

TOBACCO, DRUG AND ALCOHOL-FREE POLICY

Dalas Family Day Care is committed to creating and maintaining environments that promote the safety of all children, educators and visitors in our principal office, FDC residences and approved venues. We believe in maintaining a healthy, safe and productive workplace environment that reduces risks and hazards associated with the use of drugs and alcohol for educators, children and visitors.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY		
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.

QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.2	Professional Standards	Professional standards guide practice, interactions and relationships.

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1.2	Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
82	Environment to be free from tobacco, vaping devices, vaping substances, drugs and alcohol
83	Staff members and family day care educators not to be affected by alcohol or drugs
84	Awareness of child protection law
155	Interactions with children
168	Education and care services must have policies and procedures
190	Infringement offences

Victorian Child Safe Standards	
Standard 1	Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued
Standard 2	Child safety and wellbeing is embedded in organisational leadership, governance and culture
Standard 3	Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously
Standard 4	Families and communities are informed, and involved in promoting child safety and wellbeing
Standard 5	Equity is upheld and diverse needs respected in policy and practice
Standard 6	People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice
Standard 7	Processes for complaints and concerns are child focused
Standard 8	Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training
Standard 9	Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed
Standard 10	Implementation of the Child Safe Standards is regularly reviewed and improved
Standard 11	Implementation of the Child Safe Standards is regularly reviewed and improved

RELATED POLICIES

Child Protection Policy Child Safe Environment Policy Grievance Policy (staff)	Interactions with Children, Family and Staff Policy Privacy and Confidentiality Policy Work Health and Safety Policy Safe Transportation Policy
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PURPOSE

We aim to provide tobacco, drug, vape and alcohol-free environments at all times children are educated and cared for in accordance with Education and Care National Law and Regulations and workplace health and safety legislation. The use of alcohol and/or other drugs may impact on the ability for educators to work safely and ensure the safety of children in their care.

Research provides evidence that exposure to tobacco smoke and vaping substances poses major health risks to both children and adults. Babies and young children are especially vulnerable to the poisons of second-hand smoke because their bodies are developing. Effects of passive smoking include Sudden unexpected death in infancy (SUDI) asthma, infections and conditions include croup, bronchitis and the increased likelihood of childhood asthma. (Red Nose, 2020).

Working in line with the Code of Conduct Policy and Work Health and Safety Policy our FDC Service aims to provide a policy regarding a tobacco, drug, vape and alcohol-free environment with clear guidelines to ensure environments are safe for all children, educators, residents and visitors. This policy sets out expectations for all employees, engaged educators, volunteers, individuals residing at the FDC and visitors regarding what is and what is not acceptable behaviour and practice in relation to alcohol and drug use and provides procedures which outline how to deal with impaired people, employees, volunteers and visitors, at the FDC Service residence or approved venue.

SCOPE

This policy applies to the Educators, Educator Assistants, children, families, and visitors of the Family Day Care Service.

IMPLEMENTATION

The Education and Care Services National regulations state the approved provider must ensure the environment is free from the use of tobacco, vaping devices, vaping substances, illicit drugs and alcohol and ensure that educators, employees, residents or volunteers at the FDC service are not affected by alcohol or drugs (including prescription medication) so as to impair the person's capacity to supervise or provide education and care to children. All staff, educators, volunteers, residents and students will abide by this policy at all times.

DEFINITIONS

Alcohol

- Alcohol is the most commonly used depressant drug. It affects both mental and motor function. Examples include beer, wine, spirits.

Under the Influence

- Includes a person who has taken drugs or alcohol that interferes with sound judgement and acceptable behaviour that may impair mental and physical ability to perform their duties safely.

Drugs

- Illegal Drugs: drugs such as cannabis, amphetamines, ecstasy, cocaine and heroin, are illegal. They are not subject to quality or price controls and the amount of active ingredient varies. A person using illegal drugs can never be sure of how strong the drug is, or what is actually in it.

