

Accountability in Behavioural Management

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Two major limitations to an improvement in the behavioural management of companion animals is "bad advice" given to pet owners and the absence of any standards of instruction for those providing such advice. Without regulated control in both these areas, there will be little accountability, either legally or ethically, when dog owners diligently follow the advice and instruction, to the detriment of their pet's behaviour. Much of the information relating to the behaviour and training of animals is steeped in "folklore", but continues to be dissimulated throughout the community because it is often sanctioned by key animal interest groups. Local and state government must bear some responsibility for this as it supports education programs, and in many cases operational outcomes without ensuring that the advice is accurate and practices are compatible with their own objectives. The current situation must change, for in the absence of a voluntary raising of standards of education by the industry itself, pet owners will change it for them, via legal action to address the consequences of receiving inaccurate or inappropriate advice to manage their animal's behaviour.

Defining education

"We must educate dog owners" is a key catch phrase in the urban animal management (UAM) debate and one of the most common options put forward to solve problems associated with companion animals. It is also one of the few concepts where there is total consensus, in principal, between all animal interest groups.

The rationale behind the link between dog owners being more educated, and a reduction in problems is that if such owners were better informed about their pets, their responsibilities and the relevant legislation, they would then be able to manage and control their pets better and be more responsible with them.

In theory it is a logical assumption. Generally if people receive and act on accurate and appropriate information, they will become more informed and better equipped to manage any situation. Pet ownership is no exception for:

- a) Most companion animal owners are responsible with their pets, so can be educated
- b) UAM problems are preventable, and develop over a period of time, so owners have the opportunity to obtain information and act on it
- c) Appropriate educational material is readily accessible from a number of sources at minimal cost
- d) Pet owners have contact with members of key animal interest groups at different stages in the pet's life, groups who should be able to provide an infrastructure to disseminate information into the community

In spite of the logic, the above factors and 100 years of educational initiatives pet owners are still largely uninformed about, and limited in ability to manage some behaviours of their animals; copulating, biting, barking, preying and wandering, the very areas of concern for UAM, and about which over 1,000,000 complaints are made to Australian local authorities each year. It would appear that the education message has largely failed.

Dog owners for example know that dogs can bite and that it is an offence for one to do so, but most are no closer to understanding

why a dog bites and what they could have done to prevent it.

Many in the community still believe that stray dogs are responsible for most attacks, do not realise the importance of socialisation, and believe that a pet's problem is due to it being bored, stupid or of a particular breed. It is perhaps a sad indictment to our pet management skills that very few owners today have a dog that does not have a behaviour that is of concern to themselves, a neighbour or the community.

It is difficult to understand how this could have occurred, when advice on dog ownership is so liberally provided to anyone who will listen, in a pet industry worth billions of dollars and where every state (excluding Queensland, where local laws prevail) has regulations to control pet ownership. Five factors could in part explain this:

1. "Education" is undefined, the message non-specific and there is no claimant to take responsibility for it
2. Without a co-ordinated and co-operative approach by key animal interest groups there is no infrastructure in the community to support any educational initiatives
3. Information provided to dog owners is often inadequate, inappropriate or incorrect.
4. There are no regulated standards to ensure those providing educational services are adequately trained
5. There is no accountability, ethically or legally for bad advice or practices

Although animal interest groups agree in principle on the concept of education, there is little consensus on its type and content, who is responsible for it and how it will take place. Whilst these key factors are still being debated, as they have been over and over in the past 100 years, there is little chance that the educational process will be successful or even progress. In an historical context, educational initiatives have largely focused on the obvious and the easy; advising owners of their legal responsibilities, of the penalties for non compliance of regulations, the benefits of sterilisation, registration and identification, and that their dog must not bark, bite or wander. Essentially its key objectives were to inform dog owners what they must do or not do with their animals, rather than how they could prevent, or overcome any difficulties with them. Advice on behavioural management was generally omitted, possibly for several reasons. The body of scientific knowledge on the prevention and treatment of behaviour problems has only been recently developed, and available in a form accessible to dog owners, and without this knowledge it was often thought that "bad" dogs and irresponsible owners were the main causes.

