

Smoking, Vaping, Drug and Alcohol-Free Environment Procedure

1. Purpose

Inala Community House (ICH) as the Approved Provider of My Place Family Day Care (FDC), is committed to complying with Education and Care Services National Regulations and ensuring that the family day care environment is free from the use of tobacco, illicit drugs and alcohol (R.82), along with vaping substances and vaping devices. ICH will also ensure that staff, Educators and volunteers at the 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 being educated and cared for by the service (R.83).

In alignment with the National Regulations, the purpose of this procedure is to:

- Provide information on the requirement to keep family day care environments free of, tobacco, vaping substances and devices, alcohol, and drugs at all times.
- Inform staff, Educators, volunteers and visitors about what is and what is not acceptable behaviour in relation to the use of tobacco, vaping substances and devices, alcohol and other drugs.
- Provide a procedure that outlines how to respond to drug-impaired people, staff, educators, volunteers and visitors at the Service.

2. Scope

This procedure applies to all My Place FDC Nominated Supervisors, Coordinators, Educators, Educator Assistants, administrative staff, parents, authorised nominees and children in care.

3. Definitions

Approved Provider: Inala Community House (ICH) has approval from the Federal Government to operate an approved FDC service.

Service: My Place Family Day Care, whose Approved Provider is Inala Community House.

Parent/Guardian: The person responsible for the payment of fees and who is paid the Child Care Subsidy. Referred to as the Parent/s. PLEASE NOTE: this does not include a parent who is prohibited from having contact with the child by an order of a court, tribunal or department responsible for Child Safety.

Educator: A suitably qualified person who is registered with the service.

Alcohol: 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.

Illegal Drugs: Drugs such as cannabis, amphetamines, ecstasy, cocaine and heroin.

Prescription Drugs (medication): A drug that can be dispensed upon presentation of a medical prescription. Prescribed and over the counter medications that may affect the mental and physical ability of the person to perform their duties safely.

Illicit Drugs: Includes 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.

4. Procedure

4.1 Penalties for breaching regulatory requirements

Under the Education and Care Services National Law and Regulations, penalties may apply to Approved Providers and FDC Educators relating to breaches of the following legislation and regulation:

- Every reasonable precaution being taken to protect children being educated and cared for by the service from harm and any hazard likely to cause injury (section 167 of the Law)
- Children attending the service being provided with an environment that is free from the use of tobacco, vaping substances and devices, illegal or illicit drugs and alcohol (Regulation 82)
- The nominated supervisor and any staff member or volunteer are not to be affected by alcohol or drugs (including prescription medication) so as to impair their capacity to supervise or provide education and care for children at the service (Regulation 83).

Penalties for breaching these regulatory requirements may be as high as \$57,400.

4.2 Family Day Care Environment

During the Home Safety Assessment conducted by the Coordination Team, consideration will be given to ensure all alcohol and drugs (prescription and non-prescription) are kept in a locked cupboard or out of reach and sight of children.

Through the recruitment and induction process, all staff members and Educators will be made aware of their obligations to ensure environments are provided which are free of tobacco, vaping substances and devices, drugs and alcohol.

Educators and Educator Assistants will provide an environment that is free from anyone consuming or using tobacco, vaping substances and devices, illicit drugs, mind-altering substances and alcohol. To remove any doubt, no persons will be allowed to smoke tobacco or use a vaping substances and device at the FDC residence while care is being provided to children.

Prior to care being provided on their first day each week, Educators will ensure all tobacco and vaping substance products and devices and alcohol in the home has been put away in a locked cupboard or is out of reach and sight of children.

Where tobacco is smoked in the Family Day Care Residence when children are not in care, Educators need to consider issues such as hygiene, ventilation and the secure storage of smoking paraphernalia such as ashtrays, cigarettes, cigarette lighters and matches, vaping substances and devices.

Where tobacco smoke or vaping substances and devices residue/odour is present on children's clothes, bags, bedding or belongings, the Educator or Educator Assistant should respectfully notify the family and request that they provide alternative items for care and support them in achieving no residue on these items. Spare clothing or bedding should be provided for use until new items are provided.

4.3 Use of Tobacco, Substances and Devices, Drugs and Alcohol

Through the enrolment process, My Place FDC will ensure parents are aware of the Tobacco, Vaping substances and devices, Drug and Alcohol-Free Environment policy, along with the welcome information and handbooks, which includes information regarding use of tobacco, vaping substances and devices, drugs and alcohol.