- Prescription Drugs: Prescribed and over the counter medications can also be misused for the purposes of intoxication. Employees taking medication should find out how it may affect them by consulting their doctor and advising the Nominated Supervisor or Responsible Person if the prescribed medication will affect their mental and physical ability to perform their duties safely.
- Illicit Drugs: Illicit drugs include-illegal drugs, prescription medicines that have been obtained illegally or are not being used for medicinal purposes and other substances that are being used inappropriately — for example, sniffing glue or inhaling paint thinner

E-Cigarettes (Vaping)

- Battery-powered devices called e-cigarettes are utilised to heat a liquid substance that generates a vapor, which is then inhaled, thus imitating the smoking process.
- Vaping device: has the same meaning as in section 41P of the Therapeutic Goods Act 1989 of the Commonwealth.
- Vaping substance: has the same meaning as in section 41P of the Therapeutic Goods Act 1989 of the Commonwealth.

USE OF TOBACCO, DRUGS, VAPES AND ALCOHOL

- Our FDC Service supports the [Smoke Free Environment Act 2000](#). The company and its employees, engaged educators and volunteers, will follow all conditions outlined in this act.
- Our FDC Service is bound by the Education and Care Services National Regulations. Alcohol, drugs, or other substance abuse by employees can have serious adverse effects on their own health and the safety of others. As such whilst providing education and care to children, educators, coordinators and volunteers must not:
 - consume illegal drugs or alcohol
 - be under the influence of illegal drugs or alcohol
 - use or possess illegal drugs at any workplace
 - drive a vehicle, having consumed alcohol or suffering from the effects of illegal substances.
- Smoking or vaping is NOT permitted in or on the surrounding areas of the FDC residence or venue when care is taking place. (The smoking ban extends to an area of up to **5m** around the land the service is approved to provide education and care).
- Educators, staff, visitors and volunteers must not carry or use vaping substances or vaping devices on the FDC Service premises while education and care is provided to children
- Educators must ensure that children being educated and cared for as part of the FDC service remain in an environment that is free from tobacco, vaping substances, vaping devices, drugs and alcohol. This includes when transportation for regular outings or excursions is provided for children.

- It is expected that if educators do smoke, the odour of tobacco/e-cigarette smoke will not be detected on their clothing or hands and any items children may contact, is residue free (cigarette butts, ash, matches etc are disposed of or stored away from children at all times).
- Consideration should be given to ventilation and hygiene within the residence or venue to ensure tobacco smoke is not detected.
- The safe storage of any items related to smoking or vaping must be strictly adhered to in the FDC residence or venue (ashtrays, lighters, matches, cigarettes etc.)
- Smoking or vaping is NOT permitted while educators and staff are supervising or participating in excursions or other off-site activities.
- Educators must ensure that children being educated and cared for as part of the FDC service remain in an environment that is free from tobacco, drugs and alcohol. This includes when transportation for regular outings or excursions is provided for children.
- It is expected that if educators do smoke, the odour of tobacco smoke will not be detected on their clothing or hands and any items children may contact, is residue free (cigarette butts, ash, matches etc are disposed of or stored away from children at all times).
- Consideration should be given to ventilation and hygiene within the residence or venue to ensure tobacco smoke is not detected.
- The safe storage of any items related to smoking or vaping must be strictly adhered to in the FDC residence or venue (ashtrays, lighters, matches, cigarettes etc.)

Educators, coordinators or volunteers undergoing prescribed medical treatment with a controlled substance that may affect the safe performance of their duties are required to report this to the Nominated Supervisor. A medical certificate may be required prior to their approval to provide education and care.

Respect for People and the Service

- Management, educators, coordinators and volunteers understand that *workplace health and safety is everyone's responsibility*
- Management, educators, coordinators and volunteers have a responsibility to take reasonable care for the health and safety of themselves and others at the workplace to enable compliance with the work health and safety legislation outlined in the *Work Health and Safety Policy*
- Educators must provide adequate supervision of children at all times and ensure the health, safety and welfare of children and young people in their care. This includes taking all reasonable action to protect children and young people from risk of harm that can be reasonably predicted.
- Management, educators, coordinators and volunteers are committed to the Service philosophy and values, inclusive of best practice in early childhood education and building positive partnership with children, families and staff.