Education in the 21st Century needs to be more informative, problem specific and incorporate risk and liability. Incorporating problem specific behavioural management into an educational strategy, at the opportune time, to a target group will work, as will identifying the key components of a particular problem, and addressing each component individually. Such a strategy is possible with current knowledge. For example simply telling a dog owner to restrain a dog because it is escaping will not help if they have no idea how to prevent it from barking once it is suddenly restrained. However by alerting them to such consequences and providing ways of overcoming them, such as by conditioning the dog to being restrained, problem outcomes will be predicted and

alleviated.

Animal interest groups

Whilst preparing and presenting detailed information in a simple format, and cost effectively is a relatively simple practice, it is perhaps more difficult to gain the co-operation of and to co-ordinate key animal interest groups to make it accessible to the general community. Veterinarians, animal shelters, animal welfare organisations, breeders, dog obedience clubs, state and local government, schools, medical practitioners and the media all need to collectively share in the responsibility for educating pet owners when they are in contact with them at various stages in the dog's life, or when a problem occurs. However for this to be achieved individual groups will need to overcome their many differences in both opinions and objectives, and to forsake some practises relating to the breeding, sale and recycling of dogs that are counterproductive to assisting owners with their pets. There is also a tendency for some interest groups to present a less than balanced view of pet ownership focusing more on the positive aspects, or on the type or breed of dog a family should purchase, rather than on the negative aspects, or the circumstances that make the keeping of a living animal inappropriate or impractical. The necessary changes won't occur quickly, and certainly not whilst state governments rely on animal interest groups input into legislation and education programs whilst current inappropriate practices continue.

Bad advice

Obtaining the collective support of animal interest groups and defining educational needs are the first priority for UAM. The next must be to ensure that the state government not only takes responsibility for the implementation and administration of any educational initiatives, but also ensures that the advice and instruction provided to dog owners is both accurate and appropriate, and those delivering it are adequately trained and the advice given having been considered in the context of rigor (risk and liability). For although it is ultimately the dog owner's responsibility to ensure that they can manage their dog's behaviour within any legal constraints, the chances of them succeeding in this is greatly reduced if those entrusted with providing pet education are not giving the correct advice or are poorly trained themselves. At present an owner has to weave their way through an industry littered with misinformation, bad practices and poor instruction to find to obtain the correct assistance.

In most part this due to the liberal dispensing into the community of advice on dog behaviour; anyone who has owned a dog, has worked with dogs or knows someone who has had a dog will have an opinion to offer the dog owner as to what is causing their problem and what they can do about. In the pet service industry particularly people seem to enjoy helping owners seeking their assistance. They readily offer advice, often based on their own experiences, on what they have read or believe, without considering whether the advice is accurate or even appropriate for the situation, or what the consequences may be for the dog and its owner if followed. In addition to verbal advice there are many handouts on behaviour provided by industry members or individuals to assist pet owners, most prepared and distributed without any verification of the content's authenticity. Such verification is crucial in the implementation of any educational initiatives for if the information is not correct, then owners are not going to be better informed and the risk to local government and the community heightened as a result of increased pet ownership.

Potentially a more serious problem for UAM, are people who take giving advice a step further, and provide services in obedience

training and behaviour modification, but fail to fully qualify themselves in these areas first.

