QA5 information sheet - Inappropriate discipline



A key objective of the National Quality Framework (NQF) is to ensure the safety, health and wellbeing of children attending education and care services.

Corporal punishment and inappropriate, or unreasonable, discipline are contrary to this objective, and are offences under the National Law.

An important aspect of children's and young people's 'belonging, being and becoming' involves them learning how their behaviours and actions affect themselves and others. A positive, strengths-based approach to guiding behaviour can empower children and young people to regulate their own behaviour and develop the skills needed to interact and negotiate complex social situations and relationships.

LINKS TO THE NATIONAL QUALITY STANDARD

Issues of inappropriate discipline are relevant to Quality Area 5 of the National Quality Standard (NQS), including each of the two standards and four elements. Additionally, issues of inappropriate discipline have direct links to Quality Area 2 and Quality Area 7, in particular:

Standard 2.1	Each child's health and physical activity is supported and promoted.
Element 2.1.1	Each child's wellbeing and comfort is provided for, including appropriate opportunities to meet each child's need for sleep, rest and relaxation.
Standard 2.2	Each child is protected.
Element 2.2.1	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
Element 2.2.3	Management, educators and staff are aware of their roles and responsibilities regarding child safety, including the need to identify and respond to every child at risk of abuse or neglect.
Standard 7.1	Governance supports the operation of a quality service that is child safe.
Element 7.1.2	Systems are in place to manage risk and enable the effective management and operation of a quality service that is child safe.

LEGISLATIVE REQUIREMENTS

National Law

Section 166	Offence to use inappropriate discipline.
Section 162A	Persons in day-to-day charge, nominated supervisors and family day care co-ordinators to have child protection training.
Section 167	Offence relating to protection of children from harm and hazards.
Section 174	Offence to fail to notify certain information to Regulatory Authority.

National Regulations

Regulation 12	Meaning of serious incident.
Regulation 84	Awareness of child protection law.
Regulation 147	Staff members [records].
Regulation 155	Interactions with children.
Regulation 156	Relationships in groups.
Regulation 168	Education and care services must have policies and procedures.
Regulation 175	Prescribed information to be notified to the Regulatory Authority.
Regulation 176	Time to notify certain information to Regulatory Authority.

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RECOGNISING AND MANAGING INAPPROPRIATE DISCIPLINE

Discipline

The term 'discipline' is often associated with punishment and may suggest inappropriate, unacceptable and damaging methods of attempting to control children's behaviour. 'Discipline' is not defined in the Education and Care Services National Law Act 2010 (National Law) or Education and Care Services National Regulations 2011 (National Regulations). However, it can be understood as action taken by adults towards children or young people to stop or change behaviour that is inappropriate or not desired.

Inappropriate discipline

Approved providers, nominated supervisors, educators, staff members, volunteers and family day care educators must ensure that no child or young person being educated and cared for by the education and care service is subject to any form of corporal punishment, or any discipline that is unreasonable or inappropriate.

During an assessment and rating visit authorised officers may discuss what measures are in place to ensure children or young people at the service are not subject to any form of corporal punishment, or discipline that is inappropriate. Staff awareness procedures and practices, a clear reporting structure for concerns and a clear and comprehensive policy about staff interactions with children and/or young people are examples of how compliance may be demonstrated.

Examples of inappropriate discipline

The following are some examples of inappropriate discipline which may constitute a serious breach of the National Law and/or National Regulations and could potentially be considered criminal matters:

- hitting, pushing, slapping, pinching or biting a child
- force-feeding a child
- yelling at or belittling a child
- humiliating a child
- physically dragging a child
- locking children away (or isolating them)
- depriving a child of food or drink
- unreasonable restraining of a child (this may include restraint in a high chair)
- excluding children from events
- consistently moving children to the office or other space away from the play areas
- moving children to another room as punishment
- verbally or physically threatening a child.

Other examples of inappropriate practice are:

- negative labelling of child or family

- criticising a child's actions or behaviours
- discouraging a child from taking part in activities
- blaming or shaming a child
- making fun of or laughing at or about a child
- using sarcastic or cruel humour with or to a child
- excessive use of negative language to a child, such as, "no" "stop that!" "don't..." "you never..."

APPROPRIATE DISCIPLINE OR BEHAVIOUR GUIDANCE

Behaviour guidance

The term 'behaviour guidance' is used to indicate positive and effective ways to help children and young people gain understanding and learn skills that will help them to manage their own behaviour. Using appropriate discipline, or behaviour guidance, aims to support each child and young person to regulate their own behaviour, respond appropriately to the behaviour of others and communicate effectively to resolve conflicts (NQS Element 5.2.2).

