service demonstrates this by adapting to the needs of the child and the effects caused by his or her inclusion as far as is reasonable, for example, by providing programming, special equipment and/or staff.

Additionally, in the case of a child with violent behaviours the legal concept of duty of care would involve the expectation that childcare professionals take all reasonably practicable steps to ensure the safety of all children, as they may be placed at serious physical and psychological risk. As well, federal occupational health and safety legislation requires a safe working environment for staff and prevention of accumulated stress through continued dealings with a child who exhibits unpredictable and violent behaviours.



The physical setting will need to be reviewed just as would happen when enrolling a child in a wheelchair. For example, are there objects that may become dangerous if used as missiles? Could an angry child push certain items of furniture onto other children or adults?



In the best case scenario the child's behaviour problems would be disclosed at the time of enrolment. The parents may provide copies of reports from a paediatrician or a psychologist, as well as other useful information. If this is the case, the service can make an immediate assessment of risks as well as what additional resources and programs are needed to provide an adequate service to the child, and measures to be put in place to prevent possible risks before the child starts at the service.

However, a child's behaviour can change after enrolment, in the same way that children with other disabilities may be enrolled prior to the disability being discovered. Services should remember that acting more favourably towards a child with a disability (for example, spending more time with the child or providing extra staff or equipment) is not considered to be legal discrimination against others who do not have a disability.

#### Assessing and managing risk

Observations of repeated aggressive and violent behaviours should very quickly alert staff to the risks that now have to be managed. You will need to know the frequency, duration and severity of behaviours that the child generally engages in, for example, does the child target other children or adults, use physical force or objects, or does the child act destructively with whatever objects are available? Such informa-

tion will guide your planning and the additional measures you need to take.

A service would be well advised to employ an additional staff member—preferably one skilled at working with angry children—during the time the child is at the service, or until the program takes effect.

The physical setting will need to be reviewed just as would happen when enrolling a child in a wheelchair. For example, are there objects that may become dangerous if used as missiles? Could an angry child push items of furniture onto other children or adults? However, remember the law does not require that all risks be removed, 'if the removal of such risk imposes undue economic cost and inconvenience to the centre'.<sup>2</sup> The Risk Priority Calculator (below) can be used to assess each risk such as kicking, biting and throwing of objects.

Finally, an individual education plan addressing social skills and anger management in particular, should be drawn up based on the input of any professionals involved, parent information and staff observation.

It is also important to ensure that the regulations are not breached, particularly when the risks are increased as they are when a child has a tendency to violence. Additionally, supervision should be active rather than passive, that is, intervention is needed when the child attacks or deliberately hurts another. Although other children may act as examples to a child lacking in social skills, they should not be expected to cope with behaviour that is brutal, confronting and violates their safety. It is important not to hold stereotypical notions in this situation, for example, that a child is a 'wimp', if s/he can not stand up for their rights in face of aggression: the child may just be a sensitive four-year-old, who needs an adult's help, guidance and protection.

If other professionals are involved, ensure that recommendations are implemented and frequently evaluated. Additionally, several recent programs, one involving a resident trainee psychiatrist working with childcare staff and another with a play therapist working with aggressive children, have shown promise. However, such extra expenditure may be beyond the budget of most children's services. Alternatively, Goal Centred Theory and Applied Behaviour Analysis are two approaches that have had successful outcomes with difficult behaviours, as have social stories, and in some cases, visual aids.

Generally, the child will need more than the usual amount of reminders about gentle play and staff must be vigilant and ready to intervene when needed. Feedback to the child from other children about the reason they do not want to

### RISK PRIORITY CALCULATOR<sup>1</sup>

Table 1: Throwing chairs

Likelihood/ Consequences	Very likely	Likely	Unlikely	Very unlikely
Extreme	1	1	2	3
Major	1	2	3	4
Moderate	2	3	4	5
Minor	3	4	5	6

**Key:** 1 or 2: the hazard is addressed immediately;  
3 or 4: the hazard is addressed as soon as possible;  
5 or 6: the hazard may not need immediate attention and is regularly monitored.

Tarrant, 2002.



play with the aggressive child is important information for social insight, as is the coaching of strategies for entering play, sharing, taking turns and being a willing and respectful follower of the rules of other children's play. It is also important to point out negative thinking in the child and demonstrate reality, for example, 'you said nobody wants to play with you just after Elsie asked you to help her push the pram!'.

#### Terminating enrolment

A re-evaluation of the placement should be made if the violence persists or even increases over time despite all the child's needs having been addressed as far as is reasonable, while risks to staff and children are mounting.

Despite the best efforts on everyone's part, terminating the enrolment could be the only remaining option.

Examples of this would be when your documentation demonstrates that other children may have started to copy some of the aggressive behaviour, that children may be suffering from nightmares, staff members are thinking about resigning, and even the employment of an additional staff member has been insufficient in preventing a string of accidents suffered by other children. In this case a service may be excused from any discriminatory action based on unjustifiable hardship.

Transition to a more suitable setting that specialises in behaviour difficulties or other childcare options such as in home care may be explored amicably in consultation with the family.

Terminating the child without such discussion and action may cause resentment and perhaps legal action under either the *Anti-Discrimination Act (NSW) 1977* or the *Disability Discrimination Act (Commonwealth) 1992*. Equally, however, the continued enrolment of a child whose behaviour is unpredictable and dangerous may lead to neglect of duty of care towards other children and perceived neglect of responsibilities under the *Occupational Health and Safety Act* towards members of staff.

Although the enrolment of a child with violent behaviour may provide an interesting challenge to dedicated childcare professionals, it can also be a legal balancing act requiring good will, planning and level-headed decision-making. ■

Mimi Wellisch has over 20 years early childhood teaching experience, has published extensively, and holds a Masters in Early Childhood from Macquarie University.

#### References:

1. S. Tarrant, *Managing OHS in Children's Services*, Sydney, Lady Gowrie Child Centre, 2002.
2. M. Vassili, 'Managing anaphylaxis: A legal perspective', *Rattler* 61, pp.11-14, 2002.

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Cardiff Community Child Care Centre, September 1995.

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