As the pet industry is largely unregulated there are no controls to ensure a minimal standard of instruction, or to safeguard the dog and its owner from their problem being mis-diagnosed or incorrectly treated. Unfortunately it is with nervous or anxious dogs that mistakes are commonly made, either as a result of an inability to identify the early onset of an anxiety or through using inappropriate training or behaviour modification exercises to treat an anxiety related problem. Too commonly a potentially serious problem is not identified in its early stages, or a serious problem is not referred on to someone more suitably qualified. As a result the dog owner after following limited or incorrect advice, euthanases their pet because they feel they have exhausted all treatment options. Often formal or traditional training exercises are too inflexible and limiting for the treatment of complex problems and are often the opposite to what are required to build confidence and independence in dogs, the two key conditions that drive the problems that UAM is largely concerned with. It is of further concern that the above situation is inadvertently sanctioned by local and state governments, for it is often these individuals and groups that are used by them as the primary educators of pet owners, largely because it is assumed that they have the expertise to carry out this role.

A further disconcerting trend in the training industry is the increasing preoccupation with new and different methodology, terminology and new "age" techniques, where every second trainer is a "dog whisper" or the "most positive". Following on from these trends, and in keeping with humanities 21st Century need for gadgets and "quick fixes" is the increasing reliance on training aids and equipment to assist in basic training, or to manage inappropriate behaviour. Today many in the industry are unable train without treats, "a throw chain" or a head collar, and use electronic devices, crates and medication in lieu of removing the cause of the problem. The flow on effect to the dog owner of this is enormous, with many being left confused, financially disadvantaged and a problem getting progressively worse as they switch from one method or device to another in a desperate effort to obtain the right treatment for their dog.

Also arising from the community's lack of detailed knowledge about dogs, is a body of folklore relating to training and behaviour, so deeply entrenched in training philosophy and "lay" thinking that it influences the raising of most dogs. These myths are passed on to dog owners often from trusted sources, usually as truth, and are fairly logical and believable on some level but based on incomplete or incorrect knowledge. Overcoming them is one of the most frustrating and difficult obstacles that an animal behaviourist encounters. Nowhere are such myths more apparent than in the industry's preoccupation with the concept of dominance where erroneous beliefs such as; dogs having to go through the door after their owners, be fed after them, or not be allowed on the furniture, in order to prevent them from becoming dominant, are all prevailing.

It seems difficult for the training area to accept that there are no set rules for the type of relationship a dog owner chooses to have with their dog, for as long as the situation can be controlled or managed, it does not really matter if the dog eats or sleeps with the family, if that is how they want to live with their dog. Unfortunately if followed, these myths can have a major impact on the dog and its relationship with its owner. For example an elderly lady living on her own, took her small dog to training when it was four months old and was told by the instructor that it should not be allowed on the bed or furniture, otherwise it would become dominant over her. For the next seven years she kept it off her the furniture, and put it in the laundry at night to sleep. After being told the contrary, the dog now sits on her lap in the evening, sleeps on her bed at night and shows no dominant

behaviours if she moves it out of either situation.

That elderly lady lost seven years of greater enjoyment from her pet simply because of the incorrect advice she was given when the dog was a pup. Blindly following incorrect advice can also endanger an owner's safety. A young woman took her Rottweiler to dog training at six months of age and was told by the instructor that to prevent the dog from becoming dominant over her it must never go through the door first. She followed this advice for two years, and whenever they both came to a door, she went in first. One night she arrived home alone with the dog, told it to "stay" at the front door, opened the door and walked inside first. An intruder waiting on the other side, grabbed her, shut the door on the dog and raped her. An unfortunate sequence of events stemming from an instructor's "bad advice", for it does not really matter who goes through a door first, as long as the person does not trip over the dog or is pushed out of the way by it.

