



TOBACO, ALCOHOL & OTHER DRUG POLICY

Mandatory – Quality Area 2

Precious Gems Childcare Pty Ltd trading as "Kids Haven Childcare"

Quality Area 1.1.1	Curriculum decision making to each child's learning and development outcomes as communicators
Quality Area 2.2	Safety – Each child is protected
Quality Area 2.2.1	Supervision
Quality Area 2.2.3	Child Protection
Quality Area 7.1.1	Service philosophy and purpose

Children (Education and Care Services) National Regulations NSW

National Law Section 51(1)(a)	Ensures the safety, health and wellbeing of the children being educated and cared for by the service;
National Law Section 165	Offence to inadequately supervise children
Section (National Law) 166	Offence to use inappropriate discipline
Section (National Law) 167	Offence relating to protection of children from harm and hazards - Ensuring that the children educated and cared for at Kids Haven Childcare are protected from harm and from any hazard likely to cause injury
Section (National Law) 173	Offence to fail to notify certain circumstances to Regulatory Authority
Section (National Law) 174(2)(b)	- You must notify the regulatory authority <u>within 24 hours</u> of any complaint alleging that a serious incident has occurred while the child is educated and cared for or complaints alleging that the Law has been contravened.

Regulation 82 Tobacco, drug and alcohol-free environment

Regulation 83 Staff members and family day care educators not to be affected by alcohol or drugs

Regulation 84 Awareness of child protection law

Regulation 168 Education and care service must have policies and procedures

Regulation 170 Policies and procedures to be followed

Regulation 171 Policies and procedures to be kept available

Regulation 175 Prescribed information to be notified to Regulatory Authority

- (c) any circumstance arising at the service that poses a risk to the health, safety or wellbeing of a child or children attending the service;
- (d) any incident where the approved provider reasonably believes that physical abuse or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service;
- (e) allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service (other than an allegation that has been notified under section 174(2)(b) of the Law). **Within 24 Hours.**

Related policies

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| • <i>Child Safe (formerly Child Protection) Policy</i> | <i>Complaints and Grievances Policy</i> |
| • <i>Delivery and Collection of Children Policy</i> | <i>Interactions with Children Policy</i> |
| • <i>Occupational Health and Safety Policy</i> | <i>Privacy and Confidentiality Policy</i> |
| • <i>Relaxation and Sleep Policy</i> | <i>Staffing Policy</i> |

PURPOSE

This policy provides guidelines to enable Kids Haven Childcare to:

- provide a safe environment for all children which ensures their safety, health and wellbeing
- promote a cultural of health and wellbeing of all staff, children and families
- improve educational health and wellbeing outcomes for all children and families

- provide access to information on quitting smoking, alcohol and other drug use and promote the health benefits of avoiding these behaviours.

POLICY STATEMENT

1. VALUES

Kids Haven Childcare is committed to:

- ensuring a smoke-free and drug-free environment for children, families, educators, staff, volunteers and visitors
- promoting responsible alcohol consumption to our service community
- encouraging educators and staff to build on opportunistic learning moments with children
- providing information to educators, staff and families about the health benefits of not smoking or taking drugs, and responsible alcohol consumption.

2. SCOPE

This policy applies to the approved provider, persons with management or control, nominated supervisor, person in day-to-day charge, early childhood teachers, educators, staff, contractors, volunteers, students on placement, parents/guardians and visitors attending the programs and activities of Kids Haven Childcare

3. BACKGROUND AND LEGISLATION

Background

The effects of drugs and alcohol can impair the capacity of a person to make judgments relating to the care, safety and education of young children. The effects of tobacco smoking on an individual's health are well documented. Second-hand smoke (refer to *Definition*) and third-hand smoke (refer to *Definition*) is dangerous, especially for babies and children, as they have **smaller airways** that are still developing.

Children exposed to second-hand smoke are at an **increased risk of early death and disease** from various causes. Second-hand smoke can impair a baby's breathing and heart rate, which can put the baby at a higher risk of sudden unexpected death in infancy (SUDI). Exposure to second-hand smoke (refer to *Definition*) and third-hand smoke (refer to *Definition*) can affect a child's developing brain due to the sensitivities of the brain to very small amounts of toxins.

Drinking alcohol or taking other drugs can affect a person's ability to connect with and care for children. Alcohol and other drug use can become an occupational health and safety issue, as it may impair one's ability to exercise judgment, coordination, motor control, concentration, and alertness in the workplace. Employees unfit for work as a result of alcohol or other drug use put themselves, children and other staff members in the workplace at risk of harm.

The key to tobacco, alcohol and other drugs in the early years is prevention. The most effective means of prevention is providing an early childhood environment that is supportive and protective of all children. Building resilience and developing social and emotional competencies should start early to enhance the potential for children to resist risky behaviours later on.