Educators or Educator Assistants caring for children must not be under the influence of alcohol or consume alcohol while providing education and care. Educators and Educator Assistants must not be affected by drugs (including prescription or over the counter medication) so as to impair their capacity to provide education and care to the children.

Visitors to FDC residences will be informed about the requirements of this policy. Educators and Educator Assistants will ensure all persons interacting with children are free from the effects of any substances (illicit or otherwise). Any Educator suspicious of the influence of any persons should report this information to the Coordination Team immediately.

Educators and/or staff members undergoing medical treatment with a controlled substance that may affect the safe performance of their duties are required to report this to the Coordination Team or FDC Manager. A medical certificate may be required to confirm their ability to perform their role as per the relevant position description.

Educators requiring prescription drugs to treat an injury, illness or on-going medical condition must provide the Coordination Team with a medical certificate signed by a treating medical practitioner. This certificate must confirm the educator's ability to care for children whilst taking the drug as prescribed.

It is the responsibility of the Educator to notify the Coordination Team immediately if they start a new medication or alter existing medications (i.e. medication dose). Any change in medications may require presentation of an updated medical certificate signed by a treating medical practitioner.

4.4 Reasonable Belief of Suspicion

If there is reasonable belief or suspicion an Educator or Coordination Team member is affected by drugs or alcohol, the FDC Manager or Approved Provider must be informed immediately. Any incidents or reports are to be documented confidentially, including the action taken that followed the incident or report.

Reasonable suspicion of a person being under the influence of drugs or alcohol may include:

- Any smell of alcohol
- Eye dilation or red/bloodshot eyes
- Slurred speech
- Inability to act in a professional manner in the workplace
- Acting in a way that is argumentative, agitated, irritable or drowsy
- Being fidgety or moving unsteadily
- Any other behaviours.

If the Coordination Team has reasonable grounds to believe that a family day care Educator is under the influence of illegal drugs or alcohol, care will be ceased immediately and parents notified to collect their child from the Educator's residence. A Coordination Team member will attend the Educator's residence to provide care to children until their collection.

If an Educator has reasonable grounds to believe a family member entering their FDC residence is under the influence of illegal drugs or alcohol, the Coordination Team will be contacted for further advice which may include seeking further guidance and support from the Police.

4.5 Breaches of Regulatory Requirements

All staff members, Educators and Educator Assistants are made aware of this procedure through the Service's induction and orientation processes.

Educators found to be in breach of this procedure will have care suspended immediately, pending an investigation by My Place FDC or another relevant authority as appropriate. Depending on the outcome of any investigations, breaches may result in notification to the Regulatory authority and/or termination of the Educator's registration with My Place Family Day Care.

5. Review

This procedure shall be reviewed at a minimum every two years.

This procedure remains in effect unless otherwise determined by the CEO.

	Date	Details
V1.0		Procedure separated out from policy

6. Related Documents

Policies

Smoking, Vaping, Drug and Alcohol-Free Environment Policy

6.1 Child Safe Environment Policy

8.1 Assessment and Selection of Educators and Educator Assistants Policy

Procedures

- 6.1 Assessment of Educator's Residence Procedure
- 6.6 Providing a Child Safe Environment Procedure
- 8.1 Assessment and Selection of Educators Procedure
- 8.2 Assessment and Selection Educator Assistant Procedure
- 8.3 Assessment of Fitness and Suitability of Adults Residing at the Educators Residence

References

Education and Care Services National Law 2010:

- S. 167 Offence relating to protection of children from harm and hazard

Education and Care Services National Regulations:

- R.82 Tobacco, drug and alcohol free environment
- R.83 Staff members and family day care educators not to be affected by alcohol or drugs
- R.168 Education and care service must have policies
- R.169 Additional policies and procedures – family day care
- R.170 Policies and procedures to be followed

ACECQA, Guide to the National Quality Framework, 2018, Chapter 2 The National Quality Standards:

- Quality Area 2 - Children's Health and Safety
- Quality Area 3 – Physical Environment
- Quality Area 7 - Leadership and Management

Additional Regulatory Context and Guidance:

- Smoking laws in Queensland - <https://www.health.qld.gov.au/public-health/topics/atod/tobacco-laws>