Accountability

It is not difficult to demonstrate the consequences of bad advice, inappropriate practices and irresponsible actions because they occur so frequently in an industry that is largely unregulated, where there are no minimal standards of instruction and no accountability. It is perhaps time and certainly if educational initiatives are to progress that in the absence of voluntary self regulation, regulation is introduced through legislation to ensure legal, ethical and financial accountability. Currently veterinarians are governed by the Veterinary Surgeons Act, local authority officers by local government Acts and officers of registered animal welfare organisations by various Animal Welfare Acts. Whilst such legislation impacts minimally on actions by members and officers in the relation to the behavioural management of animals, it does demonstrate that there is recognition of the need for regulation, minimal standards and accountability in animal management and welfare. For dog trainers and animal behaviour consultants, there is no governing body to fine or suspend them, no legislation to regulate their behaviour and no license for them to loose for unethical practices. Failure to carry out suitable practices can preclude them from an organisation or business that they have joined voluntarily or are employed by, but not from training dogs or offering behavioural advice to dog owners. In addition, in the absence of both a legal requirement for them to have indemnity insurance and certified industry standards to measure them against, it is difficult for them to be sued by pet owners for inappropriate practices. There is however, an increasing trend for complainants to take civil action in dog bite cases, by way of seeking compensation from dog owners for injuries or trauma suffered by themselves or their pet and for dog owners to take out restraining orders and other forms of legal action against vexatious complaints. So in an industry where litigation is becoming more common, and with a body of verifiable scientific knowledge on animal behaviour, it is only a matter of time before a link can clearly be established between incorrect advice, a problem arising from this, and criminal or civil negligence by an instructor, adviser or local government officer. Given the current situation such action could possibly be directed at any individual in the pet service industry. Several areas warrant further investigation by the legal profession.

Most pet services providers have handouts and brochures available to dog owners that outline solutions to various animal behaviour problems. Usually these are written by the instructor or by a member of an organisation from pieces of information gathered from a number of sources. Often there is no independent verification of the credibility of the sources or whether the information has been transposed correctly, and once their own interpretation is added or the information is adapted to local conditions, the original content changes markedly. Rarely

is there a disclaimer on the handout or brochure and sometimes no acknowledgement to the source thereby making the total responsibility for the information that of the provider.

Given these circumstances what are the consequences for the provider should a pet owner act on the information in good faith when it is inaccurate, a problem worsens and they or the community is put at risk. An additional problem may occur if a local authority is the provider, and it is forced to take subsequent action against a dog owner, after they have followed its advice and recommendations, and the problem continues.

Recycled dogs from pounds, shelters, breeders or rescue groups commonly show inappropriate behaviours such as aggression once they have been rehomed, usually much to their new owner's surprise. Are such dogs sold on "buyer beware" basis, or is the recycler wholly or partially liable in the event of injury or death if there was no assessment prior to the dog being relocated, the assessment procedure was inadequate by not identifying the behaviour of concern or it was not documented that the behaviour was not tested for, and the owner advised of this? Is it also a reasonable expectation that the person or group offering an animal for sale has ensured that any person carrying out an assessment has ascertained a reasonable level of behavioural knowledge to be able to do this correctly, or that the seller has provided to the new owner all relevant information on the history of the dog? Too often new owners incur veterinary costs to ascertain prior medical treatment, or they or a family member are bitten because the dog has a history of biting, someone knew and they weren't told.

Keeping dog owners "in the dark" is a common practice by some people treating animal behaviour problems and who regularly misrepresent their qualifications in animal behaviour by stating they are trained in it, or by calling themselves a behavioural consultant, trainer or therapist. Are they misleading clients, or does "qualification" need to be further defined and regulated for, before there is a problem with "trade practices"? Calling oneself an animal behaviour consultant, along with using words like "accredited and certified" or offering a "lifetime guarantee" are be used to attract potential clients, who sometimes spend a considerable sum of money only to find that the person has no formal qualifications in animal behaviour, limited consulting experience, and has made an incorrect diagnosis, sometimes with serious consequences for the pet once the prescribe treatment options are followed. A "lifetime guarantee" for example is useless if a problem is not accurately diagnosed in the first place, the treatment incorrect as a result, and the same procedure used in follow up visits.