Legislation and standards

Relevant legislation and standards include but are not limited to:

- Child Wellbeing and Safety Act 2005 (Vic) (Part 2: Principles for children)
- Early Childhood Australia's Code of Ethics (2016)
- Education and Care Services National Law Act 2010: Section 174
- Education and Care Services National Regulations 2011: Regulations 82, 82, 175, 176
- Liquor Control Reform Act 1998
- National Quality Standard, Quality Area 2: Children's Health and Safety
- Occupational Health and Safety Act 2004
- Occupational Health and Safety Regulations 2007

- Tobacco Act 1987 (Vic)

4. DEFINITIONS

Alcohol: A depressant drug that slows down activity in the central nervous system.

Drug: Refers to any substance taken to change the way the body and/or mind functions.

Notifiable complaint: A complaint that alleges a breach of the Education and Care Services National Act or Regulation, or alleges that the health, safety or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported by the approved provider to the secretary of DET within 24 hours of the complaint being made (Section 174(2) (b), Regulation 176(2) (b)). Written reports to DET must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- contact details of a nominated member of the Grievances Subcommittee/investigator
- Any other relevant information.

Written notification of complaints must be submitted via the National Quality Agenda IT system (NQAITS): <http://www.acecqa.gov.au/national-quality-agenda-it-system>. If the approved provider is unsure whether the matter is a notifiable complaint, it is good practice to contact DET for confirmation.

Prescription medication: medicine that can only be made available to a patient on the written instruction of an authorised health professional. Examples of prescription medicines include blood pressure tablets, cancer medicine and strong painkillers.

Reportable incidences: Under the Occupational Health and Safety Act 2004 (OHS Act), employers and self-employed persons must notify WorkSafe immediately after becoming aware an incident has occurred.

Reporting incidents resulting in:

- death
- a person needing medical treatment within 48 hours of being exposed to a substance
- a person needing immediate treatment as an in-patient at a hospital
- a person needing immediate medical treatment for one of the following injuries: amputation, serious head injury or serious eye injury, removal of skin (example: de-gloving/ scalping) electric shock, spinal injury, loss of a bodily function, serious lacerations (example: requiring stitching or other medical treatment).

Reporting incidents involving:

- registered or licensed plant collapsing, overturning, falling or malfunctioning
- collapse or failure of an excavation, or shoring supporting an excavation
- collapse of a building structure (or partial collapse)
- implosion, explosion, or fire
- escape, spillage or leakage of any substance
- plant or objects falling from high places

Second-hand smoke: refers to the ambient smoke that is a by-product of active smoking. It consists mainly of exhaled mainstream smoke and side stream smoke mixed with air. Breathing in second-hand smoke is also called passive smoking or involuntary smoking.

Smoke Free Zone: smoking that is prohibited in all enclosed workplaces and certain public spaces where members of the public gather and may be exposed to second-hand tobacco smoke.

Third-hand smoke: refers to residual tobacco smoke constituents that remain on clothes, surfaces and in dust after tobacco has been smoked. These substances are then re-emitted as gases or react with other compounds in the environment to create other substances.

Tobacco prevention: Involves guided age-appropriate, sensitive discussions about health issues related to tobacco as opportunities arise.

Tobacco, alcohol and other drugs: For the purposes of this policy and for the Healthy Early Childhood Services Achievement Program, the 'Tobacco, Alcohol and Other Drugs' health priority area focuses on creating smoke-free and drug-free environments and responsible alcohol consumption.

5. SOURCES AND RELATED POLICIES

Sources

- Alcohol and Drug Foundation: <https://adf.org.au>
- Cancer Council Victoria: <https://www.cancervic.org.au>
- Quit Victoria: <https://www.quit.org.au>
- Raising Children Network: <https://raisingchildren.net.au>
- Tobacco in Australia: <https://www.tobaccoinaustralia.org.au>
- Health.Vic: www2.health.vic.gov.au
- Work Safe Victoria: [Guide for developing a workplace alcohol and other drugs policy](#) (2017)

PROCEDURES

The approved provider or persons with management and control is responsible for:

- providing a safe and healthy environment for educators, staff, contractors, volunteers, students on placement, parents/guardians, children and others attending the programs and activities of Kids Haven Childcare.
- ensuring that children being educated and cared for by Kids Haven Childcare are provided with an environment that is free from the use of tobacco, illicit drugs and alcohol (Regulation 82 (1))
- ensuring that a nominated supervisor, early childhood teachers, educators, staff, contractors, volunteers, students on placement at [Service Name] are not affected by alcohol or drugs, including prescription medication (refer to *Definition*) so as to impair the person's capacity to supervise or provide education and care to children at Kids Haven Childcare (Regulation 83 (1))
- developing procedures that include steps to remove an affected staff member from Kids Haven Childcare so they do not further endanger other staff and children. Procedures should provide guidelines to ensure that the staff member is able to get home safely and outline steps for initiating police or ambulance intervention if the situation cannot be safely managed at the workplace level. (refer to *Code of Conduct Policy and Complaints and Grievances Policy*)
- developing, updating and reviewing the Tobacco, Alcohol and other Drugs Policy in collaboration with the nominated supervisor, early childhood teachers, educators/staff, parents/guardians, children and others involved at Kids Haven Childcare
- providing the nominated supervisor, early childhood teachers, educators, staff, contractors, volunteers, students and families with information about policy requirements, with opportunities to provide feedback and input
- considering diversity and cultural practices when implementing this policy and tobacco, alcohol and other drug initiatives.
- ensuring the Tobacco, Alcohol and other Drug Policy is included in educator and staff induction/orientation.
- preventing and managing risks associated with the use of alcohol and other drugs
- monitoring the health and safety of early childhood teachers, educators, staff, contractors, volunteers, students on placement, parents/guardians and children

- providing information and training to early childhood teachers, educators and staff, including information and training on alcohol and other drugs
- ensuring there is a smoke free zone (refer to *Definition*) within four metres of the entrance to Kids Haven Childcare premises, and within 10 metres of children's outdoor play areas
- providing staff who identify as having an alcohol and/or other drugs problem referrals to professional assistance, or the Employee Assistance Program (if applicable)
- ensuring that there is smoke-free signage that can be easily seen and understood by the whole community
- ensuring that all service events, on and off site, are smoke-free and drug-free
- if there is alcohol at a staff or family event, ensuring all legal requirements related to the sale and supply of alcohol are met and that responsible consumption of alcohol is promoted
- if external organisations use the premises, a formal agreement ensuring that the service premises are smoke-free, drug-free and responsible alcohol consumption is promoted
- ensuring that the nominated supervisor, early childhood teachers, educators, staff, families and visitors adhere to legislation and Kids Haven Childcare policies related to smoke-free areas and are asked not to smoke in sight of children.
- encouraging the nominated supervisor, early childhood teachers, educators and staff who smoke to take appropriate hygiene measures after smoking so that children are not exposed to second-hand (see *Definition*) and third-hand smoke (see *Definition*) (refer to *Hygiene Policy*)
- encouraging the nominated supervisor, early childhood teachers, educators, staff and families to drink responsibly and refrain from taking drugs, particularly while around children
- ensuring the consumption of alcohol as a part of events, celebrations, awards, gifts and fundraising is done so responsibly
- supporting the nominated supervisor, early childhood teachers, educators, staff and families who want to quit smoking, drinking or using other drugs to access appropriate agencies
- providing resources about the health risks related to smoking, excessive drinking and taking drugs to educators and staff.
- providing information about health risks related to smoking, excessive drinking and using other drugs to families and community members, including information about accessing support services.
- ensuring that partnerships are established with relevant organisations and health professionals to support smoke-free, drug-free and responsible consumption of alcohol initiatives where appropriate.
- ensuring that there are no partnerships with organisations that market or supply alcohol or tobacco.

The nominated supervisor and person in day-to-day charge is responsible for:

- providing a safe and healthy environment for early childhood teachers, educators, staff, contractors, volunteers, students on placement, parents/guardians, children and others attending the programs and activities of [Service Name]
- ensuring that children being educated and cared for by Kids Haven Childcare are provided with an environment that is free from the use of tobacco, illicit drugs and alcohol (Regulation 82 (1))
- not consuming alcohol or be affected by alcohol or drugs (including prescription medication) that impairs capacity to supervise or provide education and care to the children (Regulation 83 (2) (a) (b))
- ensuring that early childhood teachers, educators, staff, contractors, volunteers, students on placement at Kids Haven Childcare are not affected by alcohol or drugs, including prescription medication (refer to *Definition*) 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 (Regulation 83 (1)) (refer to *Code of Conduct Policy*)
- taking reasonable care for their own health and safety in the workplace, and the health and safety of others who may be affected by their acts or omissions (OHS Act section 25(1)(a) and (b)).