Cool down

A cooling down period is a time when a child or young person who is having a difficult moment is encouraged to find a space, near an educator, to 'cool down' and regain self-control. This strategy can be used as an opportunity for educators to support children and young people to regulate their own behaviour, and can be an example of appropriate discipline or behaviour guidance.

The difference between 'cool-down time' and 'time out' is that an educator stays with the child and reassures and supports them to regulate their emotions during cool-down time. It is viewed as a learning opportunity, not as punishment.

Trauma informed practice

Research suggests that some children and young people attending services may not have experienced safe and supportive family environments or have experienced (or maybe experiencing) physical, emotional or relational abuse or neglect. Adopting a trauma informed approach is an effective way to support children and young people to regulate their behaviours and respond appropriately to the behaviours of others.

The approved learning frameworks (Early Years Learning Framework V2.0 and Framework for School Age Care V2.0) describe trauma informed practice as responsive practice made possible by awareness of the impact of trauma on children's and young people's learning, development and wellbeing. This includes recognising the signs and symptoms of trauma in children and young people, responding by making places and relationships feel safe and supportive to children and young people, and helping them to develop their capacity for emotional regulation.

The frameworks also acknowledge that in enacting trauma informed practices to enhance the learning, development and wellbeing of these children and young people, educators:

- develop warm, trusting relationships
- provide predictable and child safe environments
- teach about body safety awareness using strategies that are age appropriate, accessible and respectful of children's and young people's cultural backgrounds
- use strategies that can help to bring balance and safety to the experience of child or young person who has been impacted by trauma or disrupted attachment, supporting them to move from survival to learning
- engage and share information with families, teachers in schools and other professionals.

Restraint

Occasionally, there may be circumstances where a child becomes a risk to themselves or others and may need to be removed from the situation or physically restrained to prevent harm to themselves or others. Children and young people should be physically restrained only in emergency situations.

Examples of emergency situations include when a child is:

- in a clearly unsafe situation, for example, attempting to scale a fence or run onto a road
- physically threatening other children, young people or adults
- behaving in ways that are destructive to themselves, other people or the environment.

These situations may require the supportive holding of children or young people. This means that they are only held long enough to be removed from the situation, and the emergency situation has been addressed or subsided. This approach should only be used when there is an immediate danger of the child or young person being hurt or hurting others and when other strategies to guide the child's behaviour have not worked.

If a service has taken a child or young person away from others to help them cool down or physically restrained the child or young person in any way, the service should inform the parent or guardian of the circumstances of the event and record accordingly.

BEHAVIOUR GUIDANCE PLANS AND POLICIES

Regulation 168(2)(j) of the National Regulations requires a service to have policies and procedures in relation to interactions with children, including the obligations in regulations 155 and 156. Service policies should outline a clear process for guiding children's behaviour, based on current recognised approaches and with a focus on maintaining the dignity and rights of each child.

The National Law and National Regulations do not currently stipulate any requirements for behaviour guidance plans. However, many services use behaviour plans as a 'reasonable step' to prevent harm and hazard for children who have additional needs. Consultation with families and, if appropriate, input and suggestions from other professionals and support agencies should be sought when developing individual behaviour guidance plans for children. Advice may also need to be sought from an appropriate medical professional as to the appropriateness of the guidance.

INTERACTIONS WITH CHILDREN

Regulation 155 of the National Regulations requires approved providers to take reasonable steps to ensure that their education and care service encourages children to express themselves and their opinions, allows them to undertake experiences that develop self-reliance and self-esteem, maintains their dignity and rights, gives each child positive guidance and encouragement towards acceptable behaviour, and has regard to children's family and cultural values, age, physical and intellectual development and abilities.

Regulation 156 requires approved providers to take reasonable steps to ensure that their service provides children with opportunities to interact and develop respectful and positive relationships with each other, staff members and volunteers at the service. Examples of appropriate interactions might include providing children with an opportunity to express how they are feeling and then assisting them in regulating their own behaviour, supporting children with responding appropriately to the behaviour of others, and role

modelling and assisting children in communicating effectively with each other to resolve conflicts.

HARM AND HAZARD

The National Law (Section 167) requires approved providers, nominated supervisors and family day care educators to ensure every reasonable precaution is taken to protect children from harm and from any hazard likely to cause injury.