The mis-diagnosis of a behavioural problem and the failure to diagnose a potentially serious problem in its early stages are the two most common mistakes made in animal behaviour. So are individuals or affiliated obedience clubs who offering fee paying training and behavioural services negligent if they make these mistakes, and a problem deteriorates, or are they liable if a person or animal is injured as a result of this, or if an incorrect treatment program as been prescribed? It is a reasonable expectation that any person providing a service for a fee should have attained a certain level of knowledge to carry out that service correctly or if they cannot, once they have examined the dog, refer the owner onto an appropriately qualified specialist.

Much more difficult to prove is the effect of inappropriate early management and puppy rearing practices by breeders or pet shop owners on the later behaviour of a dog. For example sale at an early age can result in potential dependency problems, at a later age difficulties with socialisation and if pups are kept in an environment where they are fearful for a prolonged period then they may be less confident. Could such practices be similar to a shop selling damaged goods that break when they put under

normal stress? Whilst there is a substantial body of scientific evidence to support the above links, determining when or how damage occurred to a specific pup is not always possible.

Alerting prospective owners to such practices, and the consequences of them, is perhaps the best method of addressing this particular issue.

Pet suppliers have a range of equipment and training aids to assist owners in the behavioural management of their pet. It is common however for dog owners for example to visit such stores, explain their problem, and leave with a product quite unsuitable for their needs. Frequently this is as a result of the sales person's level of knowledge about the product, or their opinion about its usage. Although the problem remains unsolved, or causes the dog discomfort, overcoming this opinion about what is appropriate, in order to obtain a refund, is often difficult and time consuming for the dog owner. In any other retail area, a person would expect, and be supported by consumer groups, that a sales person has attained a reasonable level of knowledge, not only about a product's technical capabilities, but also about its uses and limitations.

Veterinarians have a duty of care under the Veterinary Surgeons Act to provide appropriate and humane treatment for an animal under their care. Whilst veterinary services do not usually extend to the treatment of serious behavioural problems in the clinic, it is possible that their duty of care extends to ensuring such cases are referred to an appropriately qualified specialist, just the same as if the animal had a skin or orthopaedic problem. Clients, as with other specialist services, usually expect upon referral a higher level of skill in the specialist than that can be offered by the referring veterinarian. Some veterinarians however either fail to ascertain that the person offering behavioural services is appropriately qualified or knowingly send a client to an unqualified person, whilst others fail to offer any assistance to a client whose pet has a problem that is clearly evident in the clinic or during an examination. If at a later date, the dog causes serious injury to a person or animal, or is euthanased indirectly as a result of the veterinarian's initial actions, or lack of them, when he or she had the opportunity issues relating to the veterinarians liability or breach of duty of care may arise.

The local authority is responsible for the administration and enforcement of legislation pertaining to dogs, and as part of this duty if a complaint is made about a dog barking, biting or wandering then there is a requirement for council to carry out an investigation, fairly and impartially. It is reasonably expected that as part of this investigation that the dog owner initially be advised of the complaint, but not put under any pressure, by way of threat of fines or seizure of the dog, to take immediate remedial action before the complaint is fully investigated. It is common however for dog owners to incur costs (via behavioural assistance, equipment purchase, compensation, or modifications to their property), directly as a result of the enforcement officer's insistence they take such action only to find that the complaint is not substantiated. In these circumstances could there be grounds for the dog owner to be compensated for the costs incurred unnecessarily and directly as a result of the council officer's actions? Another common practice by local authorities, particularly in situations where a dog has injured a person or another animal, is to inform the dog owner that they will not be prosecuted if the dog is surrendered. Whilst this may be a satisfactory outcome for the local authority, such dog owners are being coerced into making a decision that they may not want to, and given the circumstances of the incident, may not be necessary. Is this a subtle "blackmail"?

Nuisance barking complaints can be difficult to resolve and problems may arise if local authorities deviate from normal procedures. On occasions where an investigation is ongoing, and before a complaint is substantiated, a council officer may

repeatedly visit, or write to a dog owner at the complainant's insistence almost every time the dog barks, the episodes of concern may not be a nuisance, as defined in legislation.