- developing in conjunction with the approved provider procedures that include steps to remove an affected staff member from Kids Haven Childcare so they do not further endanger other staff and children. Procedures should provide guidelines to ensure that the staff member is able to get home safely and outline steps for initiating police or ambulance intervention if the situation cannot be safely managed at the workplace level (refer to *Code of Conduct Policy and Complaints and Grievances Policy*)
- developing, updating and reviewing the Tobacco, Alcohol and other Drugs Policy in collaboration with the early childhood teachers, educators, staff, parents/guardians, children and others involved at [Service Name]
- considering diversity and cultural practices when implementing this policy and tobacco, alcohol and other drug initiatives.
- ensuring the Tobacco, Alcohol and other Drugs Policy is included in educator and staff induction/orientation.
- preventing and managing risks associated with the use of alcohol and other drugs
- monitoring the health and safety of early childhood teachers, educators, staff, contractors, volunteers, students on placement, parents/guardians and children
- providing information and training to early childhood teachers, educators and staff, including information and training on alcohol and other drugs
- ensuring there is smoke free zone (refer to *Definition*) within four metres of the entrance to Kids Haven Childcare premises, and within 10 meters of children's outdoor play areas
- providing staff who identify as having an alcohol and/or other drugs problem referrals to professional assistance, or the Employee Assistance Program (if applicable)
- ensuring that there is smoke-free signage that can be easily seen and understood by the whole community
- ensuring that all service events, on and off site, are smoke-free and drug-free
- if there is alcohol at a staff or family event, ensuring all legal requirements related to the sale and supply of alcohol are met and that responsible consumption of alcohol is promoted
- if external organisations use the premises, a formal agreement ensuring that the service premises are smoke-free, drug-free and responsible alcohol consumption is promoted
- providing early childhood teachers, educators, staff, contractors, volunteers, students on placement and families with information about policy requirements, with opportunities to provide feedback and input
- ensuring educators, staff, families and visitors adhere to legislation and Kids Haven Childcare policies related to smoke-free areas and are asked not to smoke in sight of children.
- encouraging the early childhood teachers, educators and staff who smoke to take appropriate hygiene measures after smoking so that children are not exposed to second-hand (see *Definition*) and third-hand smoke (see *Definition*) (refer to *Hygiene Policy*)
- encouraging the early childhood teachers, educators, staff and families to drink responsibly and refrain from taking drugs, particularly while around children
- ensuring the consumption of alcohol as a part of events, celebrations, awards, gifts and fundraising is done so responsibly
- supporting the early childhood teachers, educators, staff and families who want to quit smoking, drinking or using other drugs to access appropriate agencies
- providing resources about the health risks related to smoking, excessive drinking and taking drugs to educators and staff.
- providing information about health risks related to smoking, excessive drinking and using other drugs to families and community members, including information about accessing support services.
- ensuring that partnerships are established with relevant organisations and health professionals to support smoke-free, drug-free and responsible consumption of alcohol initiatives where appropriate.
- ensuring that there are no partnerships with organisations that market or supply alcohol or tobacco.

Early childhood teachers, educators and all other staff are responsible for:

- providing a safe and healthy environment for other early childhood teachers, educators, staff, contractors, volunteers, students on placement, parents/guardians, children and others attending the programs and activities of Kids Haven Childcare
- ensuring that children being early childhood teachers, educated and cared for by Kids Haven Childcare are provided with an environment that is free from the use of tobacco, illicit drugs and alcohol (Regulation 82 (1))
- not consuming alcohol or being affected by alcohol or drugs (including prescription medication) that impairs their capacity to supervise or provide education and care to the children at Kids Haven Childcare (Regulation 83 (1))
- taking reasonable care for their own health and safety in the workplace, and the health and safety of others who may be affected by their acts or omissions (OHS Act section 25(1)(a) and (b)).
- participating in developing, updating, and reviewing the Tobacco, Alcohol and other Drugs Policy in collaboration with the approved provider and nominated supervisor.
- implementing appropriate hygiene measures after smoking so that children are not exposed to second-hand (see *Definition*) and third-hand smoke (see *Definition*) (refer to *Hygiene Policy*)
- guiding age-appropriate, sensitive discussions about health issues related to tobacco, alcohol and drug use as opportunities arise (e.g. if a child is pretending to smoke).
- ensuring families and visitors adhere to legislation and Kids Haven Childcare policies related to smoke-free areas and are asked not to smoke in sight of children.
- encouraging families to drink responsibly and refrain from taking drugs, particularly while around children
- ensuring the consumption of alcohol as a part of events, celebrations, awards, gifts and fundraising is done so responsibly
- supporting families who want to quit smoking, drinking or using other drugs to access appropriate agencies
- engaging in professional development and resources that guide age-appropriate, sensitive discussions about health issues related to tobacco, alcohol and drug use as opportunities arise.

Parents/guardians are responsible for:

- reading and complying with this policy
- not consuming or being under the influence of alcohol or affected by drugs when attending Kids Haven Childcare
- refraining from smoking in the car with children under the age of 18
- participating in the Tobacco, Alcohol and other Drugs Policy development and/or review.

Students, contractors, volunteers and visitors while at the service, are responsible for following this policy and its procedures.**EVALUATION**

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- assess whether a satisfactory resolution has been achieved in relation to issues arising from this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk.

ATTACHMENTS

Nil

AUTHORISATION

The policy was adopted by the approved provider of Kids Haven Childcare on 1st December 2022.

REVIEW DATE: 01/01/2024