It may be the case that an act of an educator will constitute both inappropriate discipline and harm and/or hazard, or an act that does not constitute inappropriate discipline may constitute harm or hazard. For example, if a child with additional needs has diagnosed autism spectrum disorder on their enrolment form and is known to abscond, but the approved provider has not initiated any kind of behaviour plan or support for staff in how to manage these behaviours, then that may be considered not taking reasonable steps to prevent harm or hazard to that child (or other children in instances where a child is known to have violent outbursts).

Things to reflect on:

- How do you reflect on your own experiences, upbringing, beliefs and attitudes that may influence how you guide children's or young people's behaviour?
- What opportunities do children and young people have to make (or contribute to) decisions about guidelines, rules, expectations and/or consequences in relation to their own and others' behaviour?
- How do you support colleagues when they are feeling overwhelmed by, or are having difficulty coping with, a child's or young person's behaviour?
- How do you work with families, other professionals and support agencies to ensure that behaviour guidance strategies uphold the rights of each child or young person to be included and have opportunities to fully participate in the service environment and program?
- How have you and your team reflected on trauma informed practices to inform behaviour guidance policies and procedures, and to support children or young people who may have experienced trauma?
- For school age children, how do you build partnerships (between their school and the service) that:
  - promote a consistent approach to guiding children's behaviour
  - recognise the importance of providing engaging and educational leisure and recreational opportunities for these children and
  - maintain children's dignity and rights?

OTHER CONSIDERATIONS

Notification of serious incidents and risk to children

Under the National Law an incident of inappropriate discipline needs to be reported to the regulatory authority. It is an offence to fail to notify the regulatory authority of serious incidents, complaints of serious incidents and circumstances posing risk to the health, safety or wellbeing of a child at an education and care service.

In addition to reporting to the regulatory authority, it may be appropriate for approved providers or educators to report an incident of inappropriate discipline to the children's commissioner (or children's guardian if this is a separate role in your state or territory), child protection agencies or the Police. Reporting requirements vary between jurisdictions, and educators and other individuals can consult with their commissioner or children's guardian and the child protection legislation as a starting point to determine their obligations.

Approved providers must also notify the regulatory authority of any incidents or allegations of physical or sexual abuse to a child while being educated or cared for by an education and care service within 24 hours of the incident or allegation, or within 24 hours of becoming aware of the incident or allegation.

Child safety and protection

The approved provider must ensure that:

- each nominated supervisor, person in day-to-day charge and family day care co-ordinator of the service has successfully completed the child protection training (if any) required in that jurisdiction, whether under the law of the jurisdiction or by other means (Section 162A of the National Law)
- staff records include evidence of the approved training completed by that staff member (regulation 147)
- nominated supervisors, staff members, volunteers and students at the service who work with children are advised of the existence and application of the current child protection law in the relevant jurisdiction and understand their obligations under that law (regulation 84)
- policies and procedures are in place in relation to providing a child safe environment, including matters relating to the promotion of a culture of child safety and wellbeing within the service.

REFERENCES AND RESOURCES

For additional information please refer to the Guide to the National Quality Framework (https://www.acecqa.gov.au/media/23811).

Visit the ACECQA website (https://www.acecqa.gov.au/) for additional references and resources:

- ACECQA information sheets:
  - QA5 - Relationships with children (https://www.acecqa.gov.au/qa5-information-sheet-relationships-children)
  - QA5 - Supporting Children to Regulate Their Own Behaviour (https://www.acecqa.gov.au/media/22971)
- National Law and Regulations
- NQF Child Safe Culture Guide (https://www.acecqa.gov.au/nqf-child-safe-culture-guide)

Other resources:

- Early Childhood Australia Code of Ethics (http://www.earlychildhoodaustralia.org.au/our-publications/eca-code-ethics/)
- Early Childhood Australia Understanding young children's behaviour and empowering their future (https://shop.earlychildhoodaustralia.org.au/product/lhseries002/?_gl=1*1h31trg*_gcl_au*MTcyOTE0ODgzMi4xNzYxMjc1Njkx*_ga*MTkwNzgyMDg5LjE3NjEyNzU2OTE.*_ga_JVRXX01CK4*czE3NjEyNzU2OTEkbzEkZzEkdDE3NjEyNzU3NTgkajU5JGwwJGgxMDI3ODYxMzYw)
- United Nations Convention on the Rights of the Child (UNCRC) (https://humanrights.gov.au/our-work/childrens-rights/convention-rights-child)

NQF

Printable version

QA5 information sheet - Inappropriate discipline (https://www.acecqa.gov.au/media/29626)