At some point this reactive approach may warrant a "produce evidence" letter to the council from the dog owner's solicitor, or where a "restraining" order, or other legal action is taken out against a vexatious complainant, and where the council has supported the complainant, it is likely to be named in the dog owner's action.

It is not unusual for local government officers to recommend the quickest and easiest solution to dog owners with a problem, hence the popularity of electronic barking collars or boundary fences to stop a dog barking or escaping. Like other service providers, the local authority must ensure that any of its recommendations for treatment are appropriate for the problem, or that residents do not incur unnecessary costs. In addition should the local authority's recommendations fail it is not compromised by having to pursue legal action against the dog owner. In one incident an electronic boundary fence was recommended for a dog running out of its property and chasing passers-by. The fence was duly purchased and put across the front of the property, so that each time the dog ran towards the footpath, it was corrected by an electric stimulus and did not cross the boundary. Over a period of time the dog associated the correction with passers-by. One day when the fence was not activated the dog ran through it, onto the footpath and bit a person who was passing. Council then prosecuted the owner for a dog attack, an attack that occurred primarily as a result of their own recommendation. A far more effective and practical solution would have been to confine the dog to the rear of the property.

Local authorities have conditions placed upon them under local government regulations when recommending residents to service providers, one of these being that a choice of provider has to be given. In the area of behavioural services however no distinction is usually made between qualified and unqualified. A possible outcome of this is that if the unqualified service provider is used first, and the treatment is not successful or appropriate as deemed by a qualified provider, the council is compromised if they insist a second time that the problem be resolved after the dog owner has acted on their original, but incorrect recommendation, and carried out the instruction provided. Alternatively if a qualified service is not used on a second occasion, the threat of subsequent action may cause the dog owner to get rid of the dog, as they feel they have done everything possible, including what council has asked them to do. It is important that local authorities address this issue in relation to service providers rather than making operational outcomes i.e. targets, benchmarks and removing problems from the local government books the priority and attempting to achieve them at all costs without consideration of risk and liability.

As part of providing a safe working environment it is recommended that councils provide their animal management staff with training in bite prevention and animal handling, areas inclusive of animal behaviour. Training is available for this from a number of sources, including persons not formally qualified in animal behaviour. Whilst these service providers may deliver a satisfactory outcome on the day of training, should it be demonstrated at a later date, after a work place incident that the service provider was not qualified, that information from the training was used during the incident, and was not an appropriate response for the situation, council could be severely compromised in the event of a compensation claim by the employee. A closer scrutiny of such training providers is certainly warranted.

Conclusion

Bad advice, inappropriate practices, no standards of instruction, no accountability and minimal consideration of risk management make it very difficult to integrate educational initiatives for pet owners into the community.

This unique situation sets Urban Animal Management apart from other areas where a key focus is education, but where there are regulations and minimal standards of advice and instruction, such as driver training. A shift towards this direction is possible, but it requires a radical "shake up" of the pet industry, self regulation of member groups, and a key stake holder such as a state government to make a commitment and take responsibility for the implementation of such changes. It is an irony that the current education debate focuses so much on irresponsible dog owners and dangerous dogs, when attempts to educate dog owners is carried out without accountability, consensus of information and properly trained advisers, a practice that is in itself both irresponsible and dangerous.

Not only does there need to be a shift in the focus of the educational message, to ensure dog owners better understand the behaviour of their pets, but current knowledge disseminating in the community, including within the animal industry, must be updated, and misinformation that is so prevalent, be identified and systematically eradicated. Whilst people are entitled to have an opinion on dogs, offer advice and carry out instruction, it is crucial that every effort is made to ensure that this opinion, advice and instruction is accurate and appropriate for the animal concerned. Accountability is perhaps the key to achieving this, for if service providers have to accept responsibility for their actions, legally, or by regulation then the necessary changes should occur within the industry. Only then will a united industry be better equipped through its programs and advisors to successfully educate pet owners and introduce programs for offenders to prevent the same problem from recurring.

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