Expectations of the Approved Provider, Coordinator/Nominated Supervisor

Management is expected to:

- keep educators informed about essential information and any relevant changes and make all documents readily accessible to them
- take appropriate action if a breach of the *Tobacco, Drug and Alcohol-Free Policy* occurs
- advise new employees and volunteers to the service of the *Tobacco, Drug and Alcohol- Free Policy* during the induction process. Visitors will be advised of this policy through signage such as
 - ‘No Smoking’ signs clearly visible at the front entry of the FDC service
 - signage reminding families and visitors that they should not enter the premises if they under the influence of prohibited drugs or alcohol
- report any observations of instances of smoking or vaping in the presence of children to management

Reasonable belief or suspicion

If a Coordinator/Nominated Supervisor suspects a FDC educator or educator assistant to be affected by drugs or alcohol, they must inform the Approved Provider immediately. FDC educators will report any concerns they may have about inappropriate actions of any other educator or educator assistant that involves the use of drugs or alcohol to management. Any incidents or reports are to be documented confidentially including action taken which followed the incident or report.

Management will observe and document any reasonable suspicions that an educator is under the influence of drugs or alcohol, this may include:

- observe any smell of alcohol
- eye dilation or red/bloodshot eyes
- slurred speech
- unable to act in a professional manner
- emotions where the employee is argumentative, agitated, irritable or drowsy
- movements where the employee is unsteady or fidgety or
- other behaviours.

If the Approved Provider/Coordinator/Nominated Supervisor has reasonable grounds to believe that an educator is under the influence of illegal drugs or alcohol, alternative emergency arrangements will be made for the education and care of children in their residence/venue. Discipline action may follow, which may

include termination of employment/engagement due to a breach of Service policy. A breach in the *Tobacco, Drug and Alcohol-Free Policy* may result in termination of employment/engagement, even for a first offence.

Breach of the Tobacco, drug and alcohol-free Policy

All staff members, educators and coordinators are made fully aware that any breaches of the *Tobacco, Drug and Alcohol-Free Policy* and role responsibilities may lead to termination of employment or engagement including:

- providing education and care for children under the influence of alcohol or drugs
- possessing or selling drugs at the FDC residence or venue
- vaping or smoking on the FDC Service premises while education and care is provided to children
- failure to follow policies and procedures

Workplace health and safety (WHS) Legislation

Each state specifies Work Health and Safety Acts and Regulations which involves the management of risks to the health and safety of everyone in the workplace. This includes ensuring children, visitors and educators are provided with a tobacco, drug and alcohol-free environment.

VIC: Occupational Health and Safety Act 2004 and Occupational Health and Safety Regulations 2017

SOURCE

Australian Government. Business. [Work Health and Safety](#)

Australian Government. Department of Health. [What are drugs?](#)

Australian Government. Safe Work Australia. [Drugs and alcohol](#)

[Education and Care Services National Regulations](#). (2011).

Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017).

Guide to the National Quality Framework. (2017) (Amended 2020).

Ombudsman Act 2001 (Cth).

Privacy and Personal Information Protection Act 1998 (Cth).

[Smoke-free Environment Act 2000](#).

Victoria State Government. Work Safe Victoria. [Guide for developing a workplace alcohol and other drugs policy](#)

Work Health and Safety Act 2011 (Cth).

Workplace Relations Act 1996 (Cth).

Work Place Law. [Drug and alcohol testing in the workplace](#).

REVIEW

POLICY REVIEWED	August 2022	NEXT REVIEW DATE	August 2023
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MODIFICATIONS	
August 2021	New policy drafted for FDC service Policy purchased from Child Care desk top